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shared common areas. The building setbacks will meet the 20' minimum and the setback along 3600 North is 93 ft. from centerline. All the units will have 3 bedrooms except one. There will be center islands installed for traffic calming. There will be a 6 ft. vinyl white fence around the project with some coordination planned between the adjacent neighbors that have cedar fences. The project will be phased and should be complete by 2020.

Staff Presentation:

Planner I Spendlove stated this property has been zoned R-4 since the 1980's and this parcel is a remnant of property that was originally part of the Twin Falls School District's property. This presentation tonight is just an overview of the project to allow for questions from the public and the commission prior to the public hearing. Staff does not make any comments on the project at this time.

A ZDA requires a signed agreement prior to scheduling and the document along with the master development plan complete the ZDA process. There are a few things that would require changes to come back through this process, change of use, change of density, increase in building height, increase in building coverage, reduction in off street ratio or a reduction of open space, reducing setbacks around the perimeter of the buildings or alterations of overall design. A public hearing for this item is scheduled for Tuesday, April 26, 2016.

PZ Questions/Comments:

- Commissioner Grey asked if each unit has a fenced backyard.
- Mr. Harding stated yes each of the units have a fenced yard/common area.
- Commissioner Grey asked if a home owners association will be in place prior to the sale of the units.
- Mr. Harding stated this will be in place before the units are sold. This property has to go through a platting process and these items will be included as part of that process.
- Commissioner Woods asked if the area behind the units to the west and the property line for the existing homes is better defined.
- Mr. Harding stated that the setback will be 20 ft. with approximately 12 ft. of open space between the adjacent properties and the fences for each of the units. The limited access common area is set up so that the grass area is maintained by the owners.
- Commissioner Munoz asked if there will be a different setback for accessory buildings.
- Planner I Spendlove stated the document reads that the building setback is 20 ft. which would apply to accessory buildings also.
- Commissioner Grey asked if there is an expiration date for the ZDA.
- Planner I Spedlove stated code states, if no development has occurred on the ZDA subject parcel within the time identified, the planning and zoning commission and city council may review the original ZDA development requirements and conceptual development plan to ensure their continued validity. If the city determines the concept is no longer valid, then:
 - A. The city may initiate a process to change the zoning classification, or
 - B. New ZDA development requirements and/or a new conceptual development plan may be required to be approved prior to the city issuing a building permit for any portion of the ZDA subject parcel.

Public Comment: [Opened](#)

- Mark Schmiege, 1547 Vista Drive, asked if there is going to be fencing between his property on the east and the new development.

Public Comment: [Closed](#)

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Closing Statement:

Mr. Harding stated the fence will be installed along the properties that do not have fences and will be a 6' vinyl fence.

**[Planning & Zoning Public Hearing](#)
[Scheduled April 26, 2016](#)**

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to construct and operate an automobile sales service and repair business on property located on the northern ½ of Lot 1 Block 2, Phillips Commercial Sub a/k/a 2441 Kimberly Rd. [c/o Sid Lezamiz, Jr. \(app. 2774\)](#)

Commissioner Munoz stepped down.

Applicant Presentation:

Sid Lezamiz, the applicant, stated they presently have 1.5 acres and they are proposing to subdivide the lot into a north and south portion. On the north portion they would like to build a building for auto repair with three overhead doors along the west elevation. The purpose of the building is to expand the repair business for Goode Motor. He did have concerns about the facility and how it would interfere with the daycare across the street and has spoken to that business about the plans. There was a letter from a citizen that lives to the north of this property at 2428 Alderwood Avenue, she was concerned with the impacts the building would have on her property. After meeting with the neighbor and showing her the elevations and how the building will be situated on the lot she seemed to feel better about the project.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the property was platted as the Phillips Commercial Subdivision in 1994. The current building was built on the southern ½ of Lot 1 Block 2, Phillips Commercial Subdivision in 1995 and operated as a retail store. In 2000, Special Use Permits 645 and 691 were issued to Mueller Auto to allow a retail automobile sales lot with display pads. The SUP's were only granted to use the southern ½ of the lot – the northern ½ remained undeveloped. There were conditions placed on the permits. In 2003, Special Use Permit 823 was issued to Mueller Auto to add sales of large equipment on the northern ½ of the lot subject to compliance with required site improvements. There were no improvements completed. The northern portion, which is the property under consideration with this permit, has remained undeveloped/ unpaved.

Per City Code 10-4-8: The C-1 Commercial Highway Zoning District requires a Special Use Permit to operate an automobile and truck sales and/or rental businesses; automotive Service/Repair also requires a Special Use Permit prior to being established.

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 10-10: The retail use of an automobile sales site has a parking requirement of one (1) parking space per five hundred (500) square feet of the associated structure. Automotive Repair requires three (3) parking spaces PLUS 1.5 spaces per service bay. Adequate storage space is also required. The official review for the building permit shall review these items for full compliance with current code. However, the

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commission may wish to evaluate the land use described by the applicant for any parking issues that could cause impacts to the area and address those appropriately.

Per City Code 10-11-1 thru 8: Required improvements include streets, water and sewer, drainage and storm water. These required improvements would be evaluated and all applicable code requirements will be enforced at the time of building permit submittal. As a result, the commission may wish to evaluate this project for any improvements it feels are necessary to mitigate any impacts that could occur.

Retail Vehicle Sales & Auto Repair businesses can have impacts on neighboring properties. A developed residential subdivision is adjacent on the northern boundary of this property. Typical impacts from this type of business may include increase in traffic, noise, and fumes from the increase in vehicles being delivered, repaired and moved around on site. An existing screening fence is installed between the Residential and the Commercial Properties. A condition requiring the fence to be maintained in good order would be appropriate in order to ensure the impacts to the residential properties are fairly mitigated. Discussion with consideration to include vegetation along the fence would help mitigate noise and sound to the adjacent residential homes. Lighting can have significant impacts to adjacent neighbors if the sales yard or shop have lights that bleed into the neighborhood. All outside lighting shall be downward facing and in compliance with code should be a condition if approved.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the screening fence on the North side of the property being maintained in good repair.
3. Subject to no audio or announcement system being utilized on this property.
4. Subject to all vehicles; inoperable, junk or waiting to be repaired and any miscellaneous parts associated with the business being stored inside a building or behind a sight obscuring screened area.
5. Subject to all work being conducted to take place inside the building with overhead doors closed.
6. Subject to all outside lighting to be downward facing and meet the minimum code standards.

PZ Questions/Comments:

- Commissioner Higley asked is staff knows who owns the fence along the north property line.
- Planner I Spendlove explained staff is fairly certain the fence was installed by the residential owners.
- Commissioner Higley asked if there is a fence already in place will the commercial business have to install a one too.
- Planner I Spendlove stated that screen is required, because the screening is already there the business would need to maintain it, because screening is required between commercial and residential properties.
- Commissioner Frank asked about the late hours of operation that the citizen was concerned with.
- Mr. Lezamiz stated that the citizen did not mention this concern. However, the business seems to have more cars than time to work on them. They are working multiple shifts to get the work done, in the

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narrative the hours have been described and the hope is that with more space and a new building they will be able to get the work done without the late hours of operation.

Public Hearing: Opened

- Lesley Marcellas, 2452 Alderwood Avenue, stated approximately 10' of her fence will be shared with this business. Her biggest concern is the loading and unloading of the vehicles along the street, the extra traffic and noise.
- Gerardo Munoz, 410 Aspenwood Drive, stated that he doesn't have concerns about this being a commercial development, his concern is the use of the property. He stated there are cars parked all along the street, car haulers parking on the street and increased traffic to the area. He showed on the overhead a sketch of the proposed building stating that another concern is privacy for the neighbors with windows looking out over their property. He would like to make sure Commission considers whether or not this proposal will be harmonious with the neighborhood.
- John Haight, 2091 Whitecloud Circle, owner of the buildings to the east of this property. He explained that when Hugh Avenue was vacated a fence was installed by the developer at that time. He agrees traffic is going to become an issue but if the business keeps the neighbors in mind things can be worked through.
- Nathan Paltier, Shop Forman for Goode Motors, stated that there is more traffic but the traffic will not increase because of the new building. There was a noise complaint and that has been addressed. The problem is they have outgrown the current repair shop area and they need the new building to get their work done.
- Melody Wilson, Operations Manager for Goode Motors stated the entire reason for this request is so they don't have to have two shifts and work late hours. They have employed 20 new people since moving to this location and they are the hub for refurbishing vehicle they send out to their lots. They intend to be good neighbors and are willing to address any complaints that may arise.

Public Hearing: Closed

Closing Statement:

- Mr. Lezamiz stated they do give a lot of thought to being good neighbors. He stated Goode Motor began operation in November of 2015 at this facility. He stated they purchased the 121 Aspenwood property across the street with the intent to provide extra parking. There is another property to the north of 121 Aspenwood they would like to use this to handle the business overflow, however he understands this property can't be used for this purpose. He stated a 6 ft. fence along the north property line is a privacy wood fence. They are willing to work with the neighbors.
- Commissioner Woods stated that one of the other issues was the windows that can look into the neighbor's yard. He suggested possibly moving the windows to the east and west side of the building or use skylights.
- Mr. Lezamiz explained that this is office space they are trying to provide natural light for the office space along the south and north end of the buildings. He doesn't think this is a big issue because the hours of use are limited and it is for an office rather than a residential use where people may be home at all hours.
- Commissioner Higley asked if the building could be moved further south.
- Mr. Lezamiz stated originally that was the plan until they found that there was a utility easement where they had the building.

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- Commissioner Reid suggested installing a taller fence.
- Planner I Spendlove showed the location of the easement Mr. Lezamiz was referring to on the overhead. He stated there is an easement however it is only approximately 7.5 ft. wide so the building could be shifted a little further to the south. He also explained that a fence has to be engineered if it is over 7 ft. tall. The other box shown on the plans is just a screened area.
- Commissioner Frank reviewed the hours of operation for the business provided in the narrative. He also verified that parking is allowed along the street.
- Assistant City Engineer Vitek stated the road is wide enough to allow for on street parking.
- Commissioner Grey asked if an additional curb cut will be planned when the building is constructed.
- Assistant City Engineer Vitek stated that there is a plan to install a second access closer to the north end of the property. A utility easement can be used for parking they just can't build a building over the easement.
- Planner I Spendlove stated the Commission has the power to direct development and can attach additional conditions to the Special Use Permit.

Deliberations Followed:

- Commissioner Higley stated he would like to see the building moved south to provide a better buffer for the residence.
- Commissioner Dawson suggested that to possible ease the neighbors' concerns about damage to the fence that a landscaping buffer be included along the north boundary by the fence.
- Commissioner Frank stated maintenance for the landscaping can be an issue where water is involved.
- Commissioner Woods stated landscaping will be required and watering will have to happen wherever the landscaping is installed.

Motion to Add: Condition #7

Commissioner Grey made a motion to add condition #7 the request be approved subject to the building being setback a minimum of 70 ft. from the north property line. Commissioner Reid seconded the motion. All members present voted in favor of the motion.

Motion to Add: Condition #8

Commissioner Woods made a motion to add condition #8 the request be approved subject to a minimum 6 ft. landscape strip of only shrubs and bushes being placed adjacent to the fence along the north property line, this area may be used as part of the minimum C-1 zoning district, landscape requirements. Commissioner Reid seconded the motion. All members present voted in favor of the motion.

Final Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations and additional 2 conditions. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With the Following Amended Conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the screening fence on the North side of the property being maintained in good repair.
3. Subject to no audio or announcement system being utilized on this property.
4. Subject to all vehicles; inoperable, junk or waiting to be repaired and any miscellaneous parts associated with the business being stored inside a building or behind a sight obscuring screened area.

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5. Subject to all work being conducted to take place inside the building with overhead doors closed.
6. Subject to all outside lighting to be downward facing and meet the minimum code standards.
7. Subject to the building being setback a minimum of 70 ft. from the north property line.
8. Subject to a minimum 6 ft. landscape strip of only shrubs and bushes being placed adjacent to the fence along the north property line, this area may be used as part of the minimum C-1 zoning district, landscape requirements.

Commissioner Munoz returned to his seat.

Commission took a 5-minute recess.

2. Request for a **Non-Conforming Building Expansion Permit** to expand a legal non-conforming building on property located at 2116 4th Avenue East c/o Trieste Walker on behalf of Walker's Flooring (app. 2775)

Applicant Presentation:

Mr. Walker, the applicant stated they want to build a 1000 sq. ft. addition to their building to store carpet. There should not be any additional impacts to the area and this will allow them to get rid of the storage sheds they have on-site now.

Staff Presentation:

Planner I Spendlove reviewed the request and stated the City and County Records indicate this building being constructed in 1978. In 1996, the City enacted a code amendment regarding the M-1 Zoning District, establishing the setbacks we currently have.

The request is to allow the expansion of a legal non-conforming building, which requires a public hearing. The building is located on the East side of Wycoff Circle. It is zoned M-1, Light Industrial. The M-1 District requires a 15' setback from property line. The West side of the building is built within the 15' setback by 2.5'. The proposed expansion will not encroach further into the front-yard setback

The applicant has supplied a brief narrative detailing some of the affects the expansion will have on the surrounding area. As the proposed expansion will not encroach further into the frontyard setback the applicant does not anticipate any negative impacts on neighboring land owners in the form of noise, glare, vibrations or fumes.

The general area and the immediate surroundings are currently zoned M-1. The materials being proposed will be similar to the existing building, and are harmonious with the existing buildings and the general use of the surrounding area.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

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PZ Questions/Comments:

- Commissioner Grey asked if they be allowed to build in the existing setback as long as they didn't encroach any further than the existing building.
- Planner I Spendlove state staff prefers that the addition meet setback requirements if possible, in this case this is the best case scenario for the addition.
- Commissioner Grey asked about the pods and if they will go away as soon as the building is finished.
- Mr. Walker explained yes they will be removed once the addition is complete.

Public Hearing: [Opened & Closed Without Input](#)

Deliberations Followed: [Without Concerns](#)

Motion:

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

3. Request for a [Special Use Permit](#) to construct a 2436 sq. ft. detached accessory building concurrent with the construction of a new single family residence on property located at 1940 Brook Stone Drive within the Area of Impact. c/o Kenny & Emily McKnight (app. 2776)

Applicant Presentation:

Mr. Mcknight, the applicant stated he is here to request an SUP for his detached accessory building for personal storage. He purchased this lot had a house built on the property and now would like a to build a shop on the lot.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this lot is part of the Stone Ridge Subdivision, which was platted and recorded in 2007-2008.

The site is zoned SUI within the Area of Impact. The applicant has supplied a site plan showing a single family residence under construction including a proposed 2400 +/- sf detached accessory building. The applicant describes the building for storage and private use, no commercial activity. If the special use permit is granted the applicant will proceed with development of the detached accessory building as approved.

Per City Code 10-4-2: Detached accessory buildings within the SUI Zone greater than 1500 sf are required to obtain a Special Use Permit prior to being legally constructed. The proposed plan is showing the shop southwest of the primary residence. Within this area, and on this property, this size of building is common.

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Per City Code 10-11-1 thru 8: Required improvements include access, drainage and storm water. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

Accessory structures of similar size are common in this area. The design submitted is consistent with the design of the new residence and other outbuildings currently within this subdivision. Staff feels this size of buildings can be imposing on neighboring property owners. However, it is a significant distance from the nearest property line.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to personal use by the occupant of the home - no business use within this structure.

Public Hearing: [Opened & Closed Without Input](#)

Deliberations Followed: [Without Concerns](#)

Motion:

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

[Approved, As Presented, With the Following Conditions:](#)

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to personal use by the occupant of the home - no business use within this structure.

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

VI. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: [None](#)

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

1. Public Hearing- [April 26, 2016](#)
2. Work Session- [May 4, 2016](#)

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:52 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department