



**NOTICE OF AGENDA
PUBLIC MEETING/WORK SESSION
Twin Falls City Planning & Zoning Commission
Wednesday, November 4, 2015 12:00PM
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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON:

Rebecca Mills Sojka

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. DISCUSSION ITEMS FROM THE COMMUNITY DEVELOPMENT STAFF AND/OR THE PLANNING & ZONING COMMISSION:

1. Review proposed Title 10 code amendment(s):
 - Title 10; Chapter 11; Section 2 - Landscaping Requirements- "alternative landscaping standards" update
 - Title 10; Chapter 7; Section 14 - Outside Storage and Display

III. GENERAL PUBLIC INPUT:

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

1. Public Hearing – Tuesday, **November 10, 2015**

V. ADJOURN MEETING:

Si desea esta información en español, llame Leila Sanches al (208) 735-7287

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.**

Potentially Added to all Zones under the Development Standards?

To encourage redevelopment of existing properties, the ~~city planning administrator~~ Planning and Zoning Commission may ~~waive strict conformance to~~ adjust the development requirements for parking and landscaping, ~~and/or surface water retention~~ when such waiver would not be contrary to the public interest or public health, safety, and welfare. The process for adjustments shall follow City Code Section 10-11-20.

The new section that addresses the waiver process and limitations:

10-11-20: IMPROVEMENT ADJUSTMENTS:

(A) Purpose: The intent of this section is to promote development in challenging or blighted locations within the older parts of Twin Falls City through reprieve from the strict numerical requirements of the required parking and landscaping improvements.

Despite offering reprieve from certain sections of this Title, the public interest through beautification of property, and protection of the public health, safety, and welfare should be maintained.

(B) Definitions: the following definitions will be used for the purposes of this section only.

1. Improvement Adjustment: an adjustment of the requirements of this Title as to parking space size or number; landscaping area size; tree or bush counts, types, or location on property.
2. In-fill development: projects located on property surrounded by existing structures, buildings, or uses by the majority of the perimeter of the property.

(C) Authority to Grant: The Commission may authorize in specific cases such adjustments from specific terms of this Title where, owing to special conditions, a literal enforcement of the provisions of this Title would result in unnecessary hardship.

(D) Application: Adjustments from the terms of this Title shall not be granted by the Commission unless and until a written application for a hardship is submitted to the Administrator and the Commission containing:

1. Name, address and phone number of applicant.
2. Legal description of property.
3. Description of adjustments requested.
4. A narrative statement and documentation addressing all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved with the project
 - b. The project is an adaptive re-use, addition, or remodel of a building, or an in-fill development.
 - c. That the applicant has made every effort to comply with the intent of the original parking and landscaping standards outlined within this Code, including any enhancements being made to the building or property that result in beautifying the property or area of development.

d. That a literal enforcement of the provisions of this title would result in unnecessary hardship. Such hardships may include over burdensome financial duress, limited useable property space, or other significant hardship.

(E) Public Hearing: Prior to granting a Development Hardship permit, at least one public hearing before the commission shall be held. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title.

The applicant or any affected person may appeal the decision of the commission to the council, provided a written appeal is submitted to the council within fifteen (15) days from the commission's decision.

(F) Notification to Applicant: Within ten (10) days after a decision has been rendered, the administrator shall provide the applicant with written notice of the action on the request.

(G) Appeal to Council: Upon receipt of an appeal from the action of the commission, the council shall set a hearing date under the same provisions as the commission hearing to consider all information, testimony and commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE 10-7-14 BY REDEFINING THE AREA PROHIBITED FOR THE OUTSIDE STORAGE OR DISPLAY OF MERCHANDISE.

WHEREAS, The outside storage and/or display of merchandise in front of businesses can interfere with the flow of traffic and parking, cause unsafe distracted driving on adjoining streets, and present an undesirable cluttered appearance in the community.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

“10-7-14: OUTSIDE STORAGE AND DISPLAY:

No outside storage or display of merchandise is allowed ~~between any street and the beyond the front sidewalk adjacent to the~~ primary business building or outside of screened areas except in the M2 zoning district and except for the display of vehicles, motor homes, travel trailers, recreational vehicles, pickup shells and large implements where offered for sale or rent and except for the seasonal display of living plants and materials such as Christmas trees, pumpkins, bedding plants, etc. The term “primary business building” shall include any paved pedestrian area adjoining the building and parallel to any portion of the building facing the street. All refuse areas shall also be visibly screened from adjacent streets and properties.

(A) Notwithstanding the above outside display restriction, a retail business may apply for a "parking lot sale" permit for the temporary outside display of retail merchandise. Parking lot sale permits are subject to the following conditions:

1. Up to eight (8) temporary parking lot sale permits shall be allowed on a lot or parcel in a calendar year, with not more than two (2) per quarter.
2. A parking lot sale permit shall be issued for not more than five (5) consecutive days. Parking lot sale permits issued in different calendar year quarters shall have a minimum of seven (7) days between permits.
3. Retail merchandise may only be temporarily displayed on private real property and only on the same lot, parcel or shared parking as the primary business building to which the parking lot sale permit has been issued.
4. Retail merchandise shall not be temporarily displayed within required landscape areas or in any other area that creates a site obstruction or other traffic obstruction or hazard.

5. Retail businesses that share a lot, parcel or parking with other businesses may apply for a parking lot sale permit if a parking lot sale site plan has been prepared by the applicant and the site plan has been approved by an authorized representative of each business sharing the same lot, parcel, or parking. Approval signatures shall be provided to the planning department with the permit application along with name and contact information for the authorized representatives who provided the approval.

(B) Parking lot sale permit applications shall be submitted to the planning department not less than two (2) weeks prior to the planned parking lot sale. The administrator may approve parking lot sale permit requests that comply with the standards contained herein.”

PASSED BY THE CITY COUNCIL, _____, 2015.

SIGNED BY THE MAYOR _____, 2015.

MAYOR

ATTEST:

DEPUTY CITY CLERK