



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

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.

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

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

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

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.

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

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

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

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to all light sources being downward facing and shielded to prevent light intrusion onto the neighboring residential property.
3. Subject to all miscellaneous parts and vehicles associated with service or repair shall be inside a building or within a sight obscured screened area other than service department business hours. Fencing materials to be approved by staff prior to installation.
4. Subject to outdoor audio and paging system operating only within the hours of 8:00 am to 7:00 pm or 8:00 pm DST.

PZ Questions/Comments:

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

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

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

Public Hearing: [Opened](#)

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

Public Hearing: [Closed](#)

Closing Statement:

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

Deliberations Followed:

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

Motion:

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

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

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.

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

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

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

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

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

Public Hearing: Opened

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

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

Public Hearing: Closed

Deliberations Followed:

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

Motion:

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

Denied, As Presented

- Zoning & Development Manager Carraway-Johnson clarified to the Commission that the reason this item came forward to the Commission with the recommendation of denial is because staff could not find that use in the code. There are not any automotive services listed in the RB zone.
 - Commissioner Frank stated he agrees with Mr. Martens regarding the RB zone.
 - Commissioner Grey stated that this zone is a work in progress, this was a zone created with the intent to provide a transition from the narrow corridor of Commercial to the residential zone. The intent was to allow for some small businesses as a buffer.
 - Commissioner Munoz stated the character of the building is not commercial, it does provide a transition to the residential.
 - Commissioner Higley clarified the purpose was to bring more of a transition using aesthetics.
4. Request for the Commission's recommendation on a **Zoning Title Amendment** to amend City Code 10-7-20(B)2c; Public Hearing Notice Requirements by adding "or as determined by the Administrator" to the number of posted public notice signs required. c/o City of Twin Falls (app. 2791)

Staff Presentation:

Planner I Spendlove reviewed the item on the overhead and stated the City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - Title 10; Zoning & Subdivision Regulations in its entirety. Title 10 has had many amendments over the years. One such amendment took place in March 2015. This particular amendment added a new chapter to Title 10; Chapter 7; entitled; "Public Hearings

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

Notice Requirements” regulating the process whereby a Land Use Request is noticed for a public hearing. Ord. 3091, 3-2-2015

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

10-7-20: PUBLIC HEARINGS NOTICE REQUIREMENTS:

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

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

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

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

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

Public Hearing: [Opened](#)

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

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

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

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

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

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

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

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 08:00 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department