

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, April 22, 2014**

To: Planning & Zoning Commission

From: Rene'e Carraway, Community Development

AGENDA ITEM IV-1

Request:

Request for a Special Use Permit to allow an automotive impound facility on property located at 198 Gem Street, **c/o Mark Gordoski d/b/a Marky's Supertow** (app. 2616)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Commercial Lease	Size: 1.5 Acres
Marky's Supertow c/o Mark Gardoski 1406 Kimberly Rd Twin Falls, ID 83301 734-1869 markyssupertow@hotmail.com	Current Zoning: M-2	Requested Zoning: SUP for Auto Impound Yard
	Comprehensive Plan: Industrial	Lot Count: 1 Lot
	Existing Land Use: undeveloped	Proposed Land Use: Automotive Impound Yard
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: active Rail Road Spur; C-1, Commercial	East: M-2; Industrial
	South: M-2; Industrial	West: M-2; Industrial
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-10.2(B)11f, 10-10, 10-11-1 thru 8, 10-13-2.2	

Approval Process:

The Special Use Permit process requires a public hearing to be held in which interested persons have the opportunity to be heard with regards to the application.

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval.

If an applicant or interested party appeals the decision of the Commission, the City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Budget Impact:

Approval of this request will have marginal impact on the City budget with the possible increase of improvements on the property.

Regulatory Impact:

Approval of this request will allow the applicant to operate a 24 hour automobile impound facility as presented.

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.

History:

This location was zoned M-2 at least as far back as the 1970's. There is no further zoning history for this location. There were several building permits in the 1970's and 1980's for warehouse type buildings and remodels. The property has been vacant for many years.

Analysis:

The site is zoned M-2, the City's Heavy Manufacturing District. The M-2 zone is the only zone in the City that allows for an impound yard but requires a Special Use Permit for the use. The site is 1.5 acres.

Automobile impound facilities are defined as the following in City Code §10-2-1:

A facility that provides temporary outdoor storage for three (3) or more vehicles that are to be claimed by titleholders or their agents, provided that no vehicle shall be stored at said facility for more than forty five (45) days and must remain mechanically operable and licensed at all times, or a parcel of land or a building that is used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop and where motor vehicles are kept for a period of time not exceeding fourteen (14) days. (Ord. 2773, 12-15-2003)

The applicant will have to operate within the regulations of the definition of an Automobile Impound Facility from City Code. An impound facility/ towing business may be open 24 hours a day and may be bringing vehicles into the facility at all hours of the day or night. There is proposed to be two (2) full time employees available to operate the facility.

A minimum 8' screening fence is required to surround an approved Impound Facility. Screening shall comply with City Code §10-11-3(B) 3., which states: "Screening shall completely obscure objects inside the screened area when viewed from any angle outside the screened area and shall be constructed so as to reduce noise, lights and blowing trash." The IBC requires a building permit for any fence over 6'.

The M-2 zone requires a minimum of 2 sf of landscaping per lineal foot of frontage and shall be placed between the building and the street. The landscaping will have to be placed on the street frontage of the property along Gem Street and Gem Avenue.

This property is in a manufacturing zone and hard surfacing is not required however the City regulates particulate matter (dust) as a nuisance. City Code §7-1-20 states that “all reasonable precautions shall be taken to prevent particulate matter from becoming airborne” and so the parking and maneuvering areas should have gravel or a surface adequate to ensure that particulate matter is managed. The applicant has indicated the storage area is covered in small gravel and rock four inches deep. City Code 10-11-8(A) states that Building sites shall use best management practices to retain as much storm water as possible on the property. Ground elevation should be such that the storm water does not leave the proposed impound yard. If there is a change to the surface of the property then additional water retention would have to be provided for the impound area. The historic storm water runoff shall be maintained as it presently flows through the property. There is also a concern about vehicle fluids leaking from vehicles and the management of fluids seeping into the ground. The applicant has indicated that the damaged vehicles will be kept together where there will be drip pans or absorbent pads put down under vehicles that may be leaking fluids so that ground and surface water are protected. City staff will confirm the gravel in the impound yard is compliant with code requirements.

City Code 10-11-5(B)-1 states: New curb, gutter and sidewalk shall be constructed at the expense of the property owner with, and at the same time, as all new construction or modification of existing buildings in accordance with city standards on all streets, within and adjacent to the development, and in all zoning districts except the AG district, and for all land uses except under any one or more of the following conditions:

- a. Sidewalks are not required in the SUI, M1 or M2 zoning districts except on arterial streets or areas of high pedestrian traffic. The City engineer may recommend deferral of the construction of required curb, gutter and or sidewalk to the City Council.

The applicant will be required to submit a plan that indicates all City Code improvement requirements have been constructed. City Code requirements and plan will be reviewed by staff for compliance before the applicant can operate the impound yard at the proposed location of 198 Gem Street.

Conclusion:

Should the Commission grant this request as presented; staff recommends approval shall be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Vehicle storage in the impound yard be limited to the time allowed by code; 45 days for mechanically operable and licensed vehicles and 14 days for wrecked vehicles awaiting transport.
3. No auto salvage permitted, the impound yard is for storage of impounded vehicles only.
4. No stacking of vehicles.
5. Subject to a minimum 8’ solid site-obscuring screening fence constructed around the entire perimeter of the impound yard.

6. Subject to plan approved by staff for management of storm water prior to operation of impound yard. Any change of surface will require additional water retention subject to review by staff.
7. Subject to plan approved by staff addressing how vehicle fluids and/or chemicals are required to be disposed of properly – to include in the plan that those fluids and/or chemicals shall not drain onto the ground.
8. Subject to plan approved by staff addressing how reasonable precautions will be taken to prevent particulate matter from becoming airborne.
9. All parts and miscellaneous equipment to be stored inside of buildings or screened area.
10. Subject to compliance with Engineering requirements for deferral of curb, gutter and street development requirements if applicable.

Attachments:

1. Letter of Request
2. Zoning Vicinity/Aerial Map
3. Applicant Submitted Site Plan
4. Site Photos

Reason for Request:

1. Impound Yard
2. Minimal Traffic anticipated
3. 2 Employees
4. 24 Hours a day operation

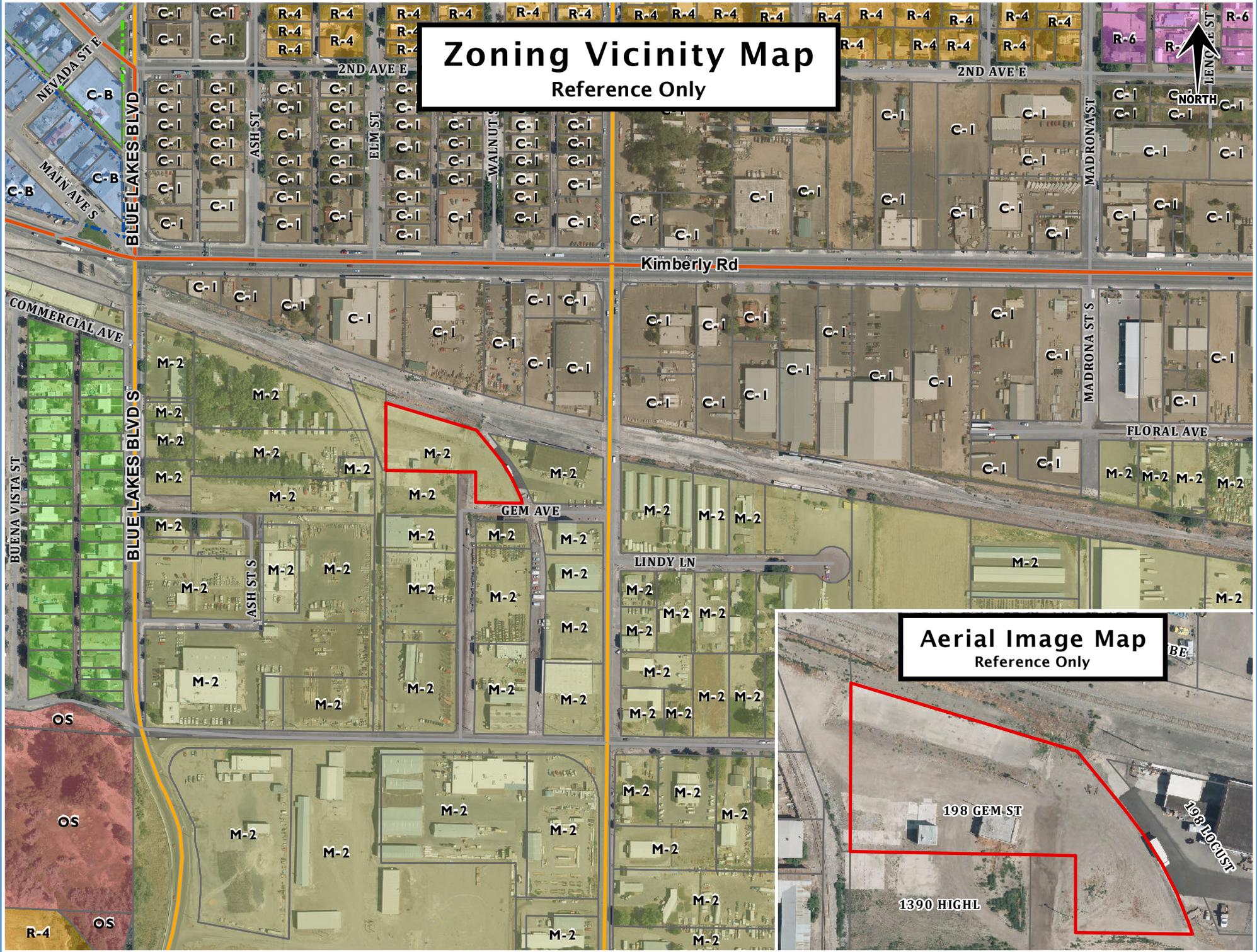
An evaluation of the effects on adjoining property including the effect of such elements:

1. minimal noise
2. no glare
3. no odor
4. no fumes or vibration on adjoining property
5. A discussion of the general compatibility with adjacent and other properties in the district- should be compatible with other properties.

The yard has a 8` privacy fence that tow yards need to have and the ground is covered in small gravel and rock 4 inches deep. Weeds will be sprayed and all trash picked up on a regular basis. Damaged vehicles will be kept together where there will be drip pans or absorbant pads put down to make sure no fluids drip onto the ground, but most are already fluid free by the time we tow them, from being in an accident.

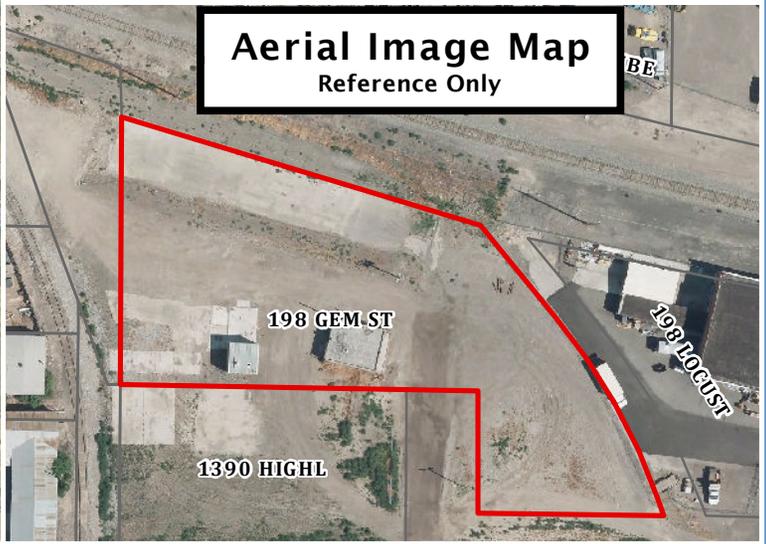
Zoning Vicinity Map

Reference Only

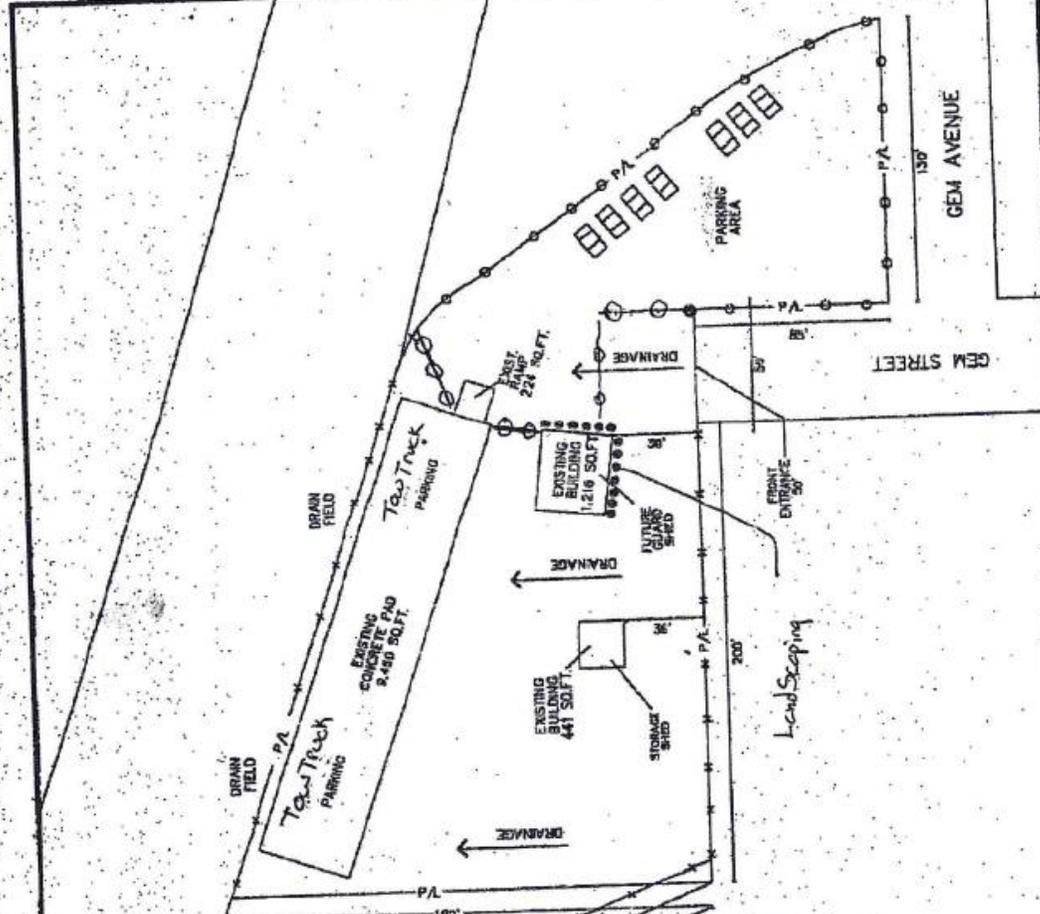


Aerial Image Map

Reference Only



DATE	BY	CHECKED	SCALE
			1" = 20'-0"



PROPERTY OWNER
 MARKY'S SUPER TOW
 1406 KIMBERLY ROAD
 TWIN FALLS, ID 83301
 (208) 734-1869

SCOPE OF WORK *sight obscuring* 95
 PROPOSED 8' CHAIN LINKED FENCE
 APPROX. 970 LIN. FEET.
 INDICATED BY O

PROPOSED 6' CHAIN LINKED FENCE
 APPROX. 460 LIN. FEET.
 INDICATED BY X

SCALE: 1" = 20'-0"
 1" = 4'



Southwest Part of the property.
Future front gate area.

04/15/2014 10:28 AM



Looking North from end of Gem Ave

04/15/2014 10:29 AM

