



MINUTES
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

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Dawson
 Frank
 Grey
 Muñoz
 Musser
 Reid

ABSENT

Tatum

AREA OF IMPACT MEMBERS

PRESENT

Higley
 Woods

ABSENT

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

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 28, 2016 PH**
2. Approval of Findings of Fact and Conclusions of Law: **None**

Motion:

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

Unanimously Approved

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)

Applicant Presentation:

Mark Gordoski, stated that he is working on getting his permit for fencing of the property. He has submitted his application and is waiting to hear back from staff.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated in March 2016 of this year, staff received a complaint regarding the status of the Special Use Permit conditions of approval. Over the ensuing month letters and other correspondence was sent to Mr. Gordoski informing him of the non-

**Planning & Zoning Commission Minutes
July 12, 2016**

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 Special Use Permit. 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.

PZ Questions/Comments:

- Commissioner Munoz asked about the other conditions attached to the Special Use Permit he understands the issue was one concern but asked if the other conditions have been met.
- Planner I Spendlove addressed each condition and explained a plan for storm water retention has not been provided, a plan for managing particulate matter and vehicle fluids has also not been provided. The deferral documents will be acquired as part of the building permit.
- Commissioner Higley asked approximately how long before the fence permit is approved.
- Planner I Spendlove stated approximately 4-6 weeks from the time of submittal is the average timeframe, there are 4 people that review commercial plans and this timeframe can be impacted by their workload and other duties. However, for a fence it may not take as long.
- Commissioner Grey asked about the process for ensuring the other conditions are met, it seems these things have not been dealt with up until this point.
- Planner I Spendlove explained the applicant would need to provide plans and documentation to meet the conditions. Staff would then review the documents for compliance.
- Commissioner Frank asked the applicant thinks if 30 days is a reasonable deadline for meeting these conditions.
- Mr. Gordoski stated he thinks that would be enough time however he is not sure how to meet the condition regarding the storm water retention requirements.
- Assistant City Engineer Vitek stated if the area is dirt currently and the applicant decides to add gravel to the site more water will run off, the applicant has to retain the increase amount of water on site.
- Commissioner Reid stated he doesn't have issues with giving him some extra time but he also wants to be realistic with a timeframe. Things are in process and it is obvious he is working on compliance.
- Commissioner Munoz agreed, he has seen progress but would recommend that the applicant speak to Engineering to ensure he is aware and understands the storm water retention condition.
- Commissioner Frank stated he would be fine with making a final decision around August 9, 2016.
- Commissioner Reid stated he wants to make sure there is enough time to comply with all the conditions.
- Commissioner Munoz stated even if at the August 9, 2016 it is determined revocation should be done, there is still a public hearing required and additional time for the applicant to comply.
- Planner I Spendlove explained the Commission can table the item until August 9, 2016 and decided at that meeting whether or not to begin revocation, table the item again or accept that the conditions have been met.

**Planning & Zoning Commission Minutes
July 12, 2016**

Motion:

Commissioner Grey made a motion to table this item until August 9, 2016. Commissioner Musser seconded the motion. All members present voted in favor of the motion.

[Tabled for August 9, 2016 Planning & Zoning Commission Meeting](#)

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

Applicant Presentation:

Wayne Swearingen, the applicant, stated he is here to request that the Commission review a few changes to the original request and operation of the daycare. This property use to be one lot and has since been divided into two lots. On the existing permit there were no issues with the use of this property as a daycare because it was all one large lot with access into and out of the property not being a concern. Because the property has been divided agreements have been made between both lots to allow for cross-use of the access and parking. The other condition of concern was the restricted hours of drop off and pick-up for the children. He would like to be able to allow parents that work slightly different swing shift hours the ability to drop off their children before and after their shift, which may or may not comply with the condition listed on the permit. The impacts of this change would be minimal and more the exception than the norm.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated 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 Special Use Permit. This presentation was not notified as a public hearing; therefore, the Commission couldn't legally change a condition on the Special Use Permit.

**Planning & Zoning Commission Minutes
July 12, 2016**

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.

Planner I Spendlove stated upon conclusion if the commission finds the revised site plan and operations as presented, to be in substantial conformance to the original. Staff has encouraged the applicant to operate their business in compliance with the conditions listed on the Special Use Permit, however in the future if there is a need to amend the conditions they can make a request to amend the Special Use Permit through a public hearing process.

PZ Questions/Comments:

- Commissioner Woods clarified with regards to the cross-use agreement that if the other lot get sold or built upon the owner is taking a risk that their parking and access may go away.
- Zoning & Development Manager Carraway-Johnson explained a review by staff would be needed at that time of the business and its operations. She feels that these concerns could be addressed even if the other lot sold or was built upon in the future.
- Commissioner Munoz asked if the building is non-conforming because of this property split.
- Assistant City Engineer Vitek stated there is a no build easement for 10 ft. of the east property line on the vacant lot. Until that porte cochere goes away there is a no build easement.
- Commissioner Grey asked for clarification the gates and fence exhibit provided by the applicant.
- Planner I Spendlove stated that would be reviewed by the Fire Department.

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

Closing Statement:

Mr. Swearingen clarified that within the easement and cross-use agreement there are provisions that carry the conditions forward even with a new property owner. He clarified what areas on the exhibit will be fence and which will be gates. The backyard will be a potential gathering spot if there were to be a fire and there are several egress exits.

Deliberations Followed:

Commissioner Higley explained the only issue that may be necessary in the future is the hours of operation. Mr. Swearingen stated that he would be happy to comply with the conditions on the Special Use Permit until they come back through for an amendment to the Special Use Permit.

Motion:

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

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

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

**Planning & Zoning Commission Minutes
July 12, 2016**

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)

Applicant Presentation:

Mr. Kuntz explained that he had a Special Use Permit approved for the adjacent property to operate a used auto dealership. His business has been a success and he would like to operate the same business on the adjacent property. He is here tonight to request a special use permit to operate a use auto dealership.

Staff Presentation:

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

The request is to establish a retail vehicle sales business on property located at 611 Blue Lakes Boulevard North. 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'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

**Planning & Zoning Commission Minutes
July 12, 2016**

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.

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.

Planner I Spendlove stated upon conclusion should the Commission approve the 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.

PZ Questions/Comments:

- Commissioner Grey asked if this change would require additional landscaping along the front.
- Planner I Spendlove stated restaurant and a car dealership fall into the retail category therefore it is not a change of use. If this were a change of use the maximum would have been 10 ft. which is what is currently in place.
- Commissioner Grey asked about the smaller building located on the adjacent lot.
- Mr. Kuntz clarified they will be using both buildings for the business.
- Commissioner Woods asked if there is anything in the regulations that prevents the display of RV's or trailers.
- Planner I Spendlove stated the application was for vehicles, code defines RV's and sporting vehicle differently in the code and would require an amendment to the Special Use Permit.

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

Deliberations Followed:

- Mr. Kuntz explained there are existing lights on the property and as for shielding he is not sure what would be needed.
- Commissioner Grey asked if the condition applies to existing or new lights.
- Planner I Spendlove explained there have not been any complaints about the existing lighting, shielding would typically apply to new lights however if a complaint was received about the existing lights shielding would need to be addressed.
- Commissioner Frank stated he would be concerned for the applicant's security along the back end of the property. He thinks this would be a good use for the property.

**Planning & Zoning Commission Minutes
July 12, 2016**

Motion:

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

Approved, As Presented, With The Following Conditions

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

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 of the public meeting scheduled for July 13, 2016 at Noon to discuss the Comprehensive Plan Draft. The City Fair is also at 3:30 pm July 13, 2016 at the new City Hall location. She explained that the meeting on July 26, 2016 does not have any public hearing items, there are several requests in the process however they are not ready to be scheduled. She stated that Megan Moore, from Logan Simpson will be present at the meeting tomorrow and will also be attending the City Fair.
- Assistant City Engineer Vitek presented some information regarding the discussion about Blue Lakes Boulevard North access next to Zions Bank. Blue Lakes Boulevard is an Idaho Transportation Department road so the City has to work with them when issues arise along this road. They have looked at traffic data for this area and there have only been two accidents in the last five years at this location. The next step would be to create a left turn pocket in this area. The other question was the light at Fillmore and Blue Lakes Boulevard North, staff has recommended a protected left be installed at this intersection, however the Perrine Bridge was not built for static loads which creates some retrofitting requirements.

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:

Chairman Frank adjourned the meeting at 7:05 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department