

COUNCIL MEMBERS

Suzanne	Nikki	Shawn	Chris	Gregory	Don	Ruth
Hawkins	Boyd	Barigar	Talkington	Lanting	Hall	Pierce
Vice Mayor		Mayor				



AGENDA

**Meeting of the Twin Falls City Council
Monday, June 13, 2016 - City Council Chambers
305 3rd Avenue East -Twin Falls, Idaho**

PLEDGE OF ALLEGIANCE TO THE FLAG 5:00 P.M.
CALL MEETING TO ORDER
CONFIRMATION OF QUORUM
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
PROCLAMATIONS: **None**
GENERAL PUBLIC INPUT

AGENDA ITEMS	Purpose:	By:
I. CONSENT CALENDAR: 1. Consideration of a request to approve the Accounts Payable for June 7 through June 13, 2016. 2. Consideration of a request to approve the June 6 City Council Minutes. 3. Consideration of a request to approve the Shafer Subdivision, a Conveyance Plat consisting of 2 lots on 3.72 (±) acres located at 1047 Morningside Drive % Rex Harding/Riedesel Eng. Inc., on behalf of Jeremy Shafer.	Action Action Action	Sharon Bryan Sharon Bryan Jonathan Spendlove
II. ITEMS FOR CONSIDERATION: 1. Consideration of a request to enact a new Chapter 13 of Title 6 of the Twin Falls City Code; prohibiting graffiti, requiring removal and abatement, and providing for a penalty for violation of this code. 2. Public input and/or items from the City Manager and City Council.	Action	Craig Kingsbury
III. ADVISORY BOARD REPORT/ANNOUNCEMENTS:		
6:00 P.M.		
IV. PUBLIC HEARINGS: 1. Consideration of a request for a PUD Amendment to the North Haven PUD Agreement #235 to allow additional building heights within the North Haven Business Park Subdivision No. 2 as per City Code and Ordinance 3077 for property located northwest of the Cheney Drive West and Billiar Street intersection. % Gerald Martens on behalf of North Haven Business Park (app.2790). 2. Consideration of a request to approve a Special Use Permit to construct and operate a professional office on property located on the south side of the 1500 block of Bridgeview Blvd. % Gerald Martens on behalf of Temple View Properties. (app.2788). 3. Consideration of a request for 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. % City of Twin Falls (app.2791).	Action/PH Action/PH Action/PH	Gerald Martens Jonathan Spendlove Gerald Martens Jonathan Spendlove Jonathan Spendlove
V. ADJOURNMENT: 1. Executive Session: 74-206(1)(c) To acquire an interest in real property which is not owned by a public agency. 2. Executive Session: 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.		

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

Twin Falls City Council-Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
 3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The 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.Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor.
 4. A City Staff Report shall summarize the application and history of the request.
 - The City Council may ask questions of staff or the applicant pertaining to the request.
 5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
 - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the mayor. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
 - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
 7. The Mayor shall close the Public Hearing. The City Council 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 Mayor.

COUNCIL MEMBERS

Suzanne	Nikki	Shawn	Chris	Gregory	Don	Ruth
Hawkins	Boyd	Barigar	Talkington	Lanting	Hall	Pierce
Vice Mayor		Mayor				



5:00 P.M.

MINUTES

**Meeting of the Twin Falls City Council
Monday, June 6, 2016
City Council Chambers
305 3rd Avenue East -Twin Falls, Idaho**

PLEDGE OF ALLEGIANCE TO THE FLAG
CALL MEETING TO ORDER
CONFIRMATION OF QUORUM
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
PROCLAMATIONS: **GENERAL AVIATION APPRECIATION MONTH** – Bill Carberry, Airport Manager
GENERAL PUBLIC INPUT

AGENDA ITEMS	<u>Purpose:</u>	<u>By:</u>
I. <u>CONSENT CALENDAR:</u>		
1. Consideration of a request to approve the Accounts Payable for May 24-June 6, 2016.	Action	Sharon Bryan
2. Consideration of a request to approve the May 23, 2016, City Council Minutes.	Action	Sharon Bryan
3. Consideration of a request to approve the Final Plat for Lobo Villa Subdivision approximately 4.79 (+/-) acres consisting of 2 lots located at 2050 Eldridge Avenue c/o Scott Allen, JUB Engineers, Inc.	Action	Troy Vitek
4. Consideration of a request to approve the Avigation Easement – 2999 E 3400 N for Sue Miller.	Action	Jonathon Spendlove
5. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision: 1. Special Use Permit for the City of Twin Falls c/o Information Services Department. 2. Special Use Permit for IOL Properties c/o Gerald Martens.	Action	Jonathon Spendlove
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Swearing in ceremony for two Twin Falls Police Department Officers and Vice-Mayor Suzanne Hawkins administer the Oath of Office to Anthony Summers and Salko Lalic.	Presentation	Craig Kingsbury Suzanne Hawkins
2. Consideration of a request to approve the purchase of Engineering lab equipment and electronic plan review software and hardware for Engineering staff.	Action	Jacqueline D. Fields
3. Consideration of a request to award the 2016 Chip Seal Project to Emery, Inc., in the amount of \$548,600.88.	Action	Jacqueline D. Fields
4. Consideration of a request to adopt a Resolution declaring a sole source supplier for the Slurry Seal Project and to award the 2016 project to Morgan Pavement Maintenance, in the amount of \$260,003.84.	Action	Jacqueline D. Fields
5. Public input and/or items from the City Manager and City Council.		Jacqueline D. Fields
III. <u>ADVISORY BOARD REPORT/ANNOUNCEMENTS:</u>		
6:00 P.M.		
IV. <u>PUBLIC HEARINGS:</u>		
1. Request to Vacate approximately 2,500 (+/-) sq. ft. of right-of-way along the 100 block of Hansen Street East c/o City of Twin Falls (app.2786)	Action/PH	Jonathan Spendlove
2. Request to Vacate an irrigation easement on the North side of 3600 North Road approximately 850 ft. West of Harrison Street South Twin Falls School District #411 c/o City of Twin Falls (app. 2786)	Action/PH	Jonathan Spendlove

V. ADJOURNMENT:

Executive Session 74-206:

(1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

Present: Suzanne Hawkins, Nikki Boyd, Chris Talkington, Don Hall, Ruth Pierce
Absent: Shawn Barigar, Greg Lanting

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Deputy City Manager Mitchel Humble, Deputy City Manager Brian Pike, Airport Manager Bill Carberry, Police Chief Craig Kingsbury, City Engineer Jackie Fields, Planner 1 Johnathan Spendlove, Staff Engineer Glaesmann, Deputy City Clerk Sharon Bryan

PLEDGE OF ALLEGIANCE TO THE FLAG

Vice Mayor Hawkins called the meeting to order at 5:00 P.M. She then invited all present, who wished, to recite the pledge of Allegiance to the Flag.

CONFIRMATION OF QUORUM

A quorum is present.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA – None

PROCLAMATIONS: GENERAL AVIATION APPRECIATION MONTH

Vice Mayor Hawkins read proclamation and presented it to Bill Carberry, Airport Manager and Jared Vanderkooi, Fixed Base Operator Manager of Reeder Flying Service.

Jared Vanderkooi, Fixed Base Operator Manager of Reeder Flying Service, thanked City Council.

GENERAL PUBLIC INPUT - None

I. CONSENT CALENDAR:

1. Consideration of a request to approve the Accounts Payable for May 24-June 6, 2016.
2. Consideration of a request to approve the May 23, 2016, City Council Minutes.
3. Consideration of a request to approve the Final Plat for Lobo Villa Subdivision approximately 4.79 (+/-) acres consisting of 2 lots located at 2050 Eldridge Avenue c/o Scott Allen, JUB Engineers, Inc.
4. Consideration of a request to approve the Avigation Easement – 2999 E 3400 N for Sue Miller.
5. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision: 1. Special Use Permit for the City of Twin Falls c/o Information Services Department. 2. Special Use Permit for IOL Properties c/o Gerald Martens.

MOTION:

Councilmember Hall moved to approve the Consent Calendar as presented. The motion was seconded by Councilmember Boyd. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

II. ITEMS FOR CONSIDERATION:

1. Swearing in ceremony for two Twin Falls Police Department Officers and Vice-Mayor Suzanne Hawkins administer the Oath of Office to Anthony Summers and Salko Lilic.

Police Chief Kingsbury introduced Officers Anthony Summers and Salko Lilic.

Vice Mayor Hawkins administered the Oath of Office to Officers Anthony Summers and Salko Lilic.

2. Consideration of a request to approve the purchase of Engineering lab equipment and electronic plan review software and hardware for engineering staff.

City Engineer Fields reviewed the request.

City Council discussion ensued on the cost of the equipment.

MOTION:

Councilmember Talkington moved to approve the request to purchase Engineering lab equipment and electronic plan review software and hardware for Engineering not to exceed \$40,000. The motion was seconded by Councilmember Pierce. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

3. Consideration of a request to award the 2016 Chip Seal Project to Emery, Inc., in the amount of \$548,600.88.

City Engineer Fields reviewed the request.

City Council discussion ensued on the importance of quality control of the project.

MOTION:

Councilmember Hall moved to approve the request to award the 2016 Chip Seal Project to Emery, Inc., in the amount of \$548,600.88. The motion was seconded by Councilmember Pierce. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

4. Consideration of a request to adopt a Resolution declaring a sole source supplier for the Slurry Seal Project and to award the 2016 project to Morgan Pavement Maintenance, in the amount of \$260,003.84.

City Engineer Fields reviewed the request.

City Council discussed the exclusion of Adams Street, Jefferson Street, Quincy Street and Jackson Street. City Engineer Fields explained that because of the condition of the roads they will be chip sealed.

MOTION:

Councilmember Hall moved to adopt **Resolution 2016-03** declaring a sole source supplier for the Slurry Seal Project and to award the 2016 project to Morgan Pavement Maintenance, in the amount of \$260,003.84. The motion was seconded by Councilmember Boyd. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

5. Public input and/or items from the City Manager and City Council.

City Manager Rothweiler reported on the following:

- Rogerson demolition is on hold because of a concern of instability on the main street side. Community will be notified when the demolition begins.
- City Fair July 13, 2016 3:30 to 5:30 at 103 Main Avenue East
- YMCA pool contract report.

City Council discussion ensued on the following:

Concern of road closure on the second streets slowing down the construction projects of the Rogerson Building and the Banner Building.

Restrictive to service companies on road closures.

Finance reports reviewed by the auditors and report back to City Council.

III. ADVISORY BOARD REPORT/ANNOUNCEMENTS:

Vice Mayor Hawkins reported that the Youth Council went around the downtown area and picked up garbage left from Western Days Celebration.

City Council Recessed at 5:52 P.M and will reconvene at 6:00 PM

IV. PUBLIC HEARINGS: 6:00 PM

1. Request to Vacate approximately 2,500 (+/-) sq. ft. of right-of-way along the 100 block of Hansen Street East c/o City of Twin Falls (app.2786)

Planner 1 Spendlove reviewed the request using visuals.

Open Public Hearing at 6:11 PM

Close Public Hearing at 6:12 PM

MOTION:

Councilmember Boyd moved to approve the request to vacate approximately 2,500 (+/-) sq. ft. of right-of-way along the 100 block of Hansen Street East c/o City of Twin Falls (app.2786) with the following conditions: 1. Subject to the retention of a pedestrian easement along Hansen Street East, 2. Subject to the complying with requirements placed by applicable utility companies for relocation of assets. The motion was seconded by Councilmember Hall. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

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

Staff Engineer Glaesmann reviewed the request using visuals.

Planner I Spendlove reported on the Planning and Zoning Commissions Public Hearing.

Open Public Hearing at 6:15PM

Close Public Hearing at 6:16PM

MOTION:

Councilmember Talkington moved to approve request to vacate an irrigation easement on the North side of 3600 North Road approximately 850 ft. West of Harrison Street South Twin Falls School District #411 c/o City of Twin Falls (app. 2786) with the following condition: 1. Subject to the new easement language receiving City Engineer approval, and be recorded, prior to the City Council signing the ordinance granting the vacation. The motion was seconded by Councilmember Pierce. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

V. ADJOURNMENT:

Executive Session 74-206:

(1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

MOTION:

Councilmember Talkington moved to adjourn into Executive Session 74-206:

(1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. The motion was seconded by Councilmember Pierce. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

Meeting adjourned at 6:17 PM

Sharon Bryan, Deputy City Clerk

http://twinfalls.granicus.com/MediaPlayer.php?view_id=2&clip_id=533



DATE: *Monday, JUNE 13, 2016*

To: *Honorable Mayor and City Council*

From: *Rene'e V. Carraway-Johnson, Zoning & Development Manager*

ITEM I-

Request: Consideration of approval of the Shafer Subdivision-A Conveyance Plat consisting of 2 lots on 3.72 (+/-) acres located at 1047 Morningside Dr. c/o Rex Harding/Riedesel Eng., Inc. on behalf of Jeremy Shafer

Time Estimate: There is no presentation on this request unless the City Council wishes to remove the item from the Consent Calendar for discussion.

Background:

Applicant: Jeremy Shafer 1047 Morningside Dr Twin Falls, Idaho 83301 208-490-0004 Jeremysh0004@gmail.com c/o Rex Harding Riedesel Engineering, Inc. 526C Shoup Ave W Twin Falls, Idaho 83301 733-2446 rharding@riedeseleng.com	Status: Owner	Size: 3.72 (+/-) acres
	Zoning: R-4	Requested Zoning: Conveyance Plat approval
	Comprehensive Plan: Medium Density Residential	Lot Count: 2 lots
	Existing Land Use: residential	Proposed Land Use: residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-2, 10-4-5, 10-12-2.5	
Zoning Designation & Surrounding Land Use(s)	North: C-1; commercial	East: R-4 & R-2; Morningside Dr & residential
	South: R-4; Spring Lane Sub; developed residential sub	West: R-4; residential

Approval Process:

1-TF City Code Title 10; Chapter 12; Subdivision Regulations - Section 2.5 - Conveyance Plat;

- (A) Purpose - Intent: A conveyance plat may be used for the purpose of subdividing land and the recording of same, or recording a single existing lot or parcel created by other means. A conveyance plat may be used to convey the property or interests therein; however, a conveyance plat does not constitute approval for development of the property and is not intended for immediate development. A conveyance plat is an interim step in the subdivision and development of land.

History:

There is no known zoning history of this site

Budget Impact:

Approval of this request will not impact the City budget at this time.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the recordation of the conveyance plat and the selling/deeding of the property as 2 lots.

Analysis:

This is a request for approval of the Shaffer Subdivision-A Conveyance Plat. The property is located on 3.72 +/- acres on property located at 1047 Morningside Dr. There is currently a single family residence located on the site. Staff has been working with the property owner who expressed an interest in subdividing his parcel with the intent to selling/deeding of the property as 2 lots.

The City Engineering Department has reviewed the plat and determined it meets or exceeds minimum platting requirements of a conveyance plat subject to a final technical review. The City Council may approve the application as presented, deny the application or approve the application with additional conditions.

Approval of the conveyance plat will allow the plat to be recorded and only then may the sale or deeding of property occur – no development may occur until a subsequent preliminary & final plat are approved and recorded.

The plat is consistent with and is in conformance with the City of Twin Falls' Comprehensive Plan.

Conclusion:

Staff recommends approval of the Shafer Subdivision, A Conveyance Plat, as presented and subject to the following condition:

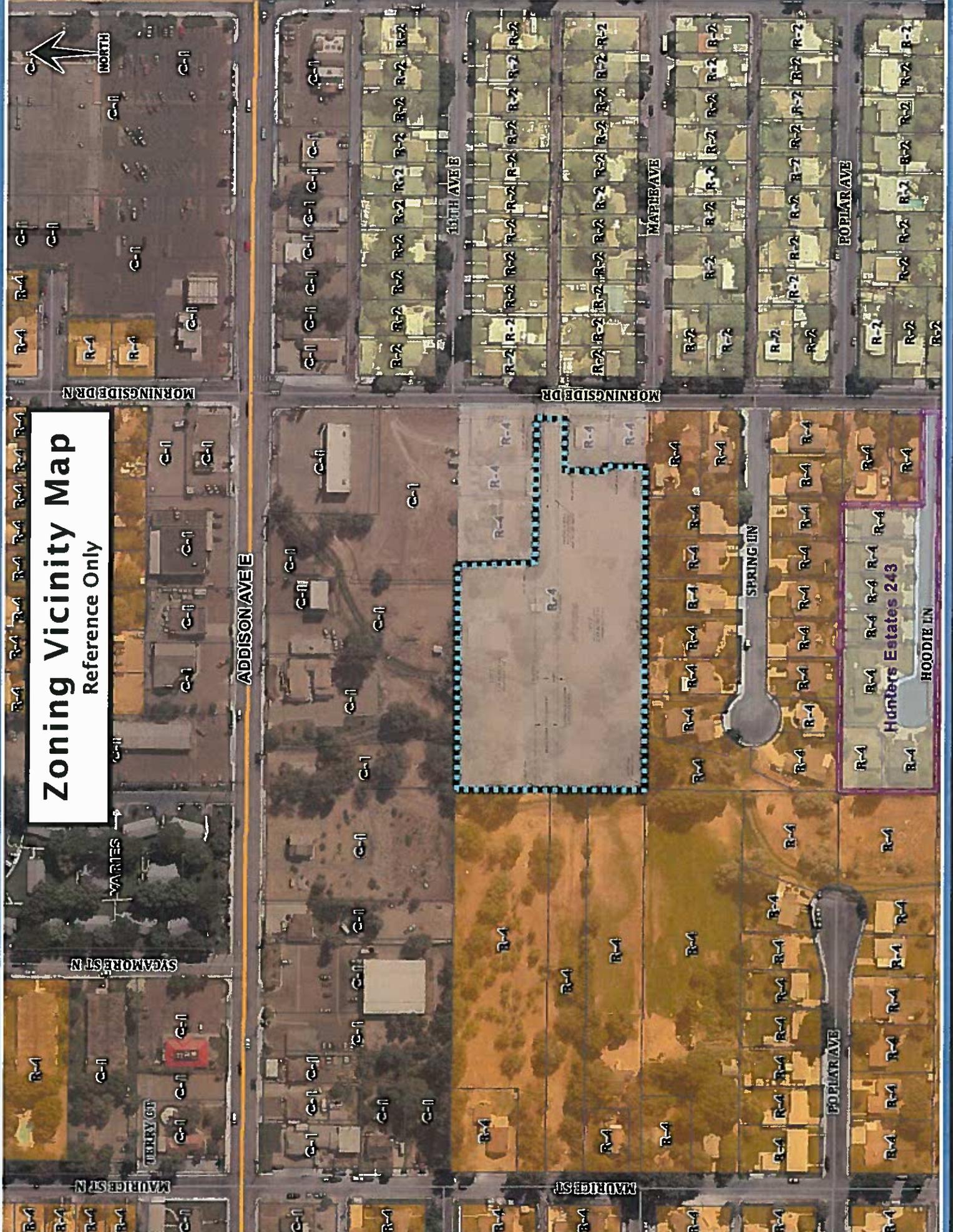
1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Attachments:

1. Conveyance Plat
2. Area Zoning Map
3. Aerial of the Project Site

Zoning Vicinity Map

Reference Only





MORNINGSIDE DR

1886 ADDIS

1788 ADDIS

1800 ADDIS

1830 ADDIS

1838 ADDIS

Aerial Photo Map

Reference Only

1065 MORNI

1061 MORNI

1057 MORNI

1047 MORNI

1037 MORNI

1033 MORNI

1019 MORNI

1891 SPRIN

1874 SPRIN

1868 SPRIN

1851 SPRIN

1832 SPRIN

1825 SPRIN

1817 SPRIN

1046 MAURI

1034 MAURI

1010 MAURI

LOT 1
1.24 ACRES +/-
(10700 SQ FT +/-)

LOT 2
2.48 ACRES +/-
(17000 SQ FT +/-)

15' FT UTILITY EASEMENT

EXISTING SEWER & WATER EASEMENT
POST: NO. 2081-00000

EXISTING PUBLIC SEWER & WATER EASEMENT

EXISTING PUBLIC SEWER & WATER EASEMENT

15.00'





Date: Monday, June 13, 2016
To: Honorable Mayor and City Council
From: Chief Craig Kingsbury, Twin Falls Police Department

Request:

Consideration of a request to enact a new Chapter 13 of Title 6 of the Twin Falls City Code; prohibiting graffiti, requiring removal and abatement, and providing for a penalty for violation of this code.

Time Estimate:

Staff requests approximately 10 minutes to provide the proposed amendment and to answer any questions the Council may have.

Background:

Currently the City of Twin Falls does not have a city code that addresses this issue.

Approval Process:

Approval by the City Council.

Budget Impact:

There will be no impact to the City budget.

Regulatory Impact:

Approval of this request will amend City Code as proposed.

Conclusion:

Staff recommends that the Council approve the request to enact a new chapter 13 of title 6 of Twin Falls Code.

Attachments:

1. Proposed Ordinance, Title 6; Chapter 13

CSK: aed

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ENACTING A NEW CHAPTER 13 OF TITLE 6 OF THE TWIN FALLS CITY CODE, PROHIBITING GRAFFITI, REQUIRING REMOVAL AND ABATEMENT, AND PROVIDING FOR A PENALTY FOR VIOLATION OF THIS CODE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, THAT THE TWIN FALLS CITY CODE IS AMENDED BY THE ADDITION OF A NEW CHAPTER 13 OF TITLE 6, AS FOLLOWS:

“Chapter 6

GRAFFITI

6-13-1: GRAFFITI PROHIBITED:

It is hereby declared to be a nuisance and to be unlawful for any person to place or put, by any means, any drawing, inscription, figure, symbol, or mark or any type commonly known as graffiti on any public or private property without the permission of the owner of the premises on which the surface is located, or upon any natural surfaces such as rocks or trees, or any other surface whatsoever.

6-13-2: GRAFFITI REMOVAL REQUIRED:

Any person found to be in violation of section 6-13-1 of this chapter shall be required to remove or cause to be removed the graffiti from the surface on which it was placed. Inasmuch as it is often not possible to determine the identity of the person who applied the graffiti, it shall be the duty of the owner or person in control of the premises on which the graffiti has been applied to promptly remove the graffiti after notice as hereinafter set forth. If, after notice as hereinafter provided, the graffiti nuisance is not abated, the city shall proceed to abate the graffiti nuisance and the costs of same shall be assessable against the property.

6-13-3: GRAFFITI NOTICE TO REMOVE:

A. Whenever the chief of police or his designated representative discovers graffiti on any public or private property or any surfaces visible to persons utilizing public rights of way within the city, he shall, whenever seasonal temperatures permit the painting of exterior surfaces, cause a notice to be issued to the owner or person in control of the premises to abate the nuisance and remove the graffiti or cover it with paint or other suitable substance.

B. Said notice shall be served upon the owner(s) of the affected premises, as shown on the last property tax assessment rolls of Twin Falls County, Idaho, with a copy to the occupant of the premises. If there is no known address for the owner, the notice shall be served at the property address. Service of the notice may be accomplished through personal service on the owner, occupant, or person in charge or control of the property or by certified mail.

C. Notice shall be in writing and shall clearly state that the owner or person in charge or control of the property is required by this chapter to remove from public view or paint over the graffiti within fifteen (15) days of receipt of the notice; that failure to so abate will cause the city to abate the nuisance and to assess the costs to the owner; that failure to pay said costs within thirty (30) days of receipt of billing shall result in an assessment against the property, collectible with the property taxes; that the owner or person served may, within ten (10) days of receipt of the notice, deliver in writing to the chief of police his objections to the removal requirement and request a hearing before the city council.

6-6-4: CITY ABATEMENT OPTION:

Nuisances which remain unabated after notice, may, at the option of the city, be removed, abated or destroyed by the city or its agents, after the following steps have been taken:

A. If after fifteen (15) calendar days from the date a written notice is personally delivered to the property owner, or mailed to the property owner's address as shown in current official Twin Falls County assessor records, no abatement of the nuisance has occurred, the designated enforcement officer shall provide a second ten (10) day notice to be delivered to the property owner by certified mail or personal service, which shall indicate the following:

1. That if the property owner fails to abate the nuisance, the city shall take steps to abate the same.
2. That the property owner may contract with the city to abate the nuisance and pay costs of the same.
3. That if the city abates the nuisance, all costs and expenses of abatement shall be billed and assessed against the property owner, and if unpaid, shall become collectable as a special assessment with property taxes.
4. That the property owner has a right to appear before the city council to show cause as to why he or she should not be forced to abate or pay for abatement of the nuisance; furthermore, that if the property owner desires such a hearing, a request for hearing, in writing, shall be given to the designated enforcement officer prior to expiration of the ten (10) day notice, and that abatement by the city will proceed if the property owner has not exercised this option to request a hearing.

5. If said certified notice is returned as undeliverable, or is unclaimed by the property owner, nothing shall preclude the city from exercising its abatement option as specified herein.

B. When the ten (10) day notice has expired without a request for hearing, the mayor's designated enforcement officer is authorized to remove, abate or destroy the nuisance. The designated enforcement officer is authorized to utilize city personnel to abate the nuisance or to contact the mayor or chief of police in regard to contracting for an outside party to abate the nuisance.

C. If the city abates any nuisance under the provisions of this chapter, a statement of charges billed to the property owner shall be mailed or personally delivered to the property owner.

D. If payment is not received from the property owner within thirty (30) days, the amount billed shall, in accordance with state law, be assessed as a special assessment collectable against the subject property as other state, county and municipal taxes.

E. If the property owner requests a hearing to show cause before the city council, the hearing shall, if feasible, be placed on the agenda of the next regularly scheduled city council meeting. The decision of the city council shall be final. A ten (10) day period shall be given the property owner after the council decision so that the property owner shall have additional opportunity to abate the nuisance or to pursue any legal remedies or defenses at the district court level.

6-6-5: PENALTY:

A violation of section 6-13-1 shall be a misdemeanor, punishable as provided in section 1-4-1 of this Code. A violation of any other provision of this chapter shall be an infraction, punishable by a fine of \$100, plus court costs.”

PASSED BY THE CITY COUNCIL, _____, 2016.

SIGNED BY THE MAYOR, _____, 2016.

MAYOR

ATTEST:

DEPUTY CITY CLERK



PUBLIC HEARING: **Monday, JUNE 13, 2016**
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planner 1

ITEM IV-

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

Time Estimate:

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

Background:

Applicant:	Status: Partner/Property Owner	Size: 25 (+/-) acres
North Haven Business Park, Inc. 621 North College Rd Suite 100 Twin Falls, Idaho 83301 734-4888	Current Zoning: C-1 PUD	Requested Zoning: Amendment to North Haven PUD Agreement #235
	Comprehensive Plan: Commercial/Retail	Lot Count: N/A
	Existing Land Use: Commercial and Undeveloped lots within the North Haven Sub No 2 Subdivision-a PUD	Proposed Land Use: as per the North Haven PUD Agreement #235 Business Park/Commercial/Retail
Representative:	Zoning Designations & Surrounding Land Use(s)	
Gerald Martens 734-4888 gmartens@ehminc.com	North: C-1 PUD; Pole Line Rd W and undeveloped lots within the Canyon Properties PUD	East: C-1 PUD; WalMart
	South: R-2 PUD; Cheney Dr W/ Canyon Ridge HS	West: C-1 PUD; Park View Drive/North Pointe Park PUD; commercial
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8.3c, 10-6-1.6, 10-7-3, North Haven PUD #235	

Approval Process:

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

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

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

Budget Impact:

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

Regulatory Impact:

After a public hearing and a recommendation from the Planning and Zoning Commission the requested amendment will proceed to the City Council for an additional public hearing and a decision.

History:

The North Haven Business Park C-1 PUD was annexed in 2004, and went through the platting process in 2004-2005 and in 2009. In 2006, the PUD was amended to include additional lots and land uses within the Walmart site only.

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

Analysis:

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

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

Possible Impacts:

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

Conclusion:

On May 24, 2016 the Commission unanimously recommended approval as presented and subject to the following condition:

- 1. Subject to the amendment being applicable only for the undeveloped lots within the North Haven Business Park Subdivision No. 2- a PUD.**

Attachments:

- | | |
|--|---|
| 1. Narrative | 4. Existing PUD Language (excerpt from PUD #235) |
| 2. Zoning Vicinity Map | 5. 05-24-15 Portion of 05-24-16 P&Z PH minutes |
| 3. North Haven Subdivision, No. 2, A PUD | 6. Draft North Haven Business Park C-1 PUD #235 Amendment |

REASON FOR REQUEST

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

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

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

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

North Haven PUD Agreement #235, January 2005, to allow a planned mixed commercial and industrial business park is requesting an amendment to the Height Limitations to allow building heights within the undeveloped portion of the North Haven Business Park Subdivision No 2, PUD, to comply with current standards as per Ord 3077 (attached). To be amended as follows:

Current Allowance - Page 11 - (D) BUILDING STANDARDS;

4. HEIGHT LIMITATIONS. No structure shall be higher than 35 feet with the exception of manufacturing which shall be per Ordinance 2786. Architectural features and equipment screens may exceed 35 feet.

And add the following:

Building height within the North Haven Business Park Subdivision No. 2 shall conform to Twin Falls City Code 10-4-8, 10-7-3 and City Ordinance 3077.

EXISTING PUD LANGUAGE

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



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

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

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

AREA OF IMPACT:

Ryan Higley Steve Woods

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.

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 Superstow 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

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 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.

- 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 plat 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.

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

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

If this use is granted it may be appropriate to place a condition on the property limiting the hours of the music and paging system.

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.
- 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 Muntz 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 Muntz 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.

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 staff's 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 than 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.

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.

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

C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

North Haven PUD#235 (Amended 06-13-2016)

THIS AGREEMENT, made and entered into this ____ day of _____, 2016, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and North Haven Business Park, Inc. (hereinafter called "Developer"), whose address is 621 North College Road, Suite 100, Twin Falls, Idaho.

RECITALS

WHEREAS, the City entered into a C-1 Planned Unit Development Agreement (hereafter "PUD") with North Haven Business Park, Inc. dated January 31, 2005, setting forth the conditions for development and use of property more particularly described in Exhibit "A", attached hereto, (the "Property") which Property is located at the southwest intersection of Pole Line Road and Washington Street North.

WHEREAS, on June 13, 2016 the City Council approved an request to allow additional building height in compliance with Ord 3077 and City Codes 10-4-8.3c and 10-7-3 within a portion of the North Haven Business Park PUD #235, more particularly described in Exhibit "B", attached hereto, as presented, and subject to the following conditions:

- 1. Subject to the amendment being applicable only for the undeveloped lots within the North Haven Business Park Subdivision No. 2- a PUD.**

IN WITNESS WHEREOF, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.



Public Hearing: **MONDAY, June 13, 2016**

To: Honorable Mayor and City Council

From: Jonathan Spendlove, Community Development Department

ITEM IV-

Request: Request for a **Special Use Permit** to construct and operate a professional office on property located on the south side of the 1500 block of Bridgeview Blvd. c/o Gerald Martens on behalf of Temple View Properties. (app. 2788)

Time Estimate:

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

Background:

Applicant:	Status: Owner	Size: 5400 sq ft bldg. W/2600 sf basement
Temple View Properties 1415 Park View Drive Twin Falls, ID 83301 James Coombs 734-8934 Jamesm.coombs@gmail.com	Current Zoning: R-2 PRO PUD	Requested Zoning: SUP
	Comprehensive Plan: Urban Village/Urban Infill	Lot Count: 1 lots
	Existing Land Use: Undeveloped	Proposed Land Use: Professional Office; First American Title Co.
Representative:	Zoning Designations & Surrounding Land Use(s)	
Gerald Martens EHM Engineers 621 N College Rd. Ste 100 Twin Falls, ID 83301 208-734-4888 gmartens@ehminc.com	North: C-1 PUD; Bridgeview Blvd, Home Depot - portion of the Eastpark PUD	East: R-2 PRO PUD; undeveloped portion of the Eastpark PUD
	South: R-1 VAR; Cheney Drive, Residential	West: R-2 PRO PUD-Locust St N; C-1 & R-4, Vacant Undeveloped properties
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-18, 10-10, 10-11-1 thru 9, 10-13-2.2, Eastpark PUD Agreement #213	

Approval Process:

The Special Use Permit process requires a public hearing to be held in which interested persons have the opportunity to be heard with regards to the application.

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval.

If an applicant or interested party appeals the decision of the Commission, the Administrator shall set a public hearing date before the City Council to consider testimony and minutes of the previous hearing to reach a decision on the appeal.

Budget Impact:

Approval of this request will have marginal impact on the City budget with the change of the property to a commercial use, and increased sales tax.

Regulatory Impact:

Approval of this request will allow the applicant to operate a medical facility on specific property within Twin Falls.

A special use permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

History:

In 1995, the Eastpark PUD (#213) went through the public hearing process for the Zoning Entitlement. The PUD Agreement was record in 1998. Portions of this PUD have previously been developed (locations of current businesses: Pier 1 Imports, Home Depot, McAlisters). The Eastpark Professional Subdivision #1 was platted & recorded in 2005. This subdivision created a single lot on the NE Corner of Locust and Cheney Dr. A special use permit was granted by the City Council on May 16, 2016 to develop a dental office. The Eastpark Professional Subdivision No 2, a PUD, consisting of 6 professional lots, was approved by the City Council on March 14, 2016. The plat was recorded on May 27, 2016.

Analysis:

The request it to construct and operate a title company on property located on the south side of the 1500 block of Bridgeview Blvd. The property is zoned R-2 PRO PUD. The narrative describes the building to be 5400 sf on the main floor with a 2600 sf basement that will include a large meeting room with the remainder utilized for storage and mechanical equipment. Operation to be typical office hours of 8am to 6pm, Mon thru Fri. Anticipated 8-10 professional employees. The Eastpark Professional Subdivision No 2, a PUD, consisting of 6 professional lots, was approved by the City Council on March 14, 2016 and recorded on May 27, 2016.

The Eastpark PUD Agreement #213 references the Permitted and Special Uses within the areas designated R-2 PRO (Residential-Professional Office Overlay) Zoning District for this particular property. Additionally, the recorded Eastpark PUD Agreement #213 contains a provision requiring any Special Use Permit to be presented to the City Council for action, instead of the Planning and Zoning Commission.

Per City Code 10-4-18: The PRO Zoning District requires a professional office to acquire a Special Use Permit prior to being legally established.

Per City Code 10-10: A professional office has a parking requirement of one (1) space for every two hundred fifty (250) square feet of floor area.

Conformance with the parking requirement will be completed prior to issuance of a certificate of occupancy.

Per City Code 10-11-1 thru 9: Required improvements such as landscaping, screening, parking, storm drainage, and others, shall be installed at the time of building permit. Staff reviews all building permits for compliance with the PUD and code required improvements prior to issuing the permit.

Conformance with PUD and required improvements will be completed prior to issuance of a certificate of occupancy.

Per the Recorded Eastpark PUD #213 Agreement: The following additional development restrictions have been placed on this property:

- All buildings constructed on this property “will be constructed using residential style architecture and will have an architectural finish aesthetically pleasing”.
- All professional buildings in this area will be limited to single story construction.
- Buildings within three hundred fifty (350) feet of Locust Street may have a maximum size of ten thousand (10,000) square feet. All other buildings shall be limited to a maximum of six thousand (6,000) square feet.
- Buildings Facing Cheney Drive will be positioned such that all parking will occur north of the building.
- Landscaping: Perimeter landscaping along Locust St N, Cheney and Bridgeview Blvd shall be installed at a minimum depth of twenty (20) feet from back of curb, or future curb in addition to required landscaping.

The PUD Agreement also contains other building standards above and beyond the base zoning code. These items will be reviewed and enforced at the time of Building Permit submittal.

The site plan and elevations submitted by the applicant appear to be in compliance with the requirements listed within the PUD Agreement and City Code. However, this is not an official review. Official reviews take place at the time of Building Permit Submittal.

Possible Impacts: The 8,000 sq ft office bldg. (5400 sf main + 2600 sf basement) will have an impact on the area due to the development occurring on vacant property. The typical impacts for these types of projects tend to be increased vehicular trips, and light intrusion. The increase in vehicular trips will occur due to a new business locating to the area. However, the position of the business near the intersections of three collectors; Cheney Dr, Locust St N and Bridgeview Blvd will allow for patrons to easily access the greater road network in the area. This business on its own shouldn't degrade the roadways to an unacceptable level.

Light intrusion can occur when new businesses construct parking lot lighting. Code requires a certain level of light to be present for parking lot safety. The intrusion of this light onto adjacent properties can occur if the light source is visible from adjacent properties. A condition requiring all light to be downward facing and the light source, or diode, to be shielded from nearby residential properties would be appropriate.

Other than the typical impacts previously stated, professional offices are generally good neighbors whether nearby or adjacent to residential neighborhoods. They typically create minimal impacts due to their hours of operation, most business activities taking place indoors, and generally well maintained landscaping.

Conclusion:

Should the Council grant this special use permit, 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 and compliance with the Eastpark PUD Agreement #213.
2. Subject to all lighting being downward facing and the light source being shielded from nearby residential properties.

Attachments:

1. Narrative
2. Zoning Vicinity Map
3. Future Land Use Map
4. Site Plan
5. Elevations

REASON FOR REQUEST
SPECIAL USE PERMIT

The proposed facility is a 5400 square foot professional office building with a 2600 square foot basement that will be utilized for storage, mechanical equipment, and a large meeting room. The initial occupancy will be a title company. The building access will be at the southwest corner maximizing access to on site and common area parking. The primary access will be from Bridgeview Blvd and Locust Street North utilizing shared driveways. There will be no direct access to the public streets.

The facility will normally operate between 8 am to 6 pm Monday thru Friday other than for special situations. All activities will occur within the building and will not contribute to area noise, dust, or odors.

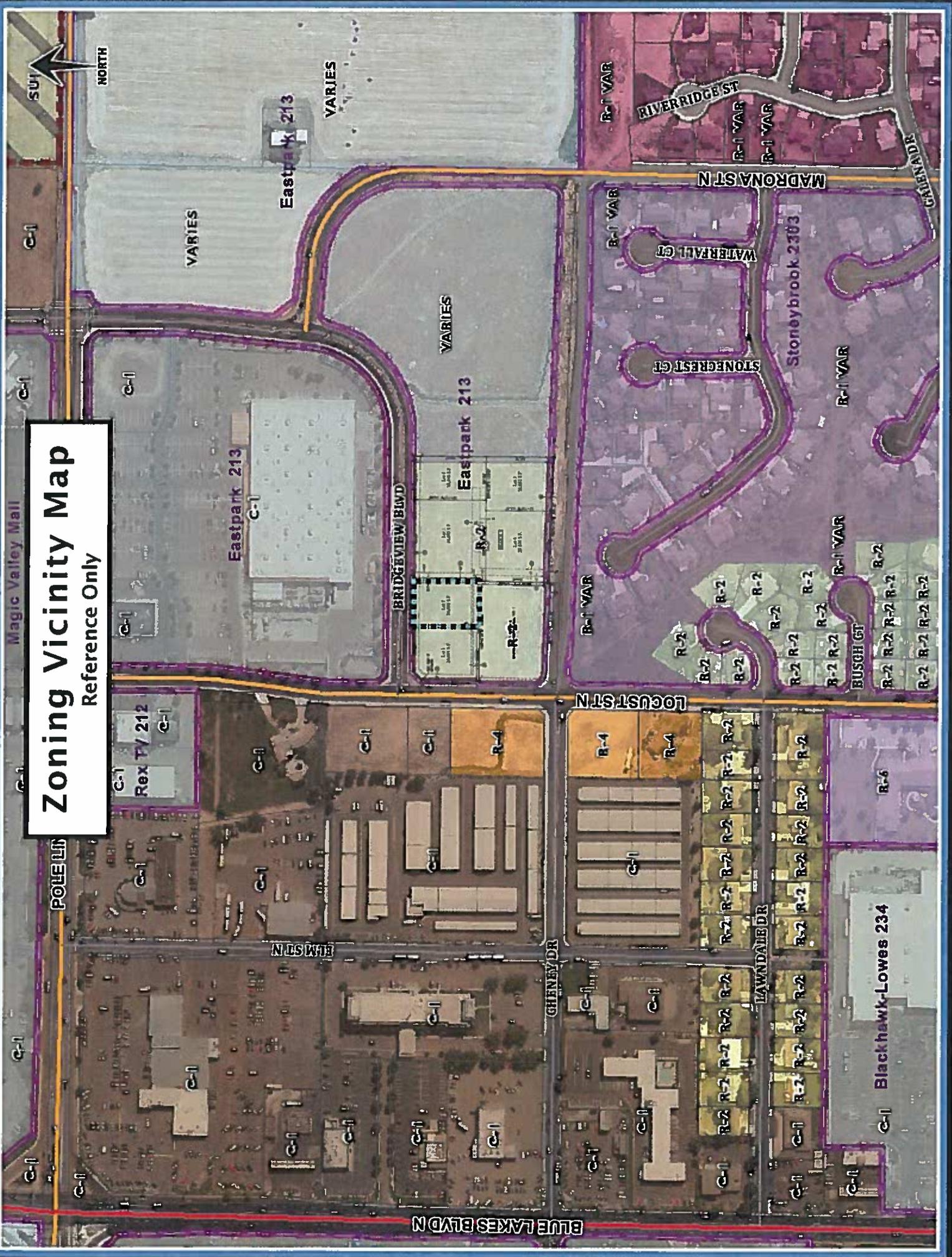
Normal staffing will consist of 8-10 professional employees.

The lot will be landscaped per City of Twin Falls requirements for collector streets. Irrigation will be by a private pressurized irrigation system.

All refuse facilities will be screened from all roadways and neighboring properties.

Zoning Vicinity Map

Reference Only





MADRONA ST N

Future Land Use Map

Reference Only

BRIDGEVIEW BLVD

CHENEY DR

WATERFALL CT

BROOKFIELD CT

STONECREST CT

BROOKFIELD CT

LOGUST ST N

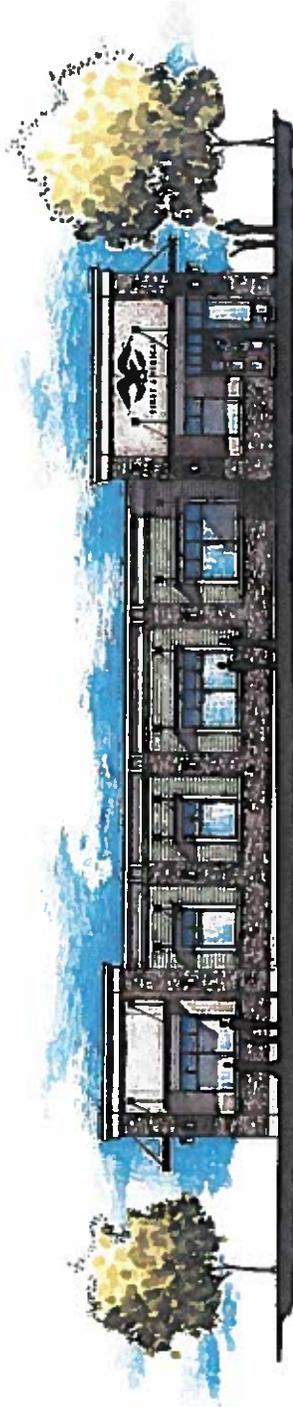


FIRST AMERICAN TITLE COMPANY

TWIN FALLS, ID



Myers ■ Anderson
* Architecture
* Interior Design
* Landscape Architecture



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



Public Hearing: **MONDAY JUNE 13, 2016**

To: Honorable Mayor and City Council

From: Jonathan Spendlove, Planner I

ITEM IV-

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

Time Estimate:

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

Background:

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

Approval Process:

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

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

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

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

Regulatory Impact:

A recommendation from the Planning and Zoning Commission on the proposed Zoning Title Amendment will allow the request to proceed to the City Council. Upon approval by the City Council an ordinance is later approved and codified.

History:

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

Analysis:

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

10-7-20: PUBLIC HEARINGS NOTICE REQUIREMENTS:

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

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

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

On May 24, 2016 the Planning & Zoning Commission held a public hearing on this request. No one spoke for or against the request. Commissioner Grey made a motion to approve the request, as presented. Commissioner Reid seconded the motion. All members present voted in favor of the motion.

Conclusion:

Staff concurs with the Planning & Zoning Commission.

The Council may grant the zoning title amendment as requested, recommend a modification of the amendment as presented – this will require another public hearing before the Commission, or the amendment be denied.

Attachments:

1. 05-24-16 P&Z PH Minutes



3 (2x3) Public Notice Signs to be placed along Parkview Drive

8 (4x4) Public Notice Signs to be placed along Pole Line Road West

All signs are to be placed perpendicular to the street.

3 (4x4) Public Notice Signs to be placed along Washington St N

8 (2x3) Public Notice Signs to be placed along Cheney Drive West

1 (2x3) Public Notice Sign to be placed along Billiar St

ALT 93

Pole Line Rd W

Pole Line Rd W

ALT 93

Washington St N

#0062 N

N Washington St

Panda Express

252 Cheney Dr W

Billiar St

N Haven Dr

Parkview Dr

First Federal



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

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

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

AREA OF IMPACT:

Ryan Higley Steve Woods

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.

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 Super tow 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 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.

- 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 plat 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.

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

If this use is granted it may be appropriate to place a condition on the property limiting the hours of the music and paging system.

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.
- 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 Muntz 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 Muntz 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 than 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.

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.

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