



NOTICE OF AGENDA
TWIN FALLS CITY PLANNING & ZONING COMMISSION
May 24, 2016 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Danielle Dawson Tom Frank Kevin Grey Gerardo "Tato" Muñoz Ed Musser Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **May 10, 2016 PH**
2. Approval of Findings of Fact and Conclusions of Law: **None**

III. ITEMS OF CONSIDERATION:

1. Consideration of **Initiation of the Revocation** of Special Use Permit #1313 granted on April 22, 2014 to Mark Gordoski dba Marky's Supertow to operate an automotive impound facility on property located at 198 Gem Street. c/o City of Twin Falls (app. 2616)

IV. PUBLIC HEARINGS:

1. Request a **PUD Amendment** to the North Haven PUD #235 to allow building heights within the North Haven Business Park Subdivision No. 2 as per City Code and Ordinance 3077 for property located northwest of the Cheney Drive West and Billiar Street intersection. c/o Gerald Martens on behalf of the North Haven Business Park, Inc. (app. 2790)
2. Request for a **Special Use Permit** to establish a new car dealership with service bays, amplified music, extended hours of operation and 2 display pads fronting Blue Lakes Boulevard North on property located at 821 and 825 Blue Lakes Boulevard North. c/o Kevin Johnson on behalf of Paul Wareing (app. 2792)
3. Request for a **Special Use Permit** to operate a steam cleaning business to include delivery and pick-up of carpets, furniture and automobiles to clean onsite. c/o Gerald Martens on behalf of Mr. Steam Carpet Cleaning (app. 2793)
4. Request for the Commission's recommendation on a **Zoning Title Amendment** to amend City Code 10-7-20(B)2c; Public Hearing Notice Requirements by adding "or as determined by the Administrator" to the number of posted public notice signs required. c/o City of Twin Falls (app. 2791)

V. GENERAL PUBLIC INPUT:

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

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

1. Joint Public Meeting- **May 25, 2016**; P&Z Commission & the Comprehensive Plan Advisory Committee
2. Work Session- **June 1, 2016**
3. Public Hearing- **June 14, 2016**

VIII. ADJOURN MEETING:

Si desea esta información en español, llame Leila Sanchez 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.

**Planning & Zoning Commission Minutes
May 10, 2016**

North Haven Subdivision No. 2, A PUD was platted in 2009. Multiple buildings have been constructed within this subdivision including, First Federal Bank, various medical and professional offices, Norco Medical, a Dialysis Center, and Castle's Corner Convenience Store and Service Station.

This is a preliminary review for a request to amend the North Haven PUD #235 to allow additional building heights within the North Haven Business Park Subdivision No. 2 as per City Code and Ordinance 3077 for undeveloped property located northwest of the Cheney Drive West and Billiar Street intersection.

The additional Height being requested is to simply to match the maximum height allowed per our current zoning Code. The PUD had placed a maximum height of 35' on themselves. They wish to follow the current height limitation set forth in the current zoning Code.

Planner Spendlove stated upon conclusion that a public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting [Tuesday, May 24, 2016](#). A comprehensive Staff analysis will be provided at that time.

Public Comment: [Opened & Closed Without Concerns](#)

[Planning & Zoning Public Hearing is Scheduled for May 24, 2016](#)

IV. PUBLIC HEARINGS:

1. Request to [Vacate](#) approximately 8000 sq. ft. of right-of-way along the 100 block of Hansen Street East [c/o City of Twin Falls](#) (app. 2784)

Applicant Presentation:

Client Sievers, Hummel Architect, representing the City of Twin Falls stated that they have been working with the City on planning the new City Hall building. There will be a change of use for the area from retail to more public community gatherings and there will be a need to vacate a portion of Hansen Street East to meet building code requirements and ADA requirements for access to the building without doing ramps or handrails. The vacation will also allow for a vestibule type entrance to meet current building code and additional width for pedestrian circulation.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this portion of Right-of-Way was dedicated as part of the Twin Falls Town Site Plat established in the early 1900's. The plans for renovation of the old Banner Building into the New City Hall show a vestibule being constructed outside the current building envelope and into the sidewalk area fronting Hansen Street East. The vestibule on the new City Hall allows for a more energy efficient design and aesthetic exterior including some planter boxes and public space. Current codes do not allow for buildings, or portions of buildings to be constructed within the Right-of-Way. Originally 8000 sq. ft. was the estimate size needed for the vacation, however after some discussion with staff and review of the code that has been reduce to approximately 2500 sq. ft. The city would like to maintain the Hansen Street East Right-of-Way so parking will not be allowed in this area and will provide a festival street type design.

Additionally, the plans for the Plaza and Main Street Redesign call for Hansen Street to be constructed into a Festival Street, this section of roadway will look and feel differently from the rest of Hansen Street.

**Planning & Zoning Commission Minutes
May 10, 2016**

Although the Right of Way would be vacated, the City plans to maintain a roadway through this section of Hansen Street in order to maintain the roadway connections through the area. Staff does not foresee the roadway network or adjoining properties being negatively impacted by this request.

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 upon conclusion should the Commission recommend approval of the request staff recommends the following conditions.

1. Subject to the retention of a pedestrian easement along Hansen Street East
2. Subject to a technically correct legal description being provided prior to the City Council public hearing.

PZ Questions/Comments:

- Commissioner Higley asked if the remaining portion of Hansen Street East is going to remain a road.
- Planner I Spendlove stated yes Hansen Street East will still go through and be wide enough for two-way traffic.

Public Comment: [Opened & Closed Without Concerns](#)

Motion:

Commissioner Tatum made a motion to recommend approval of the request, as presented with a reduction of the area as shown on the site plan presentation, with staff recommendations. Commissioner Reid seconded the motion. All members present voted in favor of the motion.

[Recommend, Approval, As Presented, To City Council](#)

1. Subject to the retention of a pedestrian easement along Hansen Street East
2. Subject to a technically correct legal description being provided prior to the City Council public hearing.

[City Council Public Hearing Scheduled June 6, 2016](#)

2. Request to **[Vacate](#)** an irrigation easement on the North side of 3600 North Road approximately 850 ft. West of Harrison Street South Twin Falls School District #411 c/o City of Twin Falls (app. 2786)

Applicant Presentation:

Lee Glaesemann, City Staff Engineer, reviewed the request on the overhead and stated when the South Hills Middle School was designed a request for a pressurized irrigation easement was made by the City of Twin Falls. The original intent was to run the irrigation easement lengthwise from east to west adjacent to road frontage and after the design was complete it was determined that the easement needed to be changed to run north to south to provide better access and make it easier to maintain. In order to get the new easement, the Twin Falls School District asked that the original easement be vacated.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this Irrigation easement was dedicated as part of the Golden Eagle Subdivision #5 in 2015. It was originally dedicated as part of the irrigation network when the Middle School came through the platting process.

**Planning & Zoning Commission Minutes
May 10, 2016**

Staff does not foresee unreasonable impacts with the vacation of the platted irrigation easement. Due to timing of events it is common practice to place a condition on the vacation which requires the recording of the new 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 upon conclusion should the Commission recommend approval of the request to the City Council, staff recommends the following condition.

1. The new easement language shall receive City Engineer approval, and be recorded, prior to the City Council signing the ordinance granting the vacation.

Public Comment: [Opened & Closed Without Concerns](#)

Deliberations Followed: [Without Concerns](#)

Motion:

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

[Recommend, Approval, As Presented, To City Council](#)

1. The new easement language shall receive City Engineer approval, and be recorded, prior to the City Council signing the ordinance granting the vacation.

[City Council Public Hearing Scheduled June 6, 2016](#)

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

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

Zoning & Development Manager Carraway-Johnson stated that the two vacation requests heard tonight will move forward and be scheduled for the June 6, 2016 City Council Meeting. She also reminded the Commission that on May 25, 2016 there will be a joint meeting held with the Comprehensive Plan Advisory Committee to review maps and draft documents for the Comprehensive Plan Update.

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

1. Public Hearing- [May 24, 2016](#)
2. Joint Meeting- [May 25, 2016 \(Comprehensive Plan Advisory Committee\)](#)
3. Work Session-[June 1, 2016](#)

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:30 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



Public Hearing: **TUESDAY, May 24, 2016**
 To: Planning & Zoning Commission
 From: Jonathan Spendlove, Planner I

AGENDA ITEM III-1

Request:

Consideration of **Initiation of the Revocation** of Special Use Permit #1313 granted on April 22, 2014 to Mark Gordoski dba Marky's Supertow to operate an automotive impound facility on property located at 198 Gem Street. (app. 2616)

Time Estimate:

Staff presentation may take up to fifteen (15) minutes. Additional time for questions by the commission may be necessary

Background:

Applicant:	Status: Commercial Lease	Size: 1.5 Acres
City of Twin Falls PO Box 1907 Twin Falls, Idaho 83303-1907	Current Zoning: M-2	Requested Zoning: Revocation of SUP 1313 for Auto Impound Yard
	Comprehensive Plan: Industrial	Lot Count: 1 Lot
	Existing Land Use: undeveloped	Proposed Land Use: Automotive Impound Yard
SUP issued to:	Zoning Designations & Surrounding Land Use(s)	
Marky's Supertow c/o Mark Gardoski 1406 Kimberly Rd Twin Falls, ID 83301 734-1869 markyssupertow@hotmail.com	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	

Revocation of a Special Use Permit Process:

Revocation of a Special Use Permit process requires a public hearing to be held in which the permit holder, city staff and/or aggrieved party may present testimony or other evidence at said public hearing.

The decision of the zoning body hearing a revocation proceeding shall be based on the record. If said zoning body finds substantial evidence on the record that continuance of the use in question will result in a significant adverse impact on the surrounding developments or other affected parties, and that the permit holder is unable or unwilling to alleviate the adversity, or if said zoning body finds substantial evidence on the record that conditions, safeguards or restrictions imposed by the commission or council have been violated, the zoning body may revoke the permit in question.

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.

Special Use Permit #1313 was granted to Mark Gordoski dba Marky's Supertow on April 22, 2014 to operate an automobile impound yard on property located at 198 Gem Street. The permit was granted subject to compliance 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. 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.

The City received a complaint regarding the status of the site in March 2016. Upon inspection of site based upon the complaint the city's Code Enforcement Officer Sean Standley observed the site and determined the business was not operating in compliance with Special Use Permit #1313. A letter dated March 18, 2016 was sent to Mr. Gardoski informing him the impound yard was not operating in compliance with the special use permit and continued non-compliance could result in revocation of the special use permit. As of today Mr. Gardoski has not contacted the city.



CITY OF TWIN FALLS
Planning & Zoning Department
324 Hansen Street E
P.O. Box 1907
Twin Falls, ID 83303-1907

Phone: 208-735-7267
Fax: 208-736-2256
www.tfid.org

May 18, 2016

Mark Gordoski
Markey's Impound Yard
1406 Kimberly Rd
Twin Falls, Idaho 83301

Mr. Gordoski;

On April 22, 2014 Special Use Permit #1313, attached, was granted to operate an impound yard at 198 Gem St. subject to 10 conditions. In March the city received a complaint regarding the condition of the site. Upon inspection it was determined the property was not in compliance with your special use permit. On March 18, 2016 you were informed this property needed to be in compliance with Special Use Permit #1313 to ensure the special use permit was not revoked. As of today there has been no contact by you and the property is not in compliance. On May 24, 2016 this matter will be brought to the Planning & Zoning Commission for consideration of initiation of revocation of Special Use Permit #1313, granted on April 22, 2014 to allow the operation of an impound yard at 198 Gem St. If you have any questions, please don't hesitate to contact me.

Sincerely,

Rene'e V. Carraway-Johnson
City of Twin Falls
Zoning & Development Manager
PO Box 1907
Twin Falls, Idaho 83303-1907

Cc: Sean Standley

Attach: Special Use Permit #1313

City Code Section 10-13-2.3 provides a procedure for revocation of permits. Specifically, 10-13-2.3(A)2 states that a permit can be revoked, "for violation of supplementary conditions, safeguards and/or restriction imposed by the City Council or the Planning & Zoning Commission at the time the permit was granted." A petition for revocation may be initiated by the adoption of a motion by the Commission, City Council or by the filing of a petition by an aggrieved person.

Conclusion:

The commission may vote to initiate the revocation process, you may vote to table and bring this item back at another public meeting or you may vote to not initiate the revocation process.

Attachments:

1. Letter of violation, Mar 18, 2016
2. Letter confirming consideration of revocation scheduled for P&Z, May 18, 2016
3. April 22, 2014 staff report
4. April 22, 2014 P&Z PH Minutes
5. Findings of Fact, Conclusion of Law for Special Use Permit #1313
6. Zoning Vicinity/Aerial Map
7. Applicant Submitted Site Plan
8. Site Photos; 2012, 2014 & 2016



CITY OF TWIN FALLS

Planning & Zoning Office
324 Hansen Street East
P.O. Box 1907
Twin Falls, ID 83303-1907

Phone: 208-735-7267
www.tfid.org

March 18, 2016

Mark Gordoski
1406 Kimberly Rd
Twin Falls, ID 83301

COURTESY NOTICE

Property Location: Multiple (198 Gem St, 371 Locus St S, 1406 Kimberly Rd)
Re: Special Use Permit Infraction
Re-inspection Date: March 28, 2016

To Whom It May Concern:

It has been brought to the City of Twin Falls attention that several of your properties have Special Use Permit infractions that need to be addressed. Copies of the Special Use Permits with the conditions of approval have been attached. The city is asking for your cooperation in bringing the properties into compliance.

City Code is applicable at all times and non-compliance could result in a review of the Special Use Permits for consideration of revocation. Feel free to contact our office with any questions or concerns at 735-7269.

Sincerely,

Renee Carraway-Johnson
Zoning & Development Manager



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.



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
April 22, 2014, 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" Munoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

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

AREA OF IMPACT MEMBERS

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

CITY COUNCIL LIAISON(S): Mill Sojka

CITY STAFF: Carraway, Spendlove, Strickland, Vitek, Wonderlich

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): **April 3, 2014 WS, April 8, 2014 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Laurelwood Subd No. 3 (pre-plat 04-08-14)

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

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

Applicant Presentation:

Marky Gardoski, the applicant, stated he purchased this property last year and would like to make this an impound yard for his towing business.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. He stated the property has been 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.

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. The definition also defines the number of days a vehicle can be on the property. All of these codes have to be followed to operate the impound 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 sq. ft. 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.

Planner I Spendlove stated upon 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.

Commissioner Questions/Comments:

- Commissioner Grey asked what is north of the property and .
- Planner I Spendlove explained there is railroad property and the property owner has to convey it to property owner as well as their own storm water.
- Commissioner Munoz asked if condition number ten also includes landscaping.
- Assistant City Engineer Vitek stated landscaping is not part of the deferral.
- Commissioner Woods asked what kind of plans there are for controlling the particulate matter.
- Planner I Spendlove explained that on the site plan there will need to be gravel or some other type of surface to reduce the particulate matter.
- Commissioner Reid asked to be shown where the 8' fence will be placed.
- Mr. Gardoski stated the area where they will be storing the cars is not gravel but they will be putting 4" gravel in that area to address the particulate matter.
- Commissioner Frank asked how the city will regulate compliance with fluid management.
- Mr. Gardoski stated the City, County and State do random inspections and they are required to meet regulations for disposal and control to operate.
- Commissioner Higley asked about the trailers that is seen above the 8' fence and if that would be an issue.
- Planner I Spendlove stated unless the trailer is being impounded it should not be there.
- Mr. Gardoski stated two of the trailers are impounded and if they can't be parked there they can be parked at the body shop.
- Commissioner Munoz stated he understands that there are residential homes around this area and was wondering what the hours of the business are for the night time.
- Mr. Gardoski explained that they may have one or two go to the site at night but most of the activity is during the day.

Public Hearing: Opened and Closed without public input

Deliberations Followed: Without Concerns

Motion:

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations. Commissioner Munoz 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. 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.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: NONE

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

1. Work Session- **May 7, 2014**
2. Public Hearing- **May 13, 2014**

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:30 PM



BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:

Special Use Permit, Application,

Marky's Supertow
c/o Mark Gardoski
Applicant(s)

)
)
)
)
)
)

K. Green

FINDINGS OF FACT,

[Handwritten initials]

CONCLUSIONS OF LAW,

AND DECISION

[Handwritten initials]

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on April 22, 2014 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of allowing an automotive impound facility on property located at 198 Gem Street, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of allowing an automotive impound facility on property located at 198 Gem Street
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: April 3, 2014
3. The property in question is zoned M-2 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Industrial in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Rail Road Spur; to the south, Industrial; to the east; Industrial; and to the west, Industrial

Based on the foregoing Findings of Fact, the Planning and Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of allowing an automotive impound facility on property located at 198 Gem Street is consistent with the purpose of the M-2 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.
2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.
3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2
4. The proposed use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area as required by Twin Falls City Code 10-13-2.2(D)3.
5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.
6. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community as required by Twin Falls City Code 10-13-2.2(D)6.
7. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors as required by Twin Falls City Code 10-13-2.2(D)7.

8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.

9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.

10 The proposed use is a proper use in the M-2 Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of allowing an automotive impound facility on property located at 198 Gem Street should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

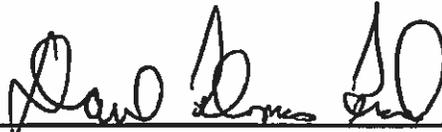
Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

DECISION

1. The application for a Special Use Permit for the purpose of allowing an automotive impound facility on property located at 198 Gem Street is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

3. The Special Use Permit shall be issued, as presented.



CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

5/13/10

DATE

"EXHIBIT NO. A"

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.

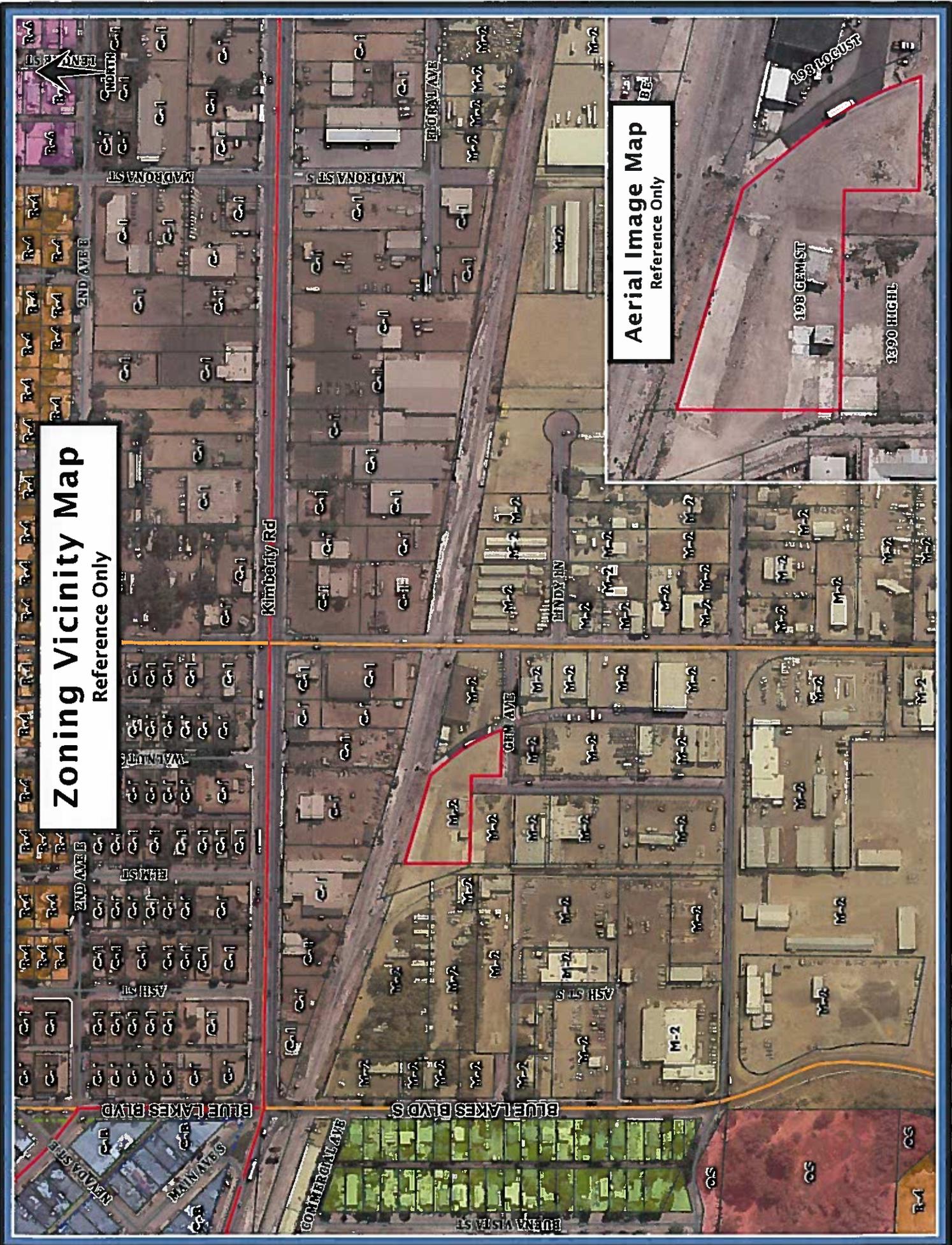
APPLICATION #2616
SUP #

Zoning Vicinity Map

Reference Only

Aerial Image Map

Reference Only

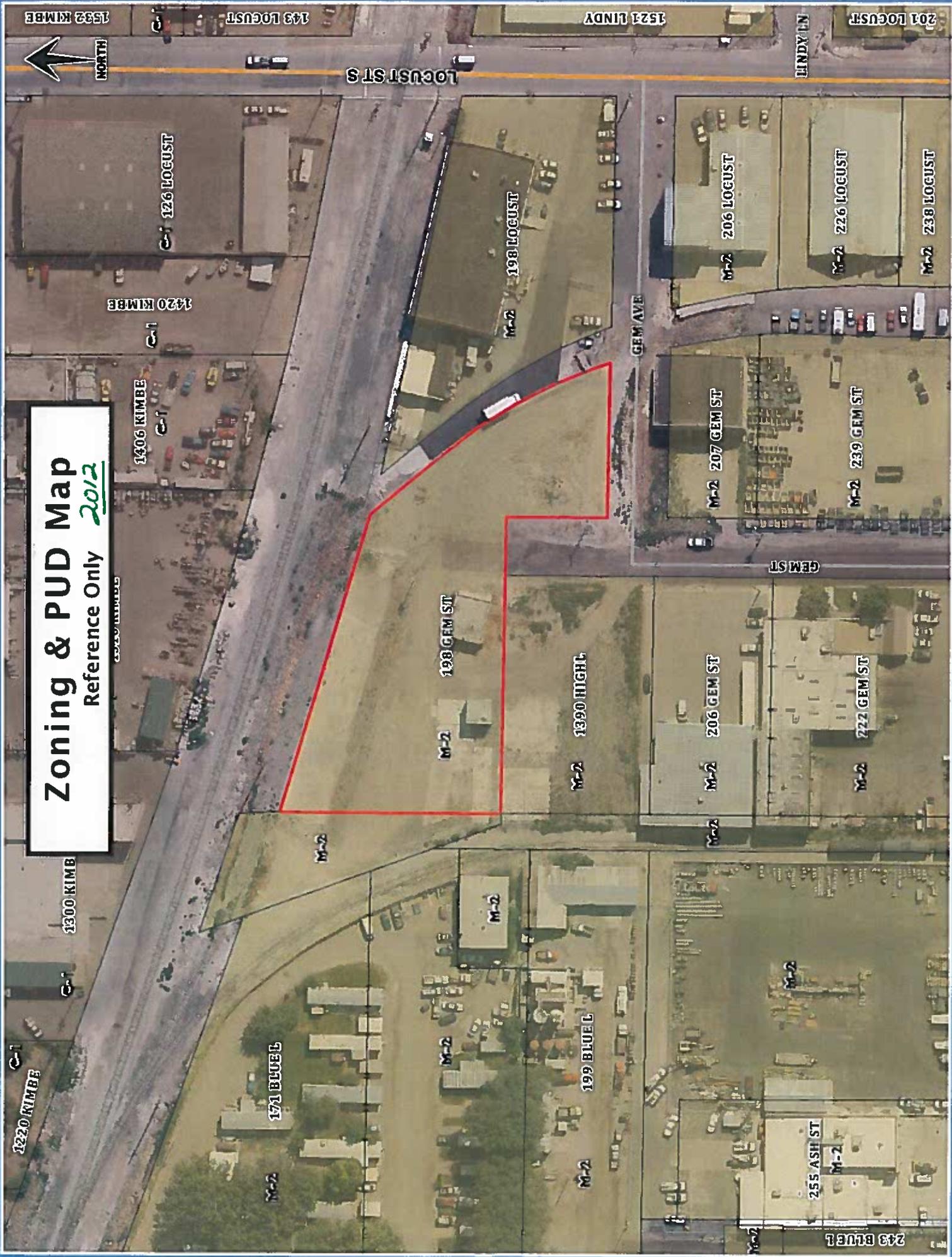


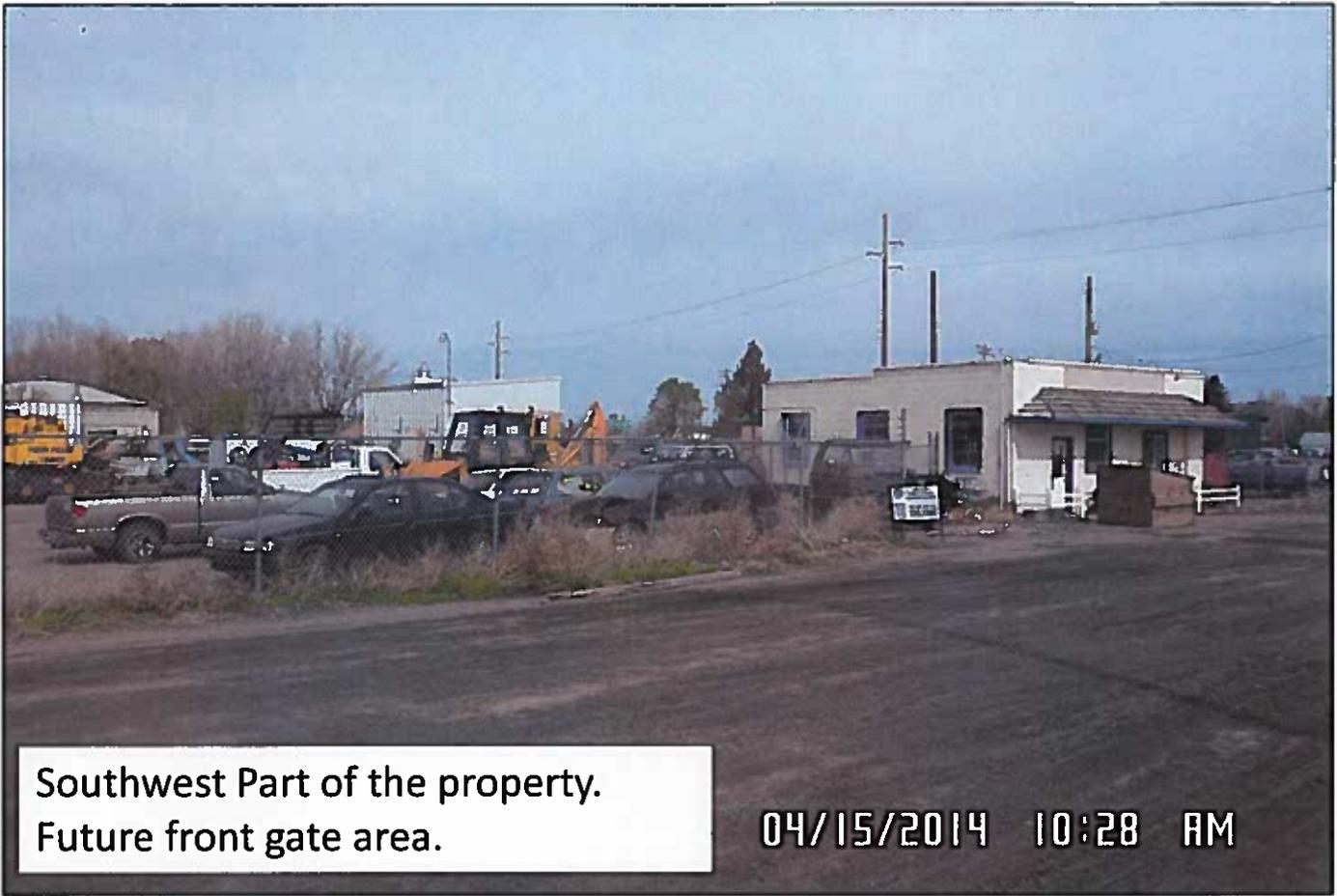
Zoning & PUD Map

Reference Only

2012

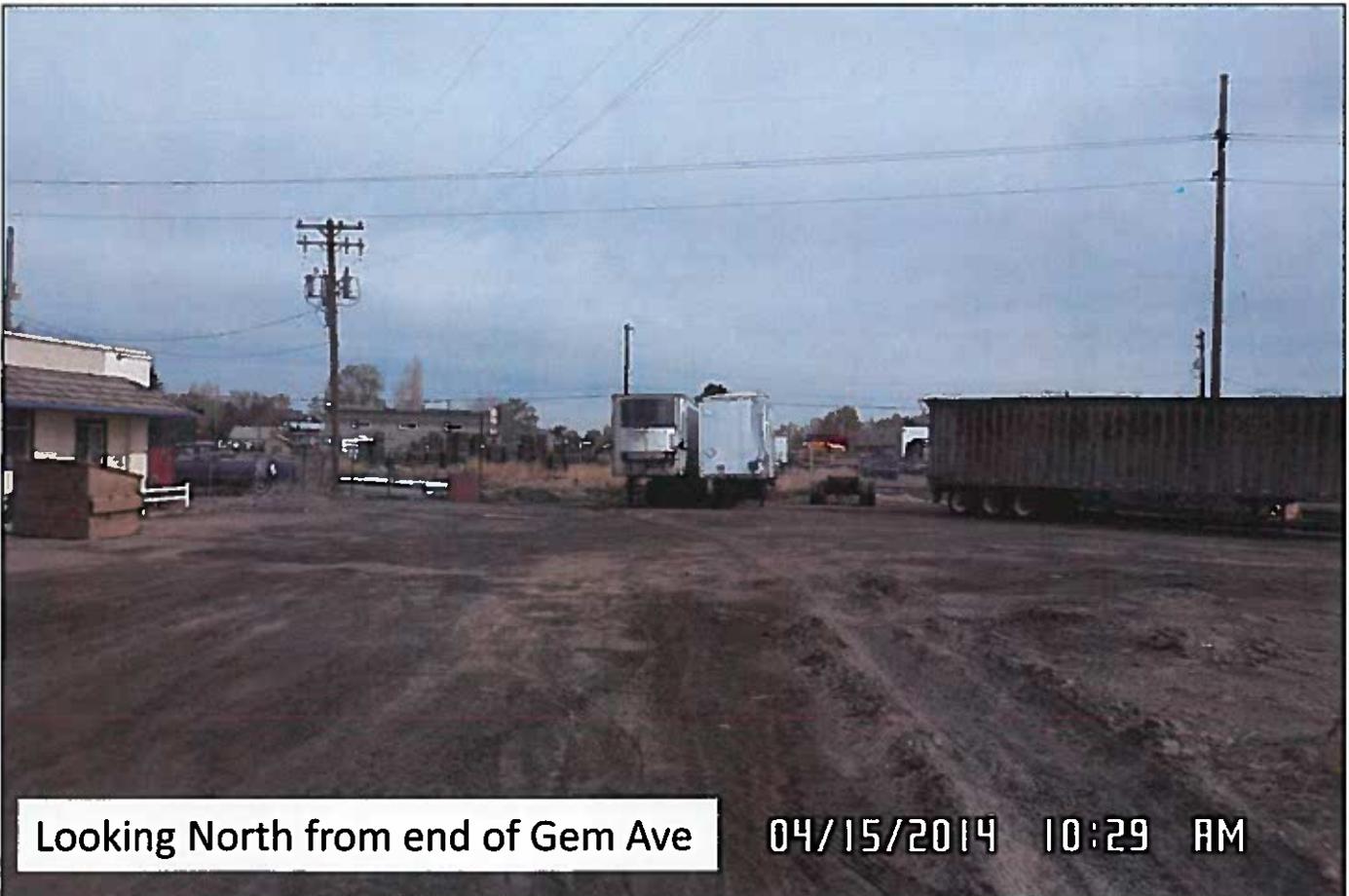
CITY OF KIMBE





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



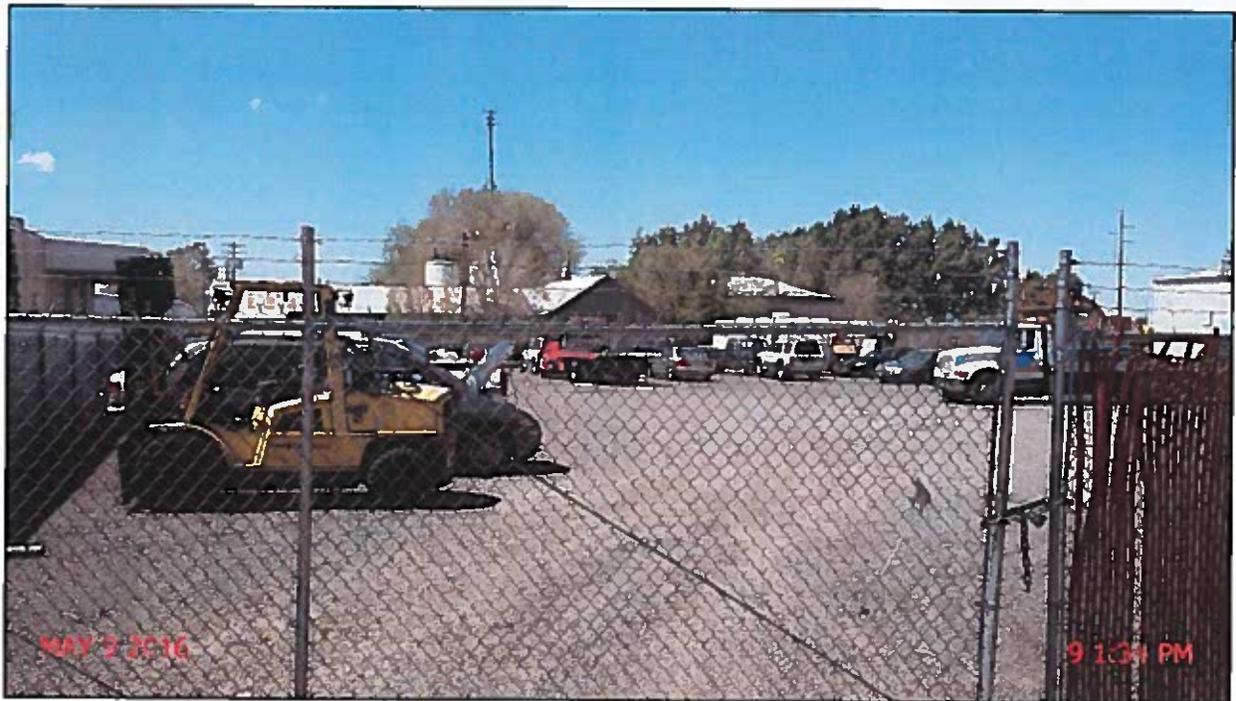
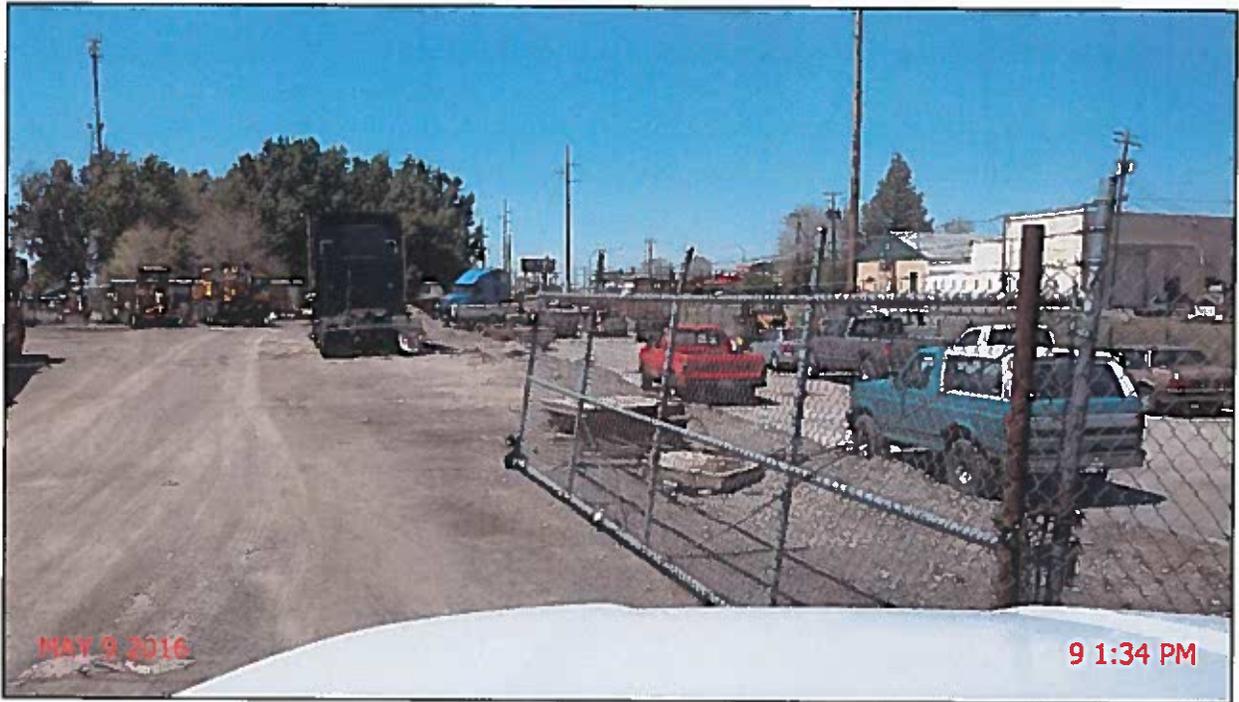
04/15/2014 10:29 AM



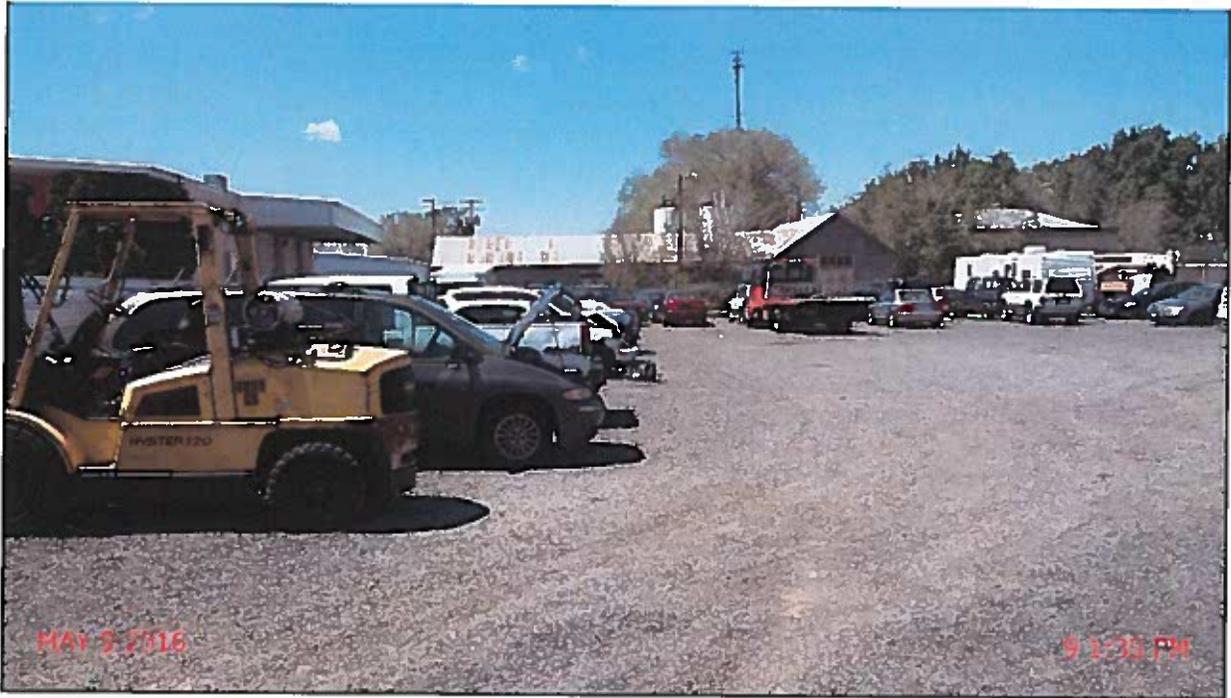
Looking West from North Part of property near RR Tracks

04/15/2014 10:29 AM

May 2016



May 2016





Preliminary PUD Presentation: TUESDAY, May 10, 2016

PUBLIC HEARING: TUESDAY, MAY 24, 2016

To: Planning & Zoning Commission

From: Jonathan Spendlove, Planner 1

AGENDA ITEM IV-1

Request: Request for a **PUD Amendment** to the North Haven PUD Agreement #235 to allow additional building heights within the North Haven Business Park Subdivision No. 2 as per City Code and Ordinance 3077 for property located northwest of the Cheney Drive West and Billiar Street intersection. c/o Gerald Martens on behalf of North Haven Business Park, Inc. (app. 2790)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff may take up to ten (10) minutes and then time for questions.

Background:

Applicant:	Status: Partner/Property Owner	Size: 25 (+/-) acres
North Haven Business Park, LLC 621 North College Rd Suite 100 Twin Falls, Idaho 83301 734-4888	Current Zoning: C-1 PUD	Requested Zoning: Amendment to North Haven PUD Agreement #235
	Comprehensive Plan: Commercial/Retail	Lot Count: N/A
	Existing Land Use: Undeveloped/ North Haven Sub No 2 Subdivision-a PUD	Proposed Land Use: as per the North Haven PUD Agreement #235 Business Park/Commercial/Retail
Representative:	Zoning Designations & Surrounding Land Use(s)	
Gerald Martens 734-4888 gmartens@ehminc.com	North: C-1 PUD; development Canyon Properties PUD	East: C-1 PUD; WalMart
	South: R-2 PUD; Cheney Dr W/ Canyon Ridge HS	West: C-1 PUD; Park View Drive/North Pointe Park PUD; commercial
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-6-1.6, 10-7-3, North Haven PUD #235	

Approval Process:

As per Twin Falls City Code 10-6-1.6-procedure for conformance with a ZDA:

Final development plans, including plats, construction plans, and/or site plans, submitted for the development of the ZDA subject parcel shall conform to the approved conceptual development plan. Details on the final development plan(s) with minor variations from the conceptual development plan may be approved by the administrator, or designated city official without public hearing. If it is determined that a proposed change(s) constitutes a departure from the conceptual development plan and/or the development standards, the ZDA written commitment document shall be adequately amended using the initial approval process contained herein. ***Changes to any of the following items constitute a departure from the conceptual development plan and/or development standards, thus changing the basic relationship of the proposed development to the adjacent property:***

The permitted uses, Increase in density, INCREASE IN BUILDING HEIGHT, Increase in building coverage of the site, Reduction in the off street parking ratio, Reducing the building setbacks provided at the boundary of the site, Reduction of any open space plans, or Alteration of the overall design theme, primary architectural elements, or building materials. (Ord. 3082, 12-8-2014)

Budget Impact:

Approval of this request may have a financial impact on the City budget as commercial development could bring in additional tax revenue.

Regulatory Impact:

After a public hearing, a recommendation from the Planning and Zoning Commission for the requested change will allow the request to proceed to the City Council for a decision.

History:

Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed. The North Haven Business Park C-1 PUD was annexed in 2004, and went through the platting process in 2004-2005 and in 2009. In 2006, the PUD was amended to include additional lots and land uses within the Walmart site only.

North Haven Subdivision No. 2, A PUD was platted in 2009. Multiple buildings have been constructed within this subdivision including, First Federal Bank, various medical and professional offices, Norco Medical, a Dialysis Center, and Castle's Corner Convenience Store and Service Station.

Analysis:

This is a preliminary review for a request to amend the North Haven PUD #235 to allow additional building heights only within the North Haven Business Park Subdivision No. 2 as per City Code and Ordinance 3077 for undeveloped property located northwest of the Cheney Drive West and Billiar Street intersection.

The additional height being requested is to allow development to comply with the code as of today. At the time the North Haven PUD Agreement #235 was approved the maximum building height in the C-1 zone was 35'. The PUD had placed a maximum height of 35' on themselves. In August 2014 the City Council approved a code amendment to allow the maximum building height in the C-1 Zone to be 50'. They wish to follow the current height limitation set forth in the current zoning Code.

Possible Impacts:

The change in allowed building height will have minimal impact to the surrounding properties. The current city code allows building heights of 50'. This change in the PUD will match that height. The result will be new projects having the ability to exceed the current 35' building height. The impacts will be of a visual nature, which can be disturbing to some people. However, the existing buildings in the area that currently exceed 35' include the Hospital, Fairfield Hotel, and parts of CSI through special exemptions. Staff does not foresee an over burdensome impact with this change in the PUD.

Conclusion:

Staff makes no recommendation on this request.

Attachments:

1. Narrative
2. Zoning Vicinity Map
3. North Haven Subdivision, No. 2, A PUD
4. Existing PUD Language (excerpt from PUD #235)
5. Proposed Amendment

REASON FOR REQUEST

The reason for this request is to allow building to be constructed to heights higher than 25-feet. Subsequent to the approval of the North Haven Business Park the City of Twin Falls has modified the City Code to allow increased building heights in C-1 zoned property.

Attached is a draft of the proposed North Haven Business Park PUD following the proposed revision.

This change will have minimal change in the development. The proposed increased height will not impact the parking or landscape requirements. The change will not impact the surrounding area as the request will not change type of use or traffic.

Attached are plans for the one currently proposed building that will exceed the 35-foot height limitation. The proposed change however will allow a building of height exceeding 35-feet on any lot provided it is in conformance with all City code requirements for the C-1 zone.

Zoning Vicinity Map

Reference Only



Los Lagos and Villa Del Rio 0
CAMARILLO WAY
R-4 R-4 R-4 R-4 R-4
R-4 R-4 R-4 R-4 R-4
R-4 R-4 R-4 R-4 R-4
R-4 R-4 R-4 R-4 R-4

POLE LINE RD W

Boundary of properties included in height change.

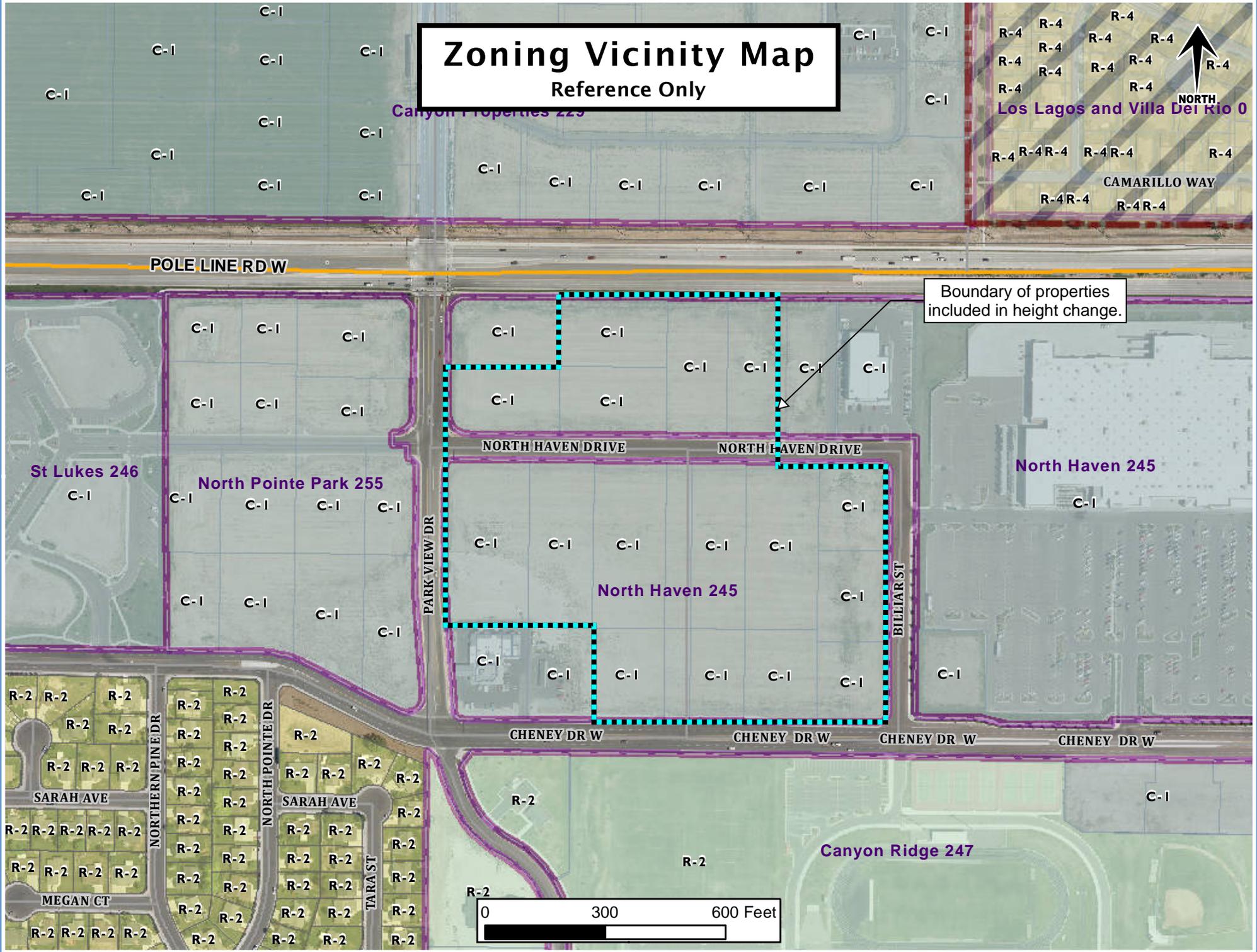
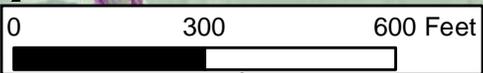
St Lukes 246

North Pointe Park 255

North Haven 245

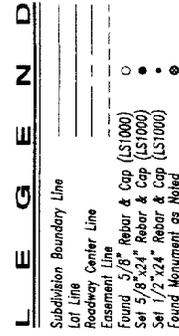
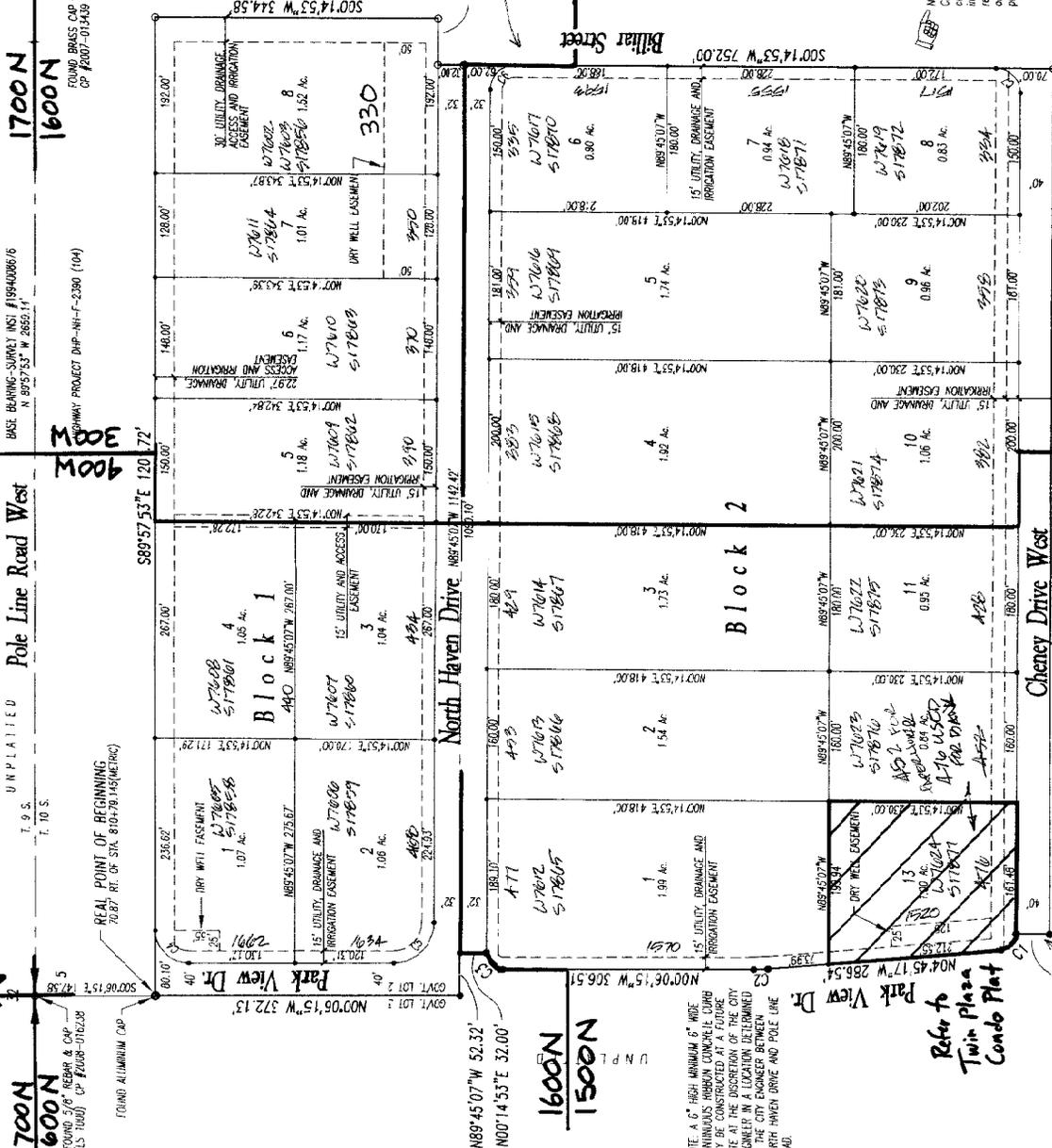
North Haven 245

Canyon Ridge 247



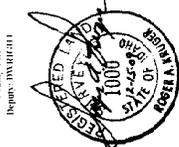
North Haven Subdivision No. 2

Located in
Gov't. Lot 2
In
Section 5,
T. 10 S., R. 17 E., B.M.
Twin Falls County, Idaho
2009



Note: Cross use access, utility, drainage, and cross use parking easements are set forth in the residential easement agreement recorded as instrument # 2009-221546 across the non-bubble portions of the property.

TWIN FALLS COUNTY
REGISTERED BY
SHERIDAN
2009-027541
12-16-2009
Van Patten, A.S., C.E., P.E.
Katie L. Van Patten, C.E., P.E.
Deputy Surveyors



TWIN FALLS, IDAHO

Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS
North Haven #2

CURVE	DELTA	LENGTH	RADIUS	TANGENT	CHORD	CHORD BRG.
C1	84.59.51"	29.67'	20.00'	18.33'	27.02'	N47°51'12"W
C2	4.39.02"	17.69'	218.00'	6.65'	2023.467'	N02°25'46"W
C3	302°1'06"	31.54'	20.00'	20.12'	28.37'	N45°04'19"E
C4	80°00'27"	62.92'	40.00'	40.70'	56.64'	N44°57'56"E
C5	80°00'27"	78.23'	30.00'	48.69'	70.49'	N44°55'11"W
C6	80°00'00"	47.12'	30.00'	30.00'	47.43'	N44°43.07"W
C7	80°00'00"	47.12'	30.00'	30.00'	47.43'	S45°14.50"W

Health Certificate
NORTH POINTE
RANCH SUBD. NO. 3

Health Certificate
Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been determined based on the 1982 approval of the design plans and specifications and the conditions of the design plan for the proposed subdivision. The design plan for the proposed subdivision is approved for construction. The design plan for the proposed subdivision is approved for construction. The design plan for the proposed subdivision is approved for construction.

DATE: 08/29/2009

District Health Department, EIS

2. OUTSIDE STORAGE/LOADING DOCKS. Loading docks, trash containers and such facilities shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or fencing. Screening shall be approved by the Developer or its assigns. No outside storage yards will be allowed.
3. UTILITIES. All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material.
4. HEIGHT LIMITATIONS. No structure shall be higher than 35 feet with exception of manufacturing which shall be per Ordinance 2786. Architectural features and equipment screens may exceed 35 feet.
5. SIGN PLAN:
 - a. PROJECT IDENTIFICATION SIGNS. Project identification signs will be monument type signs with a maximum height of 10 feet measured above the adjacent curb.
 - b. BUILDING SIGNS: Building signage shall be limited to wall mounted signs or monument type signs with a maximum height of 10 feet

2. OUTSIDE STORAGE/LOADING DOCKS. Loading docks, trash containers and such facilities shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or fencing. Screening shall be approved by the Developer or its assigns. No outside storage yards will be allowed.

3. UTILITIES. All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material.

4. HEIGHT LIMITATIONS. Building height shall conform to Twin Falls City Code 10-7-3 and City Ordinance 3077.

5. SIGN PLAN

a. PROJECT IDENTIFICATION SIGNS. Project identification signs will be monument type signs with a maximum height of 10 feet measured above the adjacent curb.

b. BUILDING SIGNS. Building signage shall be limited to wall mounted signs or monument type signs with a maximum height of 10 feet,



Public Hearing: **TUESDAY, May 24, 2016**

To: Planning & Zoning Commission

From: Jonathan Spendlove – Planner I

AGENDA ITEM IV-2

Request: Request for a **Special Use Permit** to establish a new car dealership with service bays, amplified music, extended hours of operation and 2 display pads fronting Blue Lakes Boulevard North on property located at 821 and 825 Blue Lakes Boulevard North. c/o Kevin Johnson on behalf of Paul Wareing (app. 2792)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Purchase & Sale Agreement	Size: 3.5 acres; construct a 20,000 to 28,000 Sq Ft Building
Paul Wareing 397 South 35 West Idaho Falls, ID 83402 208-529-8848 paul@gowackerli.com	Current Zoning: C-1, Commercial Highway	Requested Zoning: SUP
	Comprehensive Plan: Commercial/Retail	Lot Count: 2 parcels totaling 3.5 acres +/-
	Existing Land Use: Vacant, Undeveloped property	Proposed Land Use: Retail Vehicle sales lot with service bays, amplified music, extended hours of operation and 2 display pads fronting a major arterial
Representative:	Zoning Designations & Surrounding Land Use(s)	
Kevin Johnson 794 Falls Ave Twin Falls, ID 83301 208-734-8860 Kevin.johnson@subaruoftwinfalls.com	North: C-1, Commercial/Business	East: Blue Lakes Blvd N; C-1, Commercial/Business
	South: C-1, Commercial/Business	West: C-1, Residential Multiplex Housing
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-10, 10-11-1 thru 8, 10-13	

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. Those conditions shall be implemented within 6 months or the permit if void.

If an applicant or interested party appeals the decision of the Commission with fifteen (15) days from the date of action (when the Findings of Fact are signed), 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 an impact on the City budget as the property, as presented, will operate a commercial business within City Limits.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the process to establish a Retail Vehicle Sales Lot as approved.

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 property has been zoned C-1 at least as far back as 1981 when the City conducted a comprehensive zoning category change. No further zoning history is known at this time.

Analysis:

The site is zoned C-1 and consists of 2 undeveloped parcels. The applicant has supplied a narrative detailing the proposed car sales business which shall include a dealership service center, extended hours of operation, outside amplified music and 2 vehicle display pads fronting Blue Lakes Blvd N.

The current Subaru location on Falls Avenue has become too small for their operations. The new facility will be 20,000 to 28,000 sq ft and shall include a showroom, sales office, parts store and service/detail bays as an accessory use for the dealership vehicles only. A screened pen area is shown on the submitted site plan and shall be used for customer cars waiting to be repaired or serviced. It should be noted the site is adjacent to residential apartments. The outside pen area should be screened with sight obscuring materials.

The applicant is also requesting two (2) car display pads within the landscaped areas fronting Blue Lakes Blvd. North, extended hours of operation, 6:30 AM to 10:00 PM and approval to have an amplified sound system for outdoor paging and music.

The applicant stated he feels his business shall have minimum effects to neighboring property owners.

Per City Code 10-4-8: The C-1 Commercial Highway Zoning District requires an automobile and truck sales and/or rental business to acquire a Special Use Permit prior to being legally established. The applicant is also requesting extended hours of operation, 2 auto display pads and outside paging/music.

During the Special Use permit process, the Commission should look at all impacts the proposed land use will incur on the surrounding area.

Per City Code 10-7-12: The access to these two parcels is Blue Lakes Blvd N, which is a major arterial. As per the city code 10-7-12; Special Landscaping Requirements for Gateway Arterials a minimum of 35',

including sidewalk, shall be provided along arterials in addition to the required landscaping. This will be reviewed as part of the building permit site plan review process.

Per City Code 10-10: The use of an automobile sales site has to meet parking requirements for each of the types of uses: sales/showroom, service and repair, storage, etc. The applicant has listed the structure at 20,000 to 28,000. It is not possible for staff to give a definitive parking requirement for this building without the exact size of the structure and its individual use components. The official review takes place at the time of building permit review. It should be noted, the parking areas shown on the submitted site plan do not show the required interior parking lot landscaping. It should also be noted on the west side of the proposed building the site plan shows a row of parking that backs out onto private property. The minimum area shall be adequate to support a legal parking space and the backing up/maneuvering area. This will also be addressed at the time of building permit submittal.

However, the commission may wish to evaluate the land uses 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, trash enclosure, parking lot lighting, 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. The commission may wish to evaluate this project for any improvements it feels are necessary to mitigate any impacts that could occur.

Possible Impacts: Retail Vehicle Sales lots have impacts on neighboring properties. These impacts typically include noise, light intrusion, and increase in traffic.

The traffic will increase to this particular area due to vacant property being developed. The local road network includes an access to Blue Lakes Blvd to the East, Falls Ave to the North, and Fillmore to the West. This property will have access to all those roadways through public access easements adjacent to Fred Meyers Shopping Center.

The light intrusion from commercial properties typically only impacts other commercial properties. However, this property has an existing apartment complex to the west. It would be appropriate to require the light source be shielded to benefit the adjacent residential use.

The noise from this type of use can be audible from neighboring properties. The proposed days and hours of operation is typical for most dealerships. In most cases, the noise is generated during the day, and conducted indoors. The layout provided by the applicant shows the service area on the west side of the property within the building. The bay doors face east. This will help mitigate the service noise from the neighboring residential use.

The amplified music proposed to be broadcast throughout the site will have an impact on the neighboring properties. Again, most adjacent properties are commercial and this impact will have negligible impact. However, the residential use to the west would be affected by the amplified music and paging system. If this use is granted it may be appropriate to place a condition on the property limiting the hours of the music and paging system.

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 all light sources being downward facing and shielded to prevent light intrusion onto the neighboring residential property.
3. Subject to all miscellaneous parts and vehicles associated with service or repair shall be inside a building or within a sight obscured screened area other than service department business hours. Fencing materials to be approved by staff prior to installation.
4. Subject to outdoor audio and paging system operating only within the hours of 8:00 am to 7:00 pm or 8:00 pm DST.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Applicant Submitted Site Plan
5. Site Photos

Attachment for Special Use Permit Application

REASON FOR THE REQUEST: To build a new car dealership, with Subaru of Twin Falls as the intended tenant. The current location is too small for current and future operations. Subaru has been serving the Twin Falls area for over forty years.

PROJECT: We will be constructing a new sales and service facility with approximately 20,000 to 28,000 square foot of building. The building will have a showroom, sales offices, parts, service, and car detail areas. We are requesting two car display pads in the green area up at the Blue Lakes Blvd. entrance and a fenced pen area to hold customer cars while being repaired.

Requested hours of operations: 6:30am to 10:00pm daily

Traffic estimate: 60 to 70 cars a day normal but as high as 150 cars.

Employees Estimated 25 but over time as high as 40.

Noise: The noise that would be present at an automobile dealership:

People talking outside.

Cars running coming and going.

Speakers on the lot for music, announcements, paging.

Glare: There will be glare off of windows, windshields and asphalt.

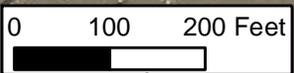
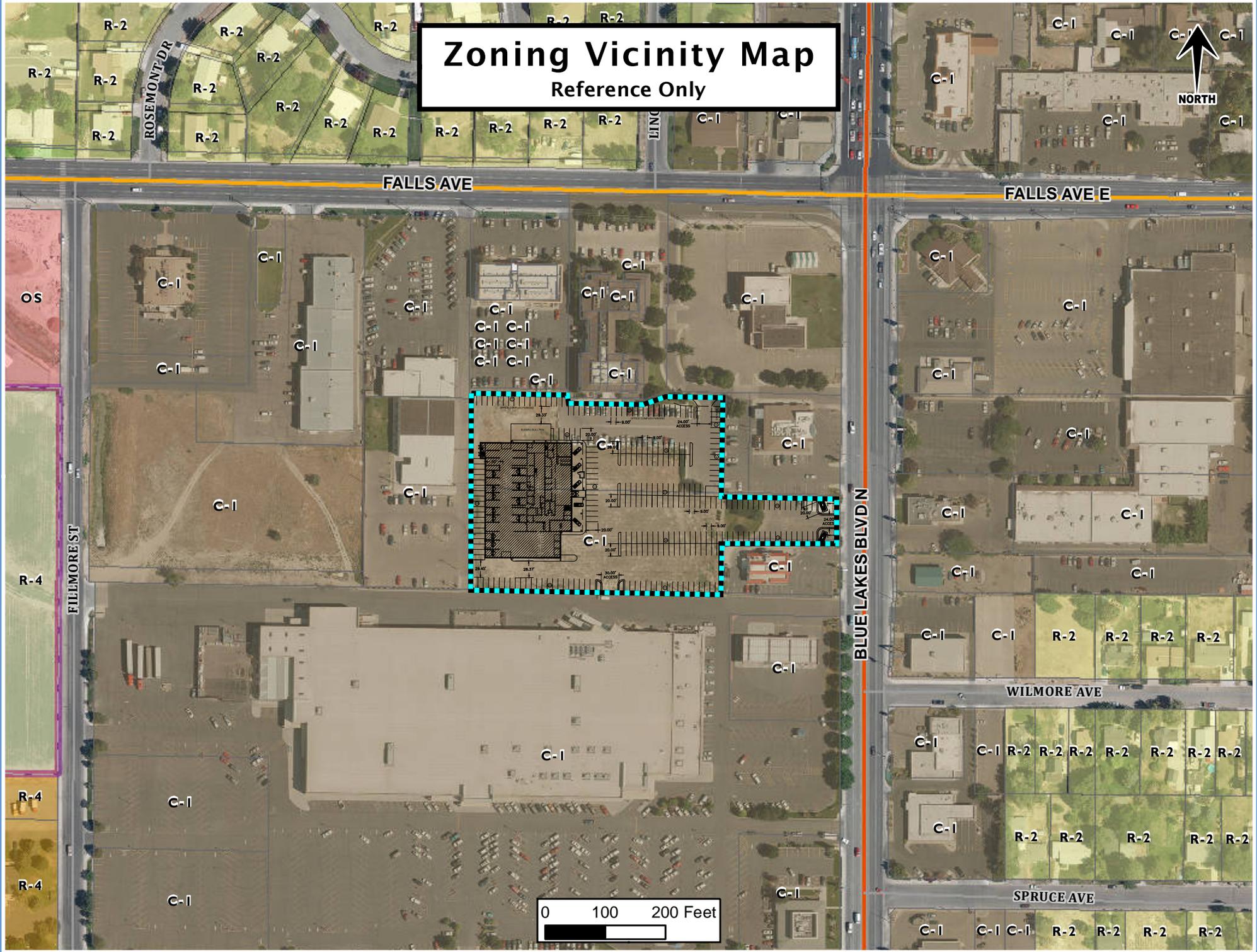
Odor: The only odors should be from automobiles operating.

Fumes and vibration: The only fumes and vibrations should be from automobiles operating.

Discussion: Subaru of Twin Falls is currently operating in this area and has been a good neighbor to the adjacent property owners. It should help drive customers to the local businesses that surround it. I do not see an adverse effect on its surroundings. The parking spaces for the office complex to the north will be clearly marked and reserved for that facility. Dairy Queen traffic that inadvertently turn into our facility would be able to drive thru our facility and exit onto the Fred Myer easement back to Dairy Queen.

Zoning Vicinity Map

Reference Only



Aerial Photo Map

Reference Only



794 FALLS

800 FALLS

834 FALLS

883 BLUE L

798 FALLS

OFFICE COMPLEX PARKING

29.33'

OFFICE COMPLEX PARKING

9.00'

24.00'
ACCESS

SUBARU BULL PEN

20.00'

9.00'

835 BLUE L

SUBARU SERVICE

SUBARU PARTS

SUBARU SHOWROOM

SUBARU SERVICE SERVICE DRIVE

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

20.00'

821 BLUE L

20.00'

24.00'
ACCESS

805 BLUE L

0 70 140 Feet

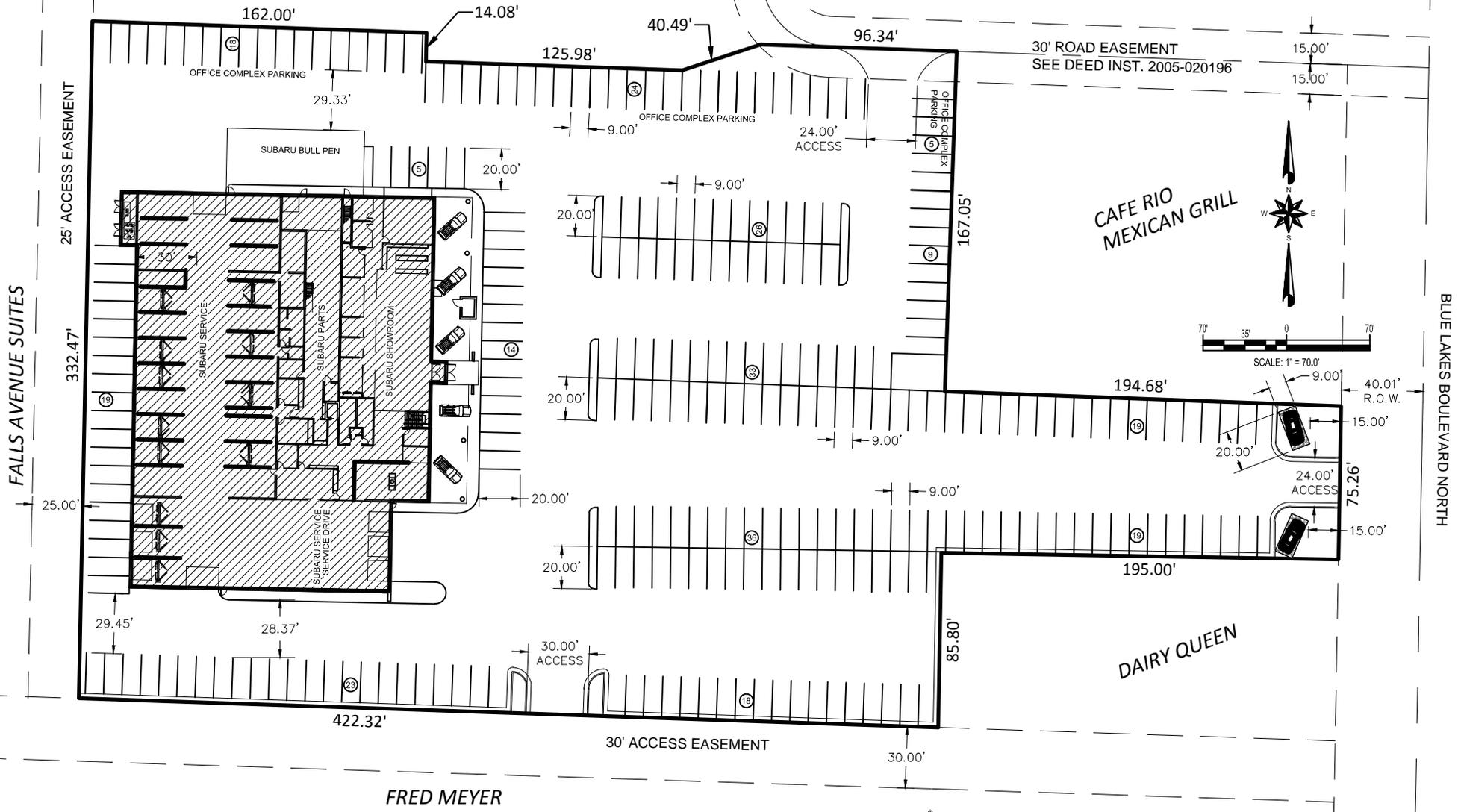
BLUE LAKES BLVD N

04/15/2016

LAYOUT FOR: SUBARU TWIN FALLS

GILTNER INC.

MAVERICK ADVENTURE'S
FIRST STOP



NOTES:

OFFICES AT:
1331 Fremont Ave.
Idaho Falls, Idaho 83402

310 N 2nd East, Suite 153
Rexburg, Idaho 83440

DESIGNED BY:	
DRAWN BY:	CHAD BARE
APPROVED BY:	
PROJECT NO.	16033
SCALE:	1:70
DATE:	MARCH 2016
REVISION:	N/A
CAD NAME:	SUBARU TWIN FALLS



**EAGLE ROCK
ENGINEERING**
CIVIL • PLANNING • SURVEYING
IDAHO FALLS (208) 542-2665 REXBURG (208) 359-2665



Frontage along Blue Lakes Blvd. Access to property shown in foreground.



Access From Blue Lakes Blvd North. Looking directly west.



Proposed car lot, immediately behind Café Rio. Looking West.



NW part of property, Residential apartments shown on the right side of picture.



SW corner of property, near Fred Meyer. Looking towards the NE.



Public Hearing: **TUESDAY, May 24, 2016**

To: Planning & Zoning Commission

From: Jonathan Spendlove, Planner I

AGENDA ITEM IV-3

Request: Request for a **Special Use Permit** to operate a steam cleaning business to include delivery and pick-up of carpets, furniture and automobiles to clean onsite. c/o Gerald Martens on behalf of Mr. Steam Carpet Cleaning (app. 2793)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Lease Agreement	Size: 5100 sf multi use building 2355 sqft space "C"
Brian Ritchie dba Mr. Steam Carpet Clean 127 Filer Ave, Suite C Twin Falls, Idaho 83301	Current Zoning: Building is mixed zoning; C-1 and RB; Residential Business. The proposed Tenant Space is zoned RB.	Requested Zoning: SUP
	Comprehensive Plan: Residential Business	Lot Count: 1 developed site
	Existing Land Use: Developed multi-tenant Building	Proposed Land Use: Rugs/Carpet, Furniture Upholstery & Automobile Upholstery Steam Cleaning Business
Representative:	Zoning Designations & Surrounding Land Use(s)	
BDG Partners, LLC Gerald Martens 621 N College Rd Twin Falls, ID 83301 208-734-4888 gmartens@ehminc.com	North: R-4, Residential	East: Adams Street; R-4 Residential
	South: Filer Ave; R-4, Vacant undeveloped	West: RB & C-1, Commercial Business
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-23, 10-10, 10-11-1 thru 8, 10-13	

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.

Regulatory Impact:

Approval of this request will allow the applicant to operate a steam cleaning business as described above.

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:

In 2014, a portion of this property was rezoned from R-4 to RB after progressing through the Public Hearing Process with the Planning and Zoning Commission and City Council. The western part of this property had been previously zoned C-1 for a number of years and remains C-1.

In 2014-2015, the owner constructed a new shell building that meets the development criteria for the RB Zoning Code. The western half of the building is zoned C-1 and the eastern half is zoned RB.

Recently, a Window Tinting business received a Special Use Permit to operate next door. The window tinting portion of the business actually takes place in the portion zoned C-1 and the office for that business takes place in the RB District.

Analysis:

The property is located at 127 Filer Ave, Suite C. This property is within the RB Zoning Districts. The applicant is requesting to operate a steam cleaning service business. The applicant has supplied a narrative detailing the operation. The business will perform steam cleaning on carpets, furniture and automobile upholstery. The rugs, furniture and vehicles would be dropped off and picked up at this location. Pick and Delivery by the applicant may also occur. The applicant states all work will take place during normal business hours. The applicant declares there will be no noise, glare, odors, fumes or vibration that will impact the neighbors.

Per City Code 10-4-23:

There is not a "Steam Cleaning" land use identified. However, there is a "Dry Cleaning" use identified within the code. Staff feels the steam cleaning of carpets would be similar to the dry cleaning land use.

However, staff does not feel cleaning the upholstery of furniture or vehicles fits this land use definition. The RB District does not allow Automobile Service Business activities within its boundaries.

Per City Codes 10-10 and 10-11-1 thru 8:

Required improvements such as parking, screening, landscaping and others are typically enforced at the time of building permit submittal. This is an existing shell building; it is anticipated that the required

improvements were provided at the time of original construction of the site. A building permit for a change of use shall be required prior to operation if granted. It is also not anticipated the "Change of Use" will trigger additional required improvements.

The commission may wish to review the current site plan and require any additional items it deems appropriate to mitigate potential negative impacts this business may incur to the area.

Possible Impacts:

The type of business described will have impacts on neighboring properties. These will be associated with the coming and going of customers, deliveries of supplies, and the maneuvering of vehicles and or vehicles delivering furniture on the property. This location is on the corner of the Adams and Filer. It is the closest suite to nearby residential uses, and the normal operations of the steam cleaning could affect the neighboring properties. At this point it is unknown what the noise level from the machine being use would be.

The cleaning or detailing of vehicles falls into the automotive service category, which is not listed in the special uses for the RB Zoning District. Automotive service and repair is better suited in the C-1 Zoning district, which is where it is listed.

Conclusion:

Staff recommends denial of this Special Use Permit due to the Land Use not being listed under the Special Use category within the RB Zoning District.

Attachments:

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

PROJECT DESCRIPTION
FOR
MR. STEAM CARPET CLEAN

The reason for this request is to allow a carpet cleaning business to be located at 127 Filer Avenue West, Suite C. Carpet cleaning and upholstery cleaning will be accomplished within the building and at the customers' property.

The portion of the building to be occupied by Mr. Steam Carpet Clean is located in the R3 zone.

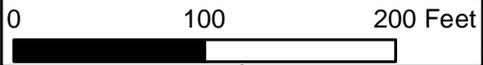
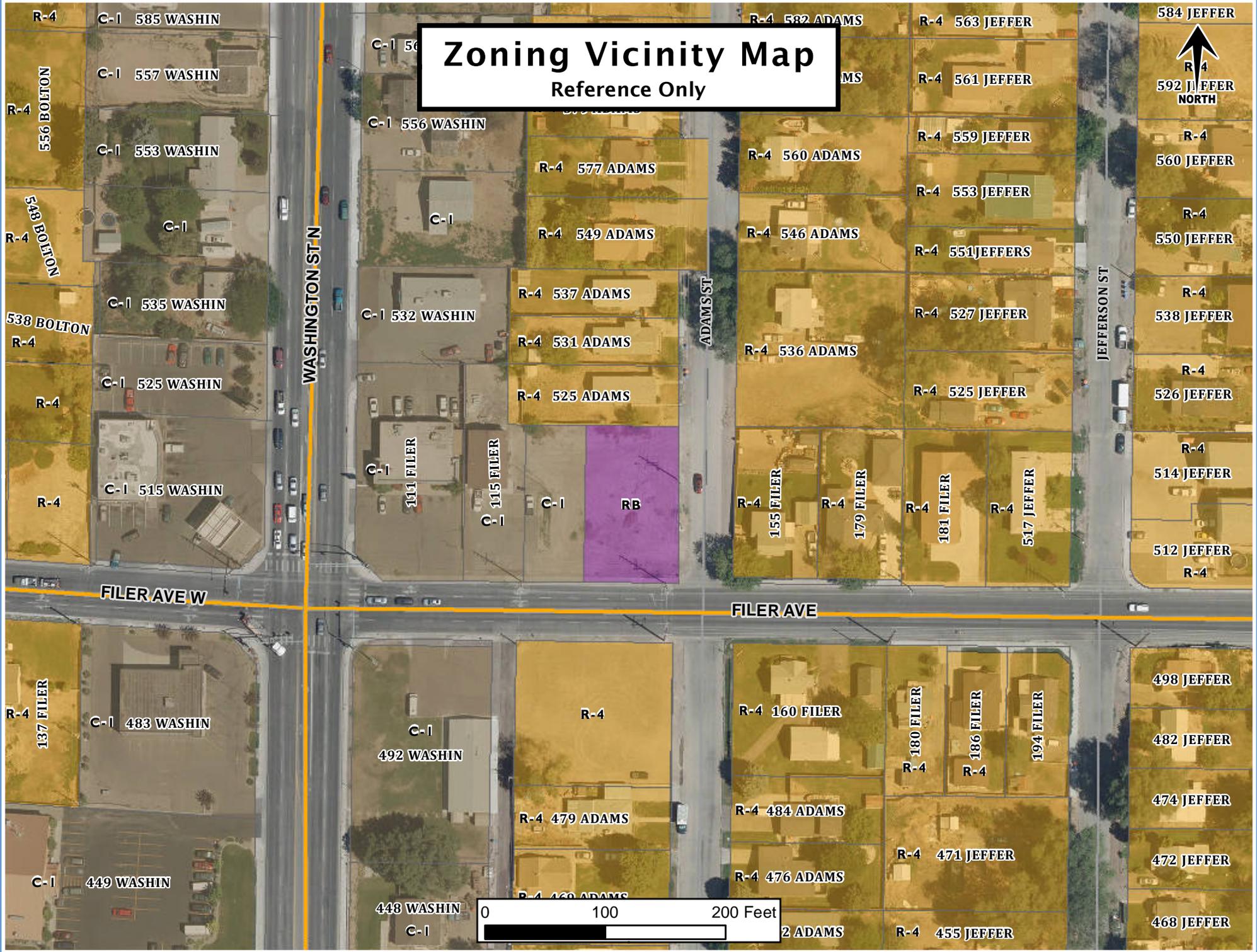
The business will be open 7am to 5pm six days per week.

There will be a maximum of 4 employees.

The operation will have no adverse noise, glare, odors, fumes, or vibration that will impact neighboring properties. The use will be very compatible with the testing facility and window tinting facility located in the common building.

Zoning Vicinity Map

Reference Only



Zoning Vicinity Map

Reference Only



532 WASHIN

525 ADAMS

536 ADAMS

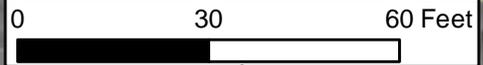
111 FILER

115 FILER

ADAMS ST

155 FILER

FILER AVE





SCALE:
1" = 20'

EXISTING
BUILDING
1,360 Sq. Ft.

SS
OHP

SUITE A

ZONE
C-1

TINTING
SHOP

SUITE B

LOT LINE

OFFICE

TOILET

STORAGE

ZONE RB

SUITE C

OHP



EHM Engineers, Inc.
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE

Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83301
p (208)-734-4888 fax (208)-734-6049 web: ehminc.com

FLOOR PLAN
127 FILER AVENUE
SUITE "B"
TWIN FALLS, IDAHO



Corner of Filer and Adams. Proposed business would be in the far right suite.



Overhead door to be used as part of the Steam cleaning business next door to the Residential property on Adams Street



Public Hearing: **TUESDAY May 24, 2016**

To: Planning & Zoning Commission

From: Jonathan Spendlove, Planner I

AGENDA ITEM IV-4

Request: Request for the Commission’s recommendation on a **Zoning Title Amendment** to amend City Code 10-7-20(B)2c; Public Hearing Notice Requirements by adding “or as determined by the Administrator” to the number of posted public notice signs required. c/o City of Twin Falls (app. 2791)

Time Estimate:

The Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	
City of Twin Falls Planning and Zoning Department 324 Hansen St E PO Box 1907 Twin Falls, Idaho 83303-1907 208-735-7267	Requested Zoning: Amendment to Twin Falls City Code –Title 10-Chapter 7 - Section 20(B)2c -
Representative:	
	Applicable Regulations: 10-7-20, 10-14-1 through 7,

Approval Process:

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to the Council.

After the Council receives a recommendation from the Commission, a public hearing shall be scheduled where the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the Council shall specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

Regulatory Impact:

A recommendation from the Planning and Zoning Commission on the proposed Zoning Title Amendment will allow the request to proceed to the City Council.

History:

The City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - Title 10; Zoning & Subdivision Regulations in its entirety. Title 10 has had many amendments over the years. One such amendment took place in March 2015. This particular amendment added a new chapter to Title 10; Chapter 7; entitled; "Public Hearings Notice Requirements" regulating the process whereby a Land Use Request is noticed for a public hearing. Ord. 3091, 3-2-2015

Analysis:

This request is to amend City Code 10-7-20(B)2c; to allow the administrator to determine the required number of public notice signs to be posted on a property scheduled for a public hearing. The current code states a mandatory placement and number of public notice signs based upon the size of the property and the street frontages. Recently a zoning request was submitted that required a public hearing and based upon full compliance with the code it was determined a minimum of 24 public notice signs were required to be posted along the street frontages of this 80-acre site. The intent of the code is to ensure property requesting a zoning change has sufficient public notification onsite. Staff felt the number of public notice signs was excessive and where required to be posted was in fact dangerous to the public. The verbiage in the code states the administrator may increase the number of public notice signs posted however the administrator does not have an ability to reduce the number or placement of public notice signs. Staff has proposed an amendment to Title 10; Chapter 7; Section 20(B)2c as follows:

10-7-20: PUBLIC HEARINGS NOTICE REQUIREMENTS:

(B) Site Posting: Notice shall be posted on site as follows when required: states the number of posted public notice signs that shall be required --

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the premises.
2. **The applicant requesting the proposed change SHALL post the required notice on the premises as follows:**
 - a. Notice shall be provided by not less than one sign located on the subject property adjacent to each street frontage of the property. In the event that the subject property is not adjacent to a public street, signs may be placed within the nearest public street right of way with prior approval from the administrator and the owner of the right of way.
 - b. Signs shall be placed on the property so as to remain clearly visible from adjacent streets. In the event that visibility of signs located on the property is obstructed, signs may be placed within the adjacent street right of way with prior approval from the administrator and the owner of the right of way.
 - c. **If a property contains three hundred (300) or more feet of street frontage on a single street, one sign shall be placed on the property for each three hundred feet (300'), or portion thereof, of the street frontage, OR AS DETERMINED BY THE ADMINISTRATOR.**
 - d. Additional notice signs may be required as determined by the administrator.

City Code 10-14-2: Initiation of Zoning Amendments states a zoning amendment may be initiated in one of three ways: 1- by adoption of a motion by the commission; 2-by adoption of a motion by the council; or 3- by an applicant who may be affected by the amendment. On April 26, 2016 the Commission directed staff to proceed with the code amendment.

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.

Attachments:

None

