



**NOTICE OF AGENDA**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**June 14, 2016 6:00 PM**  
City Council Chambers  
305 3<sup>rd</sup> 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 24, 2016 PH**
2. Approval of Findings of Fact and Conclusions of Law:
  - Wareing-Subaru (SUP 05-24-16)
  - Mr. Steam Carpet (SUP-Denied 05-24-16)

**III. ITEMS OF CONSIDERATION:**

1. Request for consideration of the **Preliminary Plat** for Canyon Village Subdivision No. 2, A PUD, consisting of 29 residential/professional lots and 13.60 acres (+/-) located on the south side of Pole Line Road East and west side of Eastland Drive North c/o EHM Engineers, Inc.

**IV. PUBLIC HEARINGS:**

1. Request for a **Special Use Permit** to allow for an Outdoor Theater; to include concerts and other similar outdoor events on property located at 245 & 287 5<sup>th</sup> Avenue South c/o Rock Canyon Amphitheater –Mark Gallegos (app. 2794)

**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. Public Hearing-**June 28, 2016**
2. Work Session- **July 6, 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.**



**MINUTES**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**May 24, 2016 6:00 PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> 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

**ATTENDANCE**

<u>CITY LIMIT MEMBERS</u>		<u>AREA OF IMPACT MEMBERS</u>	
<u>PRESENT</u>	<u>ABSENT</u>	<u>PRESENT</u>	<u>ABSENT</u>
Dawson		Higley	
Frank		Woods	
Grey			
Muñoz			
Musser			
Reid			
Tatum			

**CITY STAFF:** Carraway-Johnson, Nope, Spendlove, Strickland, 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): **May 10, 2016**
2. Approval of Findings of Fact and Conclusions of Law: **None**

**Motion:**

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

**Unanimously Approved**

**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)

**Applicant Presentation:**

Mark Gordoski, 106 Buchanan St, stated he was granted a special use permit for an impound yard in 2014. He never did get it all completed and since then he has also purchased additional property south of this location with the intent to improve the area. He was hoping to vacate a right-of-way between the properties so they could be incorporated as one property. He showed on the overhead the area that he has designated as the impound yard and explained he has not installed the 8’ fence yet. The other portion of the property is fenced by a 6’ fence in the area he has designated as his truck/equipment area that he uses for his business. He asked if he could have 45-60 days he will install the 8’ fence around the impound area.

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**Staff Presentation:**

Planner I Spendlove stated this was brought to the City's attention based on a complaint. Upon further investigation the Code Enforcement Officer verified that the Special Use Permit conditions were not being met. Mr. Gordoski was notified in March and again in May that the property needed to be brought into compliance. Staff did not receive a response from Mr. Gordoski therefore this item was scheduled for consideration. The revocation of a Special Use Permit requires a public hearing at which testimony may be presented. Prior to a public hearing staff brings the item to the Planning & Zoning Commission as a consideration item to determine whether or not it should be scheduled for a public hearing.

The site is zoned M-2; Heavy Manufacturing District near the railroad. Gem Street actually has city utilities in it, which is why vacating the area would not be possible. The railroad spur is not presently in use but is still not private property and is owned by the railroad.

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 ten conditions. Staff is aware that vehicles have been stored at the site longer than allowed for an impound yard. An impound yard is only allowed to hold vehicles up to 45 days and junk yards are allowed a longer periods of time. The Special Use Permit was for an impound yard the property is not in compliance with the conditions of approval staff notified Mr. Gordoski and scheduled the consideration item.

Planner I Spendlove stated upon 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.

**PZ Questions/Comments:**

- Commissioner Frank asked Mr. Gordoski once he was notified of the compliance issue, why he didn't make contact with the City.
- Mr. Gordoski explained that when he received the notice, he began trying to bring the property into compliance, notified the owners of the vehicles that they needed to be removed from the property and was trying to solve the problem on his own.
- Commissioner Frank asked about the fencing requirement.
- Mr. Gordoski showed on the overhead the area he has designated as the impound yard and explained he has the property fenced with 6ft fencing, the only fencing that is not complete is the 8ft fencing around the impound area. He has been working on cleaning up the property and when he purchased the other properties to the south it put the fencing on hold. He has all the materials and has located the property lines. Weather permitting, it is ready to go up in the near future, that is why he has asked for the 45-60-day extension.
- Commissioner Grey asked for clarification on the fencing.
- Planner I Spendlove stated the 6ft sight obscuring fence around the property is compliant the issue is the fencing for the area designated as the impound yard has not been completed, and if the applicant

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has purchased additional property that he wants to use for impound he will need to request another Special Use Permit because that is a different property.

- Commissioner Grey clarified the consideration item is about the impound area regarding fencing and cars being stored longer than 45 days.
- Mr. Gordoski stated he has the materials to finish the fencing and he has been working on getting the extra cars of the property. The fence that is already in place by the impound area belongs to the adjacent neighbor and it is 7ft. He plans to install an 8ft fence next to theirs to meet the fencing requirements. The rest of the property has a 6ft fence and that will remain in place.
- Commissioner Musser asked what the timeline is for compliance once a Special Use Permit is in approved.
- Planner I Spendlove explained that the time limit is 6 months.
- Commissioner Frank clarified that the impound yard has to have an 8ft fence.
- Commissioner Woods asked for clarification between an impound and a junkyard.
- Planner I Spendlove provided a definition of both on the overhead.
- Commissioner Woods explained his concern it that with the additional property acquired by the applicant that this could lead to becoming a junkyard.
- Mr. Gordoski explained he has no plans to operate a junkyard, this property is located at the end of an alley so when he had saw the opportunity to purchase the other two lots he bought property no one else wanted. He stores a lot of the cranes and trucks that he has for his business on the remainder of the property but he has vehicles that don't belong in that area that he is having removed.

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

**Closing Statement:**

- Mr. Gordoski stated he understands the conditions for the Special Use Permit regarding the 8ft fencing requirement, he would like to request an additional 45-60 days to get that complete. He is still trying to clean up the property and the other two lots that he has purchased to bring up the property value and make it look nice.
- Zoning & Development Manager Carraway-Johnson stated after hearing Mr. Gordoski's testimony staff thinks there are things that can be done to assist Mr. Gordoski with his plans for the property. It may be possible to split the property just for the impound yard and the rest of the property could be reviewed for any additional uses.
- Commissioner Frank asked how to proceed with the decision that needs to be made tonight.
- Zoning & Development Manager Carraway-Johnson explained this item could be tabled or a timeframe for completion could be given and the item would be reviewed again at that time.

**Deliberations Followed:**

- Commissioner Munoz stated he would be comfortable with 45 days and at that time the decision to continue with the revocation process could be made. If nothing has been done in 45 days, it's not getting done.
- Commissioner Grey agreed.
- Planner I Spendlove explained to the Commission the July 12, 2016 Planning & Zoning Commission Meeting would allow approximately 49 days, which may be close enough to a 45-day deadline.

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- Commissioner Grey stated he would be fine with giving the applicant until the July 12, 2016.
- Commissioner Munoz clarified that if the applicant is given until July 12, 2016, then the consideration for revocation will be determined at that meeting.
- City Attorney Wonderlich explained their decision tonight is whether or not to initiate revocation or give the applicant an opportunity to bring the property into compliance by July 12, 2016 and staff and the applicant would report back on the progress at that time.

**Motion:**

Commissioner Woods made a motion to table this item of consideration until July 12, 2016. Commissioner Musser seconded the motion. All members present voted in favor of the motion.

**Motion Approved**

**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)

**Applicant Presentation:**

Gerald Martens, EHM Engineers, Inc. representing the applicant, stated that this PUD was developed quite a few years ago. At that time the building height limitation per City Code was 35' and since then the City Code has changed to 50' height limit, this amendment would update the PUD Agreement to match current City Code.

**Staff Presentation:**

Planner I Spendlove reviewed the item on the overhead and stated the North Haven Business Park C-1 PUD was annexed in 2004, and went through the platting process in 2004-2005 and in 2009. 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 (Ordinance 3077) 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.

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.

Planner I Spendlove stated upon conclusion staff makes no recommendation on this request.

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

**Deliberations Followed: [Without Concerns](#)**

**Motion:**

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

**[Recommend Approval, As Presented, To City Council](#)  
[Scheduled for City Council Public Hearing June 13, 2016](#)**

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)

**Applicant Presentation:**

Paul Wareing, representing Subaru, stated that he is here to request a Special Use Permit so that they can expand the dealership to accommodate the business. This will be a new dealership located along Blue Lakes Boulevard North and they plan to be good neighbors.

**Staff Presentation:**

Planner I Spendlove reviewed the item on the overhead and stated 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. 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 Boulevard North. He stated the 2 display pads will be located within the 30' landscaping area and they will be required to be 15' from the property boundary. The entry into the dealership will be placed in the area north of Dairy Queen which is an access and park area currently used by Dairy Queen. However, this area has been leased by Dairy Queen and will no longer be used by Dairy Queen.

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, 6:30 am – 10:00 pm; 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.

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.

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The outdoor amplified paging and music proposed to be broadcast throughout the site may have an impact on the neighboring properties. Again, most adjacent properties are commercial and this impact may have negligible impact. However, the residential use to the west could be affected by the outdoor 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.

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 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.

**PZ Questions/Comments:**

- Commissioner Woods asked questions about the traffic pattern to the west of the site.
- Planner I Spendlove stated it is private property with an easement for public access.
- Commissioner Woods asked if it is designed for the traffic this may generate.
- Planner I Spendlove stated it is private property and it is up to the owner of the private property to maintain the easement.
- Commissioner Munoz asked about noise complaints that could come from the music.
- Planner I Spendlove explained it would be a complaint to the police for disturbance of the peace.
- Commissioner Munoz asked about the access between the adjacent business and the proposed business.
- Planner I Spendlove stated a letter was submitted from Subaru stating that the customers from Dairy Queen will be allowed to access the Dairy Queen property through the Subaru entrance.
- Commissioner Frank asked about noise traveling from the PA System.
- Mr. Wareing stated they have a PA system located at their current location but they are not used frequently and they have not received any complaints.
- Commissioner Woods asked if the speakers could be placed so that the noise does not travel to the adjacent apartment building.
- Commissioner Reid asked if they had any issues with the time limits on the sound system.
- Mr. Wareing stated they don't have any issues and the noise will be directed towards the front of the building and will most likely not be heard by the apartment tenants. He also explained the PA System is used at their current site and the apartments are located just east of them currently.
- Commissioner Woods asked about the parking along the west side of the property.
- Planner I Spendlove stated the drawing that was submitted does not have dimensions, therefore he wanted to clarify these spaces will be reviewed during the building permit process for compliance.
- Commissioner Tatum asked about landscaping requirements.

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- Planner I Spendlove explained that will also be part of the building permit review to ensure compliance.

**Public Hearing: [Opened](#)**

- Michael Perry, 805 Blue Lakes Boulevard North, representing Dairy Queen and Café Rio, stated that his business has grown significantly over the past few years. They have managed the traffic well in this area by working with Fred Meyer and being good neighbors. Currently the access to the north of the Dairy Queen property can get backed up by customers trying to access their drive through and has provided a safe haven for his customers. He can have upwards of 300 customers during a given lunch hour. He just asked that the new dealership work with him on the traffic issues, be a good neighbor and keep safety in mind.
- Jack Bishop, 760 Blue Lakes Boulevard North, stated that a PA System is a thing of the past, and asked that the amplified music not be approved as part of the Special Use Permit. There are other means of contact your employees for calls and he doesn't see a purpose for music.
- Celeste McMillon, 835 Blue Lakes Boulevard North, stated she is glad the Subaru is going to expand but her concern is the traffic and parking for all the customers that come to Café Rio and other places in the area.
- Greg Paulson 834 Falls Avenue #11250, stated his concern is the parking and traffic, especially on Taco Tuesday the parking lots fill up quickly by Café Rio customers leaving minimal spaces for the employees and customers of the office building to park. He doesn't see how there is going to be room to accommodate all the cars shown on the lot and the traffic.
- Michael Perry asked about fencing and landscaping requirements.
- Planner I Spendlove stated there is no fencing requirement and landscaping requirements will be reviewed during the building permit process.
- Commissioner Grey asked about parking agreements between the existing businesses.
- Planner I Spendlove explained that the property is being developed and the parking arrangements will have to be managed privately amongst the interested parties. Parking will have to be done legally.

**Public Hearing: [Closed](#)**

**Closing Statement:**

- Mr. Wareing stated they will be parking cars all over their lot. The PA System is seldom used and with regards to the cellphones, they do not let their staff use their cellphones, because they can cause distractions.
- Commissioner Munoz asked what the need is for the music.
- Mr. Wareing stated the music would be on during events the speaker will be face downward and low volume to provide some ambiance.

**Deliberations Followed:**

- Commissioner Frank spoke about an experience with a PA system at a dealership in the past and stated that he addressed it by contacting the dealership regularly when it became an issue. After a while they stopped using the PA system.
- Commissioner Munoz stated sound does carry and being a good neighbor is essential.
- Commissioner Frank recommended that the citizen contact the dealership if it becomes an issue.

**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 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.
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)

**Applicant Presentation:**

Gerald Martens, EHM Engineers, Inc., representing the applicant, stated this particular piece of property is located at 127 Filer Avenue just east of Washington Street North. The EHM Laboratory, the Tint Lady occupy the building. The last space in the building is the location that is being considered this evening. Due to the market for hardwood floors area rugs have become a big item for homes. His client is in the business of cleaning these types of carpets as well as furniture. The steam cleaning would need to be done on these rugs at the business, the furniture steam cleaning is usually done on site at the home. The third portion of the business is upholstery cleaning in automobiles. This facility has overhead doors and they would like to be able to clean vehicle upholstery in the shop. Staff has taken the position the cleaning upholstery in a car falls into auto service, he disagrees. He thinks cleaning vehicle upholstery inside a building would be appropriate in this building. He proposed conditions for a Special Use Permit if it were to be approved.

1. All auto interior upholstery cleaning be done inside the building with the doors closed.
2. All auto upholstery cleaning be done during regular business hours so as not to create additional traffic during non-business hours.
3. Any vehicles left overnight be kept inside the building with the doors closed or parked in an area not zoned RB.
4. Limit the number of auto upholstery cleanings to 4 per day to minimize traffic.
5. Reevaluation of the Special Use Permit in 12 months.

He stated he is comfortable with this timeframe, it would give the business time to test the situation and see what impacts it create.

**Staff Presentation:**

Planner I Spendlove reviewed the item on the overhead and stated 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.

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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.

**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.

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.

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.

**PZ Questions/Comments:**

- Commissioner Woods asked how the RB zone is defined.
- Planner I Spendlove read into the record the definition for the RB zone.
- Commissioner Woods asked for clarification on the chemical process for cleaning the carpets.
- Mr. Martens stated there will be chemicals used as a pre-treatment that helps to lift the stain out of the carpet upon steam cleaning.
- Commissioner Woods asked where the exhaust of the chemicals go.
- Mr. Martens stated it is liquid and is self-contained; the steam is pulled back into unit. For the drying process there is a hood that expedites the drying process, but the chemicals are managed according to

the guidelines. Part of the building permit process there is a form completed regarding chemicals used and how they are disposed of after use.

- Commissioner Munoz asked about steam cleaning the vehicles and if it was upholstery only.
- Mr. Martens stated there would be cleaning of only the vehicles upholstery they do not detail cars.
- Commissioner Grey asked if the van operation that is used at people's homes could be used for vehicle upholstery cleaning off-site at people's homes also. So it is not necessary to do the vehicle cleaning on-site.
- Commissioner Frank asked if the same chemicals used at the customer's home are the same chemicals used at this location.
- Commissioner Musser asked if there is an estimate as to how many vehicles would be cleaned on-site versus the rugs.
- Mr. Martens stated the primary portion of the business will be to clean the rugs. It takes 1-2 hours on a vehicle and 2-3 hours on larger vehicles.
- Commissioner Higley asked if the issue has to do with the automobile upholstery cleaning or the use that is not listed in the zone.
- City Attorney Wonderlich stated that when a Special Use Permit is submitted staff puts together a report outlining the special use. In this case staff can't identify anything to attach a Special Use Permit too. He stated in his opinion this should have been here as an appeal to the administrator's decision. In the context that it is being presented in there is not a Special Use listed. Which is why staff is recommending denial.
- Commissioner Higley stated his understanding is the dry cleaning and steam cleaning are very different. Dry cleaning is usually an issue because of the chemicals used. He also understands there is not an outright permitted use but he is not sure that this is a use that is not conducive to this location.
- City Attorney Wonderlich agreed that is not the argument, the Commission needs to consider the requirements for approving a Special Use Permit. The first requirement is that it has to be a listed use and in this case it is not.
- Commissioner Frank stated he understands the applicants request, but he also understands the Commission doesn't have the power to grant a Special Use Permit for a use that is not listed.
- Commissioner Tatum stated she thinks the use could fit under laundering.
- City Attorney Wonderlich explained that determination cannot be made by the Commission the case that is presented this evening is a request for a Special Use Permit not for an appeal of an Administrative decision. He asked that the applicant return to the podium to clarify his request.
- Mr. Martens explained that he thinks this land use is closer to a laundering use versus and automobile service. Cleaning automobile carpet would not fall into automobile services, in his opinion. He understands the staffs position but he also has a use that he feels is appropriate for the location that doesn't fit the list. The RB zone is very difficult, he has been denied on a few other uses he has proposed for this space. There are other uses that would be permitted in this space that could have more impacts to the neighbors then this use would have, in his opinion. He would like direction, and understands what the City Attorney stated.

**Public Hearing: Opened**

- Douglas Shanfelt, 181 Filer Avenue, stated he is against the request.
- Tony Hughes, 3483 E 3800 N Kimberly, Id stated the issue he has always had with the Washington Street North corridor is the commercial designation that is only 100'ft deep on the Comprehensive Plan. He feels this property should have never been zoned RB and the Comprehensive Plan should have designated this area as commercial all the way to Adams Street. The RB zone was a weak attempt at a transition to residential from commercial. He is in support of the use.

**Planning & Zoning Commission Minutes  
May 24, 2016**

**Public Hearing: Closed**

**Deliberations Followed:**

- Commissioner Higley asked for clarification from the City Attorney.
- City Attorney Wonderlich explained the Commission needs to follow City Code Title 10-13-2-2(D).
- Commissioner Munoz stated he thinks this is not a Special Use and the type of business proposed is more like laundering it is not auto detailing. He doesn't think it needs a Special Use Permit.
- Commissioner Higley asked if the car portion was removed from the request, the only thing that would be dealt with would be the rug cleaning and it would be allowed under laundering.
- Commissioner Grey explained the auto portion of the business was the issue, he was concerned at first that the entire neighborhood would be out protesting the request. There is a letter provided by the business owner stating that 1-2 cars a day is the maximum number of vehicles he can clean seems very low impact, compared to some of the other permitted uses.
- Commissioner Tatum clarified that in the process of cleaning they are using the same products and equipment to clean the rugs, the furniture, and the vehicles.
- City Attorney Wonderlich explained the only item before the Commission is a Special Use Permit request, so there cannot be a decision to approve a Special Use that is not a listed use.

**Motion:**

Commissioner Tatum made a motion to approve the request, as presented. Commissioner Munoz seconded the motion. All members present voted in against the motion.

**Denied, As Presented**

- Zoning & Development Manager Carraway-Johnson clarified to the Commission that the reason this item came forward to the Commission with the recommendation of denial is because staff could not find that use in the code. There are not any automotive services listed in the RB zone.
  - Commissioner Frank stated he agrees with Mr. Martens regarding the RB zone.
  - Commissioner Grey stated that this zone is a work in progress, this was a zone created with the intent to provide a transition from the narrow corridor of Commercial to the residential zone. The intent was to allow for some small businesses as a buffer.
  - Commissioner Munoz stated the character of the building is not commercial, it does provide a transition to the residential.
  - Commissioner Higley clarified the purpose was to bring more of a transition using aesthetics.
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)

**Staff Presentation:**

Planner I Spendlove reviewed the item on the overhead and stated 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

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.

**Planning & Zoning Commission Minutes  
May 24, 2016**

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

**Public Hearing: Opened**

**Public Hearing: Closed**

**Deliberations Followed: Without Concerns**

**Motion:**

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

**[Recommend Approval, As Presented, To City Council](#)  
[Scheduled for City Council Public Hearing June 13, 2016](#)**

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

Chairman Frank reminded the Commission of the joint meeting with the Comprehensive Plan Advisory Commission scheduled May 25, 2016 at noon

**VI. 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**

**VII. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 08:00 PM

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department



**CITY OF TWIN FALLS  
PLANNING AND ZONING DEPARTMENT**

324 Hansen Street East  
P.O. Box 1907  
Twin Falls, Idaho 83303-1907

## SPECIAL USE PERMIT

**Permit No.1397**

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on May 24, 2016 to Paul Wareing c/o Kevin Johnson whose address is 397 South 35 West Idaho Falls, ID 83402 for the purpose of establishing 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 and legally described as Twin Falls Acres Inside S 2.5A NE NE NE, EXC Tax #788 (9-10-17) RPT00107090030

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

**This permit corresponds to Zoning Application No.2792**

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.

\_\_\_\_\_  
CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

\_\_\_\_\_  
DATE

**This 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.**

**Please contact the Building Department at 735-7238 for further information.**

cc: Building Inspection





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

In Re: )  
 )  
Special Use Permit, Application, ) FINDINGS OF FACT,  
 )  
 ) CONCLUSIONS OF LAW,  
Paul Wareing )  
c/o Kevin Johnson ) AND DECISION  
 Applicant(s) )

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on May 25, 2016 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of establishing 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, 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 establishing 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
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: May 4, 2016
3. The property in question is zoned C-1 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Commercial Highway 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, Commercial/Business; to the south, Commercial/Business; to the east; Blue Lakes Boulevard North/Commercial/Business; and to the west, Residential Multiplex Housing.

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 establishing 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 is consistent with the purpose of the C-1 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 C-1 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 establishing 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 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 establishing 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

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.

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CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

---

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. 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.

APPLICATION #2792  
SUP# 1397



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

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In Re:	)	
	)	
<u>Special Use Permit, Application,</u>	)	FINDINGS OF FACT,
<u>Denial</u>	)	
	)	CONCLUSIONS OF LAW,
<u>Mr. Steam Carpet Clean</u>	)	
<u>c/o BDG Partners, LLC-Martens</u>	)	
	)	AND DECISION
<i>Applicant(s)</i>	)	

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This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on May 24, 2016 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of operating a steam cleaning business to include delivery and pick-up of carpets, furniture and automobiles to clean onsite on property located at 127 Filer Avenue #300, 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 operating a steam cleaning business to include delivery and pick-up of carpets, furniture and automobiles to clean onsite on property located at 127 Filer Avenue #300
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: May 4, 2016

3. The property in question is zoned C-1 & RB pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Residential Business in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-23, 10-10, 10-11-1 thru 8, 10-13, Twin Falls City Code.

5. The existing neighboring land uses in the immediate area of this property are: to the north, Residential; to the south, Filer Avenue/Vacant Undeveloped; to the east, Adams Street/Residential; to the west, Commercial Business.

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

CONCLUSIONS OF LAW

1. The operation of a steam cleaning business to include delivery and pick-up of carpets, furniture and automobiles to clean onsite on property located at 127 Filer Avenue #300 is not a permitted special use in the RB zoning district.

2. The application for a Special Use Permit to for the purpose of operating a steam cleaning business to include delivery and pick-up of carpets, furniture and automobiles to clean onsite on property located at 127 Filer Avenue #300, should be denied.

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 to for the purpose of operating a steam cleaning business to include delivery and pick-up of carpets, furniture and automobiles to clean onsite on property located at 127 Filer Avenue #300, is hereby denied.

\_\_\_\_\_  
CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

\_\_\_\_\_  
DATE

APPLICATION #2793

DRAFT





Public Hearing: **TUESDAY, June 14, 2016**  
 To: Planning and Zoning Commission  
 From: Jonathan Spendlove, Planner I

## AGENDA ITEM III-1

**Request:** Request for consideration of the **Preliminary Plat** for Canyon Village Subdivision No. 2 PUD, consisting of 29 residential/professional lots and 13.60 acres (+/-) located on the south side of Pole Line Road East and west side of Eastland Drive North c/o EHM Engineers, Inc.

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 13.6 Acres
Northeast Investments, LLC Kent Taylor PO Box 1901 Twin Falls, ID 83301	<b>Current Zoning:</b> C-1; Urban Village/Urban Infill PUD	<b>Requested Zoning:</b> Approval of the preliminary plat for Canyon Village Subdivision No 2
	<b>Comprehensive Plan:</b> Urban Village/Infill	<b>Lot Count:</b> 28 Lots, 1 Tract
	<b>Existing Land Use:</b> Undeveloped	<b>Proposed Land Use:</b> 28 Lots to be developed in accordance to R-1 VAR Zoning District, Professional Office & PUD #270
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
EHM Engineers Gerald Martens 621 N College Rd #100 Twin Falls 83301 208-734-4888 <a href="mailto:gmartens@ehminc.com">gmartens@ehminc.com</a>	<b>North:</b> C-1 PUD, Undeveloped	<b>East:</b> Eastland Drive N; R-2, Undeveloped Agricultural
	<b>South:</b> Cheney Drive East; R-1 VAR, Residential	<b>West:</b> R-4 and R-1 VAR, Undeveloped Agricultural
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-12-1 through 4; Canyon Village PUD #270	

**Approval Process:**

**As per Twin Falls City Code 10-12-2.3 Action on Preliminary Plat:**

The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

**Budget Impact:**

As the request is for a Preliminary Plat, approval of this request will have negligible impact on the City budget.

**Regulatory Impact:**

Upon approval of a preliminary plat a final plat that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

**History:**

This property is Zoned C-1 PUD. This Zoning designation took place in 2014 and 2015. This zoning change went through multiple public hearings with the Planning and Zoning Commission and the City Council. The PUD Master Development Plan is contained within the Attachments.

**Analysis:**

The request is for approval of the Canyon Village Subdivision #2. The site is zoned C-1 PUD, includes 13.6 acres and consists of 20 Residential Lots, 4 Commercial Lots, 4 Professional Office Lots and 1 Tract. A Parks-n-Lieu Request was submitted to the Parks Director when the plat was submitted. As of today the Parks and Recreation Commission has not discussed the request. Prior to submittal of a final plat the parks issue needs to be resolved. The Preliminary Plat we have received satisfies the rest of requirements outlined in City Code 10-12: General Subdivision Provisions and the Canyon Village PUD #270.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

This request is in conformance with the Comprehensive Plan and the requirements found in Twin Falls City Code.

**Conclusion:**

Staff recommends the Commission approve the preliminary plat of the Canyon Village Subdivision No. 2, a PUD, as presented, and subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to resolution of the Parks-n-Lieu Request.

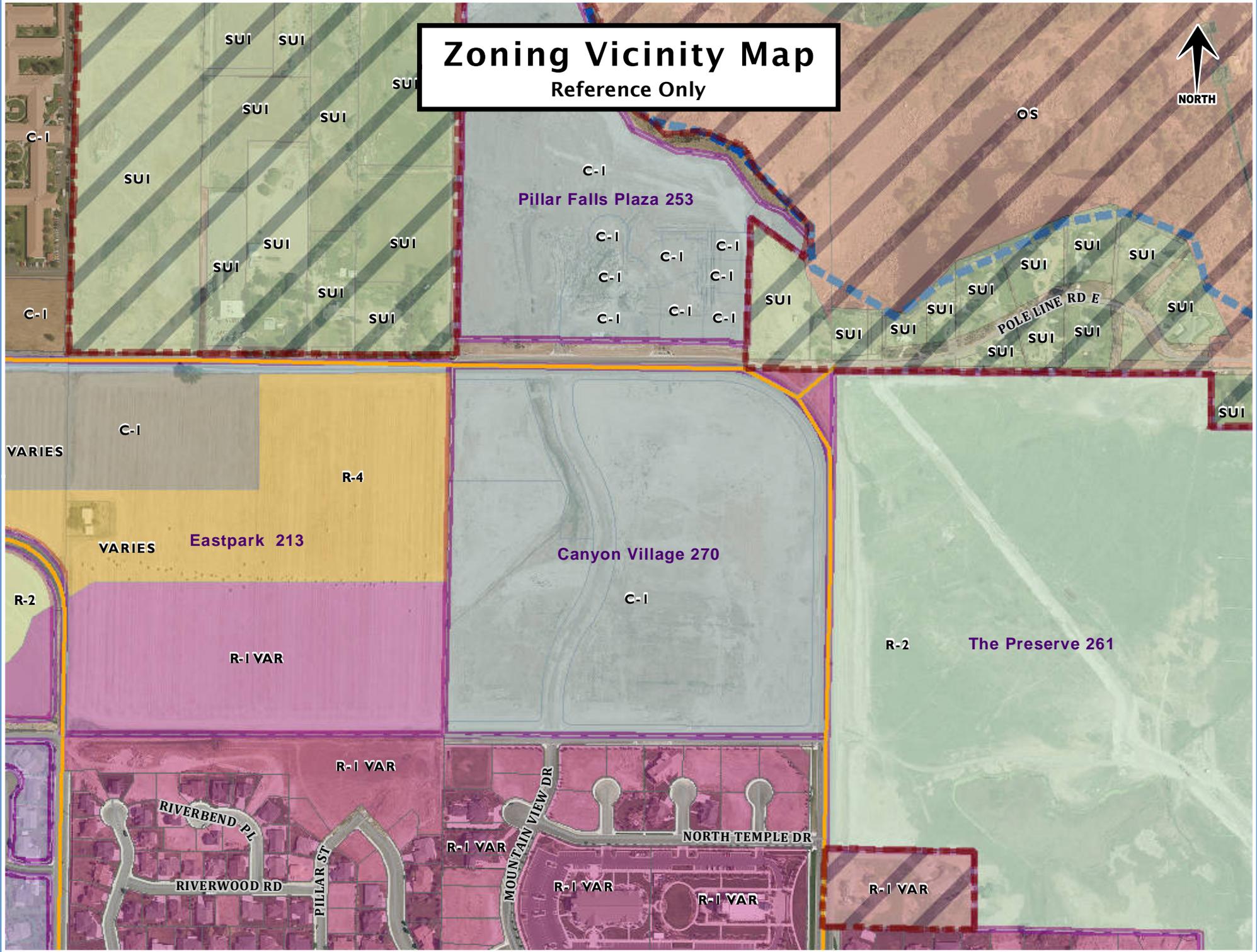
**Attachments:**

1. Canyon Village Subdivision No 2, Preliminary Plat
2. Zoning Vicinity Map
3. Canyon Village PUD Master Plan



# Zoning Vicinity Map

Reference Only









Public Hearing: **Tuesday, JUNE 14, 2016**  
 To: Planning & Zoning Commission  
 From: Jonathan Spendlove, Planner I

## AGENDA ITEM IV-1

**Request:** Request for a **Special Use Permit** to allow for an Outdoor Theater; to include concerts and other similar outdoor events on property located at 245 & 287 5<sup>th</sup> Avenue South c/o Rock Canyon Amphitheater –Mark Gallegos (app. 2794)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Lease Agreement	<b>Size:</b> 0.57 Acre
Mark Gallegos 2587 East Patriot Drive Eagle Mountain, UT 84005 801-556-7059 <a href="mailto:mammothsound@hotmail.com">mammothsound@hotmail.com</a>	<b>Current Zoning:</b> OT WHO P3 Overlay, Old Town with Warehouse Historic and P-3 Overlays	<b>Requested Zoning:</b> Special Use Permit
	<b>Comprehensive Plan:</b> Townsite	<b>Lot Count:</b> 5 Lots
	<b>Existing Land Use:</b> Undeveloped	<b>Proposed Land Use:</b> Outdoor Concerts and other similar outdoor events
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
	<b>North:</b> Alley; OT WHO P-3; Commercial Business	<b>East:</b> Idaho St S; OT WHO P-3; Vacant, Undeveloped Lot
	<b>South:</b> 5 <sup>th</sup> Ave S; OT WHO P-3; Public Parking Lot	<b>West:</b> OT WHO P-3; Commercial Business
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-13, 10-4-22, 10-10-1 thru 12, 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. 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 negligible impact on the City budget.

## Regulatory Impact:

Approval of this request will allow the applicant to operate an Outdoor Theater; to include concerts and other similar outdoor events on property listed 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:

This property is part of the original Twin Falls Townsite dating to 1905. We have no specific Zoning history for this location. However, it is safe to assume it has been Zoned OT at least since 1996, when that zoning district was first enacted for parts of downtown. This area of OT was incorporated within the Warehouse Historic Overlay District which was adopted in 1999 – this district was developed to protect and improve the old historic downtown area of Twin Falls. The Historic Preservation Commission actively reviews all changes to sites and or structures within this zone.

The property has been undeveloped for a number of years. In 2015, the Gallegos Brothers purchased the property with the plan to hold temporary outdoor concerts a few times a year as permitted by the Special Events process. During their first year of operation, they pursued and obtained a Special Event Permit for the concerts they held on the location. After the conclusion of their first year, they started plans to make this location a permanent Outdoor Theater/Concert site. In order to do this, they made application for a code amendment to add “Outdoor Theater” to the OT Zone. This change occurred in February of 2016.

## Analysis:

The site is zoned OT (Old Towne) WHO (Warehouse Historic Overlay) with a P3 parking overlay. The request is to operate an Outdoor Theater/Concert; to include concerts and other similar outdoor events. The site plan indicates all items associated with the outdoor theater/events being temporary or movable. This is due in-part to the requirement for any permanent improvements shall receive approval from the Historic Preservation Commission and make required site improvements such as; curb, gutter, sidewalk, retention, trash enclosures, landscaping, parking, etc. The applicant states their desire is for concerts to potentially take place Monday – Sunday 8 AM – 10 PM. The applicants do not anticipate a concert taking place every day, however, they could under this permit. The applicants portray this permanent special use permit as a necessity for scheduling during the summer as they will be able to pursue various artists and groups for any day of the week instead of only on weekends.

The applicant anticipates most of their events will see between 40 – 800 vehicles, depending on the popularity of the event. Their parking plan shows a dependence on public parking, which has been abundant in this area for the past several years. Particularly a public parking lot owned by the Urban Renewal Agency immediately to the south. They will encourage and advertise the locations of all nearby public parking lots. The applicant states they have made contact with neighboring property owners to discuss the nature of the business. They claim nearby businesses have not conveyed issues with this plan as most events will take place after hours and thus patrons will not compete with office workers for parking spaces.

The applicant has indicated security for the events will be provided by themselves or a privately hired security firm. Their application also contains a condition for notifying the Twin Falls Police Department 3 weeks prior to each event. Additionally, they will notify TFPD if their ticket sales exceed 2000 to ensure adequate safety precautions are met.

**Per City Code 10-4-13:** Outdoor Theaters require a special use permit prior to being legally established.

The applicant proposes operating an outdoor theater/concerts with no permanent structures as of yet. The site is currently landscaped with grass a few trees and a temporary chain link fence.

**Per City code 10-10-12:** Parking Overlay Districts

This property is located within the P-3 Parking overlay. Special Consideration may be given on a case by case basis to the parking requirements, in order to retain the character of the district. Examples could be: a variance, leased parking, or remote parking. The applicant is asking the Commission to grant this use with no designated onsite parking for their customers.

**Per City Code 10-11-1 thru 8:** Required Site Improvements

Required improvements include streets, parking, paving, landscaping, curb-gutter-sidewalk, water and sewer, drainage and storm water, etc... These improvements are required for any change of use of a property but typically assurance of completion is tied to a building permit review and approval. Due to no building permit being sought at this time, these improvements will be difficult to ensure they are met. If the commission wishes to address any of these improvements, they should evaluate this request for the possible impacts it will cause and potentially address them.

#### **Possible Impacts:**

The negative impacts associated with this particular business will involve an increase in traffic and noise. Due to the surrounding area being underdeveloped and commercial in nature, staff does not anticipate unreasonable negative impacts to be created by the operation of this business.

The most prominent impact on the area will be additional vehicular and foot traffic to the area. There is no sidewalk in this area and in some cases, this can be overbearing to an area to the extent it becomes a significant impact. The applicants are asking for consideration to allow all of their required onsite parking to be off-site. Some consideration needs to be given to the varying peak times of customers to the area. As indicated by the applicant, most events will be taking place after hours. The applicant has indicated they will make every effort to encourage patrons to use established public parking lots and to park legally on streets that allow it.

The other prominent impact on the area will be noise due to the events. Outdoor Concerts of all types create noise which can be heard clear across town and can also be undesirable for people within the area. The

applicant has proposed a reasonable time frame for operations being no earlier than 8 AM and no later than 10 PM. Although retail hours are permitted from 7am to 10pm, typically the business operates within a building limiting greatly the impacts from noise. It should be noted, during the four (4) concerts put on by the applicants last summer the city did not receive any noise complaints.

As the site shall remain undeveloped a concern trash, temporary stages, benches, port-a-poties, the temporary chain link fence will remain onsite until the next concert date. It may be appropriate to place a condition all temporary facilities and all trash be removed within 24 hours of the close of the concert.

The commission should evaluate the impacts of this proposed special use and evaluate if conditions should be placed on the permit to mitigate those potential impacts.

**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 notifying the Twin Falls Police Department a minimum of three (3) weeks prior to each event.
3. Subject to additional notification to the Twin Falls Police Department when ticket sales exceed the two-thousand (2,000) mark, and each additional thousand (1,000) thereafter.
4. Subject to any permanent structure or improvement receiving approval from the Historic Preservation Commission, if applicable and subsequent building permit.
5. Subject to the hours of operation being limited to 8:00 AM – 10:00 PM.

**Attachments:**

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

# City of Twin Falls Community Development

## Services Special Use Permit

### Application

May 9, 2016

From Rock Canyon Amphitheater:

Owners: Mark Gallegos, Curt Gallegos and Alan Moss

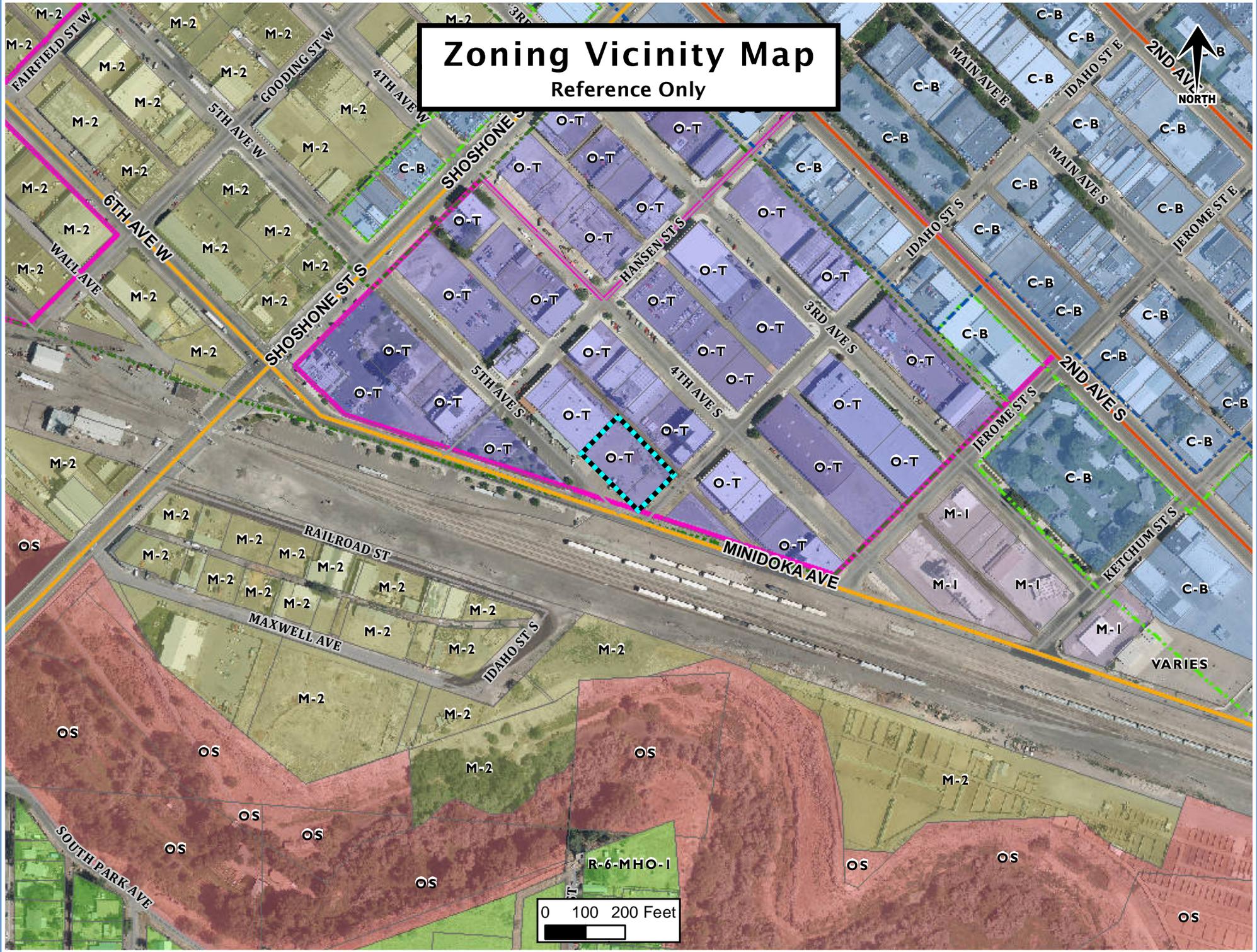
1. Reason for Request:
  - a. To have the flexibility to book touring performers or special events, which could fall on any day of the week. We would like the option to book them whenever they are available and as needed. This request is specific to the owners of Rock Canon Amphitheater. We do not want to set a precedent for future venue owners.
  
2. Explanation of Project: Rock Canyon Amphitheater would like to have the opportunity to produce concerts and special events on any day of the week, only after following the notification requirements outlined below.
  - a. Hours of Operation:
    - i. Monday – Sunday: 8am-10pm (this includes set up and load in, sound check, preparation for event)
    - ii. We will notify the City of Twin Falls Police Department a minimum of three weeks prior to our events and will work around established events in Twin Falls as necessary.
    - iii. If ticket sales exceed 2000, additional notice to the TFPD will be given to ensure adequate safety precautions are met.
  - b. Traffic anticipated:
    - i. The range of vehicles that we anticipate attending the venue could range anywhere from 40 – 800 depending on the size and attendance of the event.
    - ii. Parking plan is attached. Due to the character of our area, we depend on available public parking for our attendees. We will encourage attendees to park in established public lots or legally on public streets.
  - c. Number of employees:
    - i. For a small show requiring minimal set up would be 4-6 employees.
    - ii. For a large show requiring full set up there would be 16-20 employees (this includes security).
  
3. An evaluation of the effects on adjoining property including the effect of such elements as:

- a. Noise: will be minimal to surrounding businesses during the day and at the time of our performances, most businesses will be closed so there will be no effect on these properties.
- b. Glare: will be minimal from our lighting and video wall due to the fact that it is focused mainly on the stage.
- c. Odor: The only odor that we would be having at our events will be food vendors.
- d. Fumes and Vibrations on adjoining properties: possible diesel fumes from a generator. We are attempting to get power from Idaho Power to eliminate the need for the use of a generator.
- e. A discussion of the general compatibility with adjacent and other properties in the district: We have made contact with the businesses around our venue and discussed at length the possibility of traffic and noise. There have been no concerns expressed or communicated to us. In general, our concerts will take place after normal business hours. This helps mitigate the impact to the local office type uses. Other restaurant and service base uses will benefit from the increase in patrons to the area.

Also, this off peak time helps with the parking issue. Concerts will be taking place after normal hours, which will allow the public parking lots to be utilized while not competing for space from the daytime office hours. We wish to be good neighbors and will make every effort to accommodate and address issues as they arise.

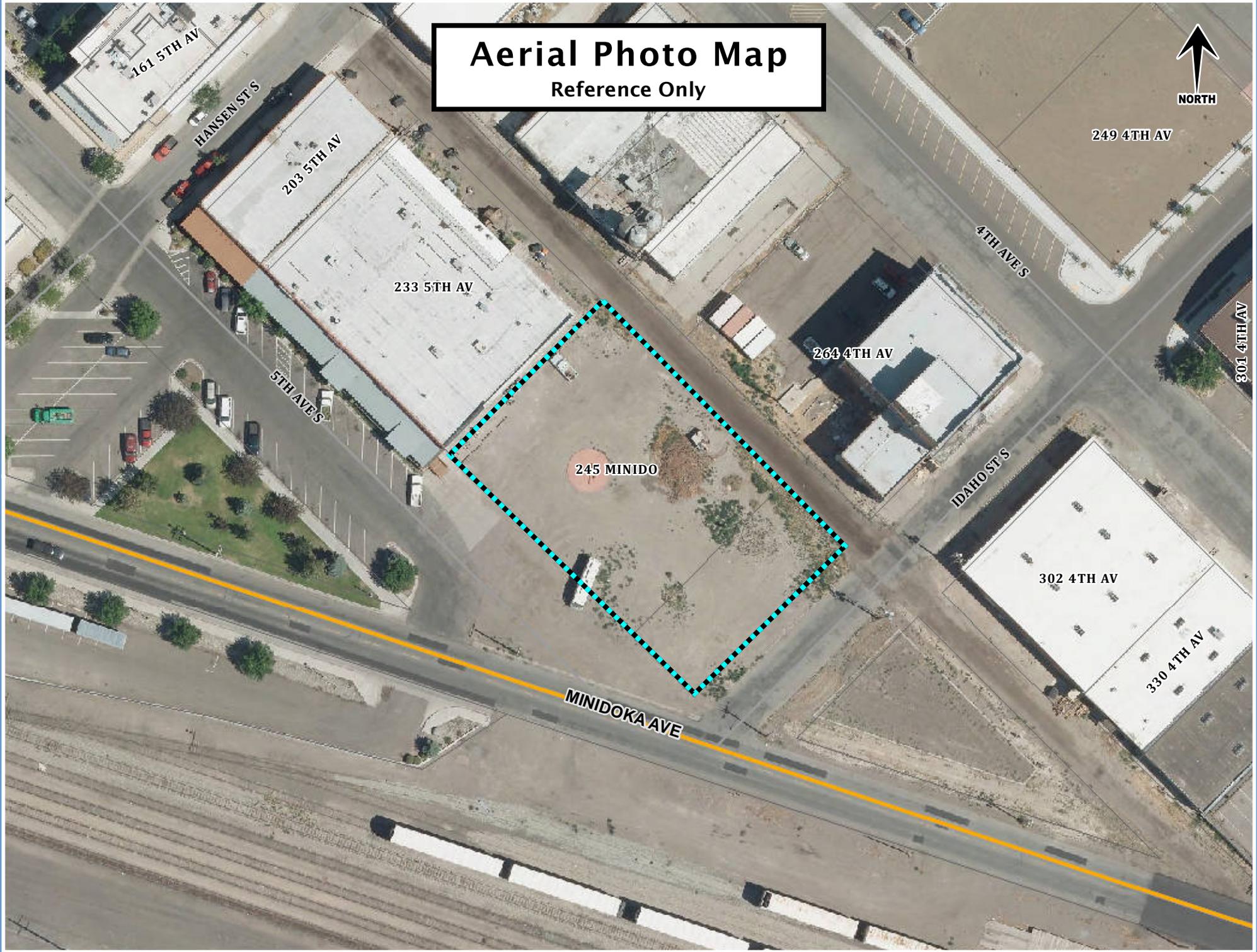
# Zoning Vicinity Map

Reference Only



# Aerial Photo Map

Reference Only



161 5TH AV

HANSEN ST S

203 5TH AV

233 5TH AV

5TH AVES

245 MINIDO

264 4TH AV

4TH AVES

249 4TH AV

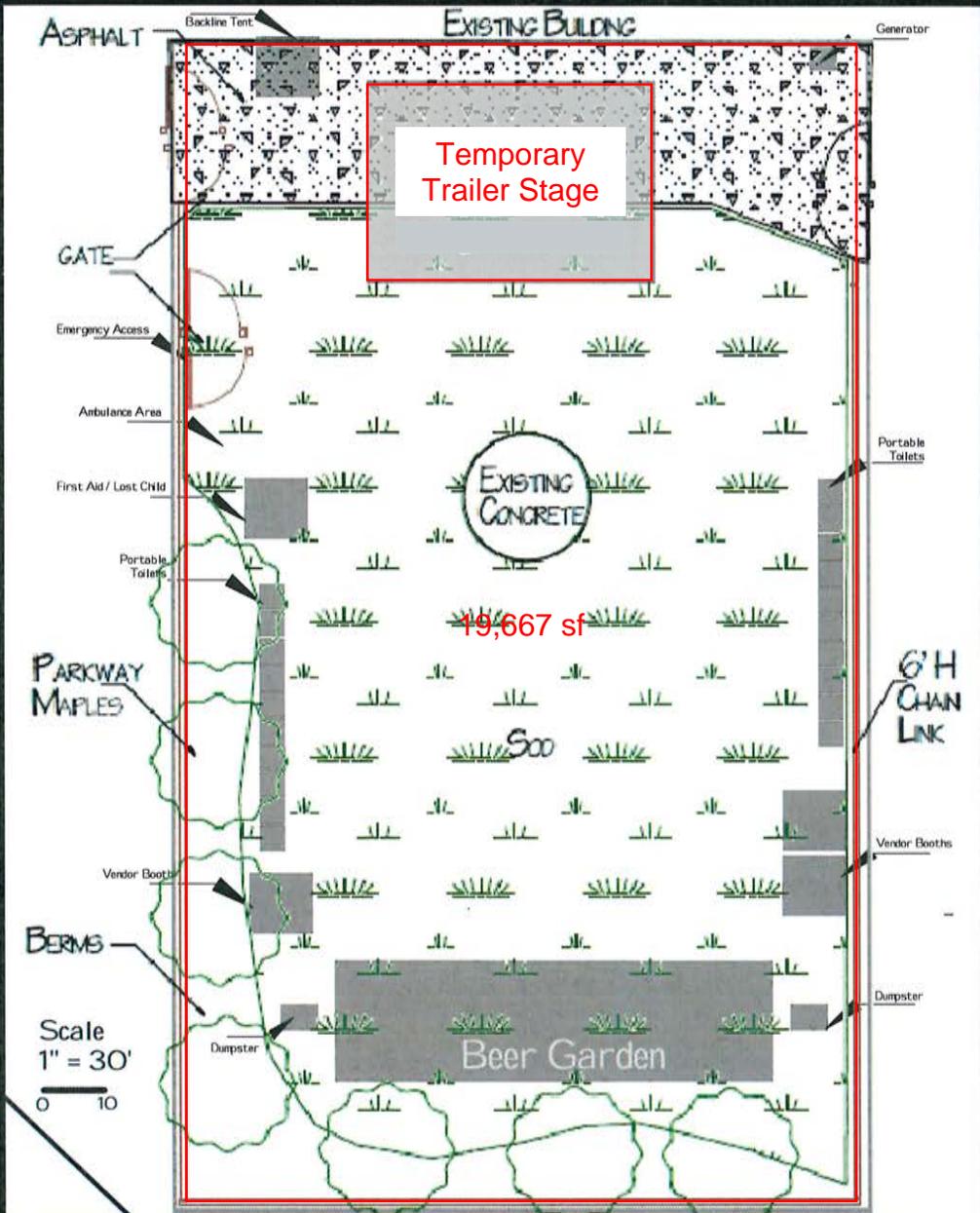
IDAHO ST S

302 4TH AV

330 4TH AV

MINIDOKA AVE

301 4TH AV



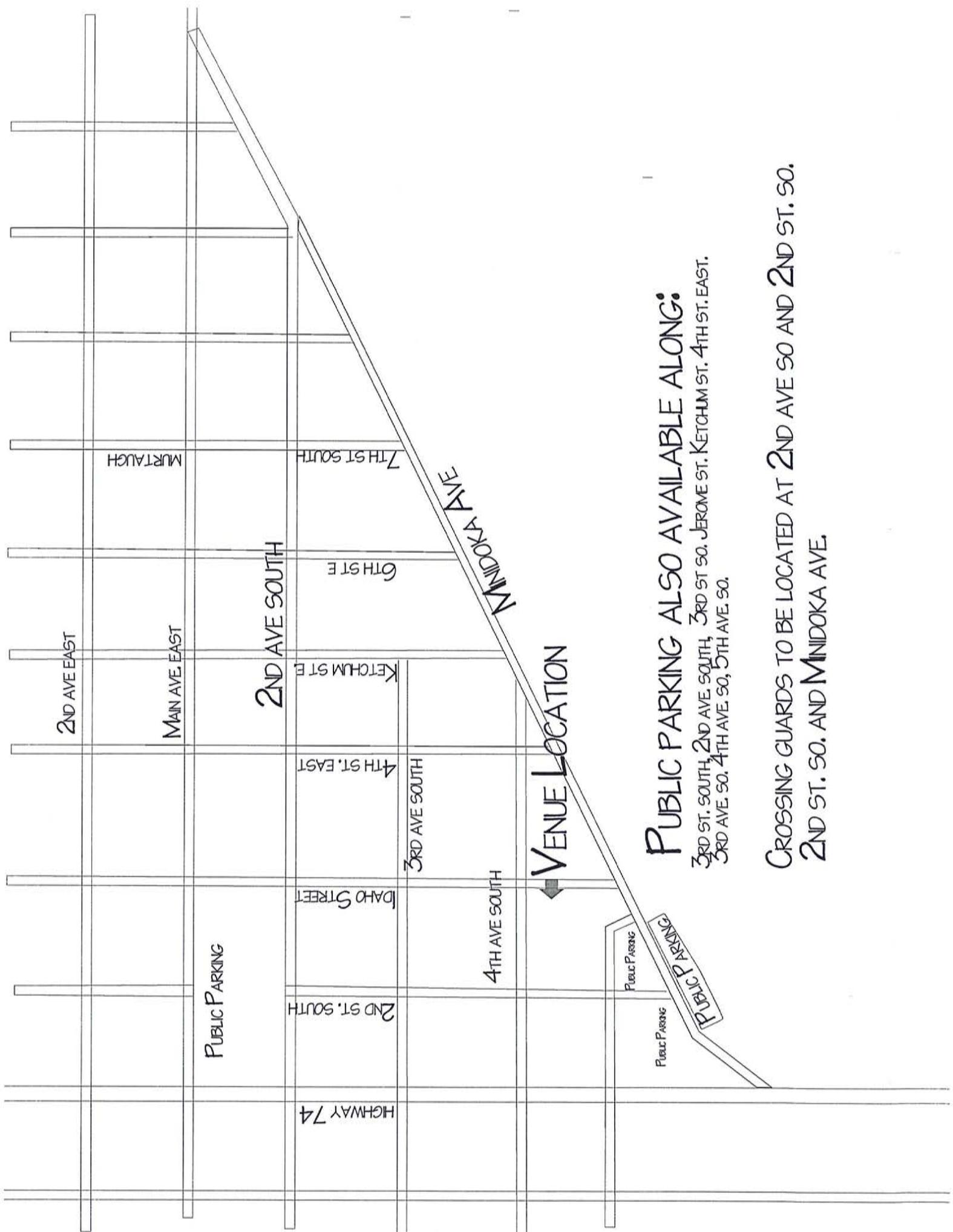
Revision #: \_\_\_\_\_  
 Date: 3/23/2015

Landscape Plan: Concept #1  
 Rock Canyon Amphitheater

Landscape Design by: Curt Gallegos  
 Cougar Mountain

Minidoka Ave

Idaho St S. 3rd



**PUBLIC PARKING ALSO AVAILABLE ALONG:**

- 3RD ST. SOUTH, 2ND AVE SOUTH, 3RD ST SO, JEROME ST, KETCHUM ST, 4TH ST. EAST.
- 3RD AVE. SO, 4TH AVE. SO, 5TH AVE. SO.

CROSSING GUARDS TO BE LOCATED AT 2ND AVE SO AND 2ND ST. SO.  
 2ND ST. SO. AND MINIDOKA AVE.



Corner of 5<sup>th</sup> Ave S and Idaho Street



Intersection of Idaho St and the Alley on NE side of property.



Alley way and adjoining building on the NW. Looking directly South towards Railroad Tracks.