NOTICE OF AGENDA
TWIN FALLS CITY PLANNING & ZONING COMMISSION
August 23, 2016 6:00PM
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): 08-09-16 PH
2. Approval of Findings of Fact and Conclusions of Law:
   - Lezamiz (SUP 08-09-16)
   - D&D Development (SUP 08-09-16)

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)

IV. PUBLIC HEARINGS:
1. Request for a **Special Use Permit** to replace a legal non-conforming use with a different non-conforming use on property located at 1040 Shoshone Street East c/o Jim Woodland on behalf of Vista View, LLC (app. 2806)

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. Work Session- **September 7, 2016- Joint Comprehensive Plan TAC and P&Z Commission**
2. Public Hearing-**September 13, 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.**

Date: Tuesday August 23, 2016

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 May24, 2016 P&Z 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.

Between May 24th and July 12th, Mr. Gordoski 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 indicated all the materials have been purchased and he is simply waiting for the fence plan to be drawn so he can re-submitt them to the City Building Department for review.

During the July 12th meeting, the commission discussed this issue and motioned to have an update on August 9th. Due to the number and nature of the items scheduled for the August 9th meeting, staff elected to postpone the update to August 23 in order to give the requisite time on the agenda for this item to be discussed.

Since July 12th, Mr Gordoski has provided a Stormwater Plan to City Staff. The Engineering department has reviewed and approved that plan, thus accomplishing one of the requirements of the SUP. The only outstanding items as of August 19th are, the 8ft fence and the fluid/chemical management plan.

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
5. July 12, 2016 P&Z Minutes

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		AREA OF IMPACT MEMBERS	
PRESENT	**ABSENT**	**PRESENT**	**ABSENT**
Dawson		Higley	
Frank		Woods	
Grey			
Muñoz			
Musser			
Reid			
Tatum			

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

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

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

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

Unanimously Approved

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

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

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

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

Special Use Permit #1313 was granted to Mark Gordoski dba Marky's 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

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 and 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 and 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.

- 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, 216, 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:

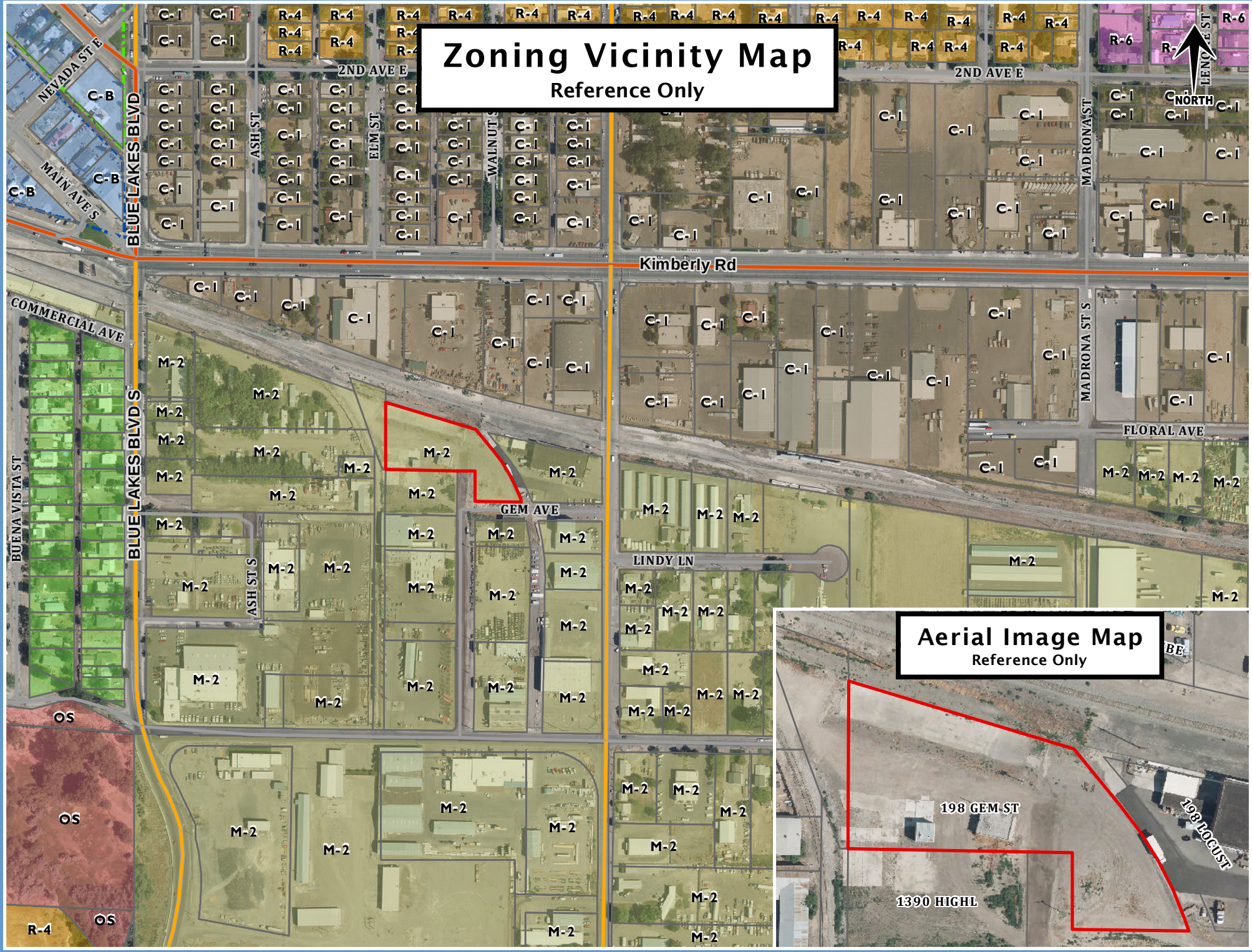
Planner I Spendlove reviewed the item on the overhead and stated the North Haven Business Park C-1 PUD was annexed in 2004, and went through the platting process in 2004-2005 and in 2009. The additional height being requested is to allow development to comply with the code as of today. At the time the 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



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 per[illegible] be required. All facilities must comply with all Building and Fire Code Regulations.**

Please contact the Building Department at 735-7238 for further informati[illegible]

cc: Building Inspection

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		AREA OF IMPACT MEMBERS	
PRESENT	**ABSENT**	**PRESENT**	**ABSENT**
Dawson	Tatum	Higley	
Frank		Woods	
Grey			
Muñoz			
Musser			
Reid			

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-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.

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

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Public Hearing: **TUESDAY, August 23, 2016**

To: Planning & Zoning Commission

From: Jonathan Spendlove – Planner I

AGENDA ITEM IV-1

Request: Request for a Special Use Permit to replace a legal non-conforming use with a different non-conforming use on property located at 1040 Shoshone Street East c/o Jim Woodland on behalf of Vista View, LLC (app. 2806)

Time Estimate:

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

Background:

Applicant:	**Status:** Purchase/Sale Agreement	**Size:** 0.89 Acre Lot; 2,600 SF Building
Vista View, LLC 3990 Gregg Circle Pocatello, Idaho 83201 208-238-2100 rubyandcarl@yahoo.com	**Current Zoning**: R-4 PRO P-3 Parking Overlay	**Requested Zoning:** SUP to replace a legal nonconforming use with different nonconforming use.
	Comprehensive Plan: Townsite	**Lot Count:** 3 Townsite Lots
	Existing Land Use: Bank – Now Vacant	**Proposed Land Use**: Restaurant with a drive-thru pick up window
Representative:	**Zoning Designations & Surrounding Land Use(s)**	
Jim Woodland 4040 Hawthorne Rd. Chubbuck Idaho 83202 208-200-5263 208200land@gmail.com	**North:** C-1, 11th Ave N; MT Gas Station	**East:** R-4 PRO; professional office; Blue Lakes Blvd N
	South: R-4 PRO and R-4; alley; professional office and a residence	**West:** Shoshone St; R-4 PRO; Residential/Professional
	Applicable Regulations: 10-1-4, 10-1-5, 10-3-4, 10-4-5, 10-4-18, 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 may have impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the process to establish a Restaurant with a drive-up window in the location stated above.

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

History:

In 1976, a Conditional Use Permit was granted by Ordinance 1800 to permit a Savings and Loan Bank including a drive-thru, to be constructed and operated on the property. No further zoning history is known at this time. City utility billing records indicate there has only been a financial institution operating from this property. The property was vacated within the last 5 years.

Analysis:

The property is located at 1040 Shoshone St E and is zoned R4 PRO; residential with a professional office overlay. The R4 PRO zoning allows medium density residential uses and professional services by special use permit.

The applicant has submitted a request to operate a restaurant with a drive-up window. The narrative details the proposed operation of the restaurant. The restaurant hours of operation would be 10:30 AM to 9:00 PM, Monday – Saturday.

The applicant estimates 75-100 vehicles per day, with the peak time being 11:30 – 2:30 PM. The applicant has claimed the previous user; Washington Federal Savings and Loan, served 120 – 140 cars per day which would result in a higher vehicle count compared to their proposed use of a restaurant. This has not been verified by staff.

The applicant declares the restaurant will not have a typical "drive –thru" window. Rather, it will be a pick-up window only, for call ahead or online orders. As such, no order board will be installed, and no intercom system used. The applicant claims only effect on the neighboring properties will be "the sweet aroma of barbecue".

Per City Code 10-3-4: … "A legal nonconforming use involving a building may be resumed or replaced by another nonconforming use by special use permit if said legal nonconforming use has not been discontinued for more than five (5) years. **In addition** to the General Standards, 10-13-2.2(D), applicable to special uses, **the applicant must show that the existing building cannot reasonable be converted to a conforming use**. (Ord. 2555, 7-21-1997)"

The previous use as a Bank was considered legal non-conforming due to being established prior to current code which now requires Planning & Zoning Commission approval by Special Use Permit. The Zoning of R-4 on the property permits Residential Single Family and Duplex's outright, and other Cultural or Public Assembly type uses with a special use permit. The PRO allows various office/professional uses through a special use permit. It is the applicant's responsibility to show that the existing building cannot be reasonably converted to one of these possible conforming uses.

During this process, the Commission should look at the added standard listed above for reasonable conversion of the building. Additionally, the Commission should look at all impacts the proposed land use may incur on the surrounding area.

Per City Code 10-10: Restaurants have a parking requirement of one (1) parking space per two hundred fifty (250) square feet of the associated structure, and outside seating. The building is listed at approximately 2600 square feet, which equals a minimum of eleven (11) parking spaces. In addition, Drive-thru's are required to have a minimum of 5 stacking spaces from the first order board/window/stopping point. City Code does not make a distinction between drive-thru's and pick-up windows.

The Commission should look at all impacts the proposed land use will incur on the surrounding area and propose mitigating conditions if applicable.

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 if applicable.

If this request is granted the property shall be required to obtain a Certificate of Occupancy for a change of use and to meet current minimum required improvements. The commission may wish to evaluate this project for any improvements it feels are necessary to mitigate any impacts that could occur.

Possible Impacts: The change from a Bank to a Restaurant with a drive-thru (pickup window) will have impacts on neighboring properties. Typically, these impacts include noise from comings and goings of customers, suppliers and employees. Light infiltration from the parking lot and security lighting. Lastly, the odors of cooking food can permeate to nearby properties.

The traffic increase will be modest considering it is near the intersection of Shoshone St and Blue Lakes. This intersection sees some of the highest traffic counts in the City. The real impact will be noticed beyond which the hours the bank operated, particularly early in the morning and later in the evening. The property will be active earlier, and later in the day which could be impactful to some neighboring properties.

The light infiltration impact is not being considered greatly impactful. The bank had security lighting for the building and the parking area. A condition could be placed on the permit requiring light sources to be shielded from nearby residential properties.

The odor from cooking food is unavoidable for restaurants. Since a change of use of the building will occur, all cooking facilities will be installed to current building code standards. These include dissipating kitchen odors through ventilation.

The impact of a pick-up window is different than the impact of a drive-thru. It would be appropriate to limit the use of the drive-up window to pick-up only.

The Commission is tasked with determining whether **the applicant has shown that the existing building cannot reasonable be converted to a conforming use**.

If the Commission determines a professional office cannot reasonably be operated from this existing building the Commission shall evaluate the impacts of the proposed land use on the surrounding area and put forward mitigating conditions they feel are applicable if any.

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 no outdoor audio or announcement system being utilized on this property.
3. Subject to no order board or menu being displayed for the drive-up window.
4. Subject to light source for security and parking areas being shielded from view of neighboring residential properties.

Attachments:

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

Section 4

A. The reason for the request:

Brenden Taylor (Owner of Burnt Lemon Grill) has multiple franchised locations throughout Idaho. Twin Falls is the headquarters for the Burnt Lemon Grill and they own that location. Due to their success over the past six years they need to re-locate to a larger facility. Brendon Taylor has solicited Carl Holm of Vista View, LLC. (a property investor) to help him acquire a new site for his restaurant. His other restaurants that are leased though Vista View are new and more up-scaled than his current location. Brenden wants to provide his home town loyal customer base the same dining experience.

Brenden Taylor resides in Twin Falls and has look at many locations. The subject property has been on the market for over 1 ½ years. There has been only two offers. Both of these offer were restaurant users. The lack of other interested buyers seems to set the properties possible end use.

B. Explanation of the project use:

Burnt Lemon Grill's business hours are from 10:30 am to 9:00 pm Monday through Saturday. They are closed on Sundays. Two shifts of 4 employees work from 8 am to 10 pm. On average Burnt Lemon Grill serves 200 guest with a 75 to 100 car count per day. They serve the majority of their guest between 11:30 – 2:30 and 6 – 8. From 8 pm to close at 9 pm they service 7 to 10 customers.

The former user Bank of America had 120 to 140 car count per day. The 24 hour ATM would have 12 to 15 cars on a typical evening after 9 pm. (Information provided by Jeff Harris manager of Washington Federal) Burnt Lemon Grill would have less traffic and late night noise than the previous user.

Section 5

A. Evaluation of the effects on adjoining neighbors:

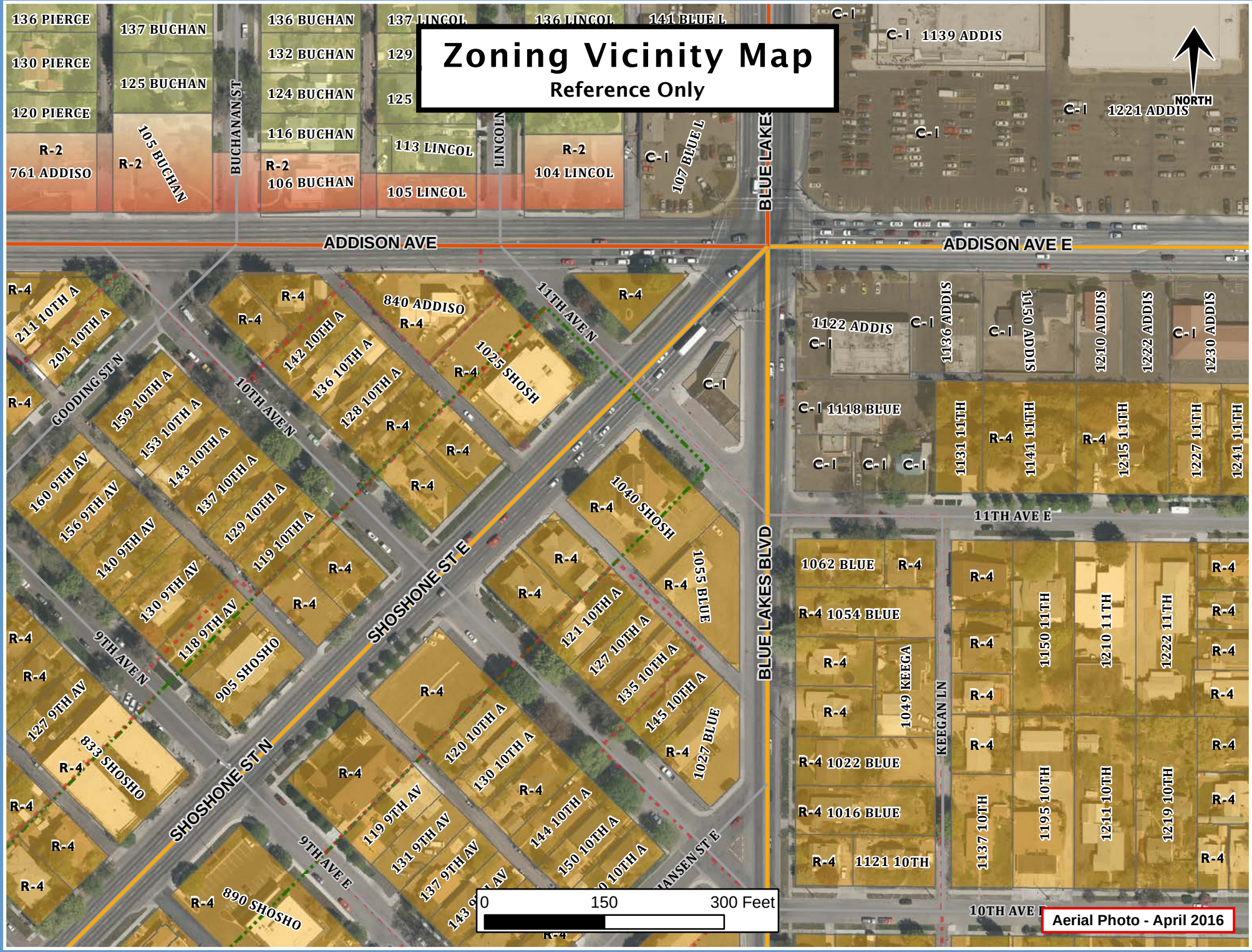
Burnt Lemon Grill is not a fast food restaurant that has a 2 minute drive-thru capacity. They are a quick food style restaurant. It takes 8 – 10 minutes to prepare

an order. There will be no menu board nor intercom system at this new location. Carry out will be accomplished through text or phone pre-ordering. This eliminates drive-thru congestion/noise.

Burnt Lemon Grill will exhaust the sweet aroma of barbecue while preparing a wide range of freshly prepared items on their menu. To eliminate trash odors they have their canisters serviced twice a week.

In conclusion:

The building on this property has an open design which does not lend well to the current Professional Office zoning. A typical office needs separation of space. The cost to remodel and make actual individual offices would be $90,000 to $100,000. Combine the remodeling with the purchase price and it simply places the breakeven point out of reach compared to the market lease rate for office space. This is why no other Professional Office offers have been made. This application to utilize this property as a restaurant will accomplish two goals. First the subject property is no longer vacant. Secondly, the general compatibility with adjacent properties is a better fit with Burnt Lemon Grill compared to the previous user because it has less daily traffic and late night disturbances.


Zoning Vicinity Map
Reference Only
NORTH
ADDISON AVE
ADDISON AVE E
BUCHANAN ST
LINCOLN
BLUE LAKE
BLUE LAKES BLVD
SHOSHONE ST E
SHOSHONE ST N
GOODING ST N
10TH AVE N
9TH AVE N
9TH AVE E
11TH AVE N
11TH AVE E
10TH AVE E
KEEGAN LN
HANSEN ST E
136 PIERCE
130 PIERCE
120 PIERCE
R-2
761 ADDISO
137 BUCHAN
125 BUCHAN
105 BUCHAN
136 BUCHAN
132 BUCHAN
124 BUCHAN
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137 LINCOL
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1022 BLUE
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211 10TH A
201 10TH A
159 10TH A
153 10TH A
143 10TH A
137 10TH A
129 10TH A
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142 10TH A
136 10TH A
128 10TH A
840 ADDISO
1025 SHOSH
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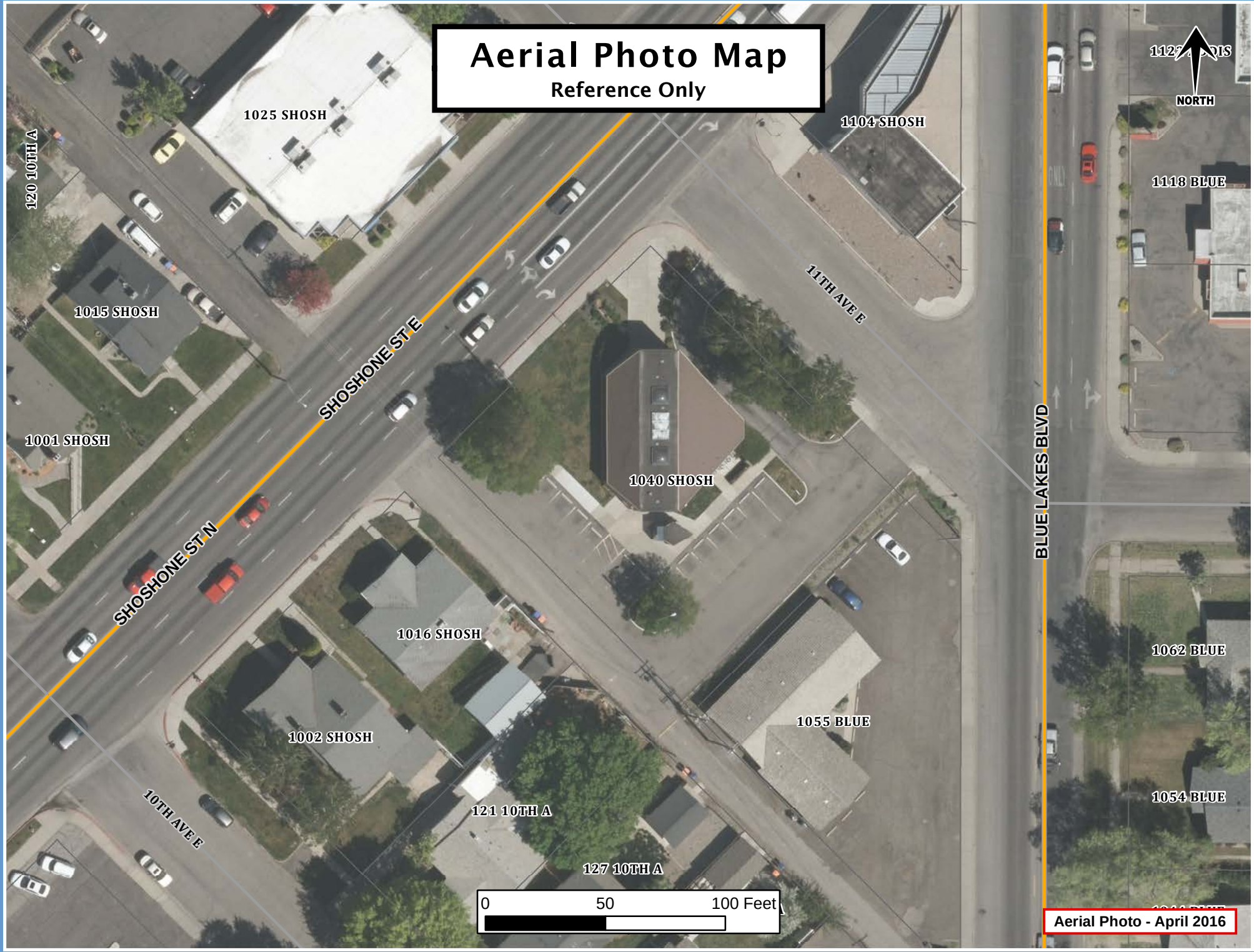
1055 BLUE
1027 BLUE
160 9TH AV
156 9TH AV
140 9TH AV
130 9TH AV
118 9TH AV
127 9TH AV
905 SHOSHO
833 SHOSHO
890 SHOSHO
121 10TH A
127 10TH A
135 10TH A
145 10TH A
120 10TH A
130 10TH A
144 10TH A
150 10TH A
119 9TH AV
131 9TH AV
137 9TH AV
0
150
300 Feet
Aerial Photo - April 2016


Aerial Photo Map
Reference Only
NORTH
1025 SHOSH
1104 SHOSH
120 10TH A
1118 BLUE
1015 SHOSH
SHOSHONE ST E
11TH AVE E
1001 SHOSH
1040 SHOSH
BLUE LAKES BLVD
SHOSHONE ST N
1016 SHOSH
1062 BLUE
1002 SHOSH
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10TH AVE E
121 10TH A
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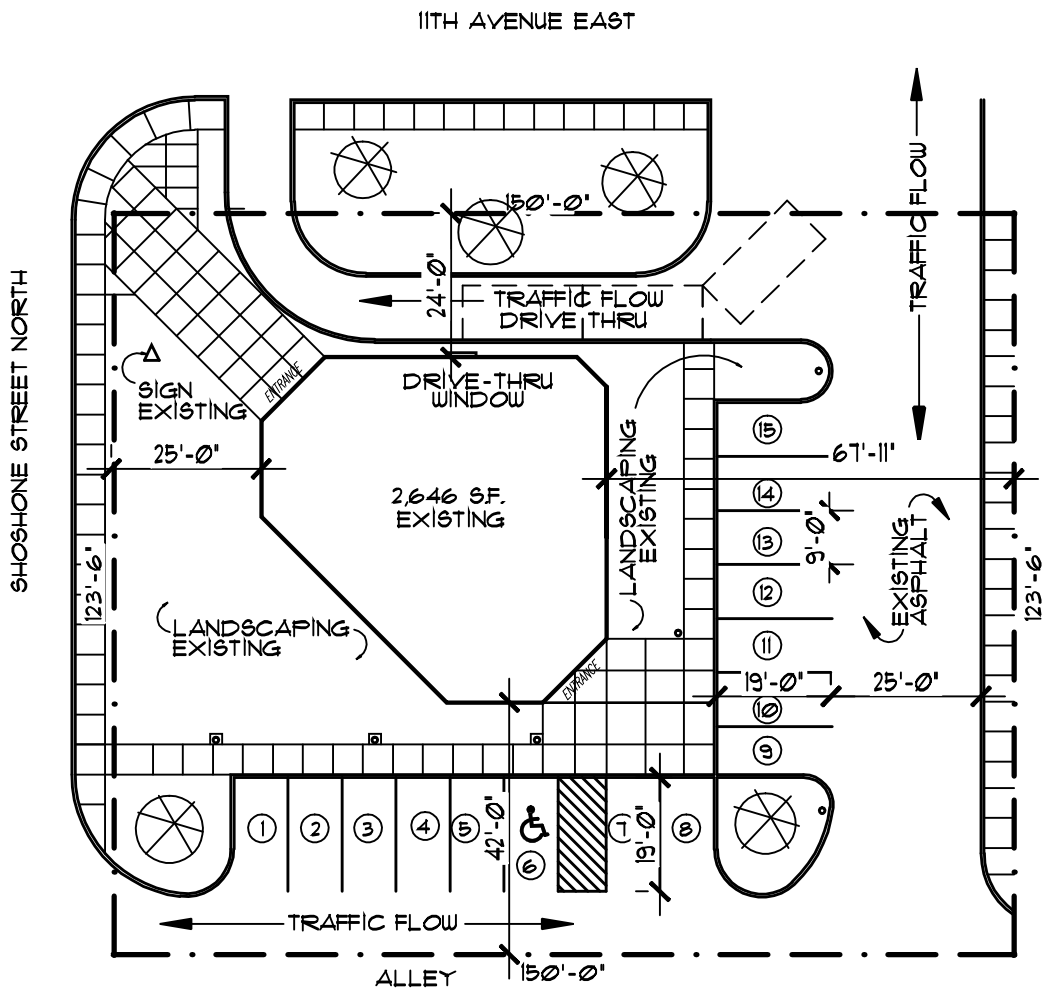
50
100 Feet
Aerial Photo - April 2016



SITE PLAN
SCALE: 1/32" = 1'-0"

Laughlin Ricks Architecture
architecture/planning
935 Shoshone Street North
Twin Falls, Idaho 83301
(208) 736-8050 Fax: (208) 733-0950

LOCATED IN
LOTS 1, 2, & 3, BLOCK 2, "TWIN FALLS TOWNSITE" IN

VISTA VIEW, LLC
CARL HOLM
3990 GREGG CIR.
POCATELLO, IDAHO 83201
208-709-2532

EXISTING LANDSCAPE: 5,875 SF
PARKING W/ DRIVE THROUGH: 1 PER 100 SF
2,646 / 100 = 27 SPACES REQUIRED
15 SPACES PROVIDED

Frontage along Shoshone Street

Frontage along Shoshone Street

Frontage along Shoshone Street looking toward 5 points.

Alley Access, looking toward Shoshone St.

Backside of property looking NE towards Blue Lakes Blvd

View of rear property from Blue Lakes Blvd

Drive-Thru / Pickup Window Lane

Northern Side of property along 11th Ave