



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
January 26, 2016 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Vacancy **Vacancy** Tom Frank Kevin Grey Gerardo “Tato” Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Frank
 Grey
 Muñoz
 Reid

ABSENT

Tatum

AREA OF IMPACT MEMBERS

PRESENT

Woods

ABSENT

Higley

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): **01-06-16 WS, 01-12-16 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - James Ray Construction/JVR (SUP 01-12-16) • The Tint Lady (SUP 01-12-16)
 - Petruzzelli (SUP 01-12-16) • Eastpark Professional Subd No. 2 (Pre-plat 01-12-16)

III. ITEMS OF CONSIDERATION: None

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to establish and operate a used automobile sales lot located at 607 Blue Lakes Boulevard North c/o Kenneth Kuntz (app. 2764)

Applicant Presentation:

Ken Kuntz, the applicant, stated he would like to operate a used automobile sales at 607 Blue Lakes Boulevard North. He explained this will be a small operation with two employees with approximately 8-12 cars for sale at any time. He would really like to start his business at this location.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated in 2003, Special Use Permit 819 was issued for a Coffee Shop to operate a Drive-thru window. There were conditions placed on that permit. However, the use changed in 2007-2008 when a larger modular building was placed on the lot to accommodate a Pay Day Loan business. No further zoning or building history is known at this time.

Per City Code 10-4-8: The C-1 Commercial Highway Zoning District requires automobile and truck sales and/or rentals businesses to acquire a Special Use Permit prior to being legally established.

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Per City Code 10-10: The retail use of an automobile sales site has a parking requirement of one (1) parking space per five hundred (500) square feet of the associated structure. The building is listed at approximately 575 square feet, which equals two (2) parking spaces. The applicants' site plan shows that number being exceeded. However, the commission may wish to evaluate the land use described by the applicant for any parking issues that could cause impacts to the area and address those appropriately.

Per City Code 10-11-1 thru 8: Required improvements include streets, water and sewer, drainage and storm water. These required improvements would be evaluated and all applicable code requirements will be enforced at the time of building permit submittal. However, we do not anticipate a building permit being submitted for this project. As a result, the commission may wish to evaluate this project for any improvements it feels are necessary to mitigate any impacts that could occur.

Retail Vehicle Sales lots can have impacts on neighboring properties. Due to the limited space on this property, the inventory for this business will not be excessive. As a result, the impacts that typically cause issues will most likely be minimal.

Staff does not foresee excessive negative impacts associated with the proposed operation of a vehicle sales lot on this particular property.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval 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. Subject to the screening fence on the West side of the property being maintained in good repair.
3. Subject to no audio or announcement system being utilized on this property.

PZ Questions/Comments:

- Commissioner Frank asked if there will be a cross use agreement between the adjacent properties.
- Mr. Kuntz explained yes there will be a cross use agreement.
- Commissioner Munoz asked if the current building on the property is permanent.
- Planner I Spendlove explained that building is permanent and does have a certificate of occupancy.

Deliberations Followed: [Without Concerns](#)

Motion:

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

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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 the screening fence on the West side of the property being maintained in good repair.
 3. Subject to no audio or announcement system being utilized on this property.
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2. Request for the Commission's recommendation on a **Zoning Title Amendment** to add "Theater - Outdoor" in the Old Town Zoning District 10-4-13.2(B)6 as allowed by Special Use Permit and to modify Title 10-2-1 the definition of Theater, Outdoor Drive-in. c/o Mark Gallegos (app. 2765)

Applicant Presentation:

Mark Gallegos, Eagle Mountain, UT, explained that the reason for this request is because they have scheduled events in Twin Falls in the Old Town area but have had to make a request for each individual event which adds time to their process making it difficult to book events. By adding the outdoor theater to the Old Town Zoning District as allowed by Special Use Permit, they would be able to apply for a Special Use Permit so that they could operate at a specific location in the Old Town area as an outdoor-theater, making booking events easier.

Staff Presentation:

Planner I Spendlove explained the process the applicant is referring to for scheduling their events is called a Special Event process. The dates have to be preselected dates months in advance for the Special Event Calendar they were approved for a few events last summer and it was brought up by City Council that perhaps this could be something made more permanent. In response to this the applicant has met with staff and has made a request for a Zoning Title Amendment. The amendment would allow by Special Use Permit in the Old Town Zoning District "Outdoor – Theater". This would allow more flexibility for the venue as well as some oversight by the City to make sure the site is going to work.

The proposed amendment modifies two sections. The amendment would modify the definition found in **City Code 10-2-1: Theater – Outdoor Drive-In**, and add a new "Use" in **City Code 10-4-13: OT, Old Town District: Use Regulations: Special Uses: "Theater - Outdoor."**

This amendment would modify the definition as follows:

"THEATER, OUTDOOR ~~DRIVE-IN~~: An open **developed** lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures, ~~or~~ theatrical **or musical** productions/**concerts**, on a paid admission basis, to patrons seated in automobiles or on outdoor seats."

The amendment would also allow outdoor theaters to apply for a Special Use Permit to operate in the OT Zone. This would still allow for local governmental oversight and public input to take place in the design and operations of the theater.

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Currently, the "Theater - Outdoor" use is a Special Use in the CB, C-1, CM, M-1 and M-2 Zoning districts. The addition of this use to the OT Zoning District as a Special Use will help mitigate potential negative impacts due to the Public Hearing process required. Potential interested parties will be notified via City Code requirements, and public comment will be allowed on the operation and development of the outdoor theater. This will also provide potentially affected citizens a process to have the "Special Use" reviewed for nuisances, or other currently unforeseen negative impacts.

Staff concurs with the amendments as proposed by the applicant.

Planner I Spendlove state upon conclusion the Commission may recommend to the City Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested (will require another public hearing before the Commission), or it may recommend that the amendment be denied.

PZ Questions/Comments:

- Commissioner Grey asked if this was approved, if the applicant would then be allowed to request a Special Use Permit for an outdoor theater in the Old Town District.
- Planner I Spendlove confirmed that if this is approved it would allow the applicant to apply for a Special Use Permit for an outdoor theater in the Old Town District.
- Commissioner Grey asked if there was a reason this use was not included in the Old Town District originally.
- Planner I Spendlove explained he is not sure why, it could have just been an oversight.
- Commissioner Woods asked for a map of the Old Town District to be displayed on the overhead.
- Commissioner Munoz asked if there is anything in the code that would address an impact to surrounding residential properties.
- Zoning & Development Manager Carraway-Johnson explained that there are two different kinds of events, those that are special events like the ones that happen at the park or other locations. The applicant is trying to make this a specific use, for a specific location to be allowed under a Special Use Permit. This use is allowed in a few other zones but with a Special Use Permit it allows for some consideration of the residential properties and other impacts to surrounding areas and requires site improvements.
- Commissioner Woods asked where this use would be located.
- Planner I Spendlove explained this request is just for a Zoning Title Amendment, the request it is not specific to location in the Old Town District, with approval of this amendment a specific site would be identified through the Special Use Permit process.
- Commissioner Frank stated that his only concern is the verbiage used, there is a difference to some between theater and venue. He likes that fact that with this specific applicant the events they have hosted have not generated any complaints and the Special Use Permit process would work well for this type of use.
- Commissioner Grey asked if there would be requirements related to screening for the property.

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- Planner I Spendlove explained that this request is for a Zoning Title Amendment, however if this is approved and someone came through to request a Special Use Permit for this type of use all of the property improvement requirements along with screening would be reviewed. Each site would be reviewed with each Special Use Permit request.
- Commissioner Munoz asked what happens in the case of pre-established locations, for example the old drive-ins. These are already established as outdoor theaters this would not be a change of use so would it be possible for someone to just set up one of these locations as an outdoor theater.
- Planner I Spendlove explained this change could affect the existing use for the drive-ins however without more specific dates and information about these sites it is difficult to speculate.
- Zoning & Development Manager Carraway-Johnson explained a code change is recognized as a process that can trigger review for compliance. If there were some changes made to the site it could trigger full review.
- Commissioner Reid asked if the reason for the change is to speed up the event process.
- Zoning & Development Manager Carraway-Johnson explained that the reason of the request is that this applicant would like the ability to have a permanent outdoor concert location in the Old Town District with an approved Special Use Permit.
- Commissioner Reid clarified this would allow the applicant to book easier and faster.
- Planner I Spendlove explained yes that is correct and it would not require them to go through an approval process every year unless that was a condition of the Special Use Permit.

Closing Statements:

Mr. Gallegos, stated this season looks very promising and this would allow them the opportunity to schedule acts easier.

Deliberations:

- Commissioner Grey stated he was in the downtown area when one of this applicants events took place and didn't see it as chaotic or congested and was pleased at how the event was managed. He doesn't see any issues with approving this request.
- Commissioner Munoz explained he has concerns with this change because it impacts existing sites that are classified as outdoor theaters. If there are not any changes made to the site someone could just come in and start having concerts at these locations without triggering a review or approval.
- Zoning & Development Manager Carraway-Johnson explained these facilities are recognized as an outdoor drive-in movie theater. The example Commissioner Munoz is referring to would be a change of use and would require a review.
- Commissioner Woods stated that Twin Falls is a growing community and is not a night time community however there is a need for this type of activity for the younger population. He has no problems with this request.

Motion:

Commissioner Grey recommended approval of this request, as presented, to the City Council.

Commissioner Reid seconded the motion. Commissioners Reid, Frank, Woods & Grey voted in favor of this motion and Commissioner Munoz voted against this motion. Motion Passed 4-1.

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Recommend Approval, As Presented to City Council
City Council Public Hearing Scheduled Monday, February 22, 2016

3. Request for a **Non-conforming Building Expansion Permit** to add 280 sf +/- to a legal non-conforming building located on the south side of the 1600-1700 Blocks of Elizabeth Boulevard East aka Harmon Park c/o City of Twin Falls Parks & Recreation Department (app. 2766) **WITHDRAWN**

V. GENERAL PUBLIC INPUT: None

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

- Zoning & Development Manager Carraway-Johnson explained that in 2014 the City Parking Code was amended and during that process City Code 10-7-13 Vehicle Stacking Requirements for Drive-Through Facilities became a contradiction to our new parking code. She stated that staff would like to proceed with a Zoning Title Amendment to remove City Code 10-7-13 from the code.
- Commissioner Frank stated the parking code that was approved in 2014 is the direction to follow, this was just an oversight. The Commission supports staffs request to move forward with a Zoning Title Amendment.
- Commissioner Woods asked for an update on the Quail Ridge Estates PUD Amendment and communication with the citizen that came forward at the meeting.
- Zoning & Development Manager Carraway-Johnson stated the citizen did not come in to speak with staff and added the request has been withdrawn which could explain why the citizen did not come in to speak with staff – if she was aware of the status of the request.
- Commissioner Grey asked about the possibility of having the Commissioners send staff or meet with staff about possible topics to discuss at the work sessions.
- Zoning & Development Manager Carraway explained that the Commission is welcome to come in and visit with staff any time they have questions or ideas they would like to discuss. She also stated that staff has received 4-5 inquiries from citizens expressing their interest in serving on the Commission. She is looking to schedule the interviews either the second or third week of February. She also reminded the Commission of the Events scheduled on Thursday, Feb 28, 2016 regarding the Comprehensive Plan Update and stated that on Friday, January 29, 2016 at 10:00 am the Logan-Simpson Consultants will be giving an update to the Comprehensive Plan Advisory Committee on the citizen comments and other information they have gathered to date. Last but not least staff has been doing interviews for a new Planner position and hopefully that position will be filled soon.

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

1. Work Session-**February 3, 2016**
2. Public Hearing-**February 9, 2016**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:00 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department