



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
October 27, 2015, 6:00PM
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” 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

PRESENT

Boyd
Derricott
Frank
Grey
Moñoz

ABSENT

Reid
Tatum

AREA OF IMPACT MEMBERS

PRESENT

Woods

ABSENT

Higley

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway-Johnson, 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 meeting(s): **09-29-15 PH, 10-7-15 WS, 10-13-15 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Lopshire (SUP 10-13-15)

Motion:

Commissioner Grey made a motion to approve the consent calendar, as presented. Commissioner Woods seconded the motion.

Unanimously Approved

III. ITEMS OF CONSIDERATION:

IV. PUBLIC HEARINGS:

1. Request for Special Use Permit to operate a used vehicle sales business on property located at 258 Washington Street North c/o Allen Nagel dba Allstate Auto Sales, Inc. (app. 2751)

Applicant Presentation:

Mike Gomez, the applicant representative, explained that they began this project 3 years ago and then lost the property. They now own the property and have removed the incomplete structure. They have installed a vinyl fence along the south property line, they have plans to fence and landscape along the back property line and have decided not to have two pad sites along the front of the property. They have just recently acquired the property again and would like to get the business going and to beauty the property.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this property started as a gas station and service station in the 1960's. The property at 284 Washington Street North has been used for automotive sales for over twenty-five (25) years. The other properties had been residential dwellings up to 2011 when the residences were demolished.

In the fall of 2011, Mr. Nagel applied for a Special Use Permit (SUP) to expand his operations of used vehicle sales onto adjacent properties south of his main building. On 12-28-2011 The Planning and Zoning Commissioners granted the request subject to 12 conditions. On February 6 2012, the City Council heard an appeal on the conditions placed on Mr. Nagel's SUP (#1255). The City Council amended 3 of the 12 conditions and Mr. Nagel was allowed to continue with his expansion project.

During the course of 2012, conditions placed on the SUP were not met within the required timeline. Some of these conditions were Paving and Landscaping. City Staff worked with the applicant and his representatives to rectify this situation over the course of a year. In October 2014, pending litigation, and the inability to finish the conditions placed on the subject property led the applicant to request the original SUP (#1255) to be voided.

After the SUP was voided, all business activities ceased on the subject property. Therefore, the paving and landscaping requirements no longer applied and City Staff focused efforts on keeping the property free of weeds and debris.

Currently, the applicant operates the sales lot on the corner of Washington and Heyburn. The hours of operation have been listed as Monday through Saturday from 10:00 am to 6:00 pm. It has been expressed these hours would remain the same. The applicant estimates 15 customers per day. Approximately three (3) employees would be on site at any one time. The applicant states they do not anticipate any increase to noise, odor, glare, or vibrations to the area.

Per City Code 10-4-8: This zone requires a Special Use Permit for an automobile sales lot to be legally established.

These uses can be impactful on neighboring properties depending on the circumstances of the development patterns surrounding them. In this case, Washington Street North is an arterial roadway and has been constructed to accommodate a substantial amount of traffic. With the majority of traffic entering and exiting onto Washington it is believed the impacts of this business in terms of traffic and noise to be minimal.

Per City Code 10-11: Certain improvements are required in conjunction with building permits: landscaping, screening, parking areas, streets, sanitation facilities and other infrastructure.

These improvements are also reviewed during a Special Use Permit process. If the commission determines the special use will adversely impact neighboring properties, additional improvements or development requirements may be placed as conditions of approval.

Used Automobile sales lots typically tend to cause an increase in noise, which is directly a result of increased traffic to the area. These two impacts are caused by the nature of receiving, shipping, buying, and selling vehicles which need to be started and moved repeatedly. However, due to the proximity of Washington Street North, a major arterial, the potential increase in noise and traffic would be negligible compared to the existing ambient noise and traffic.

The Engineering Department recommends that accesses onto Washington Street North be consolidated and only one (1) curb-cut allowed as the roadway carries such a high amount of traffic.

The Comprehensive Plan shows this property as Residential/Business. Which makes it consistent with the Comprehensive Plan.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented, staff recommends the following conditions be placed on this 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. Subject to compliance with and maintenance of the C-1 zone landscaping requirements, including a minimum ten feet (10') of landscaped area along street frontage to meet the gateway arterial landscaping requirements.
3. Subject to maintaining the solid screening fence on the southern boundary of the property.
4. Subject to consolidating the access onto Washington Street North into one (1) curb-cut / access.

P&Z Questions/Comments:

- Commissioner Grey asked what the current measurement is for the landscaping space shown on the site photo.
- Planner I Spendlove explained that area has not been measured but that staff will verify that it meets code before a Certificate of Occupancy will be issued.
- Commissioner Frank stated he has doubts that area is 10' and wants to verify that until everything is done there should not be any car sales from this lot.
- Planner I Spendlove explained they have not been using the lot for sales since the Special Use Permit was voided. They will also not be able to operate the vehicle sales business until Planning & Zoning signs off on the Dealership License Application they have to submit to the state.
- Commissioner Frank stated that past performance usually is an indication of future performance and he doesn't have a lot of faith in things being completed like they are promised.
- Mr. Gomez explained that up until the time the applicant had the land seized they were in the process of following through on the conditions of the permit. After the property was seized by the Federal Government they were not able to finish the project nor were they willing to invest in a property that no longer belonged to them. They were just contacted in July of this year by the Federal Government about getting the property back and have been working towards putting a plan together to acquire the necessary permits and complete the project as originally planned. He does understand and he will be taking care of the project and the property from this point forward because this is his livelihood.
- Commissioner Munoz verified that there will not be any repairs or maintenance to cars at this location.
- Mr. Gomez confirmed all they do is detail the cars to prepare them for sale. They will not be repairing or providing maintenance for any vehicles.
- Commissioner Munoz asked why there is not a fence required on the eastern side where most of the residential property is located.
- Planner I Spendlove explained the fence is not required because there is an alley between the commercial property and the residential property.
- Commissioner Woods verified that all of the requirements have to be met before any cars for sale can be put on that lot.
- Planner I Spendlove confirmed that is the case.
- Mr. Gomez explained he will make sure this project is completed as presented and he will make sure that it happens.
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Public Hearing: [Opened & Closed Without Comment](#)

Deliberations Followed:

- Commissioner Woods explained that he still remains cautious and he feels confident that things will happen because they have to in order for the business to operate.
- Commissioner Frank explained the past experience with this property has not been very good and he still has reservations about approving this request.
- Commissioner Munoz explained that he still has reservations also but there is always a revocation process that can be initiated if things are not done, as presented.
- Commissioner Grey explained that he thinks there is a different attitude presented tonight about this request and it is appreciated, the one thing he wants to emphasize is that the landscaping not only has to be installed it has to be maintained. He doesn't want the property to continue to be an eyesore.
- Commissioner Derricott clarified that the conditions include maintain in the description.

Motion:

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

V. GENERAL PUBLIC INPUT: [None](#)

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

Zoning & Development Manager Carraway-Johnson reminded the Commission that there will only be one public hearing in November, there will not be a meeting scheduled the week of Thanksgiving.

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

1. Work Session – [November 4, 2015](#)
2. Public Meeting- [November 10, 2015](#)

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 06:25 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department