MINUTES
Twin Falls City Planning & Zoning Commission
May 22, 2012 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn **Chairman** Jason Derricott **Vice-Chairman** Tom Frank Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp

AREA OF IMPACT:

Lee DeVore Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka Jim Munn

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Frank
Derricott	
Grey	
Ihler	
Jacobson	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	
Woods	

CITY COUNCIL MEMBERS PRESENT: NONE

CITY STAFF PRESENT: Carraway, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to allow a truck rental business in conjunction with a used furniture store on property located at 126 2nd Ave South c/o D. Lin Gowan (app. 2513)

2. Requests for a Special Use Permit to operate a tool and equipment rental business on property located at 2634 Addison Avenue East c/o Pro Rentals & Sales, Inc. (app. 2515)

I. CALL MEETING TO ORDER:

Chairman Bohrn 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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **April 24, 2012**

2. Approval of Findings of Fact and Conclusions of Law:
   - Eastland Heights Amended (pre-plat 4-24-12)

MOTION:
Commissioner Sharp made a motion to approve the consent calendar, as presented. Commissioner DeVore seconded the motion.

UNANIMOUSLY APPROVED

3. ITEMS OF CONSIDERATION: NONE

4. PUBLIC HEARING ITEMS:

1. Request for a Special Use Permit to allow a truck rental business in conjunction with a used furniture store on property located at 126 2nd Ave South c/o D. Lin Gowan (app. 2513)

APPLICANT PRESENTATION:
Lin Gowan, the applicant, stated he is here to request a special use permit to operate a truck rental business in conjunction with his business Apricot Home Décor. The trucks would be parked in the parking lot behind the building. The request is to allow for 10 trucks, and this shouldn't have much of an impact on the surrounding area. The parking lot is adjacent to 3rd Ave South and has plenty of accessibility. The recommendations is that there only be 4 trucks allowed but there is room for approximately 10 trucks and he would like to be allowed that many to operate. He has operated a truck rental business before so he is familiar with the business. Landscaping will be difficult with the parking lot being paved and it may make it difficult for maneuverability.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a special use permit to allow for a truck rental business in conjunction with a used furniture store. This property is located in the C-B P-1 zone, the commercial central business district with a P-1 parking overlay. The P-1 recognizes the downtown and allows for outright permitted businesses to operate without providing any off-street parking.

This building was used as a retail store called the "Emporium" from as early as 1973 thru the mid 1980's according to building department records. However, the property has had a couple previous Special Use Permits in 1996 a Special Use Permit was granted to allow a Bingo Hall – that business ceased to operate and in 2004 the property was converted from assembly use back to retail use.

Apricot Homes, a consignment and used furniture store currently operates from the property. This is an outright permitted use in the C-B zone. The applicant would like to operate a budget truck rental business from his current retail store on the site.

A special use permit is required for a truck rental business in this zone. The business hours are proposed to be from 9:30 am to 5:30 pm Monday thru Saturday. The applicant anticipates that there may a few additional customers and possibly (1) additional employee.

The applicant has also indicated there would not be any signage related to the business attached to the exterior of the building. They plan on having a sign in the window along 2nd Avenue South.

The required improvements reviewed when adding a special use include parking, landscaping, screening, utilities, street access, and site drainage. The P-1 parking district allows for the parking requirement to be considered on a case by case basis for special uses.

Rental vehicles would be parked in the parking lot across the alley to the south of the building. The parking lot is zoned OT; Old Town District.

The Old Town District has specific requirements for public or private parking areas. The parking lot standards include 10% of the parking area must be landscaped, planters are required between rows of parking, and a 30" wall or hedge separating the parking area from the public sidewalk. As this lot is not adjacent to a public sidewalk then this standard would not be required. Compliance with these site improvements for a public and/or private parking lot would be required upon use of the property as a parking area.

As this use is coming under a Special Use Permit then the Commission shall consider compliance with the Old Town Property Development Standards as part of their approval.

However, as the entire property area is paved the Commission may consider this a hardship and could allow an alternative plan with the use of planters. The Planning & Zoning Commission can place a condition that they are acceptable to an alternative landscaping plan. Staff would recommend that it be approved by either the Commission and/or staff prior to operation of the truck rental business and/or use of the lot.

The applicant indicated that they would use up to (10) parking spaces for the rental trucks/trailers. The Commission may also want to consider limiting the number of rental vehicles that may be on site at any one time in consideration of their visual impacts on the surrounding area.

Access currently exists from the adjacent roadways and alleys. The alleys are paved.

In addition to the improvement requirements, special uses also have standards indicting that the Commission must find that the special use will "be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area." [§10-13-2.2(d)2 & 3].

There have been concerns expressed by the City's Economic Development Department / Urban Renewal Agency with the exposure of rental trucks in this area of downtown and being visible from Shoshone Street and 2nd Avenue. The Commission must consider if the parking of rental

vehicles will affect the character of the downtown area and determine if this use is harmonious in character for what is desired in the downtown and old town areas.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant the special use permit request, as presented, staff recommends the following conditions be placed on the permit:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to an alternative landscaping plan, to be reviewed and approved by staff by June 30, 2012. The landscaping shall be completed prior to display of vehicles for rent on the property.
3. Subject to no more than four (4) vehicles for rent being in the designated parking area at any one time.

P&Z COMMENTS/QUESTIONS:

- Commissioner Gray asked how staff came up with (4) vehicles as the condition.
- Zoning & Development Manager Carraway stated when this request was reviewed she stated staff spoke with the Economic Development Director and the concern is that they are trying to build up the downtown and encourage other types of business and felt that four would not be as impacting to the area whereas 10 would take up the entire area and the area is extremely exposed.
- Commissioner Gray stated that when he first reviewed the packet he thought this was a great idea and would increase business in the area, it is not frontage and is hidden behind the building. He is not sure that this is a valid concern.
- Zoning & Development Manager Carraway explained with the building adjacent to this property being removed it exposes the parking area even more.
- Commissioner Gray asked if there are any plans for the vacant area.
- Zoning & Development Manager Carraway stated currently she is not aware of any plans the property is owned by the Urban Renewal Agency and is up for sale.
- Commissioner Gray stated it sounds like from an economic development prospective we are hinder progress by restricting this use.
- Commissioner Ihler asked how many spaces are available for parking on this lot.
- Mr. Gowan stated there are approximately 13.
- Commissioner Ihler asked that in the narrative it was stated that 3 spaces were leased to employees of the adjacent car dealership, there are 3 trailers parked on the lot currently that are used for the furniture business and the request is to use 10 spaces, he asked how this can be accommodated, this would maximize the use of the lot completely.
- Mr. Gowan explain three employees of the adjacent car dealership park at this location but there is not a lease agreement and he would move the 3 trailers for the furniture business.
- Commissioner Ihler stated he doesn't find a rental truck business any more obtrusive than a car dealership he is just concerned with the amount of trucks being requested and the space available for use.
- Commissioner Woods stated he is aware rental trucks come in all sizes and is wondering what the plan is for this business and if there could be some limitation for the sizes.
- Mr. Gowan stated there are 26', 24' and 16' trucks typically, there are some 10' trucks but they are not used very often so it would be unlikely that the business would have an 10' trucks available. The most common sizes used 26' and 16' but to be clear on what would be on the lot all the time would be difficult because people would be picking up and dropping off trucks that will fall into the 10' -26' range.

- Commissioner Woods asked if there are 13 parking spaces for the entire parking area or if that is limited to one side of the parking area.
- Mr. Gowans stated if the lot was stripped for parking it would allow for approximately 26 parking spaces.
- Commissioner Derricott asked how the applicant would handle the overflow of vehicles if there were more trucks than allowed by the special use permit.
- Mr. Gowans stated he would call Budget Rental to pick trucks up and he also has property available 136 4th Avenue East that he could move the overflow of trucks, which is already zoned for this use.
- Zoning & Development Manager Carraway stated that these vehicles are larger than a normal vehicle and asked that the Commission keep that in mind.
- Commissioner Woods stated he is not sure about the landscaping requirements when you take into consideration the other businesses in the area that don't have landscaping, and cars that are parked directly along Shoshone Street and the lot we are discussing is setback away from Shoshone Street.
- Zoning & Development Manager Carraway stated there are a couple reasons, this property is in the OT; Old Town District whereas the front lot where the building is located is zoned CB; Central Business District. The Old Town District when it was implemented had its own development goals, and the adjacent car dealership was in before this zoning was in place, it is not the City's policy for the zoning changes to be retroactive. The goal of the OT zone is to create an Old Town feeling. It just happened that the zoning line runs between the building and the parking area making the parking lot a different zone.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

CLOSING STATEMENTS:
Mr. Gowan stated it would add more exposure to the area with new people moving to the area, plus it would add additional businesses to the area.

DELIBERATIONS FOLLOWED:

- Commissioner Sharp stated the entire area is asphalt and landscaping is going to be difficult to maintain and possible make it difficult to maneuver the larger trucks.
- Commissioner Woods stated he is not sure that even shrubs would hide a moving truck if they were planted along this property.
- Commissioner Bohrn stated he thinks the point was to increase landscaping downtown and screening isn't the point of the requirement. This is a parking lot, watering is going to be difficult, possibly doing some kind or zero-scaping to conserve water would be an option. As for this being an eyesore he disagrees there is a parking lot full of cars that is not any more attractive, he doesn't think this is a good argument and telling someone they can't run a business because of this concern would be difficult. We want to improve our economy and this would bring business to the downtown area.
- Commissioner Gray stated he thinks this is a good fit for this location.
- Commissioner Sharp stated if he understands correctly the trucks will be parked up against the back of the building, in a line which is what he would like to see so that it looks nice.
- Commissioner Gray stated he thinks if it were a new development or a change to the use for this lot that the landscaping requirements would be triggered. He believes that the existing use for this space is parking and having rental trucks parked in this space meets the needs for this space.

- Commissioner Derricot stated we need to consider the future planning and the existing use may be a parking area but the parking of rental trucks is for a business to use the space. This is what is wanted for the future he thinks it is possible for a compromise but requirements still need to be set to try and address future planning needs.
- Commissioner Borhn stated that alternative landscaping options could be worked out with staff, it's obviously going to be difficult to set up a sprinkler system in a parking lot but he is sure staff and the applicant can come to some reasonable solution.
- Commissioner Woods stated he was trying to figure out a way that the trucks could be parked to allow more than four because he feels four is not going to be enough to sustain the business.
- Commissioner Derricott stated he would agree ten is probably too many but four is not enough. Since the applicant has an overflow option he wouldn't feel bad restricting the number to possible 6 or 8 trucks.
- Commissioner Borh stated the requirement is 10 % of the parking area has to be landscaped, this request is for a parking lot use, he is not sure how the calculation will be done. If there was a building going in at this location the landscaping would be based on 10% of the parking area which would amount to one tree or shrub, but that is not the case in this situation. The condition should be worked on with the staff and limiting the number of trucks to four may be too restrictive.
- Zoning & Development Manager Carraway stated possibly a specific amount of square footage could be specified rather than the total number of trucks.
- Commissioner Ihler asked if the 10% applies to the area that is going to be used for the business or the entire parking space.

MOTION:
Commissioner Gray made a motion to approve the request amending the condition #2 and #3 to state that no additional landscaping is required at this time and the number of trucks be limited to 8 at any given time. Commissioner Ihler seconded the motion.

DISCUSSION ON THE MOTION:

- Commissioner Sharp asked if the Commission could make a motion to not require the landscaping, or should it possibly say the applicant should work with staff.
- Zoning & Development Manager Carraway explained she would have to discuss this with Fritz because the landscaping is a code requirement, 10% is 938 sq. ft.
- Commissioner Bohrn stated that the Commission doesn't have the ability to say no landscaping required but to work with staff.
- Commissioner Jacobson stated an alternative landscaping plan would be acceptable may be the best way to word the motion.
- Zoning & Development Manager Carraway stated that staff would bring the plan to the Commission for review once a plan has been submitted, but the City attorney would most likely say that the Commission can't omit the landscaping requirement.

AMENDED MOTION:
Commissioner Jacobson made a motion to amend the motion to state the landscaping requirement will be subject to an alternative landscaping plan to be approved by staff by June 30, 2012. Commissioner Gray seconded the motion.

ROLL CALL VOTE AMENDED MOTION:
Commissioners Bohrn, Ihler, Gray, Sharp, Woods, Derricott, Jacobson voted in favor of the amendment. Commissioner DeVore voted against the amended motion. Amended motion allowing for a staff approved alternative landscaping plan passed.

AMENDED MOTION PASSED

ROLL CALL VOTE ORIGINAL MOTION:
Commissioner Ihler, Gray, Sharp, Woods, Derricott, Jacobson voted in favor of the original motion. Commissioner Borhn & DeVore voted against the original motion. Original Motion allowing for up to 8 trucks passed.

MOTION PASSED

APPROVED, WITH THE FOLLOWING CONDITIONS, AS AMENDED

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to an alternative landscaping plan, to be reviewed and approved by staff by June 30, 2012. The Landscaping shall be completed prior to display of vehicles for rent on the property.
3.
4. Subject to no more than eight (8) vehicles for rent being in the designated parking area at any one time.

2. Requests for a Special Use Permit to operate a tool and equipment rental business on property located at 2634 Addison Avenue East c/o Pro Rentals & Sales, Inc. (app. 2515)

APPLICANT PRESENTATION:
Doug Jones, the applicant stated he is here to request a special use permit to allow for and equipment rental business located at the old T's Beverage & Grocery Barn building on Addison Avenue East. There is plenty of parking, its fenced landscaped and would meet the needs for this business. Traffic should not be an issue, it is typically seasonal more from spring to early fall. The building and location would work great for their needs and would like approval for this request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a special use permit to operate a tool and equipment rental business on property located at 2634 Addison Avenue East. This property is located in the C-1, Commercial Highway District. The applicant would like to operate a business renting and selling tools and equipment from this location. A special use permit is required for equipment rental in this zone.

The property has had several Special Use Permits granted over the years starting in 1996 to allow for a custom farming business to 2005 to allow a drive-thru for a permitted retail business. On May 27, 2006 Special Use Permit #1147 was granted to add truck rentals & extended retail operating hours in conjunction with the convenience store. T's Beverage & Grocery Barn

ceased operating in fall of 2009 and the property has been vacant since that time. As per City Code 10-13-2.2(I) after 1-year the Special Use Permit is null/void.

The proposed business intends to rent used equipment & tools for construction and residential use. They will also sell some of the inventory on occasion. They plan to operate Mondays - Fridays from 7:30 am to 5:30 pm, Saturday hours will vary by season, and they are closed on Sundays. They anticipate 25-30 customers per day and will have 2-5 employees on site depending on seasonal demand.

Sight obscuring fencing is required between a residential property and a commercial property; if the request is granted the applicant will address this issue prior to operation of the business. The other required improvements to be considered when requesting a special use include parking, landscaping, utilities, street access, and site drainage. the site was developed to meet these code / site improvement requirements and it appears to be in compliance at this time.

The site plan indicates a trash area to be placed along the eastern boundary. City Code §10-11-6 states all waste pens shall be completely enclosed and sight obscuring. Display sites in the landscaping are not proposed and are not permitted without approval by special use permit.

The southern area is undeveloped and if this area is to be used for any type of parking or maneuvering it will need to be hard-surfaced. If the area is changed from undeveloped to paved then a site plan will need to be provided to the Planning & Zoning Department. For review of grading & storm water retention. This can be reviewed in conjunction with a building permit, which will be required for any remodel to the building.

In addition to the improvement requirements, special uses also have standards indicting that the commission must find that the special use will "be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area." [§10-13-2.2(d) 2 & 3] The applicant is bringing a business into a developed site on a commercial corridor and there should be little impact to the surrounding properties. The land use is in compliance with the Comprehensive Plan which indicates commercial/retail uses are appropriate in this area.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant the Special Use Permit request, as presented, staff recommends the following conditions be placed on the permit:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to southern storage area being screened with sight obscuring fence and hard surfaced as per City Code §10-11-4 prior to use.
3. Subject to a site plan being submitted to the Planning and Zoning Department for review of grading and storm water retention prior to the southern portion of the property being hard surfaced.
4. Subject to trash/waste pen area meeting or exceeding requirements of City Code §10-11-6.

P&Z COMMENTS/QUESTIONS:

- Commissioner Sharp asked if they plan to use the portion of the property that is undeveloped immediately and if so is the plan to fence the area.

- Mr. Jones stated the plan was to use that area to store and park equipment not for customer use, they didn't have plans to fence the area. On the east side to the front of the building there is currently a wood fence and a fence exists between the neighbors with plans to fence along the west side of the property.
- Commissioner Derricott asked if that area would require improvement for them to park equipment in this location.
- Zoning & Development Manager Carraway stated yes this area would have to be hard-surfaced.
- Commissioner Woods asked if flammable and toxic chemical storage is restricted.
- Zoning & Development Manager Carraway stated yes it would be restricted in this area.

PUBLIC HEARING: OPENED

- Mark Jones 1766 Adddison Avenue stated he lives in this neighborhood and is in favor of this development. The development on the East side of town is limited and this would be nice to have at this end of town. Graveling the back area should be fine because there are other businesses that have done this for similar uses. He would ask that this be allowed for this property.
- Katy Site stated she owns the property adjacent to the this location and wanted to make the Commission and the applicant aware that there is a shared drive at this location that they split the cost of with the T's Beverage and Grocery Barn when it was constructed. Only one access was allowed for both parcels at the time, she just wants to make sure the fencing plan doesn't interfere with the access.

CLOSING STATEMENTS:

- Mr. Jones explained they were aware of the shared access and will not obstruct the access with a fence.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Zoning & Development Manager Carraway stated for clarification purposes, regarding the back portion of the property that is not developed. There are several businesses that don't have these types of areas hard surfaced because the business have been there and the City does not make new code requirements retroactive. She stated that the applicant was told that the City Council would be the only group that could change that requirement. A few years ago a large implement and tractor business on Kimberly Road was granted an exception for a small portion of property not to be paved because of the size and weight of the equipment. The Commission can't make that exception.
- Commissioner Woods stated since the back portion of the property is adjacent to a residential area he would like the applicant to keep in mind that he wouldn't want to look at a large piece of equipment parked up next to his residential fence and would ask that they consider this when parking the equipment in this area.
- Commissioner Ihler asked about parking requirements and will they be met with the fencing off of the property.
- Zoning & Development Manager Carraway stated this is classified as a retail use so the requirement would be one space for every 250 sq. ft. of building. They have plenty of striped parking on site for the size of the building. Parking is based on the size of the building not the lot size, if the back area is utilized it needs to be hard-surfaced because it will be a parking and maneuvering area.

- Commissioner Bohrn stated he is glad to see that the building is going to be used.

MOTION:
Commissioner Sharp made a motion to approve the request, as presented with staff recommendations. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to southern storage area being screened with sight obscuring fence and hard surfaced as per City Code §10-11-4 prior to use.
3. Subject to a site plan being submitted to the Planning and Zoning Department for review of grading and storm water retention prior to the southern portion of the property being hard surfaced.
4. Subject to waste pen area meeting or exceeding requirements of City Code §10-11-6.

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

VI. UPCOMING MEETINGS:

Zoning & Development Manager Carraway reminded the Commission of a training class by Jerry Mason scheduled for Monday June 18, 2012 the City will pay the registration.

Next Planning & Zoning Commission public meeting is scheduled for **June 12, 2012**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:58 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department