



**NOTICE OF AGENDA  
PUBLIC MEETING**  
Twin Falls City Planning & Zoning Commission  
**July 9, 2013-6:00 PM**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301

---

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

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

**AREA OF IMPACT:**

Lee DeVore      Steve Woods  
**Vice-Chairman**

**CITY COUNCIL LIAISONS:**

Suzanne Hawkins      Rebecca Mills-Sojka

---

**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): **June 25, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
  - Ed Sabia (SUP-Amended 06-25-13)

**III. ITEMS OF CONSIDERATION:      NONE**

**IV. PUBLIC HEARINGS:**

1. Requests the Commission's consideration for an amendment to Special Use Permit 1282, granted January 23, 2013, specifically Condition #4, which reads "Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013 c/o Kevin Powers d/b/a Blue Lakes Auto (app. 2540)

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

**VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):**

1. Public Hearing – **Tuesday, July 23, 2013** 6:00 pm
2. Work Session – **Thursday, August 1, 2013** 12:00 pm – 1:00 pm

**VII. ADJOURN MEETING:**

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.

**CITY OF TWIN FALLS**  
**PLANNING & ZONING COMMISSION**  
**Public Hearing Procedures for Zoning Requests**

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name and address, then commence with their comments. Following their statements, they shall write their name and address on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's presentation should include the following:**
  - **A complete explanation and description of the request.**
  - **Why the request is being made.**
  - **Location of the Property.**
  - **Impacts on the surrounding properties and efforts to mitigate those impacts.**The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.
4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
  - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
  - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
  - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
  - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
  - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed-**No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

**\*\* Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.**



Public Hearing: **TUESDAY, JULY 9, 2013**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Department

## AGENDA ITEM IV-1

**Request:** Request to amend condition #4 on Special Use Permit #1282, granted January 23, 2013 allowing the expansion of an existing automobile repair business by more than 25% on property located at 490 Washington Street South. Condition #4 requires the applicant to store vehicles that require overnight stay within a sight obscuring fenced area or inside an enclosed building and be in compliance by July 30, 2013. c/o Kevin Powers d/b/b Blue Lakes Auto (app. 2540)

**Time Estimate:**

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately ten (10) minutes.

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 35,288 sq ft
Blue Lakes Auto c/o Kevin Powers 490 Washington St S Twin Falls, ID 83301 208-734-6809	<b>Current Zoning:</b> M-1	<b>Requested Zoning:</b> Amend Condition #4 of SUP 1282
	<b>Comprehensive Plan:</b> Industrial	<b>Lot Count:</b> There are 2 Lots
	<b>Existing Land Use:</b> Auto Repair	<b>Proposed Land Use:</b> Same as Existing – amending condition #4 on SUP #1282
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
	<b>North:</b> M-1; Industrial	<b>East:</b> R-4; Washington Street South, residential development
	<b>South:</b> M-1; Park Avenue West -extended, undeveloped	<b>West:</b> M-1; undeveloped
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-9.2(B)13b, 10-11-1 thru 9, 10-13-2.2	

**Approval Process:**

All procedures will follow the process as described in TF City Code: 10-13-2.2 (F), (G), & (J).

Amending a Special Use Permit requires a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning Commission will make a determination whether the use is appropriate for that location, in conformance with the comprehensive plan, and if any impacts to the area need to be mitigated. The Planning Commission then approves, approve with conditions, or disapprove the application for the Special Use Permit.

The applicant, or other individuals, may appeal the decision made by the Planning Commission within fifteen (15) days through a written appeal. After submitting a written appeal to the City, a hearing will be scheduled before the City Council. During the Appeal Hearing, the City Council will review all information associated with the original decision. The Council will then uphold, conditionally uphold, or overrule the decision of the Planning Commission.

**Budget Impact:**

Approval of this request will have negligible impact on the City budget.

## Regulatory Impact:

Approval of this request will amend condition #4, on Special Use Permit #1282 to allow unfenced parking of licensed, running, registered vehicles that are stored in the parking lot overnight.

A special use permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

## Recent History:

On January 23<sup>rd</sup> 2013 the Planning and Zoning commission granted a Special Use permit for the purpose of expanding an existing automobile repair business by more than 25% on property located at 490 Washington Street South. The Commission attached the following conditions to that Special Use Permit.

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. *Assure compliance with conditions of SUP #0562 & SUP #0918, specifically the screening or storing of vehicles requiring overnight stays.*
3. *Dedication of right-of-way for Washington Street South, and the future development of Park Ave West, per Master Transportation Plan and as per City Engineer approval.*
4. ***Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013.***

## Analysis:

This property is located in the M-1, Light Manufacturing district. A Special Use Permit is required for automobile and truck service and/or repair. The applicant is requesting that condition #4 on Special Use Permit #1282, granted January 23, 2013, be amended at this time. The existing condition states vehicles that require overnight stay are to be stored within a sight obscuring fenced area or inside an enclosed building, and to be in compliance by July 30, 2013. The applicant would like to amend the condition to read "no non-operating vehicles or vehicle parts allowed outside of a screened enclosure".

The original Special Use Permit #562, granted August 11, 1998, for this exact location had five conditions. Condition #5 read as follows: "No non-operating vehicles or vehicle parts allowed outside of a screened enclosure and landscaping to be completed within 12 months". Special Use Permit #918, granted April 12, 2005 had 3 conditions. Condition #1 read as follows "All vehicles that require overnight stay are required to be stored within a sight obscuring fenced area or inside an enclosed building". When Special Use Permit #1282 was granted on January 23, 2013 staff recommended the Commission place a condition on the special use permit that the applicant assure compliance with conditions of special use permit #562 and #918, specifically the screening or storing of vehicles requiring overnight stays. The Commission added condition #4 "Subject to the vehicles that require overnight stay are within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013".

The applicant states he has a screened area behind the building that will be used to store non-running, disassembled vehicles and various parts. The parking lot in front of the building will be for functional cars that need maintenance or part upgrades. They will be licensed, running, registered vehicles.

The intent of the condition on SUP #1282 was to eliminate the possibility that the parking lot could turn into something resembling a junk yard with wrecked and non-operating vehicles. Although this owner does operate a clean well-maintained business, SUP's run with the land by nature. In this case, it may be beneficial to modify

Special Use Permit #1282 condition #4 as well as place a new condition that limits the permit to Blue Lakes Auto and Kevin Powers specifically.

On January 23<sup>rd</sup> 2013 the Planning and Zoning commission granted a Special Use permit for the purpose of expanding an existing automobile repair business by more than 25% on property located at 490 Washington Street South. The Commission attached the following conditions to that Special Use Permit.

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. *Assure compliance with conditions of SUP #0562 & SUP #0918, specifically the screening or storing of vehicles requiring overnight stays.*~~
3. *Dedication of right-of-way for Washington Street South, and the future development of Park Ave West, per Master Transportation Plan and as per City Engineer approval.*
- ~~4. *Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013.*~~

#### **Conclusion:**

Staff recommends amending Special Use Permit #1282 by removing conditions #2 and #4; and adding the following:

1. Subject to non-operating, un-registered, or un-licensed vehicles and all parts being stored indoors or behind a sight obscured screened area; to be in compliance by July 30<sup>th</sup> 2013.
2. Subject to this permit being issued to Blue Lakes Auto, c/o Kevin Powers. Any change in ownership will require a renewal of this Special Use Permit.
3. Subject to the two (2) lots at 490 & 492 Washington Street South being combined by survey and a new warranty deed being recorded. The recorded warranty deed shall be provided to the City of Twin Falls before a final Certificate of Occupancy for the expansion will be issued.

For a total of 5 conditions on Amended SUP #1282.

#### **Attachments:**

1. Letter of Request
2. Vicinity-Zoning Map
3. Aerial Site Map
4. P&Z Minutes 01-23-13
5. SUP #0562, granted 08-11-1998
6. SUP #0918, granted 04-12-2005
7. Site Photos (2)

RECEIVED

JUN 18 2013

CITY OF TWIN FALLS  
PLANNING & ZONING

John Larimer, PE 13427  
2484 Rock Creek Rd  
Hansen, Idaho, 83334  
208-423- 5021

City of Twin Falls Planning Dept.  
324 Hansen St  
Twin Falls, Idaho, 83301  
208-735-7276

RE: Blue Lakes Auto  
490 Washington St, TF

Folks,

Regarding the Planning Approval for the Addition to Blue Lakes Auto, in the North West corner of the Property, We are proposing the following Planning Conditions:

We are proposing a change to Special Use Permit No. 1282.

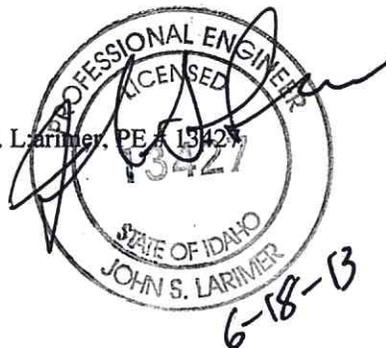
We would like Condition # 4, that requires fencing around any vehicles that are in the parking lot overnight, to be adjusted to allow unfenced parking of Licensed, Running, Registered Vehicles that are stored in the Parking Lot Overnight.

Under a previous Special Use Permit, Permit # 0562, Condition # 5 read such that ' No non-operating vehicles or vehicle parts allowed outside of a screened enclosure' ....Our current proposal is consistent with this previous Condition. No dis-assembled Vehicles will be stored outside of Our Screened Enclosure.

In Summary; We have a Screened Enclosure, behind the building (south west portion of the lot), where we store non-running or dis-assembled Vehicles. In front of the Building, within View of drivers traveling up and down Washington St., we have a parking lot, where people park their cars, who come to do business with us or leave cars to be repaired. These are cars that are functional vehicles, that need some maintenance or adjustments or parts upgrades. These are all Licensed, Running, Registered Vehicles. Our Parking Lot, in front of the Building will look no different than , ie, Swensons Parking Lot, or any other Buisness that has a Parking Lot between it's Building and the Street. All parking Spaces will have adequate manuevering room, such that no vehicles are 'blocked-in'.

Thank You for Your Consideration,

John S. Larimer, PE # 13427



PHASE #1

1. NEW BLOCK WALL ON WEST NORTH SIDES OF PROPERTY
2. NEW SHOP 58'-8" X 44'-0"
3. NEW PARKING LAYOUT FOR 30 SPACES
4. TOTAL SF 8289 ± 300 =
- 27 PARKING SPACES

PHASE #2

1. REMOVE EXISTING 1968 SF BUILDING
2. NEW SHOP 58'-8" X 60'-0"
3. HARD SURFACE PARKING IN PHASE 3

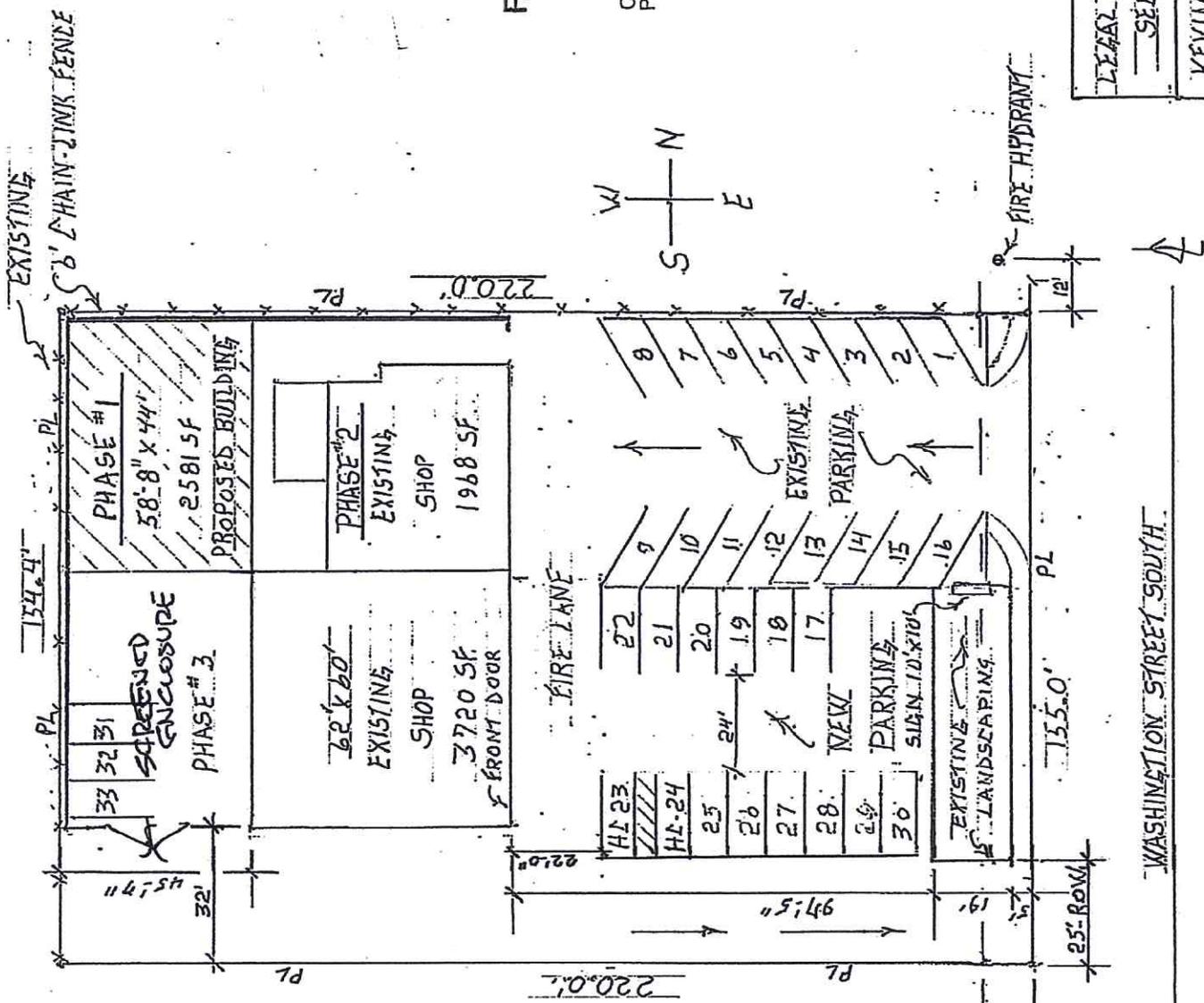
PHASE #3

1. GULD ROOF 44' X 44'
- PARKING
- EXISTING 3720 SF  
 PHASE #1 2581 SF  
 PHASE #2 3520 SF  
TOTAL 9821 SF  
 9821 ± 300 =  
 33 PARKING SPACES

RECEIVED  
 JUN 18 2013

CITY OF TWIN FALLS  
 PLANNING & ZONING

LEGAL DESCRIPTION	SEE ATTACHED
OWNER	KEVIN POWERS
PROJECT	BLUE LAKES AUTO REPAIR
ADDRESS	490 WASHINGTON ST. S, TWIN FALLS, ID. 83301



SITE PLAN 1" = 40'-0"

# Site Map



464 WASHIN

457 WASHIN

469 WASHIN

490 WASHIN

481 WASHIN

492 WASHIN

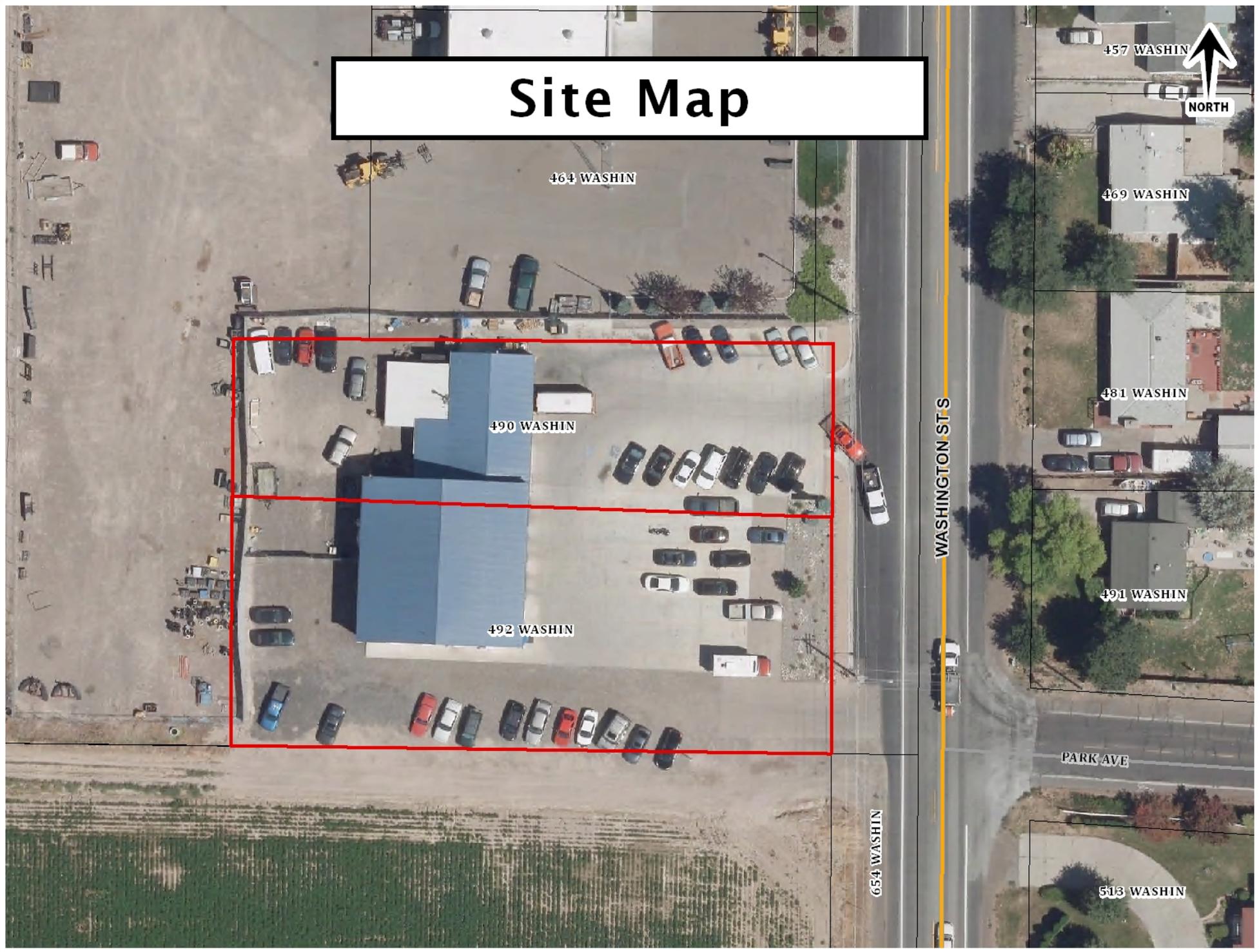
491 WASHIN

WASHINGTON ST S

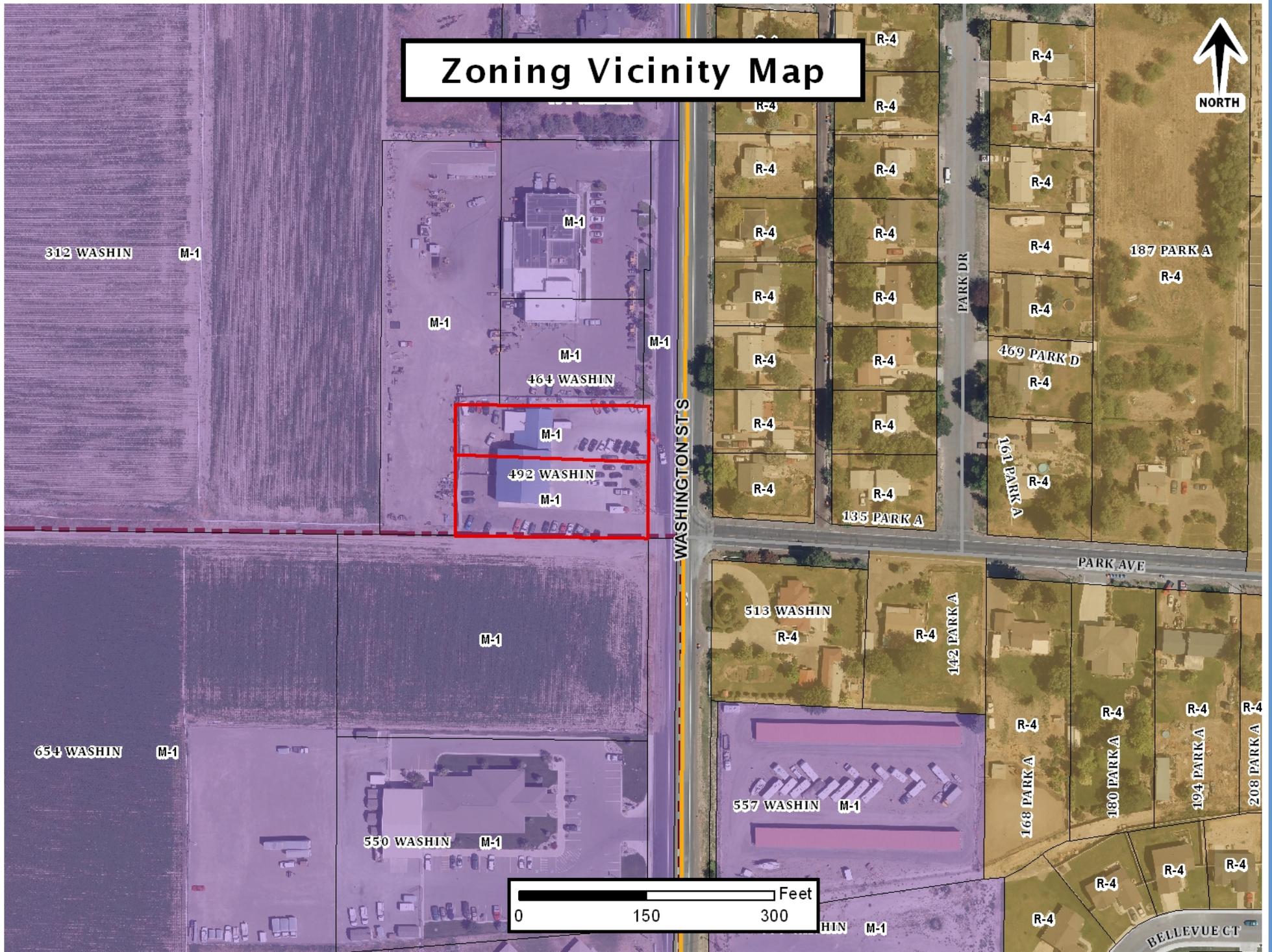
654 WASHIN

PARK AVE

513 WASHIN



# Zoning Vicinity Map





**MINUTES**  
**Twin Falls City Planning & Zoning Commission**  
**WEDNESDAY - January 23, 2013-6:00 PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

---

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Wayne Bohrn   Jason Derricott   Tom Frank   Kevin Grey   Terry Ihler   V. Lane Jacobson   Chuck Sharp  
**Chairman   Vice-Chairman**

**AREA OF IMPACT:**

Lee DeVore   Steve Woods

**CITY COUNCIL LIAISON**

Rebecca Mills Sojka   Suzanne Hawkins

---

**ATTENDANCE**

**PLANNING & ZONING MEMBERS**

PRESENT:

Bohrn  
Derricott  
Frank  
Sharp

ABSENT:

Grey  
Ihler  
Jacobson

**AREA OF IMPACT MEMBERS**

PRESENT:

DeVore  
Woods

ABSENT:

**CITY COUNCIL MEMBERS PRESENT:**   Hawkins, Mills-Sojka

**CITY STAFF PRESENT:**   Carraway, Spendlove, Strickland, 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 operate an indoor recreation facility serving beer and wine on property located at 330 4<sup>th</sup> Avenue South c/o Adair & Karen Johnson (app. 2539)
2. Request for a Special Use Permit to expand an existing automobile repair business by more than 25% on property located at 490 Washington Street South c/o Kevin Powers on behalf of Blue Lakes Auto (app. 2540)
3. Request for a Special Use Permit to establish a recycling center on property located at 2499 Warren Avenue c/o United Metals Recycling (app. 2541)

**I. CALL MEETING TO ORDER:**

Chairman Bohrn 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:

**III. ITEMS OF CONSIDERATION: NONE**

**IV. PUBLIC HEARING ITEMS**

1. Request for a Special Use Permit to operate an indoor recreation facility serving beer and wine for onsite consumption on property located at 330 4<sup>th</sup> Avenue South c/o Adair & Karen Johnson (app. 2539)

**APPLICANT PRESENTATION:**

Karen Johnson, the applicant, stated they are requesting a Special Use Permit for the property at 330 4<sup>th</sup> Avenue South. They are requesting to change the current use of the facility from a Warehouse to a Banquet Facility. They would like to offer their services at this location to host dinners and events that require catering services. They believe that there will be no negative impacts on the surrounding properties and they plan to comply with all of the City Codes and they look forward to being in the Historic Warehouse District.

**STAFF PRESENTATION:**

Planner I Spendlove reviewed the exhibits on the overhead and stated that there is no known zoning history for this property. The property is located in the OT-WHO-P3 zone and a special use permit is required for the retail sale of beer and wine when consumed on premises or sold and for an indoor recreation facility such as this catering event facility. The applicant stated the food will not be prepared at this location but catered in. There won't be any food preparation at this location it will only be a place for people to gather. There was a Certificate of Appropriateness granted on October 29, 2012 for changes to be made to the outside of the historic building. They have also submitted building plans for a permit that is in review currently. They have a current beer and wine license for bottles and cans allowing retail sales only, with plans to add onsite consumption to the license prior to opening this facility. The P3; Parking Overlay states special considerations of the parking requirements may be given on a case by case basis if the standard requirements cannot be met. These special considerations may be a variance on number, leased street parking and or remote parking. The applicants have proposed 5 on-street angled parking spaces in front of the building and also other off street is

available in public parking lots that are nearby that they would direct their patrons to go to for parking.

This request is in compliance with the Comprehensive Plan that identifies this area as Townsite.

Planner I Spendlove stated in summary, should the Commission approve this request, as presented, staff recommends the following conditions:

1. Subject to the applicant contacting the City of Twin Falls Police Department on every event to determine if a Catering Permit is required.
2. Subject to permit being limited to beer and wine consumption being in conjunction with a planned event at this location.
3. Subject to compliance with State, County, and City requirements for beer and wine licensing for sale & consumption on site.
4. Subject to the establishment of five (5) diagonal parking spaces in front of 330 4<sup>th</sup> Avenue South.
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 QUESTIONS/COMMENTS:**

- Commissioner Frank asked the Assistant City Engineer Vitek if there are any sidewalks and street lighting in this area.
- Assistant City Engineer Vitek stated that to the best of his knowledge there are not many sidewalks in the immediate vicinity of this building.
- Commissioner Frank then confirmed that in order for people to attend events at this establishment they will have to walk in the street to get there.
- Assistant City Engineer Vitek stated the street lights in the area are the responsibility of the City and if they want to do something on their building to light the area for their patrons they can.
- Commissioner Frank then stated in summary that basically it is a warehouse district that looks like a warehouse district. And the staff is asking for a curb, gutter and sidewalk deferral.
- Assistant City Engineer Vitek stated the deferrals are at the discretion of the City Council but at this point to request that these items be installed it will create a flooding issue, it would be preferable to post pone this requirement until the City decides it is time to do it for the entire street.
- Commissioner Woods asked staff after reviewing the site plan along with the phone of the back of the building along the alley way. He is wondering how accessible that is and whose responsibility it to make sure it is accessible for things like garbage pick-up.
- Planner I Spendlove stated the alley way is under a right of way for Union Pacific, staff is not sure how big it is without a legal description. The building is built to the property line so anything past the building is not on their property, and it would be either City of Union Pacific right of way.

- Commissioner Woods asked if the applicant has made any indications of how they will dispose of their garbage.
- Planner I Spendlove stated in the narrative and in the meeting that staff has had with the applicant they applicants have planned to dispose of the garbage by taking it offsite in their own vehicles. There will be no trash receptacle outside of the building so they will have to dispose of the trash themselves.

**PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERN**

**DELIBERATIONS FOLLOWED:**

- Commissioner Frank stated he thinks it is a good use for the property and wants to thank the applicants for making an investment in this area. This area seems to be turning into an entertainment area for Twin Falls.
- Commissioner Sharp stated he thinks it is great and with the businesses coming into this area of town it should be a perfect fit.
- Commissioner Frank stated he would like to see the Urban Renewal Agency assist some of these new businesses with parking, sidewalks and possibly lighting assistance.

**MOTION:**

Commissioner Frank made a motion to approve the request, as presented. Commissioner DeVore 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 to determine if a Catering Permit is required.
  2. Subject to permit being limited to beer and wine consumption being in conjunction with a planned event at this location.
  3. Subject to compliance with State, County, and City requirements for beer and wine licensing for sale & consumption on site.
  4. Subject to the establishment of five (5) diagonal parking spaces in front of 330 4<sup>th</sup> Avenue South.
  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.
2. Request for a Special Use Permit to expand an existing automobile repair business by more than 25% on property located at 490 Washington Street South c/o Kevin Powers on behalf of Blue Lakes Auto (app. 2540)

**APPLICANT PRESENTATION:**

Ike Smith, representing the applicant, stated the applicant was ill this evening so he was not able to attend the meeting. The reason for the request is because the business is growing. They would like to do this project in three phases that he reviewed on the overhead. The first phase would start with a new block wall on the west and north side of the property along with enclosing an existing space that is approximately 2587 sq. ft. The building would have two bay doors and two man doors a temporary wall that would be removed in order to begin phase 2 of the project. Also in Phase 1 a commercial gutter will be installed that will run to the south for water retention. Phase 2 would be to remove the existing 1968 sq. ft building and constructing a 3480 sq. ft. space with more bays. At that point and time hard surfacing for parking will be installed. Phase 3 would allow for a covered roof area approximately 196 sq. ft. in size. All of the roofing will be steel construction, all of the outside boundaries of the building will be approximately 1 ft off of the property line.

**COMMISSIONER QUESTIONS/COMMENTS:**

- Commissioner Sharp asked if the area designated as Phase 3 will be hard surfaced first.
- Mr. Smith stated the plan was to hard surface in Phase 2, but it could be done in Phase 1.

**STAFF PRESENTATION:**

Planner I Spendlove reviewed the exhibits on the overhead and reviewed the zoning history for the property. This property has been issued two special use permits the first one was issued in August 1998 for the automobile service and repair, in April 2005 the second was issued for the expansion. The property is located in the M-1; light manufacturing district, which requires a special use permit for an expansion if the expansion is greater than 25%. This is so that the new special use permit can address the impacts created by the expansion. The applicant has in his narrative the hours of operation are 8-5 Monday thru Friday. Traffic anticipated is approximately 30 cars per day with 6 employees. There should be minimal impacts to the neighbors, and this use is compatible with the surrounding area. The property to the north and west is Arnold Machinery Co. The property to the south is a farm field both of which are zoned M-1. The closest residential property is across the street on Washington Street South. The previously approved place several conditions upon the operation of the business. Condition # 1 on Special Use Permit #0918 states that vehicles that require overnight stay are required to be stored within a sight obscuring fenced area or inside an enclosed building. This condition has not been met as of yet, photo have been taken and multiple aerial photos that show vehicles that may or may not have been there overnight. The best evidence is a photo of a truck showing no tire tracks after it snowed which indicates it had not been moved for a few days. Conditions were placed on the Special Use Permit issued in 2005 which have not been met.

With the development of property and request for a Special Use Permit it is appropriate for the City to ask for right-of-way for the future development of roadways that surround the property requesting the land use action. This Special Use Permit being a request for a land use action, allows the City to ask for additional right-of-way along Washington Street South in order to gain a uniform road width along the entire front of the property, this complies with the Master Transportation Plan. The extension of Park Avenue West a ½ mile collector is also in the Master Transportation plan as future roadway. The City is requesting 25 ft dedication of right-of-way along the southern portion of the property for future development of Park Avenue West. This use complies with the Comprehensive Plan and upon expansion of this existing use there should be minimal impacts to the surrounding areas.

Planner I Spendlove stated in summary, should the Commission approve 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.
2. Assure compliance with conditions of SUP #0562 & SUP #0918, specifically the screening or storing of vehicles requiring overnight stays.
3. Dedication of right-of-way for Washington Street South, and the future development of Park Ave West, per Master Transportation Plan and as per City Engineer approval.

**COMMISSIONER QUESTIONS/COMMENTS:**

- Commissioner Frank asked the applicant representative, if he heard the issue about the non-conformance with the customer cars. Where in the phasing would this be addresses and when.
- Mr. Smith stated that cars that are left at the location over night and not in the process of being repaired would be stored in an area that is out of sight.
- Commissioner Frank asked about when Phase 3 will take place.
- Mr. Smith stated he is not sure, the plan is to do Phase 1 this year, with Phase 2 would be next year and possibly have Phase 3 done at the same time Phase 2 is being done or the following year.
- Commissioner Frank stated in summary that compliance with the conditions listed in 2005 will not be in full compliance for an additional 3 years and asked if that was correct.
- Mr. Smith stated yes, that is correct.
- Commissioner Borhn asked the representative if he was aware that hard surfacing was required not matter what if it is going to be use for maneuvering areas.
- Mr. Smith stated doing it in Phase 1 would not be a problem.

**PUBLIC HEARING: OPENED**

- Pete Johnston, 312 Washington Street South, asked about a superfund in the area for contaminated ground and if staff had any details. He also asked about the containment of the run off. He would need to be consulted about this to make sure it doesn't run onto his property and they definitely need to take care of the parking. He thinks before the permit is issued they need to conform with what they are supposed to be doing before this request is approved. He doesn't know how the expansion is going to occur because of the junk that is sitting there and there is not an area for the cars that have to stay overnight for the cars to park.
- Assistant City Engineer Vitek stated there are tanks underground in this area however he is not aware of a superfund.

**PUBLIC HEARING: CLOSED**

**CLOSING STATEMENT:**

- Mr. Smith stated there is a retention grate in several areas and you don't see the ponds because it is all underground. The existing ponds met City Code when constructed.

**DELIBERATIONS FOLLOWED:**

- Commissioner Frank stated his biggest concern is no-compliance of the conditions set on the previous Special Use Permits. He thinks a date needs to be set for compliance and it can't be three years. He would recommend that conditions for compliance be met by July 30, 2013.
- Zoning & Development Manager Carraway stated she would like the Commission to know that as part of the review process for the expansion that condition from the previous Special Use Permit will have to be met. The applicant has been made aware of this requirement, as for drainage concerns that will be reviewed on the plans when submitted for building permits.

**MOTION:**

Commissioner Frank made a motion to approve the request, as presented, subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013. Commissioner Derricott seconded the motion.

**DISCUSSION FOLLOWED:**

- Commissioner Woods asked if all of the hard surfacing of maneuvering areas and the enclosed parking were conditions on the previous Special Use Permit.
- Commissioner Bohrn stated yes.
- Commissioner DeVore stated his only concern is that if a date is added to the conditions will they have to come back to the Commission, if the condition is not met.

- Zoning & Development Manager Carraway stated a date of compliance is a trigger that when the plans are reviewed for construction of Phase 1 that without compliance a Certificate of Occupancy will not be issued for the expansion. If the date is on the Special Use Permit and if the project is not completed by July 30, 2013 then the Special Use Permit is void.
- Commissioner Bohrn stated after eight years of non-compliance the permit should be void.
- Commissioner Woods stated there are no superfund sites in zip code 83301.

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.
  2. Assure compliance with conditions of SUP #0562 & SUP #0918, specifically the screening or storing of vehicles requiring overnight stays.
  3. Dedication of right-of-way for Washington Street South, and the future development of Park Ave West, per Master Transportation Plan and as per City Engineer approval.
  4. Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013.
3. Request for a Special Use Permit to establish a recycling center on property located at 2499 Warren Avenue c/o United Metals Recycling (app. 2541)

**APPLICANT PRESENTATION:**

Brett Ekart, representative for United Metals, stated they are requesting a Special Use Permit to operate a metal recycling facility at 2499 Warren Avenue. He then distributed to the Commission and staff an information packet describing his business plans for Twin Falls and the operation of his other United Metals businesses established in Idaho. This is an Idaho owned and founded recycling company out of Caldwell. They have been in business for 40 years and have 5 facilities. The location of the property is in the M-2 zone and is to the east of JD Haskell and Company and north of the Amalgamated Sugar Co. The impacts to the surrounding properties should be minimal because the property is surrounded by similar types of operations. The biggest things he would like to address are how the fluids are handled. The facility has an enviro-rack where the fluids are drained. There is a company that collects these fluids and recycle the fluids, the local vendor for this area is in Eden, ID and will most likely be the one this center will work with regarding the fluids. As for the screening fence the centers use a standard fencing. It is constructed of solid metal siding on a 12" cement gutter that will contain water runoff. Also there are a number of items that will be accepted at the facility and he provided a list of all of these items as well as a list of items they don't accept. They

are fine with the deferral for the curb gutter and sidewalk, the Engineer has made note that the distance between the accesses needs to be increased to 32 ft to address traffic concerns.

**STAFF PRESENTATION:**

Planner I Spendlove reviewed the exhibits on the overhead and reviewed the zoning history for the property. The subdivision that this property is part of was recorded in 1964, it looks as though the industrial manufacturing zone was placed on this property at that time. In 1996 the existing building was constructed and in 2004 a permit was issued for offices. The building has been used as Randy Roe Trucking Company since this time. The only other issue that was found was a weed violation that occurred and was resolved within a week of the notice. The applicant has done a good job regarding the staff report and answering questions staff had about screening and materials accepted at the facility. Staff feels this facility is compatible with the surrounding area and should have minimal impacts on the -neighbors. The applicant has indicated they will submit a plan that addresses the City Engineering Departments concern about widening the distance between the two accesses on the property. The applicant has also indicated they will follow the landscaping guidelines of 2 sq. ft per linear ft of frontage.

Planner I Spendlove stated in summary, should the Commission approve this request, as presented, staff recommends the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to plan approved by staff for management of storm water prior to operation of recycling center. Any change of surface will require additional storm water retention subject to review by staff.
3. Subject to plan approved by staff addressing how hazardous fluids or chemicals are to be disposed of properly and not drained onto the ground.
4. Subject to the construction of an eight foot (8') screening fence being constructed on the perimeter of the property.
5. Subject to compliance with Engineering requirements for deferral of curb and gutter development requirements.
6. Subject to increasing the distance between the approaches shown on the site plan to 32' of curb as per City Engineer.

**COMMISSIONER QUESTIONS/COMMENTS:**

Commissioner Frank asked the applicant if the device for fluid collection will be in the building.

Mr. Ekart stated the some facilities are in a covered area, and this one will be placed outside the building. They will have to sprinkle the building.

Commissioner Woods asked how you deal with a transform that might have PCB-Oil contained inside of it.

Mr. Ekart stated that they are similar to the ballasts if they are tagged after a certain year they don't contain PCB-Oil if it is prior to the specified year the customer would have to have a certificate stating that the PCB-Oil has been drained or that it is a non PCB-Oil containing unit.

Commissioner Woods asked about the enviro-rack asked about construction equipment such as things like large compressors.

Mr. Ekart stated that they plan on pouring  $\frac{3}{4}$  acre of concrete slab and put that type of equipment to that location and pull the plugs.

Commissioner Woods asked about lead/acid batteries, what kind of containment is there for those.

Mr. Ekart stated they plan to recycle the batteries on-site and it is required that the battery be sealed and zip tied. The batteries won't be put on a pallet if it is not contained.

Commissioner Woods asked about loads of copper that could possibly be stolen.

Mr. Ekart stated they take driver's license information and photos of the items being turned in for recycling, cars require titles but sometimes it is a judgment call. With copper is a judgment call, they make sure to train their staff and make sure they are compliant for documentation purposes. If something looks suspicious, it probably is.

**PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS**

**DELIBERATIONS FOLLOWED: WITHOUT CONCERNS**

**MOTION:**

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

**APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS**

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to plan approved by staff for management of storm water prior to operation of recycling center. Any change of surface will require additional storm water retention subject to review by staff.
3. Subject to plan approved by staff addressing how hazardous fluids or chemicals are to be disposed of properly and not drained onto the ground.
4. Subject to the construction of an eight foot (8') screening fence being constructed on the perimeter of the property.
5. Subject to compliance with Engineering requirements for deferral of curb and gutter development requirements.
6. Subject to increasing the distance between the approaches shown on the site plan to 32' of curb as per City Engineer.

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

Zoning & Development Manager Carraway stated she wanted to remind the Commissioners that terms are coming to an end soon and that we will need to fill at least one position and perhaps up to three. On February 26, 2013 a presentation will be made by the City Manager and his assistant regarding the draft strategic plan.

**VI. UPCOMING MEETINGS:**

1. Work Session – **Wednesday, February 6, 2013** 12:00 pm – 1:00 pm
2. Public Hearing – **Tuesday, February 12, 2013** 6:00

**VII. ADJOURN MEETING:**

Chairman Bohrn adjourned the meeting at 6:50 pm

*Lisa A Strickland*

Lisa A Strickland  
Administrative Assistant  
Community Development Department



P.O. Box 1907 • 321 Second Avenue East • Twin Falls, Idaho 83303-1907 • Fax: (208) 736-2296

## SPECIAL USE PERMIT

Permit No. 0562

Granted by the Twin Falls City Planning and Zoning Commission on August 11, 1998, to Kevin Powers whose address is 4027 N 3500 E, Kimberly, ID., for the purpose of operating an automobile repair shop on real property located at 490 Washington Street South and legally described as a parcel of land located in a portion of the SE ¼ NE¼ of Township 10 South, Range 17 East of the Boise Meridian, Twin Falls County, Idaho.

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

- 1) Compliance required with gateway arterial landscaping requirements - 10 feet behind the sidewalk.
- 2) Dedicate additional right-of-way to bring Washington Street South to master street plan width.
- 3) Construct curb, gutter, and sidewalk along Washington Street South.
- 4) Construct a six foot high screening fence adjacent to resident to the south.
- 5) No non-operating vehicles or vehicle parts allowed outside of a screened enclosure and landscaping to be completed within 12 months.



Chairman

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 736-2238 for further information.

This permit corresponds to Application No. 1259



P.O. Box 1907321

Second Avenue East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2296

OFFICE OF THE PLANNING & ZONING DIRECTOR

208-735-7267

## SPECIAL USE PERMIT

Permit No. 0918

Granted by the Twin Falls City Planning and Zoning Commission on April 12, 2005, to Kevin R. Powers whose address is 490 Washington Street South, for the purpose of expanding an existing auto service and repair business by more than 25% on real property located at 490 Washington Street South and legally described as part of parcel of land located in a portion of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Township 10, Section 20 South, Range 17 East of the Boise Meridian.

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

- 1) All vehicles that require overnight stay are required to be stored within a sign obscuring fenced area or inside an enclosed building.
- 2) Assure compliance with all City zoning, building, and engineering and fire codes.
- 3) Dedicate 12 feet of right-of-way on Washington Street South.



Chairman

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.

This permit corresponds to Application No. 1896



Looking West; along southern property boundary.

AM11:25 16/JAN/2013



Looking West; near Northern property boundary.

AM11:26 16/JAN/2013