



**MINUTES**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**March 31, 2015 6:00PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**  
**Special Meeting**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Nikki Boyd   Jason Derricott   Tom Frank   Kevin Grey   Gerardo “Tato” Muñoz   Christopher Reid   Jolinda Tatum  
**Chairman   Vice-Chairman**

**AREA OF IMPACT:**

Ryan Higley   Steve Woods

**CITY COUNCIL LIAISON**

Rebecca Mills Sojka

**ATTENDANCE**

**CITY LIMIT MEMBERS**

<u>Present</u>	<u>Absent</u>
Boyd	Derricott
Frank	
Grey	
Muñoz	
Reid	
Tatum	

**AREA OF IMPACT MEMBERS**

<u>Present</u>	<u>Absent</u>
Higley	
Woods	

**CITY COUNCIL LIAISON(S):** Mills Sojka

**CITY STAFF:** Carraway-Johnson, Knope, Spendlove, Strickland

**I. CALL MEETING TO ORDER:**

Chairman Frank called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

**II. CONSENT CALENDAR:**

1. Approval of Minutes from the following public meeting(s): **None**
2. Approval of Findings of Fact and Conclusions of Law:
  - Seibel (03-10-15 SUP)                      • Johnson (03-10-15 SUP)
  - Florence (03-10-15 SUP)                 • Clepper 03-10-15 SUP)

**III. ITEMS OF CONSIDERATION:    NONE**

**IV. PUBLIC HEARINGS:**

1. Request to Vacate a portion of a platted utility, vehicle access and drainage easement on property located at 1777 and 1821 Canyon Crest Drive c/o EHM, Engineers, Inc. on behalf of Westpark Phase II, LLC (app. 2715)

**Applicant Presentation:**

Gerald Martens, EHM Engineers, Inc., representing the applicant stated this property was platted a few years ago along Canyon Crest Drive. These two lots are being proposed for development. When this property was developed it was policy to put in an easement for utilities not knowing what will be necessary upon development. There is nothing in this platted easement and everyone except Idaho Power stated they were fine with the full vacation. Idaho Power wanted to preserve a portion of the easement because they don't know how the property to the west will be developed and they may need the easement for future

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development. The request will allow for a portion of the easement to remain and request the vacation of the west boundary not crosshatched in the exhibit.

**Staff Analysis:**

Planner I Spendlove stated the City Council approved a rezone from R-1 43,000 to C-1 PUD/R-4 PRO PUD for this area on April 19, 1993, and September 20, 1993. Northbridge C-1 PUD Agreement was approved by the City Council on July 1993. The 2 lots and easement in question, were created in 1998 with the recordation of the Westpark Commercial Subdivision #2.

He explained after the staff report was completed and distributed staff received a letter from Idaho Power with their consent to only vacate a portion of the easement. The vacation is still within lots 2 and 3 however only a portion of the easement will be vacated. Staff has received all of the required letters from the applicable utility companies stating their approval of the vacation of the easement.

The vacation process requires a public hearing before the Planning and Zoning Commission. After receiving a recommendation from the Commission, the City Council holds an additional public hearing and if the request is approved an ordinance is adopted and published.

Planner I Spendlove stated should the Commission recommend approval of the request, as presented, to the City Council, staff recommends the following conditions:

1. Subject to all applicable utility letters being submitted to the city prior to publication of the vacation ordinance.
2. Subject to all conditions of approval by the applicable utility companies being met prior to publication of the vacation ordinance.

**PZ Questions/Comments:**

- Commissioner Woods asked where the utilities are located for the development of this property.
- Mr. Martens explained the easement that was platted was to avoid land locking the adjacent properties. The utilities for this property are in the street or in the easement along the fronting the lot. The point of this easement during the platting process was to avoid land locking a neighboring property from accessing utilities. The owner of the adjacent lot is the same owner for these two lots.

**Public Hearing: Open & Closed Without Concerns**

**Deliberations Followed: Without Concerns**

**Motion:**

Commissioner Grey made a motion to recommend approval of the request to the City Council, as presented, with staff recommendations. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

**Recommended To City Council For Approval, As Presented, With The Following Conditions**

1. Subject to all applicable utility letters being submitted to the city prior to publication of the vacation ordinance.
2. Subject to all conditions of approval by the applicable utility companies being met prior to publication of the vacation ordinance.

**Scheduled For City Council April 27, 2015**

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2. Request for a Special Use Permit to operate an automobile retail business on the North side of the 500 Block of 2<sup>nd</sup> Avenue South c/o Tony Hoggarth dba Hoggarth Auto Sales, LLC (app, 2716)

**Applicant Presentation:**

Mr. Hoggarth stated he is here to request a Special Use Permit to operate an automobile retail business on this property. This will allow him to expand his existing business and in the future he would like to place a building on the lot in the near future.

**Staff Analysis:**

Planner I Spendlove reviewed the request and stated it is unknown when this particular lot was first used for Vehicle Sales. The Polk Directories list Bob Reese Motors being established in 1951-1952, on property listed as 516 2<sup>nd</sup> Ave South. In 1982 the Latham Motors Dealership was established at this location. It is thought this site was later expanded for use by Latham Motors. Latham Motors vacated the premises in the early 2000's. Since that time, these lots have been vacant. No further pertinent zoning history is known at this time.

**Analysis:**

The applicant has supplied a narrative describing their request. The applicant wishes to move his current business location from 734 Main Ave South in order to have expanded visibility and space. They currently employ 2 people, with the anticipation of adding a 3<sup>rd</sup> by August of this year. The business will be open from 9:00 AM to 6:00 PM.

The location is a very large parking area that was across the street from the old Latham Dealership, 510 2<sup>nd</sup> Ave S. This property was developed for the purpose of displaying vehicles for sale only. The attached photos of the site show a large asphalt parking lot with multiple light poles on the premises. It is completely void of any landscaping and has multiple approaches onto adjacent streets that could potentially be a safety hazard.

**Per City Code 10-4-7:** The CB zone requires Automobile and Truck sales and/or rentals to acquire a Special Use Permit prior to being legally established.

*The typical impacts from an automobile retail sales lot include noise from PA systems, increased traffic, and overcrowding of vehicles onto adjacent streets or lots.*

*The City has addressed the issue with noise from PA systems. Current City Code does not outright permit PA systems to be used. IF one is desired, it must be included in the application for a Special Use Permit. This application did not include that particular use, therefore it would not be permitted at this time.*

*An increase in traffic will occur around this property. Any property that was previously vacant will see an increase when a new business starts operations. However, this location is located on 2<sup>nd</sup> Ave South, which is designated a State Highway, and is adequate to handle any increase in traffic that may occur.*

*Overcrowding of vehicle sales lots does occur on occasion. Usually the overcrowding only affects to property on which the lot is located. There are rare instances where this overcrowding can impact adjacent properties and streets. City code does have a mechanism to address any issues with extended parking on streets. Issues with adjoining property owners can be mitigated through the possible*

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*revocation of this Special Use Permit if needed. However, with the size of this particular lot, it is not anticipated that we will see a significant issue with overcrowding onto streets and adjoining lot.*

**Per City Code 10-10:** The parking requirement is one (1) space for each 500 square feet of a structure. The applicant is proposing a building of 600 square feet, which equals two (2) required parking spaces. This location is also in the P-2 Parking overlay, which reduces the required amount by 30%. However, since we cannot have a portion of a parking space, per city code, the requirement for customer parking will be rounded up two (2) spaces.

**Per City Code 10-11-1 thru 9:** Required improvements for this site will include the maintaining of the parking lot asphalt. Landscaping requirements include 5% of the required parking area. Other improvements include drainage, access, screening and sanitation facilities.

*The lot is currently developed with an asphalt surface and light poles. The landscaping is tied to the parking requirement, the amount the applicant has supplied will satisfy the required amount unless the Commission wishes to require additional landscaping to enhance the area. Drainage is an item the applicant will need to work with the Engineering Department to satisfy their requirements for the area. Screening and sanitation facilities will also need to be addressed. It would be reasonable to address these items in a separate condition that will satisfy the need to bring this property up to current code standards due to the Special Use Permit.*

*The Engineering Department has expressed a concern about the multiple approaches located on the property. Engineering would like to place a condition on this special use permit to move the approaches on Liberty and Ketchum further north in order to meet current code. Also, Staff would recommend to permanently close two (2) approaches on 2<sup>nd</sup> Ave South, leaving the large main entrance as it is.*

Staff does not foresee a significant increase in negative impacts to the surrounding properties with the establishment of this business as presented.

Planner I Spendlove stated should the Commission approve 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 compliance with storm water retention requirements.
3. Subject to placement of a trash receptacle enclosure in compliance with 10-11-6.
4. Subject to moving or closing the approaches on Ketchum St South and Liberty St South in accordance with Engineering Codes and Standards, as presented on Attachment 3b.
5. Subject to the midblock or main entrance remaining as the only approach on 2nd Ave South, all others to be removed, or otherwise made inoperative per Engineering Codes and Standards, as presented on Attachment 3b..

**PZ Questions/Comments:**

- Commissioner Grey asked for clarification that the applicant understood the conditions and was willing to work with staff.

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- Mr. Hoggarth explained there are light poles in front of two of the accesses and there are some barriers at one end to prevent it from being used but he sees no reason he can't meet the requirements.
- Commissioner Grey asked if the photos provided in the packet are samples of the building that he is proposing for the new site.
- Mr. Hoggarth explained the building will look more like a commercial building and will look nice.
- Commissioner Frank stated his only concern is water retention requirements.
- Commissioner Boyd asked if he had plans for trees to be put in the planter boxes and how he plans to get water to the planter boxes.
- Mr. Hoggarth explained he was planning to put plants in the box and he would just use a hose to water the plants.
- Commissioner Munoz asked if the applicant had plans to set up a portable office on-site.
- Mr. Hoggarth explained that he has to do something with his current property before he can move forward with his plans for the new lot.

**Public hearing:**

Connie Rippel, 542 Main Ave South, stated she is in support of the request and is glad to see something being done with this property. They have never had any issues with this property.

**Deliberations Followed:**

- Commissioner Munoz stated his concern would be that a temp building would become permanent but there are permits that have to be obtained.
- Commissioner Frank stated he thinks this is a good use for this property.

**Motion:**

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

**Approved, As Presented, With 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 compliance with storm water retention requirements.
3. Subject to placement of a trash receptacle enclosure in compliance with 10-11-6.
4. Subject to moving or closing the approaches on Ketchum St South and Liberty St South in accordance with Engineering Codes and Standards, as presented on Attachment 3b.
5. Subject to the midblock or main entrance remaining as the only approach on 2nd Ave South, all others to be removed, or otherwise made inoperative per Engineering Codes and Standards, as presented on Attachment 3b..

**V. GENERAL PUBLIC INPUT: NONE**

**VI. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:**

- Planner I Spendlove updated the Commission on the public hearing items that went to City Council March 30, 2015. He explained that the vacation request for Settler's Ridge was denied, which indicates that the City Council feels strongly about maintaining trails. The rezone for Joe Russell was approved unanimously from C-1 PUD to C-1.

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- Councilperson Mills-Sojka explained that there were members on the council that had served on the Planning & Zoning Commission or City Council when the original code for the path requirement was implemented and they felt strongly about maintaining connections to trails. Taking away trail access would be counter to several objectives of the strategic plan.
- Commissioner Frank reminded the Commission about the work session tomorrow to discuss the Code section amendments.

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

1. Work Session-**April 1, 2015**
2. Public Hearing-**April 14, 2015**

**VIII. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 6:35 PM

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department