



MINUTES
Twin Falls City Planning & Zoning
Commission
August 27, 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 "Tato" 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

PRESENT:

Boyd
Derricott
Frank
Grey
Munoz
Sharp
Tatum

ABSENT:

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

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

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **July 23, 2013 & August 13, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 - Marv Pierce-NCBE 08-13-13
 - Lisa Douda-SUP 08-13-13

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Requests a Special Use Permit to add more than 25% expansion to an existing automobile repair business on property located at 419 4th Avenue West c/o Ken Rogers on behalf of Snake River Auto Body (app. 2590)

Applicant Presentation:

Ken Rogers, the applicant, stated they would like to construct and addition to the existing automobile repair shop located at 419 4th Avenue West. The space will provide more work space and accommodate work flow. The hours of operation are 8:00 AM – 6:00 PM with 10-15 employees which will remain the same. They don't anticipate any additional changes in noise, glare, odor, fumes or vibrations that may impact the adjoining properties. The desire is to be considerate and compatible with the surrounding area.

Questions/Comments:

Commissioner Munoz asked if there will be any additional paint booths or expansions to the existing paint booth.

Mr. Rogers explained that in 2000 the paint booths were installed and there will not be any additional paint booths with this expansion.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. In 1981 Ordinance 2012 was passed in 1981 rezoning the property to its current zone which is CB; Commercial Central Business District with a P-2; Parking Overlay. This zoning designation includes business as well as some residential and has gradually changed to a more commercial area. In 1982 a Special Use Permit was issued to this property for an auto body repair shop. Another Special Use Permit was issued in 2002 for an expansion to the auto body repair shop. Both of these Special Use Permits had conditions placed on them by the Commission. The applicant reviewed the operation of the business in his presentation along with the intent of this request.

Upon review of the request City Code 10-4-7.2 requires a Special Use Permit to operate an automobile and truck service and repair business. This request is to expand this business more than 25% therefore another Special Use Permit is required. There are residences nearby, particularly across 4th Avenue West; the proposed addition may increase traffic due to the availability of additional workspace. However, it will also give the business more space to store vehicles which are in need of repair, thus potentially reducing the visual impacts to the surrounding area. The business currently operates as a body shop, which inherently causes some noise, glare, odor and vibration. These impacts will most likely not increase dramatically with the addition. All improvements made on the subject property are required to comply with standards set forth in the Twin Falls City Code.

Upon review of the site plan that was submitted with a building permit that is currently under review shows 26 parking spaces, due to the expansion they will be required to provide 38 parking spaces. The property is also in a P-2; Parking Overlay which allows for a 30% reduction in the number of required parking spaces, with this factored in, the required number of spaces equals 27, therefore one additional parking space will need to be shown on the site plan for approval. Another required improvement for the site will be to meet the landscaping requirement. Currently no landscaping is found on the project area. Along the majority of the block, concrete has been installed in front of the businesses. The minimum required landscaping area equals (243 sq. ft.) per City Code which equals (1) tree and (3) bushes. Taking into consideration the pre-existing condition with the concrete, it would be acceptable to allow the required number of trees and bushes to be installed using an alternative landscape plan. All parking and maneuvering areas war required to be paved in the CB Zone. The owner has expressed a desire to apply for a staged deferral on portions of the parking area. The deferral must be approved by the City Council. Prior to the city issuing a final Certificate of Occupancy, the parking lot will either need to be paved completely, or have an approved staged deferral on the property. Possible additional impacts to the area should be minimal; the visual impacts to the area associated with this type of business can be mitigated by requiring that all inoperable, unlicensed, or junk vehicles and all parts be stored inside or behind a sight obscuring fence that has been approved by staff.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

2. Subject an alternative landscape plan being provided to City Staff for approval, and installed by applicant no later than October 8th 2013.
3. Subject to all un-operable, un-licensed, or junk vehicles, and all parts being stored inside, or behind a sight obscuring fence that has been approved by staff.
4. Subject to the parking and maneuvering area being paved in conjunction with the construction of the addition, or an approval of a staged three (3) year deferral that would require portions of the area to be paved each year ; with the entire area to be paved no later than August 27, 2016.

Questions/Comments:

- Commissioner Woods asked what the purpose is for the landscaping requirements.
- Planner I Spendlove explained it is required by City Code and the reason for this is to beautify the area and make the street more aesthetically pleasing.
- Commissioner Woods asked why a deferral is being considered on this site.
- Assistant City Engineer Vitek explained that if the costs of the improvements exceed a certain percentage of the improvement of the building the applicant can request to do a staged deferral.
- Commissioner Woods asked what the plan is for weekend or after hour drop offs.
- Mr. Rogers stated that most of the time there aren't any vehicles dropped off on the weekends. Typically the cars go to a secured towing yard and are brought over when the work is to be completed. If there is one dropped off, there is an office directly across the street where someone can drop off the key. They prefer that nobody drop off a care on the weekend.
- Commissioner Sharp asked if there will still be space for parking the inoperable vehicles or will they all be stored inside.
- Mr. Rogers stated that there will be plenty of space, sometimes vehicles are left on the property because there is nobody to pay for the repairs. In this type of situation they have these vehicles towed off to a towing yard. They will have most of the cars parking inside the building, and there will be room for the few that are waiting for repairs.
- Commissioner Grey asked about storing the parts and things in a screened area because it is an eyesore for neighboring properties and it was part of the original conditions for approval.
- Mr. Rogers the parts and things will be stored inside.
- Commissioner Munoz asked about storm water retention and oil traps.
- Assistant City Engineer Vitek explained that the additional paving will require that a storm water retention area be installed to maintain runoff on the property and they will be required to manage the fluids.
- Commissioner Boyd referred back to the landscaping question. She asked what the alternative method for this requirement would be, if they have to have (1) tree and (3) bushes. She is concerned about the maintenance of the landscaping.
- Planner I Spendlove stated it is a requirement, by considering that concrete is in place the alternative is to find a method that works that allows for the required trees and bushes.
- Commissioner Grey asked about the possibility of beautifying the building versus plant materials. For example an awning or dressing up the outside of the building without landscaping.
- Planner I Spendlove stated that these requirements are triggered by the request to add onto the existing building. If this did not require a building permit the improvements would not be required.
- Commissioner Frank stated that this is a code requirement.

- Commissioner Munoz stated the code requires a certain square footage of the landscaping by allowing an alternative they can just provide 1 tree and 3 bushes, they are not required to break up the concrete to plant.
- Commissioner Woods stated there should be a mechanism for looking at the code and send a message to the City Council for a possible code change.
- City Attorney Fritz stated this group is responsible for reviewing planning and zoning issues, currently the issue tonight is related to a zoning issue, but if there are things in the code that don't look correct then the Commission needs to recommend to staff that this item be added to the list for code review. The list can then be presented to City Council for discussion. Tonight is the night to resolve requirement issues but it could be the night that the Commission requests that staff add the item to the list for review.

Public Hearing: Open

Randy Steel, 447 Bracken Street, stated he has lived here his whole life and this lot has been taken care of and he is not opposed to the request.

Public Hearing: Closed

Closing Statements:

Mr. Rogers stated that his group has made large improvements to the property. He is not opposed to the landscaping putting up plants and trees. He has put trees out on this property but they have been stolen. He doesn't have any issues with landscaping he wants to make the property look nice.

Discussion Followed: Without Concerns

Motion:

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

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject an alternative landscape plan being provided to City Staff for approval, and installed by applicant no later than October 8th 2013.
3. Subject to all un-operable, un-licensed, or junk vehicles, and all parts being stored inside, or behind a sight obscuring fence that has been approved by staff.
4. Subject to the parking and maneuvering area being paved in conjunction with the construction of the addition, or an approval of a staged three (3) year deferral that would require portions of the area to be paved each year ; with the entire area to be paved no later than August 27, 2016.

2. Requests a Special Use Permit to serve alcohol for consumption on site in conjunction with a restaurant on property located at 611 Blue Lakes Boulevard North c/o Knox Family, LLC dba Genghis Khan Mongolian Grill (app. 2592)

Applicant Presentation:

David Knox, the applicant, stated he is here tonight to request a Special Use Permit to allow for beer and wine to be served on site in conjunction with a restaurant. The hours of operation are from 11:00 AM to 9:00 PM. He doesn't think this will have any negative impacts to the neighbors; he would just like to offer this as a choice on the menu.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. He stated the request is for Special Use Permit to allow for beer and wine to be served on site in conjunction with a restaurant. The business anticipates a traffic load of 300 guests with approximately 25 employees. This use should be compatible with the surrounding uses which are restaurants and fast food businesses.

Upon review of the request City Code 10-4-8.2 requires a Special Use Permit if the location is within 300' of a residential property and alcoholic beverages are to be consumed on the premises where sold. This requirement is to reduce the impacts to the residential neighbors. The property is bordering residential property along the west and southwest boundaries. The location of this restaurant is along a major commercial corridor, and the residences are not accessible through the subject property. All traffic enters the site directly from Blue Lakes Boulevard North and does not directly impact the adjoining properties. The property boundaries adjoining the residential property already has a sight obscuring fence and is required to remain in place and be maintained by City Code.

Required parking spaces for this use are assessed at one space per 4 chairs. These requirements along with other required improvements to the property are required to be in conformance with City Code at the time of building permit; the other improvements may include landscaping, screening, parking areas, drainage and storm water retention. These items were reviewed with the original building permit submittal and have met the minimum requirements set forth by City Code. Currently only an interior remodel application has been submitted without any anticipated changes to the outside, if that should change these items will be reviewed again for compliance.

A restaurant is listed as a permitted use in the C-1 zone, inherently; commercial activities mainly impact residential uses by an increase in noise, traffic and other visual related matters. To mitigate these impacts City Code requires a sight obscuring fence to help minimize the noise and visual impacts. Traffic is mitigated by limiting access to residential areas. Serving beer and wine by the drink in conjunction with a restaurant is not anticipated to increase the previously stated impacts, nor is it anticipated to create any new adverse impacts to the area.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to the applicant maintaining the sight obscuring fence along the property lines which adjoin residential uses.

Discussion Followed:

Commissioner Munoz asked if the fence was continuous or if it had any openings. Planner I Spendlove explained he did not see any openings.

Public Hearing: Opened and Closed Without Public Comment

Deliberations Followed: Without Concerns

Motion:

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

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the applicant maintaining the sight obscuring fence along the property lines which adjoin residential uses.
3. Requests a Special use Permit to allow an indoor recreation facility in conjunction with a medical office on property located at 170 South Park Avenue. c/o Curtis Mason on behalf of Elite Physical Therapy and Health, LLC (app. 2593)

Applicant Presentation:

Curtis Mason, the applicant, stated they would like to have an indoor recreation facility in conjunction with a medical office on property located at 170 South Park Avenue. The reason for the request is to operate the gym 24 Hours. This building has been empty for a while and so the change may have a small impact on the area because there will be traffic coming to the sight again. The majority of the traffic is there during office hours however there will be staff on sight 24 hours. The access to the building would be through a card system. Noise from the gym should be minimal, however they do provide Zumba classes that can be a little loud but the wall thickness should minimize any impacts to neighbor and the classes will end before 10:00PM. There are lots of neon lighting on the building that they plan to restore and use. The majority of traffic will occur Mon-Fri and the busiest time of the year occurs Jan-Mar, with the maximum number of customers ranging from 30-40 people.

Questions/Comments:

- Commissioner Boyd asked what a Zumba room is.
- Mr. Mason explained it's an aerobics classroom; Zumba is just a style of aerobics.
- Commissioner Munoz asked about the impacts of the neon lights to the neighbors, and if they can be controlled so that it doesn't impact the adjacent neighbors. Is there lighting for the parking lot for safety.
- Mr. Mason stated there should be sufficient lighting in the parking area for evening hours. As for the homes the shine should be minimal and should not be bright enough to impact the neighbors. He could manage the outside lighting but it could impact the lighting of the parking lot, either way they will manage the lights to reduce any impacts.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. In 1981 Ordinance 2012 was passed in 1981 rezoning the property to its current zone which is C-1. This location has had multiple commercial uses on the property. Some of these included restaurants which received Special Use Permits for a drive-thru and to serve alcohol by the drink for onsite consumption from 1994-2005. These previously issued permits are currently void due to inactivity of the particular uses as this location. No other zoning history is known at this time.

The applicant has provided a narrative outlining the hours of operation and the proposed use of the property and building. There will be 24 hour lighting provide for safety and they will ensure that the lighting will be contained and not intrude onto the neighboring properties. The noise from the gym should not penetrate to the exterior walls of the building and should not be problem for neighboring uses. The applicant has identified the existing fence that abuts residential uses that shall be maintained to provide a sight obscuring barrier between commercial uses and residential uses.

Per City Code 10-4-8.2: Rehabilitation services/offices area an allowed use in the C-1 Zone. A fitness center however falls under the indoor recreation facility, therefore requires a Special Use Permit to operate. In the past the building has been used for multiple restaurants and other various establishments. A fitness center would normally have fewer traffic impacts than a restaurant. The 24 hours of operation could be a concern with neighboring residences. The applicant stated that the noise from within the business will not be audible outside the building. It should be noted that any noise or disturbances occurring after hours can be dealt with through the noise ordinance enforced by the police department. The applicant also states that all the lighting, besides the minimum required levels for the parking lot will be directed downward or toward the building. These measures by the applicant should minimize the imposing impacts of light and noise that may occur with this business operation. Staff has spoken with the applicant about the lighting impacts. The required improvements associated with this use will be reviewed and enforced at the time of occupancy change with a building permit. All the minimum requires will have to be met in order to operate. One item that staff recommends a condition on is the landscaping; the applicant has noted that shrubs along the perimeter will be maintained and this should help minimize the light trespass from vehicles that happen to park facing the residences. However, there are spots that this vegetation is not sufficient to minimize the potential impacts. It would be practical to place a condition on the Special Use Permit to increase the number and/or size of shrubs along those portions of the parking lot directly across the road from residential uses, in order to minimize the potential impacts.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the applicant increasing trees and/or shrubs along perimeter of parking lot directly across the street from residential uses per staff approval.

Questions/Comments:

Commissioner Woods asked if staff would specify the type of tree or bush that needs to be installed, it would not provide a barrier if it loses its leaves in the winter.

Planner I Spendlove would recommend that the shrub provide a barrier year round and staff would have to approve the landscaping.

Discussion Followed:

Steve Montoya, 562 Pica Boo Drive, he would like to see this facility be successful. He would like to make a difference, and to do so they offer discounts to the customers based on use. The extended hours allow people that work shifts the opportunity to work-out. The size of this location is smaller than the existing facility in Burley, so the traffic will not be as high. The goal is provide a place where people can go to get healthy.

Deliberations Followed:

Commissioner Sharp stated that he thinks that the previous impacts associated with locations use had a larger impact to the neighbors than this use will have. He is glad to see something going into the building.

Commissioner Frank stated he agrees this should have less of an impact than previous uses.

Commissioner Munoz stated this will be low impact, he agrees there has to be some lighting for safety and any noise can be reported to the police if that becomes an issue.

Closing Statement:

Mr. Mason explained that there will be camera surveillance both inside and out. The parking will occur against the fence and he is not sure how much landscaping will be required but they are willing to comply.

Motion:

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

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the applicant increasing trees and/or shrubs along perimeter of parking lot directly across the street from residential uses per staff approval.

Commissioner Woods step down from his seat.

4. Requests a Special use Permit to construction a detached accessory building over 1000 sq. ft. (2500 sq. ft.) on property located at 3268 Highlawn Drive. c/o Bob Veeh (app. 2594)

Applicant Presentation:

Bob Veeh, the applicant, would like to increase the size of an existing detached accessory building the 1800 sq. ft. space would use it to park vehicle and RVs in the building. The building will blind in with the existing home, it will have eves and windows and be totally enclosed. The size is what requires Special Use Permit approval.

Staff Presentation:

Planner I Spendlove stated in 1981 Ordinance 2012 was passed rezoning the property to its current zone which is SUI; suburban-urban interface, this property is also located within the City's Area of Impact. The request is for a Special Use Permit to construct an 1800 sq. ft. building. In the SUI zone a Special Use Permit is required for an accessory building over 1500 sq. ft. The applicant does not anticipate any significant impacts to the neighboring residences. The surrounding properties in this area have several of these types of building some of which did require a Special Use Permit before construction.

City Code 10-4-2.3 requires a rear yard and side yard setback to be 3 feet from the property lined for detached accessory buildings in this zone. The applicant has supplied a site plan showing these requirements being exceeded, therefore meeting the minimum standard.

Possible impacts to the neighboring uses are the impacts while the building is being constructed. The applicant has provided a short narrative detailing some of the construction details that will occur. The construction is anticipated to take place Monday through Saturday, between the hours of 8:00 AM to 6:00 PM with 3-6 workers on site until the building is complete. This should minimize the construction impacts to the neighbors.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the accessory building being used solely for private non-commercial uses.

Questions/Comments:

Commissioner Munoz asked if the commercial use restriction applies to storage or vehicles with signs on them.

Zoning & Development Manager Carraway stated if the use of the vehicle is for traveling back and forth for work and it happens to have a sign on the side then that would not be considered a commercial use.

Public Hearing: [Opened and Closed Without Public Comment.](#)

Deliberations Followed: [Without Concerns](#)

Motion:

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

[APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS](#)

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the accessory building being used solely for private non-commercial uses.

Commissioner Woods returned to his seat.

5. Requests a Special Use Permit to allow a drive-through window in conjunction with a financial office on property located at 1907 Blue Lakes Boulevard North c/o Idaho Central Credit Union (app. 2595)

Applicant Presentation:

Gerald Martens, EHM Engineers, representing the applicant stated that ICCU plans to build a new facility at 1907 Blue Lakes Boulevard North and the request will meet all of the requirements as Canyon Park West PUD defines. The SUP is required for a drive thru and the property has to prove it is needed, there is adequate stacking, and will meet the requirements. He reviewed the exhibits on the overhead showing the elevations of the building and the location of the drive through area.

Questions/Comments:

Commissioner Munoz asked if an ATM will be included in the drive through. Mr. Martens stated yes and ATM will be provided with a drive through.

Staff Presentation:

Planner I Spendlove stated in 1981 Ordinance 2012 was passed creating the zoning districts we currently use for properties within the City limits. Multiple PUD's have been proposed and approved that included this particular area over multiple years. The latest zoning action occurred in August, 2012 when the Canyon Park West Amended C-1 PUD was approved and recorded.

The applicant has supplied a narrative outlining the details of the proposed use which is a banking facility the drive through hours of operation will be 8:30 Am to 6:00 PM (Mon-Fri) and 9:00 AM to 3:00 PM (Sat) closed on Sunday. The maximum number of employees at the location will be 17. The anticipated traffic load will be that which is similar to other banking facilities. The applicant believes the impacts to the neighboring land uses will be negligible. The applicant also stated that all the lighting will comply with the standards outlined in the approved Canyon Park West PUD. The location for this financial office and attached drive-through windows are not located in the CRO; Canyon Rim Overlay District.

All drive-through establishments in the C-1 Zone are required to obtain a Special Use Permit to establishing the use. The location of this financial office is along a major commercial corridor, and should have minimal impacts to the surrounding areas.

Required improvements to the property are required to be in compliance with the City Code or the PUD, whichever is applicable, at the time of building permit. All required improvements including landscaping, screening, parking areas, drainage and storm water retention will be reviewed with the building permit submitted to the city and will meet the minimum requirements.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

Public Hearing: Opened and Closed Without Public Comment.

Closing Statement:

Mr. Martens stated this will not be like a fast food drive through and the hours of operation should have minimal impacts. He did remind the Commission that this property is included in a PUD Agreement that is very restrictive. The development will meet the conditions of the Special Use Permit and be in compliance with City Code and the PUD Agreement.

Deliberations Followed: Without Concerns

Motion:

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

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

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

- Commissioner Woods stated that he thinks one of the duties of the Commission is to bring attention to things that don't seem right in the code, so that someone can take a second look. The item he would like reviewed currently is the landscaping requirements. To him there are applications where the code is absolutely without question applicable, however there are some requests where the code requirements are questionable and he believes there should be a means for the staff to apply their skills. The staff is very capable of making good decisions. For example the landscaping requirement for one of the requests tonight is for an existing building that has concrete all over the place which would require the applicant to plant one tree and three shrubs. This requirement will also include the need for water to be provided to the landscape and depending on the type of tree it could have a root system that busts up the street, the concrete and possibly sewer lines and this just doesn't make any sense. He thinks the City staff could make those decisions. He would like to have something presented to the City Council that would provide an addendum to allow City staff to use their experience and efforts to make this happen. Possibly there could be some alternatives; for example instead of planting three trees on their property they could offer to plant them somewhere else where trees area needed.
- City Attorney Wonderlich stated that possible the situation tonight was created by bad facts that created a bad ordinance. He understands this is a struggle and downtown is a difficult area because of the property issues; however he would ask that before this gets too far along he thinks the Commissions should tour the area and get a feel for what should possibly happen. For example the new Glanbia facility landscaping requirements were imposed and it looks really nice but the job was starting from scratch which makes it easier to impose the requirements. The Commission needs to decide where they think the landscaping makes sense and where it doesn't. He would also like to state that staff does not want the responsibility of using discretion for when to impose the code and when it needs to be altered.
- Commissioner Boyd asked where all the concrete came from.

- Planner I Spendlove stated that is the point previous to the concrete they applicant planted trees several times and they were stolen. They were tired of replacing the trees so he poured concrete without a permit. Anyone can take out landscaping which is a violation of code and it happens.
- Commissioner Boyd stated she understands how this happens and she would love to have lots of landscaping but it's not everyone's favorite hobby. She would much rather have concrete and a sidewalk area that is safe and clean and goes with being an auto body shop. It is not like this area is a concrete jungle, so it seems appropriate to not require the landscaping.
- City Attorney Wonderlich stated the Commission might consider is what the trigger is for the landscaping. Our City Code states if there is a 25% expansion or a change of use this type of improvement would be triggered as a requirement. Unless the thought is that maybe in this district is shouldn't be required. He does encourage the Commission to consider the impact that this will have to the other properties in the area.
- Commissioner Munoz stated the discretion should not be left to staff, he thinks we need to have alternatives. The idea is to beautify the property that is in question, so possibly there could be other options such as awnings, benches, or painting something on the building. Possibly have a beautification alternative versus just landscaping.
- Commissioner Woods agrees that this is not something that can be corrected in one discussion; it is a topic that should be reviewed and considered. Beautification can happen with other things besides landscaping such as benches, lighting, painting and other things.
- Council Liaison Mill Sojka stated she appreciates the discussion. She is comfortable with the requirements because it is uniform it applies to everyone but there are situations where discretion could apply. With that said she would recommend that the discretion be place at the City Council level and not be left with the staff. This would be a huge liability for the City and staff and they don't want that responsibility. There is process available for the applicants to request that a condition be reviewed by the City Council, leaving it up to the elected officials to make the final decision. She would recommend this item be listed on the next Planning & Zoning Work Session Agenda for further discussion.
- Commissioner Sharp stated the requirements are listed and staff has to approve the improvements. If the improvements are approved and they work with staff it shouldn't be a problem.
- Commissioner Tatum stated she thinks the Commission should also keep in mind that there is a discussion underway for alternative landscaping issues like artificial turf and greenery. There are other options being considered that don't necessarily require water.
- Commissioner Grey stated he thinks a pamphlet the could be provided to the applicant outlining an alternative list of choices that were pre-approved by the Council then the applicant could provide a site plan showing what approved alternative they will use to meet the requirement.
- Planner I Spendlove explained that the requirement for this particular request was that they have to provide 238 sq. ft. of landscaped area. The alternative was to allow them to provide the equivalent number of trees and bushes which is one tree and three bushes. So the alternative is that the applicant doesn't have to remove 238 sq. ft. of concrete they can be planted in something else. The landscaping that is counted is trees and bushes ground cover is not even counted as landscaping.
- Commissioner Munoz stated he is looking at this from a citizen's perspective rather than planting landscaping I am going to pour concrete and be done, without options people feel like they can't meet the requirement.
- Commissioner Derricott stated he disagrees that this requirement is a hardship it is not a huge cost it is more an inconvenience.
- Commissioner Boyd stated pouring the concrete solved the problem at the moment but because of the 25% expansion the landscaping is required and the applicant is willing to comply.
- Zoning & Development Manager Carraway stated the applicant was well informed and he is willing to comply.

- Commissioner Munoz stated the law in this situation doesn't make sense to be black and white maybe it needs to be evaluated, and if there are any other options available.
- Commissioner Grey stated this has happened before and this is an issue that needs to be reviewed.

- Zoning & Development Manager Carraway stated the 25% expansion rule is a trigger for all of Title 10 Chapter 11 required improvements. As for the landscaping, storm water retention is another issue in the downtown area, a small area of landscaping can provide a place to manage some water runoff.
- Commissioner Frank asked if alternative landscaping is being reviewed by the Zoning Ordinance Amendment Committee.
- Planner I Spendlove stated yes it is an item up for review.
- Commissioner DeVore stated he would caution making changes because it can create other issues that aren't considered.
- Commissioner Frank reassured the Commission that this is an item up for discussion and will be added to the agenda for the ZOAC meeting and possibly the work session meeting.

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

1. Work Session – **Wednesday**, September 4, 2013 12:00 pm – 1:00 pm
2. Public Hearing – **Tuesday**, September 10, 2013 6:00 pm

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:45 PM.

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department