



NOTICE OF AGENDA-AMENDED
TWIN FALLS CITY PLANNING & ZONING COMMISSION
July 12, 2016 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

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

AREA OF IMPACT:

Ryan Higley Steve Woods

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **June 28, 2016 PH**
2. Approval of Findings of Fact and Conclusions of Law: **None**

III. ITEMS OF CONSIDERATION:

1. Reconsideration of the **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)
2. Consideration of a request from Wayne Swearingen to consider changes to Special Use Permit 1367, granted on June 9, 2015 to allow the operation of a 24-hour Commercial Daycare, as presented and subject to conditions, on property located at 870 Eastland Drive. c/o Kendra Jenks on behalf of Wayne Swearingen

IV. PUBLIC HEARINGS:

1. Recommendation on the **Zoning Designation for a request to Annex** approximately 3.86(+/-) acres located at 2521 Stadium Boulevard. c/o EHM Engineers, Inc. on behalf of David Kemp (app. 2798)

WITHDRAWN TO BE RESCHEDULED

2. Request for a **Special Use Permit** to establish a used vehicle dealership on property located at 611 Blue Lakes Boulevard North c/o Wheeler Dealer, LLC/Kenneth Kuntz (app. 2799)

V. GENERAL PUBLIC INPUT:

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

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

1. Joint Public Meeting; CPAC & P&Z – **July 13, 2016 noon to 2pm**
2. Public Hearing-**July 26, 2016**
3. Work Session- **August 3, 2016**

VIII. ADJOURN MEETING:

Si desea esta información en español, llame Leila Sanchez al (208) 735-7287

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name and address, then commence with their comments. Following their statements, they shall write their name and address on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's presentation should include the following:**
 - **A complete explanation and description of the request.**
 - **Why the request is being made.**
 - **Location of the Property.**
 - **Impacts on the surrounding properties and efforts to mitigate those impacts.**

The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.

4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
 - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
 - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
 - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed-**No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
June 28, 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

CITY LIMIT MEMBERS

PRESENT

Frank
 Grey
 Musser
 Reid
 Tatum

ABSENT

Dawson
 Munoz

AREA OF IMPACT MEMBERS

PRESENT

Woods

ABSENT

Higley

CITY STAFF: Carraway-Johnson, Thompson

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): **June 14, 2016 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Canyon Village Subdivision No.2 –A PUD (Pre-plat 06-1416)
 - Rock Canyon Amphitheater (SUP 06-14-16)

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION: None

IV. PUBLIC HEARINGS:

1. Request for the Commission’s recommendation on a **Zoning District Change and Zoning Map Amendment** for approximately 9 (+/-) acres from R-4 to **R-4 ZDA** to develop a Planned 4-Plex Townhome development on property located at 2916 East 3600 North. c/o Rex Harding, Riedesel Engineering, Inc. on behalf of Dennis Hourany (app. 2777)

Applicant Presentation:

Rex Harding, Riedesel Engineering, Inc., representing the applicant stated he is here to make a request for a rezone to a ZDA. This development application was initially presented to the Planning & Zoning Commission on April 26, 2016 with a recommendation for denial to the City Council. The developer decided that he wanted to attempt to address the concerns and make some revisions to the plan. This proposed development is Lot 2 of the Golden Eagle Subdivision No. 4. This property has to be platted prior

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to any development and the applicant would like to develop the property under a ZDA plan. The east side of the development has not changed from the original presentation on April 26, 2016. After the April 26, 2016 meeting the developer met with the neighbors and has attempted to address their concerns, by making changes to the property on the west side of the development. The concerns were related to windows facing the existing back yards and density. The buildings have been turned so that the side of the buildings faces the existing back yards with no windows. They have reduced the number of units from 88 to 84. Another concern brought up by the Commission was related to density with this layout. He explained with the R-4 zoning there is an allowance for 4plex units which would require 11,000 sq. ft. for the development of each building if all four units are on the same level; each of these units will be on the same level. On the west side of the development the buildings are on approximately 14026 sq. ft. area which exceeds the 11,000 sq. ft. requirement. On the east side the lots are approximately 12, 953 sq. ft. area. The other concern brought forth was the location of the dumpsters, they have all been moved over close to the Valencia side of the development. They are still proposing traffic islands for traffic calming with a six ft. sidewalk and a five ft. green area behind the sidewalk. The greenspace area on the northeast side of the development will have toddler type play equipment and will provide a park area for the development. This will not be a runoff area used as a park, the runoff will be kept onsite in areas of the landscaping. There will be fencing installed between the existing residential area and the development.

Staff Presentation:

Zoning & Development Manager Carraway-Johnson review the request on the overhead and stated, this site is approximately 9 (+/-) acres and is zoned R-4 located on the north side of 3600 west of Harrison Street. The request is to rezone the property from R-4 to an R-4 Zoning Development Agreement. The conceptual plan provided shows the layout of the property as described by the applicant. Each "Town House" will be individually owned on its own platted lot. The remainder of the area surrounding the lots will be owned and maintained collectively by the owners in the Subdivision by creating an HOA. As you have just heard this project was presented to you previously.

On April 12, 2016 the Commission held a preliminary presentation on this request. There were questions and comments from the Commission and from adjacent neighbors.

On April 26, 2016 the Commission held the public hearing for this request. Upon conclusion of the applicant's presentation, staff's presentation, public comment and commission deliberation of the request, as presented, was recommended for denial by a vote of 2 for and 6 against.

On May 31, 2016 the developer met with the surrounding neighbors to discuss their concerns Upon conclusion of the meeting the developer made some modifications to the development to try and mitigate the impacts to the neighbors. Tonight is a result of the developer's modifications and new presentation.

In summary the changes from the April 26th public hearing includes, **1)** a reduction in residential development from twenty-two (22) Town House Blocks / 88 single family dwelling units to twenty-one (21) Town House Blocks / 84 single family dwelling units. Each Block will contain four (4) "Town Houses" lots, each lot shall be built as a single family dwelling, and may be owned individually **2)** the orientation of 9 out of 10 townhomes that are adjacent to residential neighbors on the western boundary of the development shall be located with the side yard adjacent to the fence, **3)** the ends of the townhomes that may overlook the neighbors' homes or yards will not have any windows; **4)** the trash dumpsters

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shall be located to the furthest location from the residential neighbors on Vista Drive; **5)** all lighting within Valencia Park shall be “down shielded”, **6)** there shall be an additional depth of landscaping buffer between the development and the residential neighbors – depth should be defined; **7)** traffic calming on Valencia Street as deemed appropriate by the City.

Assistant City Engineer Vitek has looked at the plan and is comfortable with the traffic calming proposal. Within the R-4 zone 4plex buildings require a Special Use Permit be approved for each building. The proposed rezoning through a Zoning Development Agreement would allow this public hearing requirement to be met with one public hearing for a Special Use Permit for the entire development. There are no garages, covered parking or onsite storage areas being provided by the development and it is unclear whether or not there will be an onsite manager for the development. This may need to be addressed because all of the common area is owned by the Home Owners Association and without someone onsite, these types of developments on occasion can end up not being maintained.

The town-house blocks will be strategically placed to maximize open space and parking. The remainder of the development shall be open space and parking area which will be owned and maintained by an HOA comprised of the home owners within the development.

Staff does not foresee the land use of town-houses being a drastic departure from the permitted uses within the zoning district. Each town-house will have the opportunity to be owned independently. Staff does not feel the overall development will have any greater impact on the area than a typical residential subdivision. The proposed development it is in conformance with the Comprehensive Plan; Medium Residential Density.

Upon recommendation by the Commission this request will be scheduled for a public hearing before the City Council. The City Council may approve the request, as presented, deny the request, or approve the request with conditions. If the City Council recommends a change to the concept of the plan this process will start over with the Planning & Zoning Commission. If the ZDA is approved an ordinance will be prepared and presented to the City Council for approval. The ZDA Memorandum of Commitment shall be attached to the ordinance.

Zoning & Development Manager Carraway-Johnson stated upon conclusion if the Commission recommends approval of the Valencia Park ZDA development, as presented, staff recommends the following conditions:

1. Subject to site plan amendments as determined by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and Standards.
2. Subject to the entirety of Valencia Street being constructed in the first phase, subject to engineering review of the plat.
3. Subject to the perimeter fence being installed prior to issuance of a building permit, for each phase of the project.
4. Subject to a final plat being recorded prior to any development.
5. Subject to conformance to the Zoning Development Agreement and the Valencia Park Master Development Plan as approved.

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PZ Questions/Comments:

- Commissioner Grey asked for clarification on the depth of the landscaping proposed along the adjacent property line.
- Mr. Harding stated that the minimum depth of landscaping will be 12 ft. The rest of the areas will be larger.
- Commissioner Grey asked about an on-site manager.
- Mr. Harding stated that at the last public hearing the applicant indicated there will be an on-site manager.

Public Hearing: [Opened](#)

- Wendy Shrief, Horrocks Engineers, stated that she has worked on several projects with this developer. She stated he does high quality projects and his model is to put each unit on its own lot and to sell each unit to an individual owner; this is not a project for investors. She met with the neighbors on May 31, 2016 to discuss the proposed changes with the neighbors and as a result there are fewer neighbors at this meeting. It was a successful meeting, they were satisfied with the buildings being turned, dumpsters being relocated and this development should provide a good buffer between the new school and the existing single family homes. There are still a few concerned neighbors that would prefer the dairy however this property is already zoned R-4 which would allow for a medium density residential use.
- Moni Bosh, 1535 Vista Drive, stated she still has a concern with the buildings being purchased by one owner and then rented out like apartments. The other concern is the property upkeep, and currently the property is not being managed very well. What guarantee is there that the HOA will remain in place. Her last concern is how Valencia Street will be developed and would like some clarification on how that will be completed.
- Kristen Tahiri, 1527 Vista Drive, would like clarification on how Valencia Street will be developed. She also has concerns with the park location and water retention. The other concern is what is going to change after this has been approved, it is very concerning.
- Nicole Stevenson, 1559 Vista Drive, stated she appreciates the changes that have been made to the plan. She explained they were told the park was going to retain the runoff for the property which is why it could not be moved to the west side of the development and tonight the presentation stated that the park will not be used for a runoff area. The other concern is the traffic and possibility of jumping the fences to go to school. She is not sure that this development will be successful in Twin Falls, they don't sell; some investor eventually buys the property and rents them out as apartments.

Public Hearing: [Closed](#)

Closing Statement:

Mr. Harding stated that the cost of purchasing each individual unit will not be cheap for an investor and it would not be economically feasible. As an individual it would provide a property that someone would own and have the benefit of not having to maintain a yard. His client has done his research and developments like this are his business. As for weed control on the property, his client does not own the property and the current owners are responsible for managing the weeds. The HOA is recorded with the county so it does not disappear, but the home owners have to stay active. In this situation there will be dues paid to maintain the property so there should be some incentive to keep the HOA active. Valencia Street development is subject to Engineering review and is part of the platting procedure, the City will determine during the platting process when and how this road is developed.

As for the park, the City has made it clear that they do not want the park area used for water retention and the plan is to keep it in its current location. The runoff for the entire development will be managed

throughout the property and will not be dumped into the park area. As for changes to the development if it is approved, the proposed development if approved has to remain the same unless something major is proposed. There is a timeline for completing the development, there is not a lot of room for change. Relocation of the park was considered but it is not feasible with the setback and parking requirements. If there is a concern that the kids will be dropped off for school a fence could be installed between the park area and the school. The school has been designed for parents to drop their kids off using Harrison Street. He does appreciate the neighbors input and the plan is to provide an open medium density development.

Deliberations Followed:

- Commissioner Frank asked for clarification that once a ZDA is approved and signed it becomes a contract with the City and cannot be changed.
- Zoning & Development Manager Carraway-Johnson explained that is correct there is some allowance for minor changes to be made but it is a binding contract and any changes required by the Commission or City Council would become part of the contract. To approve an amendment to the contract a public hearing process would be required.
- Commissioner Musser stated he does understand the neighbors concern with these being purchased and rented as apartments. He asked if there could be a way in the covenants or the HOA bi-laws that would prevent this from happening.
- Zoning & Development Manager Carraway-Johnson stated there would be a way for this to occur in the agreement between the property owners and the developers but not between the City and the developer.
- Commissioner Tatum asked who is financially responsible for the construction of Valencia Street.
- Zoning & Development Manager Carraway-Johnson explained the construction cost and development of Valencia Street is the responsibility of the developer.
- Commissioner Tatum asked if this were planned for individual homes who is responsible for the cost in constructing Valencia Street.
- Zoning & Development Manger Carraway-Johnson explained the developer is responsible for the cost of construction the road as part of the platting process. Each lot once platted would be sold separately.
- Commissioner Woods stated that this layout is a much better compromise. He thinks this is a reasonable transition between the school and the single family homes.
- Commissioner Frank stated he thinks this is the best situation for the neighborhood and in order for the development of the road to occur it is going to require something like this for the developer to make this happen.
- Commissioner Grey stated that the ZDA is a contract that is binding and the owners have a stake in how the development looks because it impacts their own property values.
- Commissioner Woods stated he would really like to see the street completed as soon as possible.
- Zoning & Development Manager Carraway-Johnson stated that the intent of the conditions is to have it completed all at once, however that is subject to change if there are infrastructure or engineering issues discovered during the platting process.

Motion:

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

Recommended Approval, As Presented, to City Council
City Council Hearing Scheduled for July 25, 2016

1. Subject to site plan amendments as determined by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and Standards.
2. Subject to the entirety of Valencia Street being constructed in the first phase, subject to engineering review of the plat.
3. Subject to the perimeter fence being installed prior to issuance of a building permit, for each phase of the project.
4. Subject to a final plat being recorded prior to any development.
5. Subject to conformance to the Zoning Development Agreement and the Valencia Park Master Development Plan as approved.

V. GENERAL PUBLIC INPUT: None

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

- Zoning & Development Manager Carraway-Johnson reminded the Commission that a joint meeting with the Comprehensive Plan Advisory Committee is scheduled for July 13, 2016 at Noon to 2:00pm. At 3:30pm the City Fair is scheduled at the Banner Building and a copy of the draft Comprehensive Plan Update will be available for the public to review. There are two public hearing items and one consideration item scheduled for July 12, 2016.
- Commissioner Grey asked for an update on the turn located on Blue Lakes Boulevard by the Canyon Park West development.
- Zoning & Development Manager Carraway-Johnson stated that this discussion has occurred with ITD and they were opposed to any kind of change at this location.
- Commissioner Reid explained other issues with this area is that people are using the lane to turn at Canyon Springs Road but the cars are backing up to the point that people that are in the left lane on Blue Lakes Boulevard headed north are not able to continue traveling because they have to wait for traffic to clear. The other issue is there is only one bridge across the canyon, so traffic that has to travel across the canyon has to travel this direction.
- Commissioner Frank asked if there is any more data or information that could be presented to the Commission as to why something different can't be done.
- Zoning & Development Manager Carraway-Johnson stated she would have someone from Engineering provide more information about this traffic issue.
- Commissioner Frank explained the traffic is only going to get heavier in this area and it would be nice to get ahead of the problem.
- Commissioner Grey explained he would really like to prevent a major accident.

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

1. Work Session- **July 6, 2016-canceled**
2. Public Hearing-**July 12, 2016**

3. Public Meeting - [July 13, 2016, Joint CPAC & P&Z meeting](#)

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:00 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department

DRAFT



Date: **Tuesday July 12, 2015**

To: Planning and Zoning Commission

From: Jonathan Spendlove, Community Development Department

AGENDA ITEM III-1

Request:

Reconsideration of the **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)

Time Estimate:

Applicants presentation will take approximately five (5) minutes. Staff presentation will take five (5) minutes.

Background:

In March 2016 of this year, staff received a complaint regarding the status of the SUP conditions of approval. Over the ensuing month letters and other correspondence was sent to Mr. Gordoski informing him of the non-compliance. No response was made by Mr. Gordoski until staff scheduled an item on the May 24th agenda. Prior to the meeting Mr. Gordoski made contact, and he attended the meeting to explain his case.

During the meeting, Mr. Gordoski agreed to accomplish the conditions of the SUP. The Commission placed a date of July 12th to reconsider this item and to receive an update on the progress.

Since the May 24th meeting, Mr. Gordoski has submitted a Building Permit to construct the 8 ft fence. That permit is in the process of being reviewed. Due to the height of the fence, Engineering calculations are required. Mr. Gordoski has expressed the timeframe for his Engineer to work on such a small project has pushed him behind other larger projects. He has indicated all the materials have been purchased, he is simply waiting for the plan to be drawn, submitted and approved by the City Building Department.

The commission is tasked with reviewing the facts and circumstances of this case and vote for one of the following: initiate the process for revocation, table the item and bring it back at another public meeting, or not initiate the revocation process.

Conclusion:

Staff makes no recommendation on this request.

Attachments:

1. Portion of Minutes from May 24, 2016
2. Pictures taken July 7, 2016
3. SUP 1313
4. Approved Site Plan



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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

CITY LIMIT MEMBERS

PRESENT

Dawson
 Frank
 Grey
 Muñoz
 Musser
 Reid
 Tatum

ABSENT

AREA OF IMPACT MEMBERS

PRESENT

Higley
 Woods

ABSENT

CITY STAFF: Carraway-Johnson, Nope, Spendlove, Strickland, Wonderlich

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

II. CONSENT CALENDAR:

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

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION:

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

Applicant Presentation:

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

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Staff Presentation:

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

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

Special Use Permit #1313 was granted to Mark Gordoski dba Marky's Supertow on April 22, 2014 to operate an automobile impound yard on property located at 198 Gem Street. The permit was granted subject to compliance with ten conditions. Staff is aware that vehicles have been stored at the site longer than allowed for an impound yard. An impound yard is only allowed to hold vehicles up to 45 days and junk yards are allowed a longer periods of time. The Special Use Permit was for an impound yard the property is not in compliance with the conditions of approval staff notified Mr. Gordoski and scheduled the consideration item.

Planner I Spendlove stated upon conclusion the commission may vote to initiate the revocation process, you may vote to table and bring this item back at another public meeting or you may vote to not initiate the revocation process.

PZ Questions/Comments:

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

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

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

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

Closing Statement:

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

Deliberations Followed:

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

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

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

Motion:

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

Motion Approved

IV. PUBLIC HEARINGS:

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

Applicant Presentation:

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

Staff Presentation:

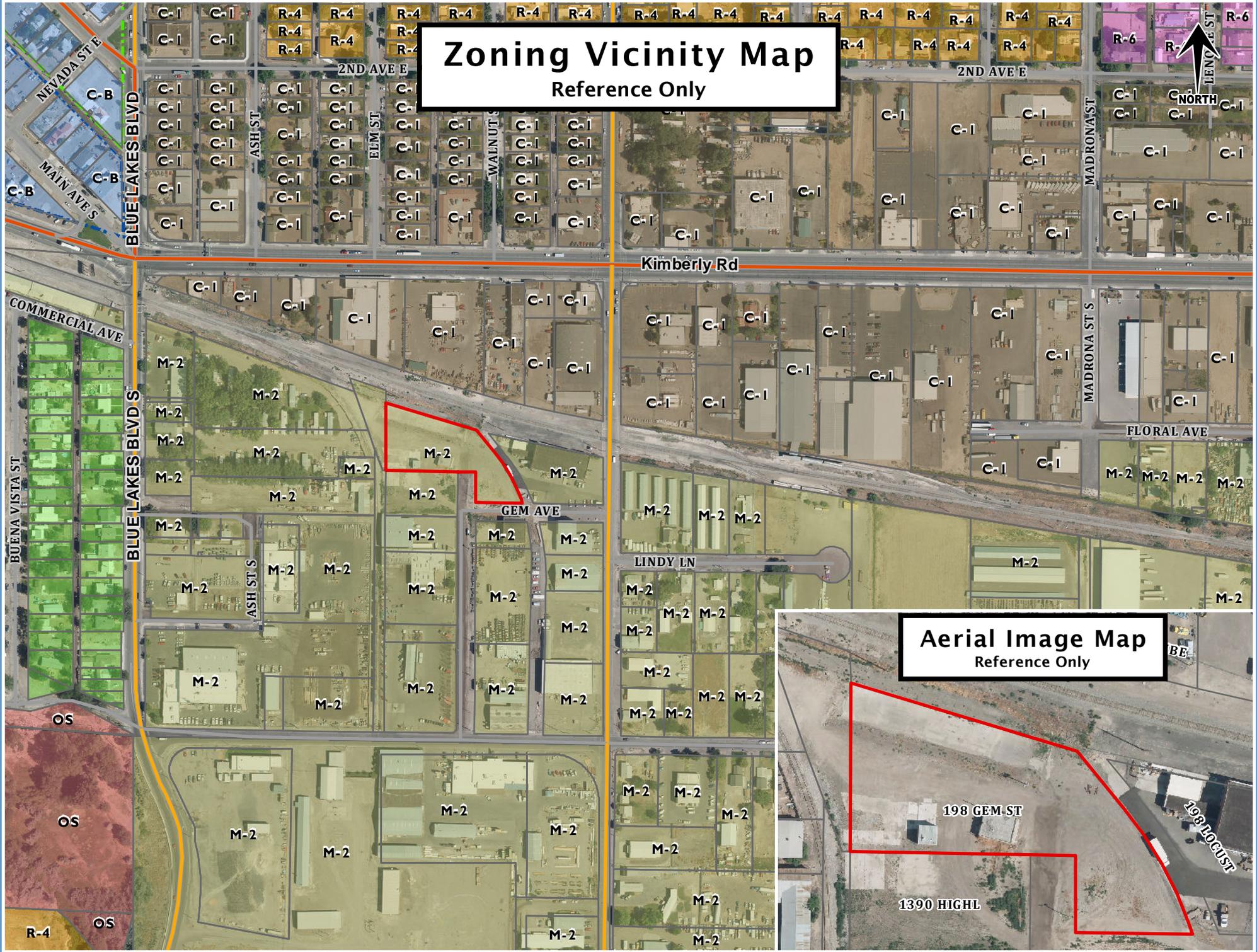
Planner I Spendlove reviewed the item on the overhead and stated the North Haven Business Park C-1 PUD was annexed in 2004, and went through the platting process in 2004-2005 and in 2009. The additional height being requested is to allow development to comply with the code as of today. At the time the North Haven PUD Agreement #235 was approved the maximum building height in the C-1 zone was 35'. The PUD had placed a maximum height of 35' on themselves. In August 2014 the City Council approved a code amendment (Ordinance 3077) to allow the maximum building height in the C-1 Zone to be 50'. They wish to follow the current height limitation set forth in the current zoning Code.

The impacts will be of a visual nature, which can be disturbing to some people. However, the existing buildings in the area that currently exceed 35' include the Hospital, Fairfield Hotel, and parts of CSI through special exemptions. Staff does not foresee an over burdensome impact with this change in the PUD.

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

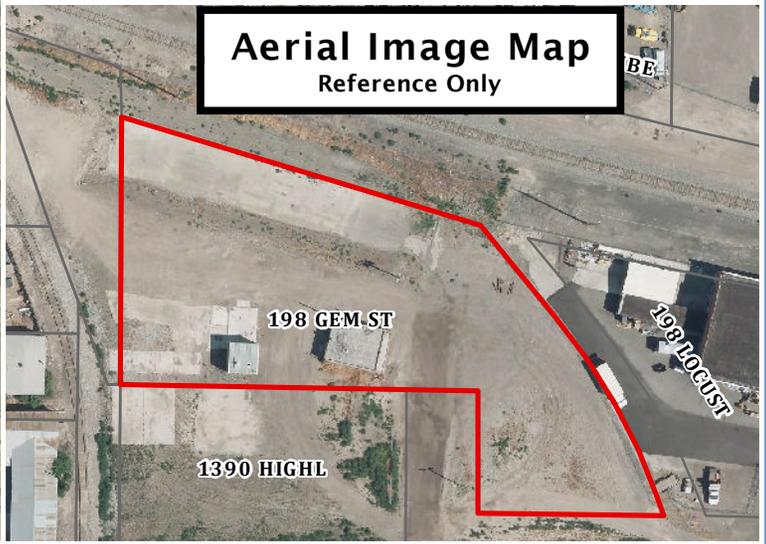
Zoning Vicinity Map

Reference Only



Aerial Image Map

Reference Only



Pictures taken July 7, 2016





CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT
324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

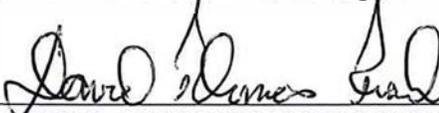
SPECIAL USE PERMIT

Permit No.1313

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on April 22, 2014 to Marky's Supertow c/o Mark Gardoski whose address is 1406 Kimberly Road Twin Falls, ID 83301 for the purpose of allowing an automotive impound facility on property located at 198 Gem Street and legal described as Twin Falls Rice Subdivision Lot 8 (22-10-17)

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3): This permit corresponds to Zoning Application No.2616

- 1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
- 2. Vehicle storage in the impound yard be limited to the time allowed by code; 45 days for mechanically operable and licensed vehicles and 14 days for wrecked vehicles awaiting transport.
- 3. No auto salvage permitted, the impound yard is for storage of impounded vehicles only.
- 4. No stacking of vehicles.
- 5. Subject to a minimum 8' solid site-obscuring screening fence constructed around the entire perimeter of the impound yard.
- 6. Subject to plan approved by staff for management of storm water prior to operation of impound yard. Any change of surface will require additional water retention subject to review by staff.
- 7. Subject to plan approved by staff addressing how vehicle fluids and/or chemicals are required to be disposed of properly – to include in the plan that those fluids and/or chemicals shall not drain onto the ground.
- 8. Subject to plan approved by staff addressing how reasonable precautions will be taken to prevent particulate matter from becoming airborne.
- 9. All parts and miscellaneous equipment to be stored inside of buildings or screened area.
- 10. Subject to compliance with Engineering requirements for deferral of curb, gutter and street development requirements if applicable.



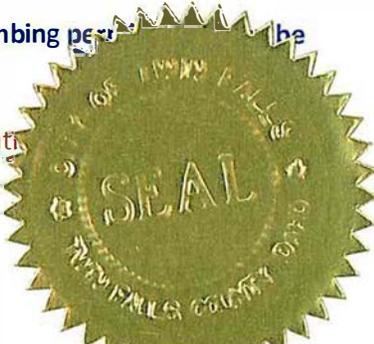
CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION
5/13/13

DATE

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

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

cc: Building Inspection





Date: **Tuesday July 12, 2015**

To: Planning and Zoning Commission

From: Jonathan Spendlove, Community Development Department

Request:

Consideration of a request from Wayne Swearingen to consider changes from Special Use Permit 1367, granted on June 9, 2015 to allow the operation of a 24-hour Commercial Daycare, as presented and subject to conditions, on property located at 870 Eastland Drive. c/o Kendra Jenks on behalf of Wayne Swearingen

Time Estimate:

Applicant or representative presentation will take approximately five (5) minutes. Staff presentation will take five (5) minutes.

Background:

Attached is a request from Wayne Swearingen, potential operator of Fresh Start Childcare Center. The Original Special Use Permit #1367 was granted on June 9, 2015. Since that time, the original applicant secured a different location. The owner continued to market the property for use as a Daycare, among other allowed uses. The owner then continued with the required Building permits to convert the space into a commercial daycare when Mr. Swearingen portrayed interest.

In early June of this year, staff was approached by Mr. Swearingen regarding minor changes to the site plan and operating procedures. After a general review by Staff, it was determined the revision should be presented to the commission during a public meeting.

The changes to the site plan consist of the 2 lots now being under different ownership. The western lot was purchased by an entity to the south for use of the parking lot. This means the daycare owner doesn't have the right to access Eastland Drive. A recorded Cross-Use Agreement has been submitted with this request. This document will grant the applicant the right to cross the neighboring property and use their parking lot. However, that cross use agreement could be terminated in the future by the lessor. If that occurs the applicant shall be required to submit a new special use permit.

Additionally, the applicant's narrative describes changes to the operation which could be in conflict with condition #2 on the original SUP. This presentation was not notified as a public hearing; therefore, the Commission couldn't legally change a condition on the SUP.

The commission is tasked with reviewing the facts and circumstances of this case, along with the surrounding area, and determine if there have been substantial changes to the site plan, or the operation which would require a new Special Use Permit prior to this business being legally established.

Conclusion:

If the commission finds the revised site plan and operations as presented, to be in substantial conformance to the original Special Use Permit 1367 staff recommends the commission motion to accept the revised plan as presented.

Attachments:

1. Narrative
2. Area/GIS Map Exhibit
3. Original Site Plan
4. Applicant Fencing Plans
5. Original SUP #1367

2230 9th Ave E SUP Narrative

Fresh Start Childcare Center LLC is a great new startup in Twin Falls offering childcare services for children ages 6 weeks to 12 years old. The owners are Wayne and Marissa Swearingen, residents of Twin Falls for the past 6 years. They are the parents of 7 boys and although that alone does not qualify them to run a childcare center, they have 28 years combined experience in raising their own children. They are in the process of hiring an Assistant Director for the center with a degree in Early Childhood Education along with a teaching supervisor with the same background. Wayne has a Bachelor of Science Degree in Business Management and an MBA. He has historically worked in manufacturing, managing various different operations within factories across the USA. Marissa started her degree in Sports Medicine before all the babies came along and has plans to reenter school for a nursing degree at CSI in the future. They both strongly believe that every child deserves to have a great start in life. Unfortunately, not all children receive that. With their childcare center they hope to be able to provide a great atmosphere that gives kids a leg up in life even if they don't receive that care and attention at home.

Fresh Start Childcare Center LLC is seeking approval for a Special Use Permit for the property they own at 2230 9th Ave E to open their childcare center in. This property went through the SUP process about a year ago when the property was part of a larger lot. Fresh Start is re-requesting approval of this SUP since the lot has since been divided from the lot with current legal description TWIN FALLS EASTLAND HEIGHTS, AMD SUBD, LOT 1 BLOCK 1, (14-10-17 NW), . AKA 2210 9th Ave East. The whole lot historically was known as 870 Eastland Dr. Additionally, Fresh Start is seeking approval for 24/7 care as the previous SUP was. While this may not be a provided service right at startup, Fresh Start has surveyed the community and has seen the need for extended hours, possibly even overnight and weekends. See Figure 1 for data on hours and days needed from the survey results received thus far. Furthermore, with the opening of more and more businesses that require overnight work, there is more and more need for evening, overnight and weekend care. Some of these businesses include St Lukes Hospital, Chobani, Glanbia, Clif Bar, C3 and many of the retailers that are stocking shelves during the night.

Once approved and opened, this property will be the premier childcare center property in Twin Falls, perhaps the entire valley. The backyard, which will be fenced in completely, is any child's dream. There is room to establish garden space to incorporate into lessons and also consumption for the center. There is an apple tree as well. There is also plenty of open space to run and run in. Not to mention the willow fort that will be carved out of existing willow bushes behind the garage.

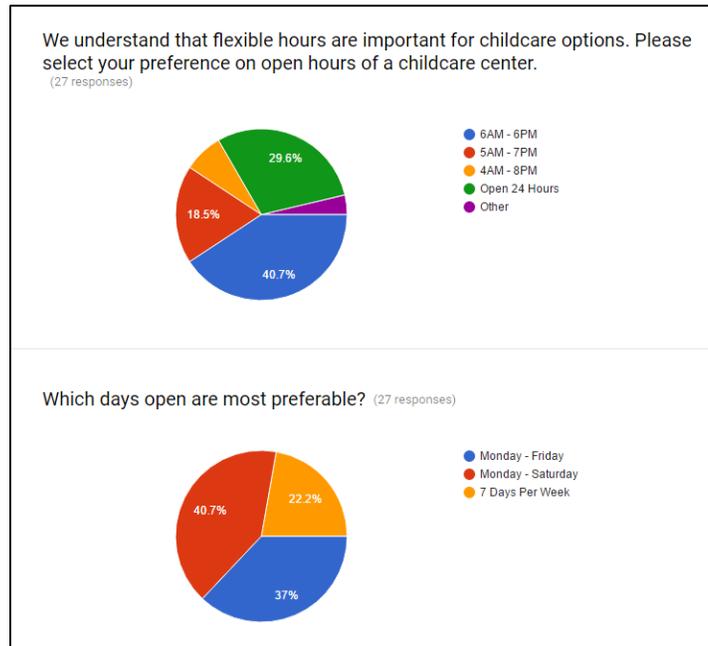


Figure 1

Speaking of the fencing, a bid has been obtained from Taylor Made Fencing to fence in the remainder of the backyard along 9th Ave and to add a gate between the shop and south property fence, a fence section between the shop and existing garage and a gate between the existing garage and the center building itself. This will provide a secure area for the entire backyard for kids to play in. Of course, no child will be left unattended outside. There will always be teachers or staff members outside with the children at the appropriate times. Those times will generally be mid-morning, midafternoon and mid evening, if evening care is deemed to be an offer able service. The specific materials used will be 4 feet high chain link fence. Chain link matches the rest of the property, however, the 4 feet high will allow easy viewing access into the backyard of the property from 9th Ave East. We feel this is important for anyone who needs and wants to see into the backyard to have easy viewing access. The fencing bid is also being attached for review. The specific locations of fencing are also spelled out on the aerial view of the property, in yellow.

As we move inside the property, it features a full kitchen that will be utilized to prepare delicious and nutritious meals following the USDA food program standards. There is over 4,000 square feet for classrooms and common areas and parent reception. There is plenty of square footage on the to establish separate classrooms for children. For example, there is 351 square feet of isolated space planned just for the babies ages 6 weeks to “walking.” There will also be a toddler classroom, a 3-year-old classroom, 4-year-old classroom and before and after school spaces where kids can work on homework. The entire property is equipped with a fire alarm system that is fully functioning and monitored by Delta Fire. The basement is fully sprinkled with 3 egress exits, 1 door and 2 window exits. The property is also in the process of installation of a Vivint security system to keep the center and the staff and children inside safe, especially for those overnight hours. This is scheduled to be installed on July 11th.

For ingress and egress of the property at 2230 9th Ave E and to minimize any congestion or disturbances, a temporary easement and cross use agreement has been drafted between Fresh Start Childcare Center LLC and Family Health Services. A copy of this agreement is provided as an attachment. It basically says that Family Health Services will grant a temporary easement and cross use agreement (temporary meaning that if/when Family Health Services chooses to install a parking lot on “lot 1” and an additional entrance off of 9th Ave E, we would redo the agreements based on changes to the property) to Fresh Start Childcare Center LLC for use of the driveway from Eastland drive to access the childcare center. This will be the main entrance to the childcare center and traffic will be allowed to pull up and drop off children or park and walk their children in. All traffic accessing Fresh Start Childcare Center LLC will be directed to exit onto 9th Ave E via the driveway directly in front of the center building. This will be an egress only and provide for one-way traffic flow through the property. This direction would also be visibly marked to assist customers in adhering to the correct flow. There are also options for street parking along 9th Ave E for customers who do not wish to enter the parking lot. Staff will utilize the garages for parking and parking stalls along the south fence of the property if needed. Customers will also utilize parking stalls along the south fence and in front of the garages and south side of the building.

The bulk of the drop off and pickup times will be between 6am and 6:30pm. If it is decided to provide evening and overnight care, understanding will need to be given that between the hours of 10pm and 5am, drop off and pick up will be minimal and potentially nonexistent. However, Fresh Start does want to bring to mind that there are employers whose start/stop times do not fall within that window. For example, C3, a company that has already contacted Fresh Start for services, has a swing shift that ends between 11pm and midnight. Chobani maintenance personnel work from 4am to 4pm and 4pm to 4am. Swing shifts at Clif Bar end at 10pm, the soonest a parent would be available to pick up their child would be 10:15pm. While these are typically the exceptions rather than the rule, Fresh Start is requesting that exceptions for drop off and pick up times of this nature be allowed to be able to

provide the best possible solution for families needing care. Other examples of needing to access the property during the time from 10pm to 5am are when a child becomes sick and needs picked up, or a parent leaves work early and needs to pick up their child.

Fresh Start believes this should be acceptable for the following reasons:

- There are 3 residential homes on the east side of the center building (behind the building)
 - o These homes would be impacted by the play noises in the yard during the times mentioned above.
 - o There are no traffic impacts to these homes as the 3 homes are essentially blocked from the traffic side of the property by the building itself and the garage and shop building.
- There are 4 residential homes on the west side of Eastland Dr (front of the building)
 - o These 4 homes would potentially hear minimal vehicle noise from drop off and pick up activities
 - o Headlights causing light pollution into the homes would be nonexistent because the cars enter the property from Eastland and exit onto 9th Ave E. Therefore, no headlight pollution would enter the home except from 9th Ave E if the car is traveling West, but this is the case with any traffic from that street.
- On the North and South sides of the property are Lighthouse Christian School and Family Health Services, respectively. Both of these properties would have limited to no activity during the hours in question and therefore be a non issue.

Additionally, there will be no bells or whistles or intercoms or loud speakers installed that would cause disruption to the neighborhood. And even though overnight care could potentially be offered, minimal light would be emitted from the property as the children would be sleeping and the staff would be doing minimal checks and cleaning duties.

Overall, this service is a need in the city of Twin Falls. While there are other centers that offer care, Fresh Start is determined to be the best! The desire of the owners, the Swearingen's, to provide that high quality experience is the first step. The property is the key next step. We hope to work together to satisfy all requirements needed to ensure a successful startup. That startup is anticipated for the middle of August, so a quick turn around on this decision is critical.

Aerial Photo Map

Reference Only



Property Line Adjustment to include Porte-Cochere

9TH AVE E

Applicants Property

870 EASTLA

879 HOLLYA

863 HOLLYA

847 HOLLYA

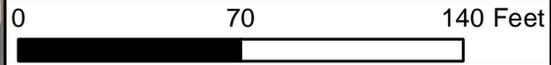
831 HOLLYA

817 HOLLYA

HOLLYANN CT

EASTLAND DR

This property is now owned by the entity to the South for additional Parking.



911 EASTLA

903 EASTLA

875 EASTLA

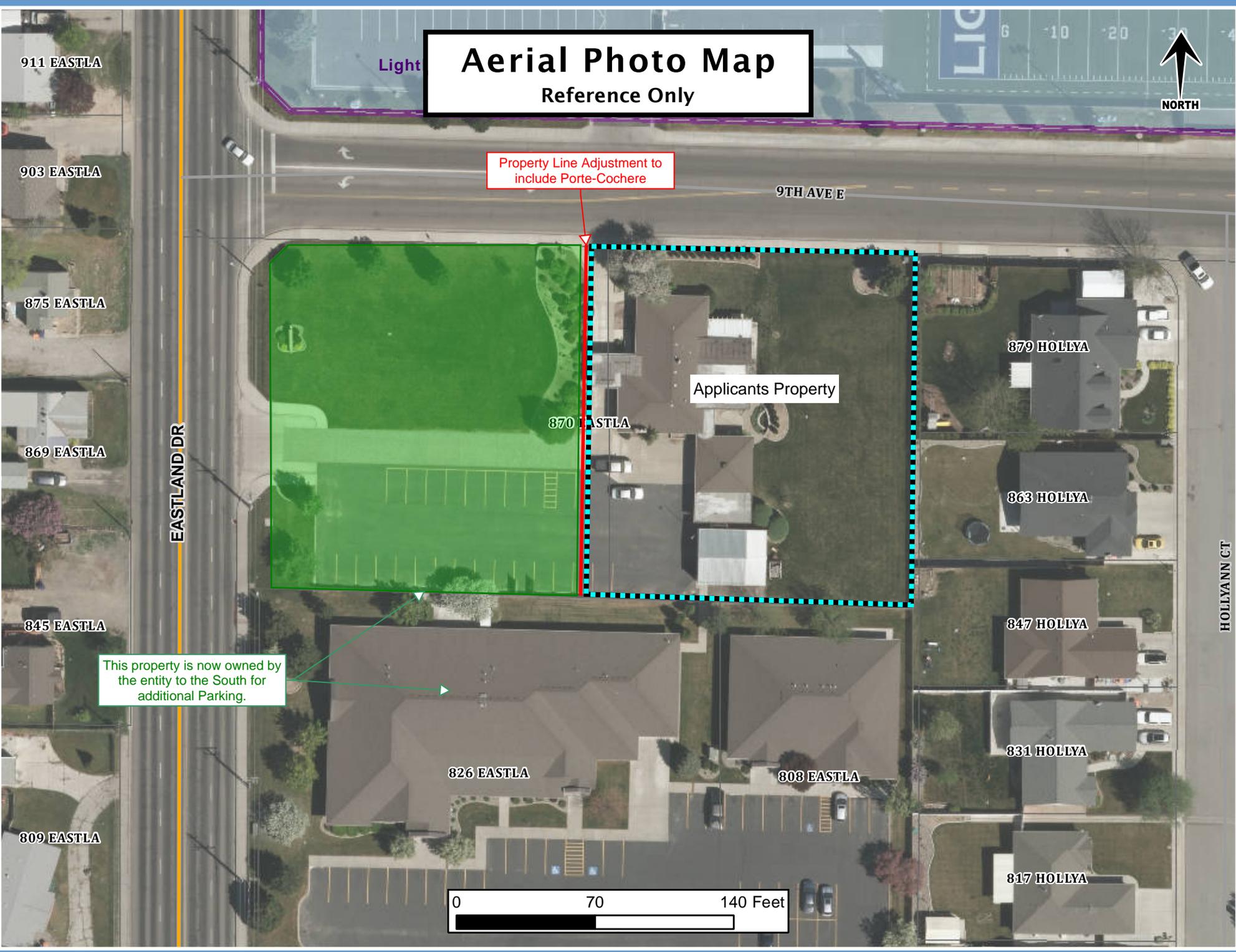
869 EASTLA

845 EASTLA

809 EASTLA

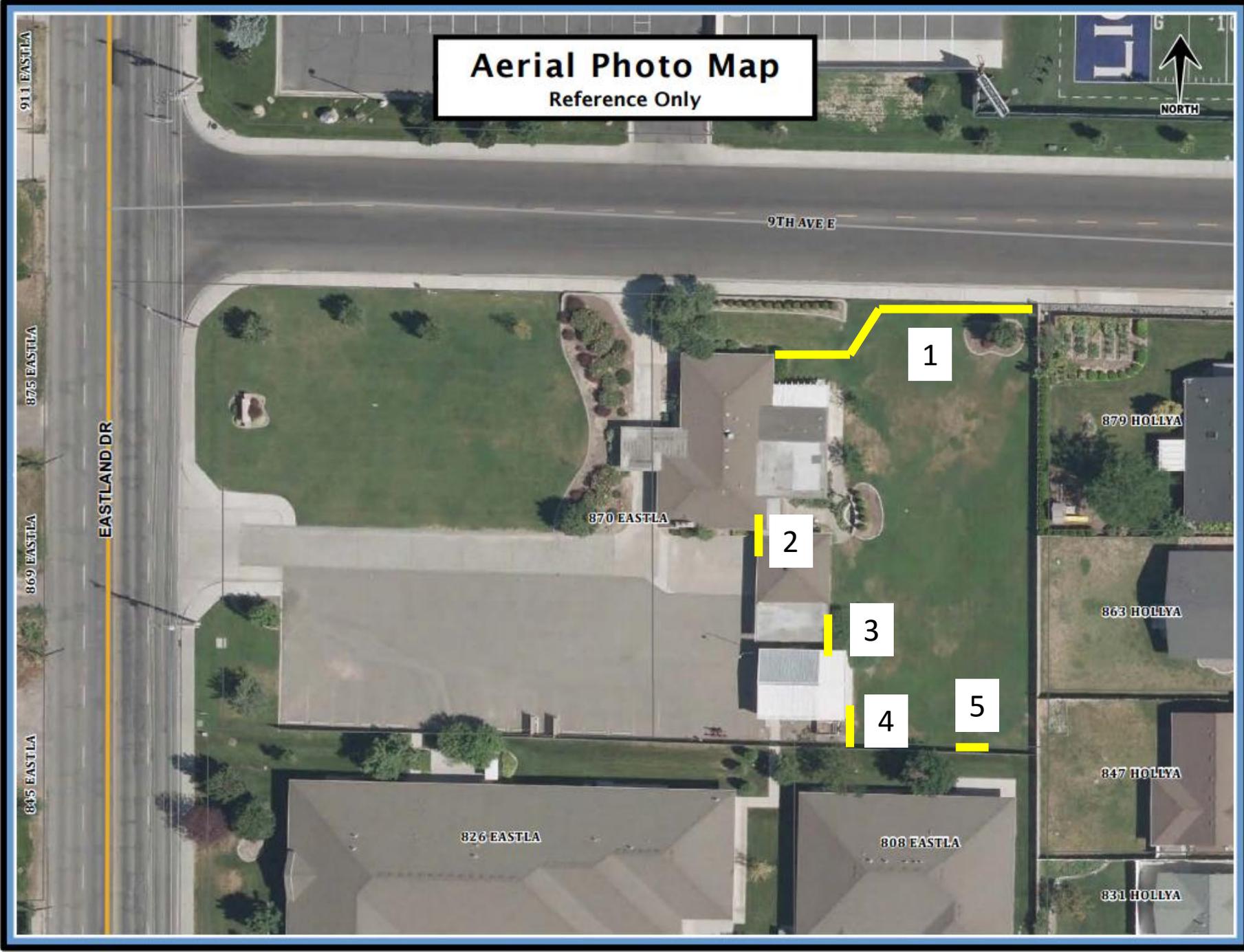
826 EASTLA

803 EASTLA



Aerial Photo Map

Reference Only



1. Fully fenced along 9th Ave E with 4' high chain link. Although it doesn't show on the map, at the east corner the fence will maintain 36" clearance around the transformer and then travel west and angle southwest into the yard to allow landscaping access before continuing west to the northeast corner of the building – no gates in this section
2. 4' high gate between sun porch of building and detached garage.
3. 4' high panel between detached garage and shop
4. 8' high double drive through gates (recycling gates already on property). This gate will be padlocked.
5. Fill in/remove man gate between properties so no access is given in or out.



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

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

SPECIAL USE PERMIT

Permit No.1367

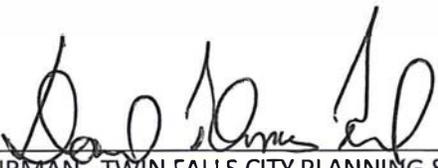
Granted by the Twin Falls City Planning and Zoning Commission, as presented, on June 9, 2015 to Stephanie Ford whose address is 543 4th Avenue North Twin Falls, ID 83301 for the purpose of operating a 24 Hour Commercial Daycare on property located at 870 Eastland Drive and legally described as Twin Falls Eastland Heights Subd Lot 6 Block 1 (14-10-17 NW) RPT15890010060T

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

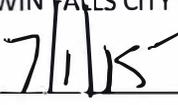
This permit corresponds to Zoning Application No.2733

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the earliest Drop off/Pick up time being 5:00 AM, and the latest Drop Off/Pick up time being 10:00 PM.





CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION



DATE

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

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

cc: Building Inspection



Public Hearing: **Tuesday, July 12, 2016**

To: Planning & Zoning Commission

From: Rene'e V. Carraway-Johnson, Community Development Dept.

AGENDA ITEM IV-1

Request: Recommendation on the [Zoning Designation for a request to Annex](#) 3.86 (+/-) acres located at 2521 Stadium Boulevard. c/o EHM Engineers, Inc. on behalf of David Kemp (app. 2798)

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: 3.86 Acres
David Kemp 2521 Stadium Blvd Twin Falls ID 83301 208-308-1111	Current Zoning: R2 in Area of Impact (AOI)	Requested Zoning: Annexation with the R2 Zoning Designation
	Comprehensive Plan: Agricultural	Lot Count: 1 parcel
	Existing Land Use: Single Family Home with Pasture	Proposed Land Use: Subdivide into Single Family lots
Representative:	Zoning Designations & Surrounding Land Use(s)	
David Thibault 621 N college Rd Ste 100 Twin Falls, ID 83301 208-734-4888 dthibault@ehminc.com	North: R2 AOI; Residential	East: R-1/AK; Carriage Ln N; Residential
	South: R-2; Stadium Blvd; Jason Kelly City Park	West: R-2 AOI; Cento Dr; Residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-15	

WITHDRAWN

Approval Process:

§10-15-2: Annexation

The Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

Budget Impact:

Approval of this request will have negligible immediate impact on the City budget.

Regulatory Impact:

A recommendation on the zoning of this site will allow the application to be scheduled for the City Council. Approval of this request will allow the applicant to annex the subject property into the City Limits.

History:

Since this property is in the Area of Impact, the current zoning designation would have been reaffirmed on the property with the action taken on the most recent Area of Impact Agreement between the City of Twin Falls and Twin Falls County which occurred in 2004.

A single family home was constructed on the western portion of the property in 2001. The detached garage was constructed in 2007. No further zoning history is available.

Analysis:

This request is to annex 3.8 +/- acres with the current zoning designation of R2. Currently, the property is being utilized as a single family home, barn and pasture land. The applicant is requesting the current zoning designations to remain R2 as part of the annexation. Please see attached maps for current and future zoning designations.

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed.

Section 10-15-2(A) states: "The Commission hearing shall not consider annexation and **shall be limited to the proposed development plan and zoning changes.**" The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published it is sent to the State and the official zoning map is officially amended.

Staff recommends an R2 zoning designation would be appropriate for the entire 3.8 +/- acre site. This would be consistent with the zoning districts currently found within City Limits, as well as being closely aligned with the current zoning of the area. It would allow for future residential growth.

Conclusion:

Should the Commission find the R2 Zoning Designation appropriate, they should forward a positive recommendation to the City Council that the entire 3.8 +/- acre site be zoned R2, Single Household or Duplex District.

Attachments:

1. Letter of Request
2. Zoning Vicinity Map
3. Aerial Photo and Boundary Map
4. Future Land Use Map
5. Proposed Development Plan – Preliminary Plat
6. Site Photos

REASON FOR ANNEXATION REQUEST

EHM was hired to develop and design preliminary and final plats for a proposed single family residential development comprised of approximately 3.8 acres. The subject property has not yet been annexed into the city limits and is located within the impact area of the City of Twin Falls at the NW corner of Stadium Blvd and Carriage Lane North.

The Owner would like to develop the property into 6 residential lots with available connection to City water and sewer service. The future land use map developed for the City of Twin Falls identifies this property as medium density residential. The comprehensive plan identifies those areas designated as single-family residential to be utilized for Custer Development and large tracts of land suitable for future residential development. The development of a single family residential subdivision with available connection to city water and sewer is not only consistent with neighboring uses all around the subject property but is also consistent with the comprehensive plan and the future land use plan adopted by the City of Twin Falls. This request is for annexation into the city limits of the City of Twin Falls with a zoning designation of R2.

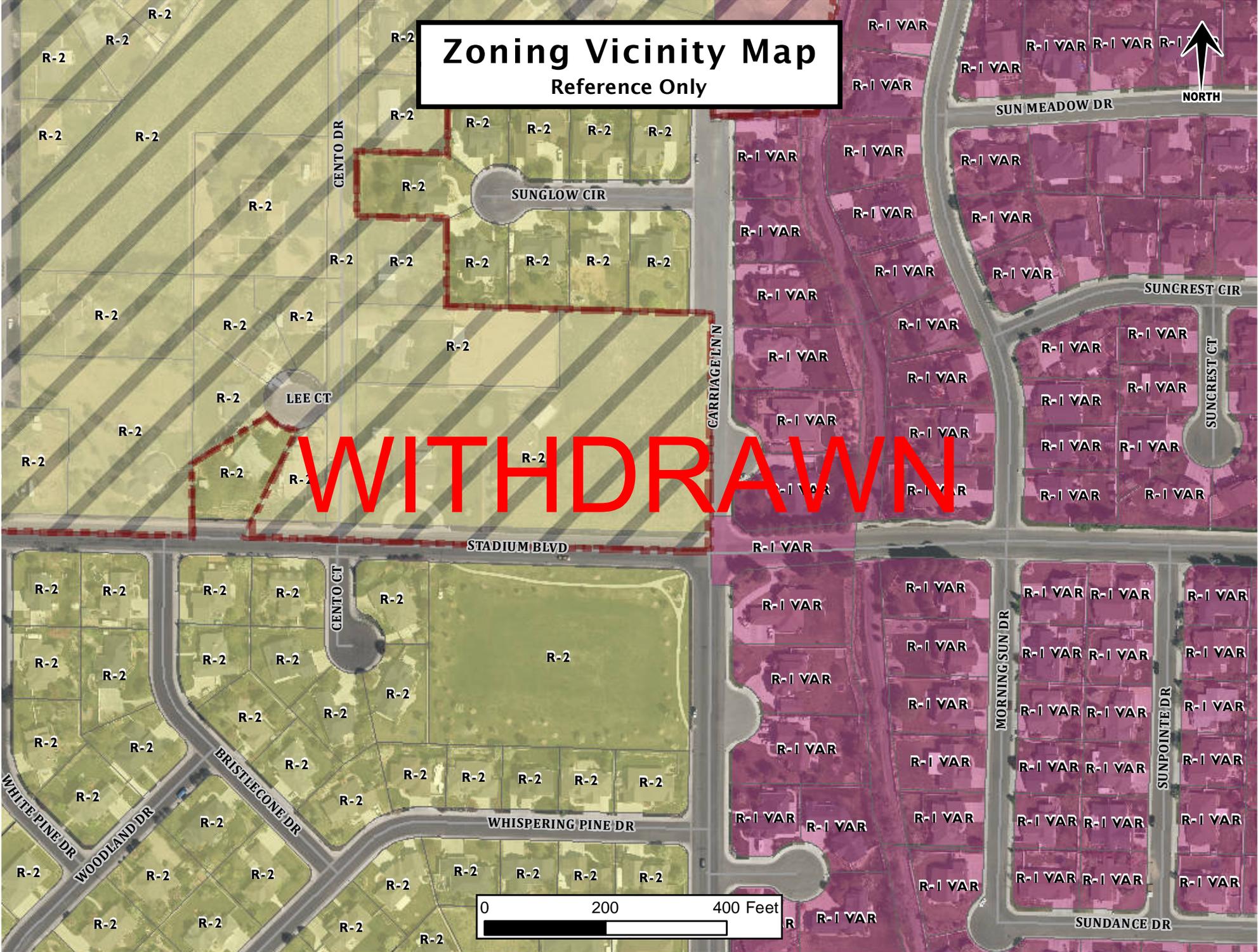
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Zoning Vicinity Map

Reference Only



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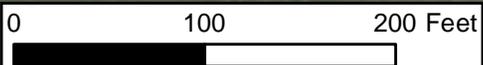


Aerial Photo Map

Reference Only



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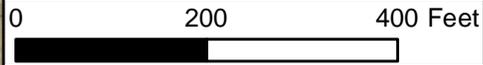
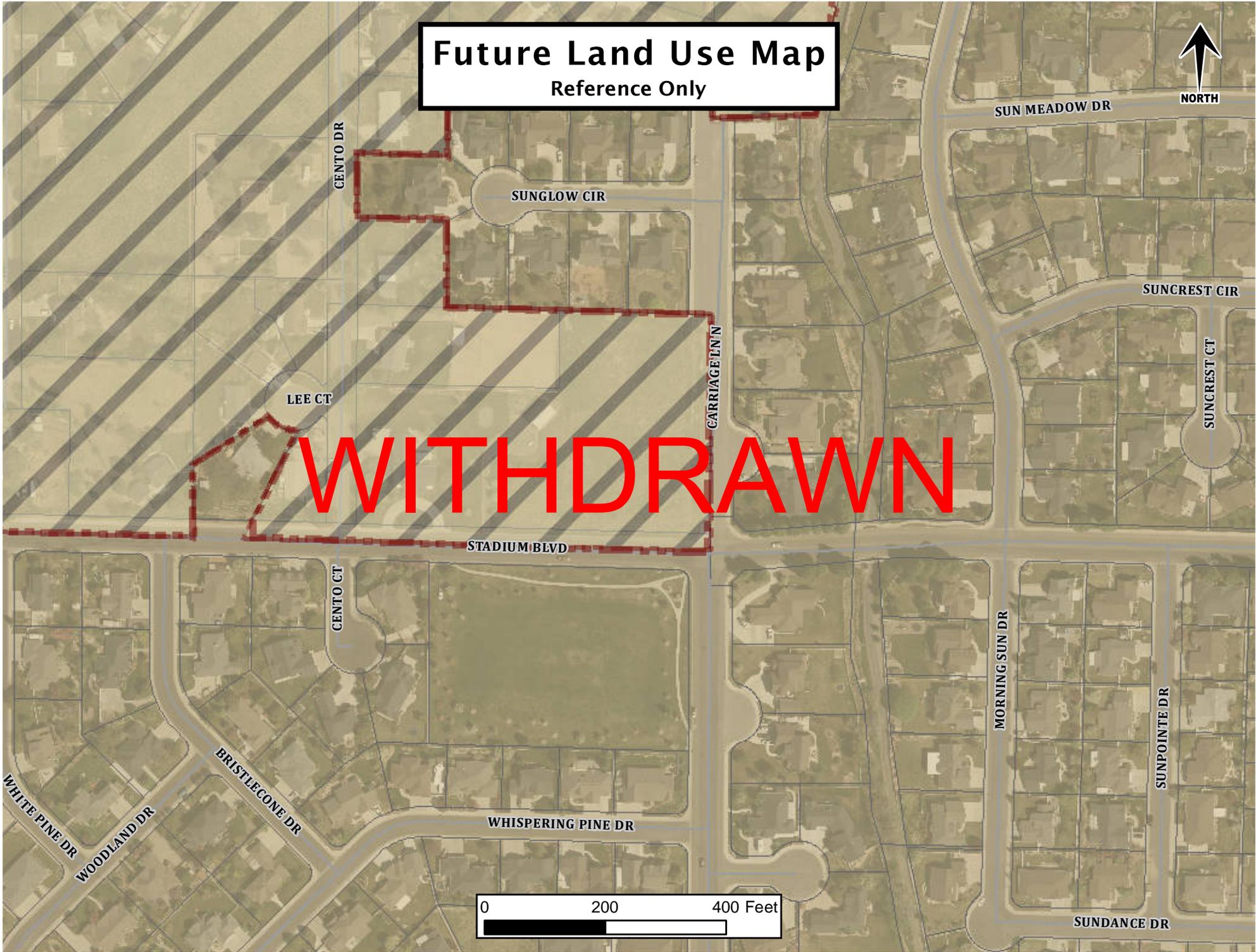


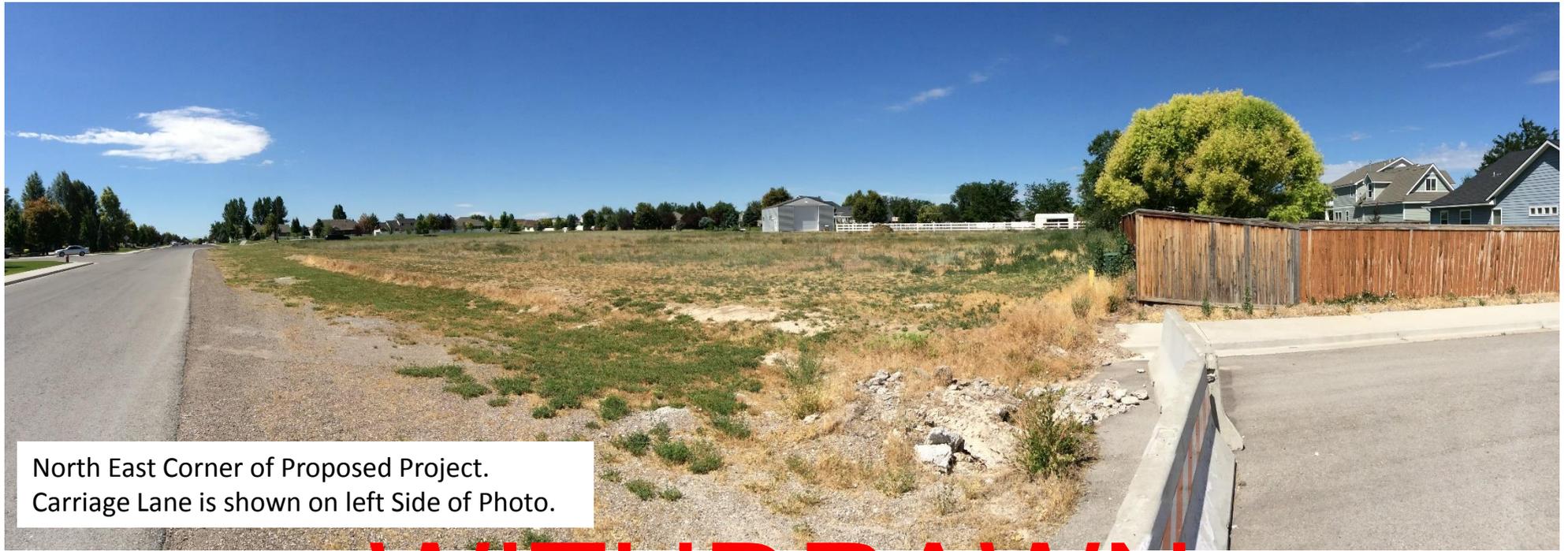
Future Land Use Map

Reference Only



WITHDRAWN





North East Corner of Proposed Project.
Carriage Lane is shown on left Side of Photo.

WITHDRAWN



South West Corner of Proposed Project.
Stadium Blvd Frontage on the right side of photo.



Entirety of project along Stadium Blvd



Public Hearing: **TUESDAY, July 12, 2016**
 To: Planning & Zoning Commission
 From: Jonathan Spendlove – Planner I

AGENDA ITEM IV-2

Request: Request for a **Special Use Permit** to establish a used vehicle dealership on property located at 611 Blue Lakes Boulevard North c/o Wheeler Dealer, LLC (app. 2799)

Time Estimate:

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

Background:

Applicant:	Status: Lease	Size: 0.89 Acre Lot; 5,000 SF Building
Kenneth Kuntz 1037 Arrow Wood Ct Twin Falls, ID 83301 208-733-1871 Ken941970@hotmail.com	Current Zoning: C-1, Commercial Highway	Requested Zoning: SUP to operate a retail vehicle sales lot
	Comprehensive Plan: Commercial/Retail	Lot Count: 1 Lot
	Existing Land Use: Restaurant	Proposed Land Use: Retail Vehicle sales lot
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: C-1, Commercial/Business	East: Blue Lakes Blvd N; C-1, Commercial/Business
	South: C-1, Commercial/Business	West: R-2, Residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-10, 10-11-1 thru 8, 10-13	

Approval Process:

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

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval. Conditions shall be implemented within 6 months or the permit if void.

If an applicant or interested party appeals the decision of the Commission with fifteen (15) days from the date of action (when the Findings of Fact are signed), the City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Budget Impact:

Approval of this request will have no impact on the City budget as the property is not within City Limits.

Regulatory Impact:

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

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 2003, Special Use Permit 819 was issued for a Coffee Shop to operate a Drive-thru window on the lot south of this requested site. There were conditions placed on that permit. However, the use changed in 2007-2008 when a larger modular building was placed on the lot to accommodate a Pay Day Loan business. In January 2016, a Special Use Permit was issued to the applicant for a Car Dealership located immediately to the south of this proposed property. There were conditions on that permit, please see Attachment #5.

Analysis:

The request is to establish a retail vehicle sales business on property located at 611 BLBN. The property is zoned C-1. To operate a retail vehicle sales business in the C-1 Zoning District requires a special use permit. The applicant was granted Special Use Permit #1385 in January 2016 to establish and operate a used car lot on the property adjacent to the south of this site. Since first opening up in January, the applicant's business has grown and they are trying to expand. The applicant's narrative indicates they will employ 7-8 individuals and offer a greater selection of vehicles. The applicant claims there will be no impacts to neighboring property owners due to no in-house mechanic shop or outside speakers.

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

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

Per City Code 10-10: The retail use of an automobile sales site has a parking requirement of one (1) parking space per five hundred (500) square feet of the associated structure. The building is listed at approximately 5000 square feet, which equals a minimum of ten (10) parking spaces. These spaces are to be used for customer and employee parking only and not for vehicle displays. The applicants' site plan shows that number being exceeded. However, the commission may wish to require a minimum of ten (10) parking spaces be "designated" for customer parking only.

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

Possible Impacts: Retail Vehicle Sales lots can have impacts on neighboring properties. Typically, these impacts include noise from comings and goings of customers and employees. As well as light infiltration from the parking lot and security lighting. The applicant clearly stated in their narrative no vehicles will be repaired on-site and there will be no outside speaker system.

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

Conclusion:

Should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the screening fence on the Western side of the property being maintained in good repair.
3. Subject to no audio or announcement system being utilized on this property.
4. Subject to no vehicle service or repair taking place on the property.
5. Subject to light source for security and parking areas being shielded from view of neighboring properties.
6. Subject to a minimum of ten (10) parking spaces being "designated" for customer parking only.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Applicant Submitted Site Plan
5. Special Use Permit 1385, granted 01-26-2016
6. Site Photos

Twin Falls Planning and Zoning detailed statement

Wheeler Dealers LLC is requesting and special use permit for 611 Blue Lakes Blvd. N. Twin Falls ,Idaho
We are expanding our dealership to provide a wider selection of used cars , to meet the demand of customers we have acquired since opening our lot at 607 blue lakes n. , the adjacent property.

Our Hours of operation will remain the same as our current dealership at 9am to 6pm and with the bigger lot we will be able to accommodate a much higher amount of traffic , We anticipate about 10 to 15 cars a day to visit the lot. We will be employing 2 finance managers and 5 to 6 sales persons.

Our evaluation of effects on adjoining property will be a zero effect, we are the adjoining property!!
The Noise will not be a factor as we do not have a mechanic shop or outside speakers. The lot is behind offices so glare will be no issue nor will the odor be an issue . We will be selling cars on lot not fixing them.

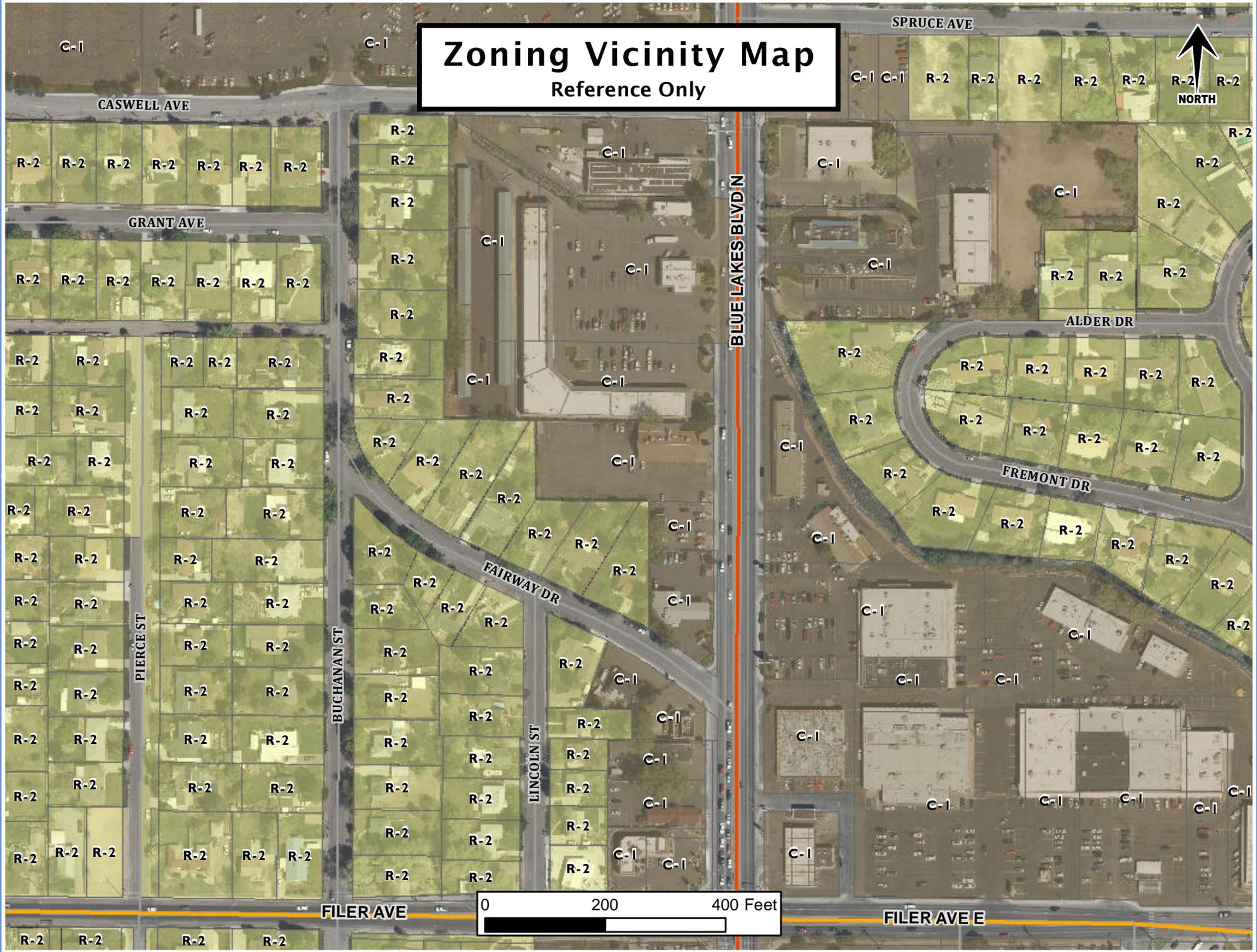
Wheeler Dealers LLC was granted a special use permit to the adjoining lot and are only looking to expand to meet the needs of the public.

Thank You
Ken Kuntz
Wheeler Dealers LLC

A handwritten signature in black ink, appearing to be 'Ken Kuntz', written in a cursive style.

Zoning Vicinity Map

Reference Only



C-1

C-1

CASWELL AVE

SPRUCE AVE

R-2 R-2 R-2 R-2 R-2 R-2 R-2

C-1 C-1 R-2 R-2 R-2 R-2 R-2 R-2 R-2 R-2

GRANT AVE

R-2 R-2 R-2 R-2 R-2 R-2 R-2

BLUE LAKES BLVD N

C-1

C-1

R-2 R-2 R-2 R-2 R-2 R-2 R-2

FAIRWAY DR

FREMONT DR

ALDER DR

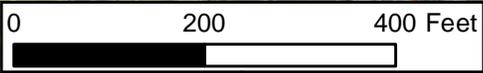
PIERCE ST

BUCHANAN ST

LINCOLN ST

FILER AVE

FILER AVE E



Aerial Photo Map

Reference Only



681 BLUE L

825 FAIRWA

611 BLUE L

835 FAIRWA

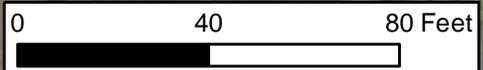
BLUE LAKES BLVD N

851 FAIRWA

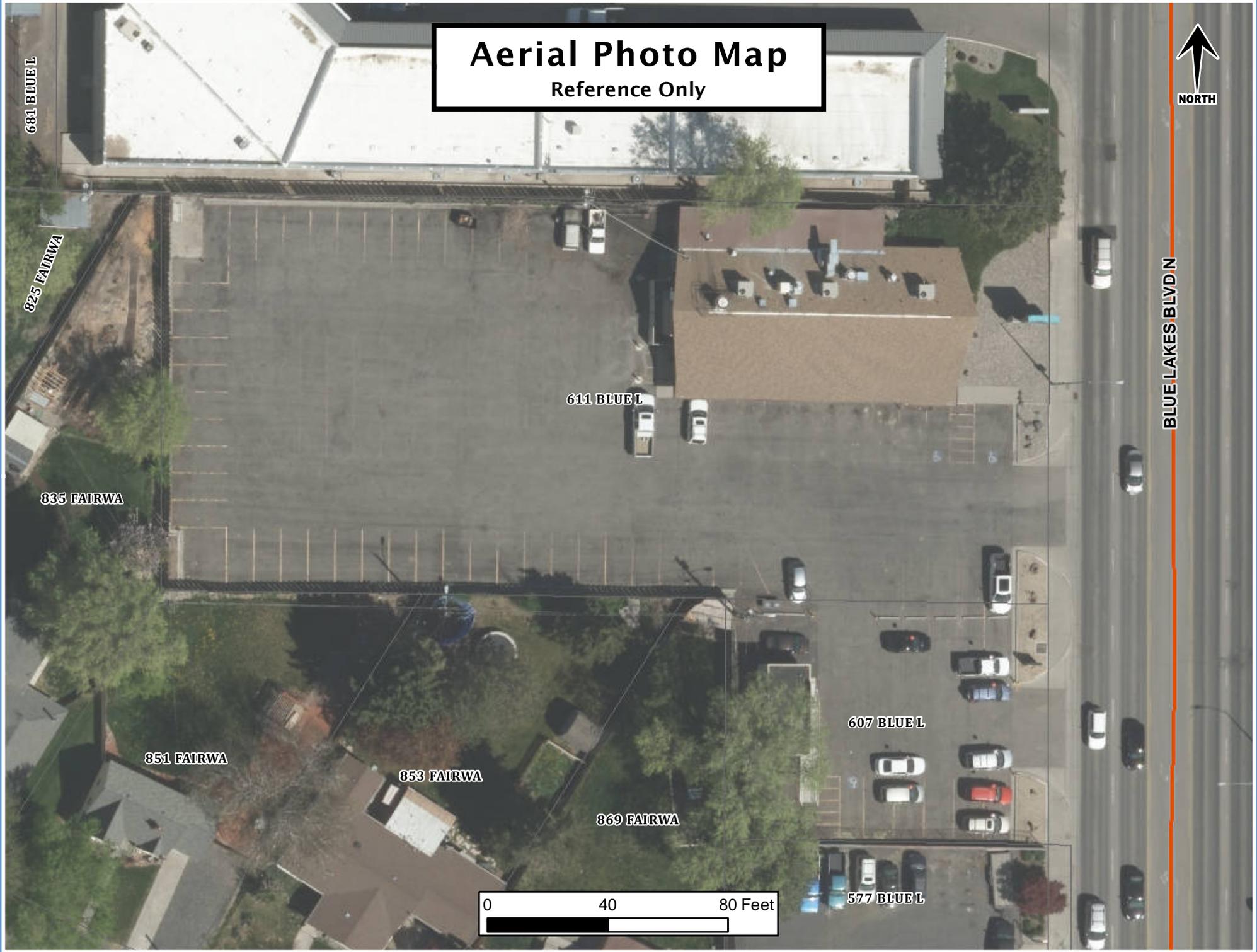
607 BLUE L

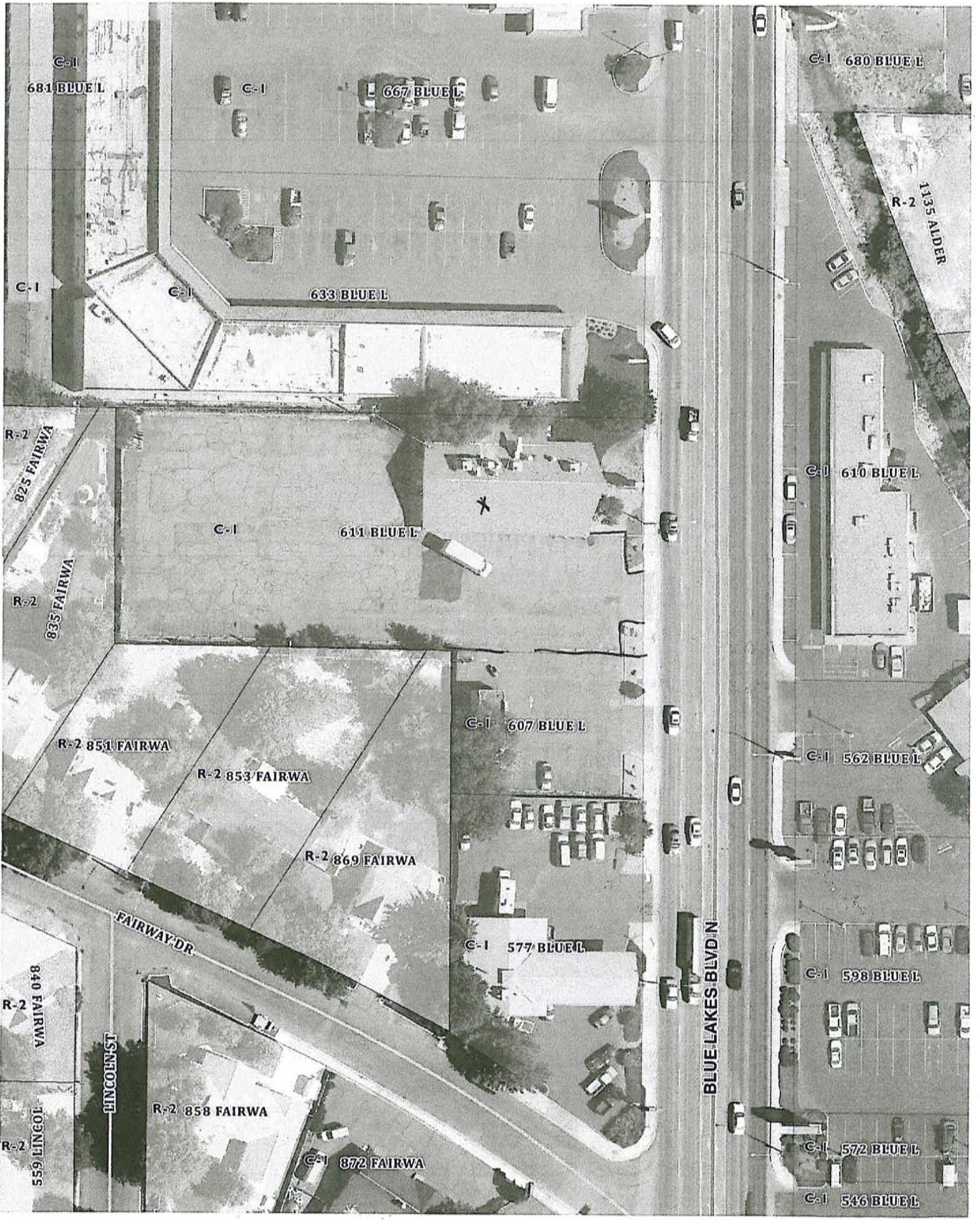
853 FAIRWA

869 FAIRWA



577 BLUE L





C-1
681 BLUE L

C-1

667 BLUE L

C-1 680 BLUE L

R-2
1135 ALDER

C-1

C-1

633 BLUE L

R-2
825 FAIRWA

C-1

611 BLUE L

C-1 610 BLUE L

R-2

835 FAIRWA

R-2 851 FAIRWA

R-2 853 FAIRWA

C-1 607 BLUE L

C-1 562 BLUE L

R-2 869 FAIRWA

FAIRWAY DR

C-1 577 BLUE L

BLUE LAKES BLVD N

C-1 598 BLUE L

R-2
840 FAIRWA

LINCOLN ST

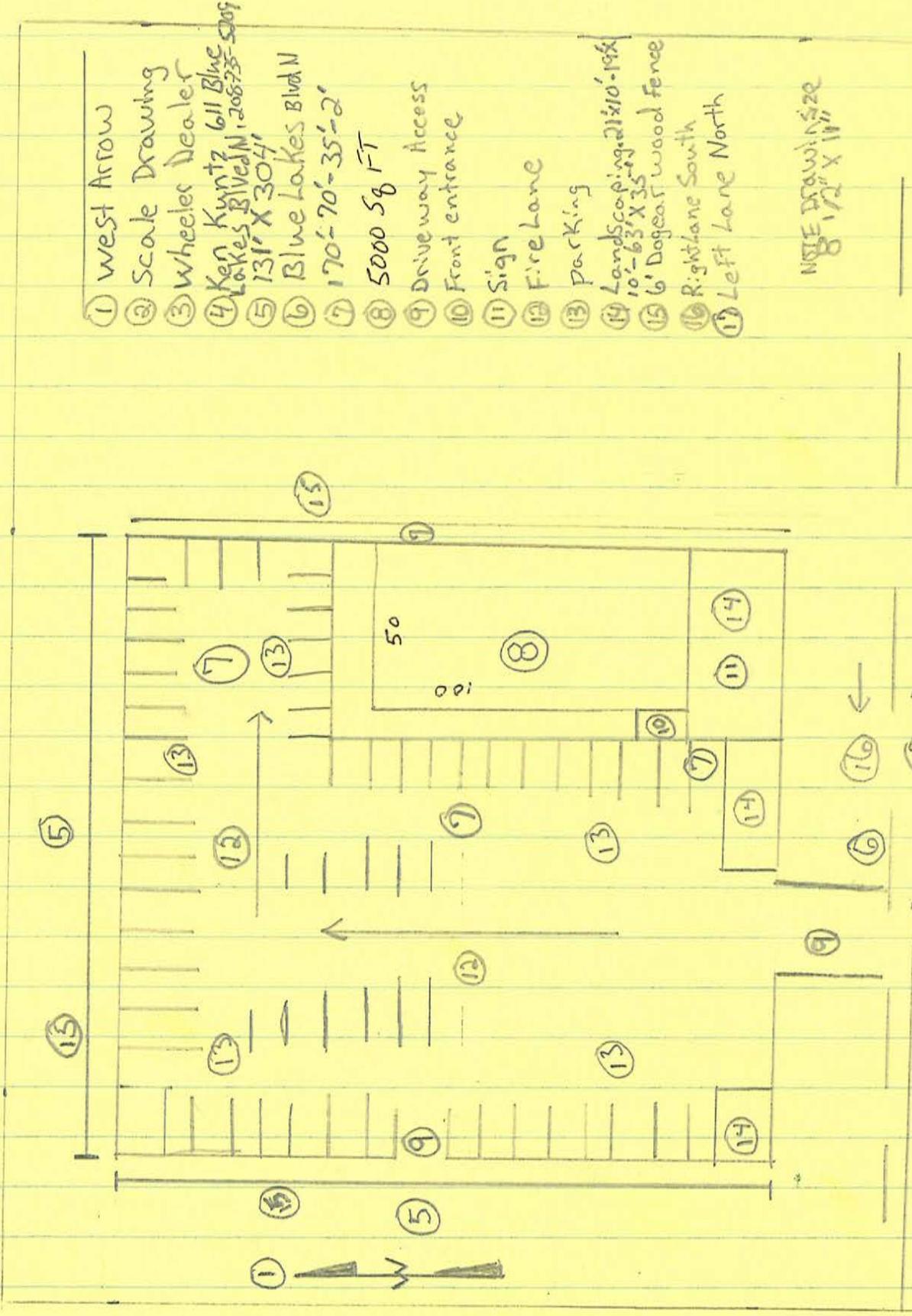
R-2 858 FAIRWA

C-1 572 BLUE L

R-2
559 LINCOLN

C-1 872 FAIRWA

C-1 546 BLUE L



- ① West Arrow
- ② Scale Drawing
- ③ Wheeler Dealer
- ④ Ken Kuntz 611 Blue Lakes Blvd N 208-735-5209
- ⑤ 13' X 304'
- ⑥ Blue Lakes Blvd N
- ⑦ 170' - 70' - 35' - 2'
- ⑧ 5000 Sq FT
- ⑨ Driveway Access
- ⑩ Front entrance
- ⑪ Sign
- ⑫ Fire Lane
- ⑬ parking
- ⑭ Landscaping 21x10-19x 10'-63' X 35'
- ⑮ 6' Dogear wood fence
- ⑯ Rightiane South
- ⑰ Left Lane North

NOTE DRAWING SIZE
8 1/2" X 11"

Ken Kuntz
607 Blue Lakes Blvd
North 208-735-5209

Commercial Site plan

② SCALE 0" = 100'





CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT
324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

SPECIAL USE PERMIT

Permit No. 1385

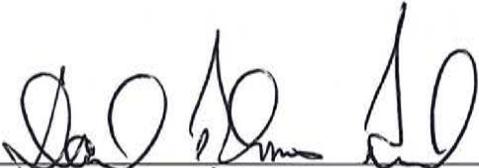
Granted by the Twin Falls City Planning and Zoning Commission, as presented, on January 26, 2016 to Kenneth Kuntz whose address is 1037 Arrow Wood Court Twin Falls, ID 83301 for the purpose of establishing and operating a used automobile sales lot located at 607 Blue Lakes Boulevard North and legally described as RPT0361000022AA Twin Falls Bremers Fairway Sub Lot 22 Exc E 7.5' (9-10-17 NE)

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

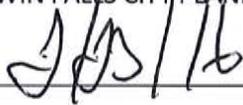
This permit corresponds to Zoning Application No. 2764

1. Subject to the site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with applicable City Code requirements and standards
2. Subject to the screening fence on the west side of the property being maintained in good repair
3. Subject to no audio or announcement system being utilized on this property





CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

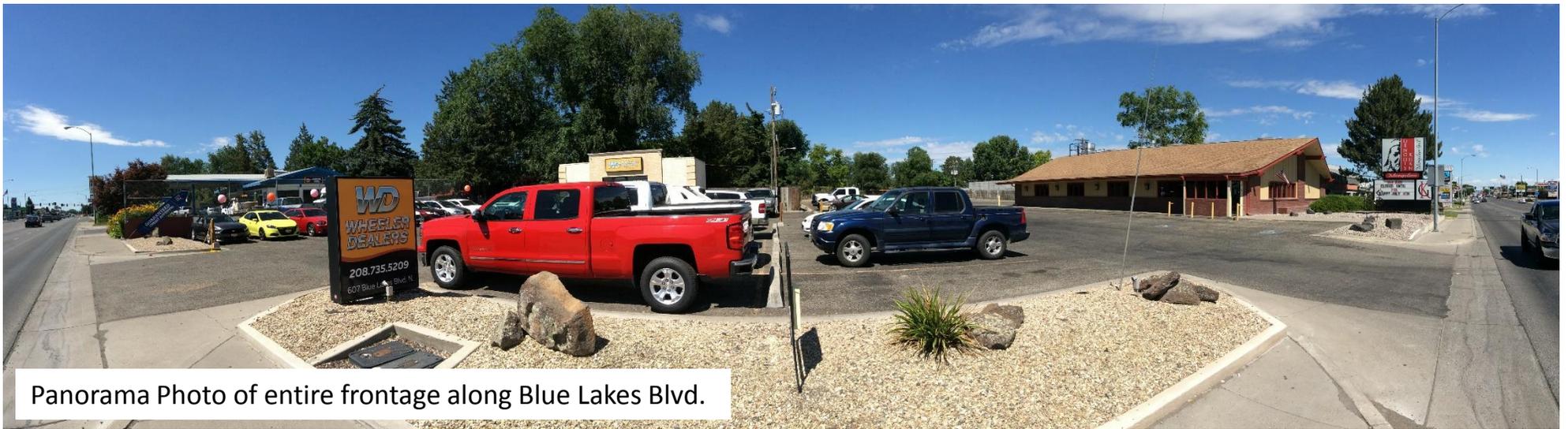


DATE

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

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

cc: Building Inspection



Panorama Photo of entire frontage along Blue Lakes Blvd.



The middle parking area between the current Dealership and the Ghengis Kahn Restaurant.



Panorama of back parking area (western portion of property).