MINUTES
Twin Falls City Planning & Zoning Commission
June 26, 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 Suzanne Hawkins

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Grey
Derricott	Jacobson
Frank	
Ihler	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	
Woods	

CITY COUNCIL MEMBERS PRESENT: Mills Sojka, Hawkins
CITY STAFF PRESENT: Carraway, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Request for clarification regarding a condition placed on Special Use Permit #1257, granted December 28, 2011 to Magic Valley Flight Simulation, LLC. Clarification regarding condition #3 stating approval is "subject to the launch site having a security fence or suitable enclosure to provide security to the site". c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to allow the construction of a 3-bay metal 40' x 60' storage building which is an expansion of more than 25% a legal non-conforming use on property located at 141 Rose Street North c/o Mark Brunelle on behalf of Twin Falls County (app. 2522)

2. Requests for a Special Use Permit to allow for a 2300 +/- sq. ft. detached accessory building on property located at 1744 West Wildflower Lane c/o Blake & Andrea Jensen (app. 2523)

I. CALL MEETING TO ORDER:

Chairman Borhn 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.

Tonight's meeting was held at 321 2nd Avenue East in the Police Department Classroom at City Hall, due to flooding in the Council Chambers Building. A digital recording of the meeting is not available.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): June 12, 2012
2. Approval of Findings of Fact and Conclusions of Law:
   - American Bosnian Herzegovinian Cultural Center (SUP 06-12-12)
   - Victory Homes (SUP 06-12-12)
   - Chick-Fil-A (SUP 06-12-12)

MOTION:

Commissioner Frank made a motion to approve the consent calendar, as presented. Commissioner Devore seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Request for clarification regarding a condition placed on Special Use Permit #1257, granted December 28, 2011 to Magic Valley Flight Simulation, LLC. Clarification regarding condition #3 stating approval is "subject to the launch site having a security fence or suitable enclosure to provide security to the site". c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits in the staff reports and some additional pictures that were taken at the site early today. She stated that the reason for this request is because staff has been working with the applicant for quite some time now and this is a new type of facility for all us and we are covering new ground. This condition for a fence was placed on the Special Use Permit by the Commission because there was obviously some concern on making sure safety at the site was addressed and the Commission wasn't sure how to do this. Since then, staff has been working with the applicant on getting a fence installed around the main launch site but there are four launch sites and in reality the fence doesn't make a lot of since. The chain link fence is 6ft tall and the main launch site is 20ft tall, it would not provide security for the site, a fence has been installed around some of the pad sites with do not enter signs but the applicant has provided a plan to better address the concern. The main launch site has a stairway that lifts off the ground when not in operation, and security devices are on the cables, staff felt like this was a good solution and spoke with the City Attorney who also felt like this was a secure solution. Considering the type of facility this is, putting up a fence doesn't make any since. In reviewing the condition, "subject to the launch site having a security fence or suitable enclosure to provide security to the site" staff feels that this has been address and will satisfy this requirement. Unless there are any further concerns staff if ready to issue the Certificate of Occupancy. There are some landscaping requirements that have not been

completed but all of the life safety issues have been addressed. There is a plan for landscaping but because it is not complete a Temporary Certificate of Occupancy may be issued with 30 days to comply.

P&Z QUESTIONS/COMMENTS:

- Commissioner Bohrn stated he is glad to see the cables have a security device the fence would be a eyesore and interfere with the wildlife.
- Commissioner Woods stated a fence can sometimes pose a challenge rather than a deterrence.
- Commissioner Frank asked about the device securing the cables and if the device extended beyond a person's reach. As for a fence, they only work if you put some kind of wire across the top that makes it painful for someone to go over the top.
- Zoning & Development Manager Carraway explained that the device that locks on the cable extends way beyond a person's reach.

MOTION:
Commissioner Wood stated to accept current safety plan, as presented, Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to allow the construction of a 3-bay metal 40' x 60' storage building which is an expansion of more than 25% a legal non-conforming use on property located at 141 Rose Street North c/o Mark Brunelle on behalf of Twin Falls County (app. 2522)

APPLICANT PRESENTATION:
Mark Brunelle, representing Twin Falls County Research Development Department, stated this is a request for a special use permit to construct a marine storage building at 141 Rose Street North. Traditionally this site was used for storage by the hospital, now that the property has come back into County ownership they would like to continue this type of use. There have not been any complaints about this property, and the adjoining neighbors don't have any concerns with this request. A marine storage building has been needed for a long time an in order to provide a building large enough for the equipment, it will be quite costly, using this property for will makes the project affordable.

The county marine equipment has been stored in many locations around the area and this site will provide a central location for the equipment and a safe place. The communication equipment currently has to be removed from the marine vehicles and stored inside while the vehicles have been stored out in the weather. Having it in one building will allow for a better response time because all the equipment will be in one place and organized to make things simpler. There are utilities located on the site, the facility will be approximately 40'x 60' (2400 sq. ft.) it will have the large bay doors for the boats to be moved in and out of the facility easily and a bathroom will be provided. There are windows on the opposite side of the building from the bay doors to provide natural light. Any additional lighting for the sight will be downward facing so as to reduce the impact to the adjacent properties.

The property provide access to major thoroughfares east-west and north-south making it more cost effective. It will provide a single site where all the Search and Rescue equipment can be stored. It will improve marine response capabilities and prevent deterioration from storing the

equipment outdoors reducing maintenance costs and decrease prep time to ready boats and equipment for patrol.

The County has received a WIF award for 65% of the estimated project cost ($120,600) for 1 year starting July 1, 2012 so they request that the Commission approve this request, as presented.

P&Z QUESTIONS/COMMENTS:

- Commissioner Woods asked what the hospital store at this site.
- Mr. Brunelle explained mostly signs and it is also where they has their cabinet shop and maintenance equipment.
- Commissioner Woods asked if there have been any complaints about the lighting of the property.
- Mr. Brunelle stated that no they are not aware of any complaints about the lighting and all of the lights will be faced away from the adjacent properties.
- Commissioner Woods asked if fuel will be stored at the site.
- Mr. Brunelle stated that there will possibly be small amounts of fuel stored on site, if any. There will not be any maintenance occurring on site other than washing the boats down.
- Commissioner Woods then asked about the requirements for the paving, he keeps hearing that it is a code requirement that parking and maneuvering areas be paved, if that is correct.
- Zoning & Development Manager Carraway stated yes it is a requirement.
- Mr. Brunelle explained that they are going to be making a request for a variance to the City Council on the paving requirement, because of the cost and paving it when you can't see the site where it is located doesn't make since.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits in the staff report and stated the property is zoned R-6 PRO currently the R-6 zoning designation recognizes a government facility being allowed with a special use permit, when the propery was establish years ago this use was not in the code, so technically the use is considered a legal non-conforming use. To bring the property into conformance and because this is an expansion over 25% a special use permit is required. The concern about the parking area being hard surfaced, there is a code requirement that an expansion over 25%, the code requires in this zone all parking and maneuvering areas be hard surfaced, it is not something the Commission can waive. However in the required improvements under Title 10 the City Council can review the requirement and determine whether or not the paving requirement will present a hardship and if so a deferral could be approved. The applicant is correct the visibility to the site is limited, however, if someone else bought the property and wanted to use it for something else it could impact the area differently.

Zoning and Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Fire, Engineering, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards
2. Subject to if the "secondary access" is used it shall be brought up to minimum city standards.
3. Subject to any lighting being downward facing and screened to mitigate possible impact to adjoining properties.

P&Z Questions/Comments

- Commissioner Woods asked if the Commission could include with the staff recommendations that the City Council not require the added expensive of paving.
- Zoning & Development Manager Carraway stated it would be appropriate to make that type of statement.
- Commissioner Frank asked if there are any mention of heavy maintenance or fuel storage in this zone.
- Zoning & Development Manager Carraway stated no.

PUBLIC HEARING: OPENED & CLOSED

MOTION:

Commission Woods made a motion that we accept the application as presented and with staff recommendations but for the recommendation that we send to the City Council that the paving be waived. Commissioner DeVore seconded the motion.

DISCUSSION FOLLOWED:

- Commissioner Bohrn asked if this would be a problem.
- Zoning & Development Manager Carraway stated no, it can go to the City Council if that is a recommendation from the Commission. She is not sure there is a way that the paving can be waived entirely, but there is a provision for it to be considered a hardship and put it on a deferral basis.
- Commissioner Frank stated he is not sure he wants to waive the entire thing, he would need more information before he could recommend waiving anything, that is required by code. He would be fine with partial paving, and paving the entire property would probably be quite costly, but he would not be comfortable with waiving the requirement completely.
- Commissioner Woods stated this is not going to be a heavy traffic use it will be limited to a few times a day so paving should not be an issue. He asked if the applicant hand any idea what the cost of paving would be.
- Mr. Brunelle explained just to pave the storage are he had estimates at approximately $200 thousand. The cost would be a hardship.
- Commissioner Woods asked how to prevent traffic from using the unpaved area if you only pave a portion.
- Commissioner Ihler stated they are also asking for a variance on the landscaping also.
- Zoning & Development Manager Carraway stated the zone requires the paving and landscaping and the applicant can request that the City Council review the requirement as presenting a hardship. The City Council could decide it is a hardship and defer the requirement.
- Commissioner Bohrn explained the Council has the ability to make this decision not the Commission, unless someone wants to make an amendment to the original motion roll call vote can be taken.

ROLL CALL VOTE:

Commissioners DeVore, Woods, & Bohrn voted in favor of the motion. Commissioners Frank, Ihler, Sharp & Derricott voted against the motion.

MOTION DENIED

DISCUSSION FOLLOWED:

- Zoning & Development Manager Carraway made a clarification the motion denied the special use permit so in order for the project to move forward the applicant will have to appeal the decision to City Council.
- Mr. Brunelle asked if there were concerns with the request.
- Commissioner Bohrn explained that whenever someone comes before the Commission to put in a building can't do this without having the parking and maneuvering areas hard surfaced if it is required by code. It is costly but other applicants have been required to pave, so to recommend waiving the paving requirement, would not be fair nor is it something the Commission can do.
- Commissioner Woods stated his motion included a recommendation to the Council to waive the paving, can another motion be made.
- Commissioner Bohrn stated because the motion was not amended and the vote has been taken the applicant will have to appeal the decision to the City Council.
- Zoning & Development Manager Carraway stated she is not legal council but the motion was made, the special use permit was denied and the applicant will have to appeal the decision.

2. Requests for a Special Use Permit to allow for a 2300 +/- sq. ft. detached accessory building on property located at 1744 West Wildflower Lane c/o Blake & Andrea Jensen (app. 2523)

APPLICANT PRESENTATION:

Blake Jensen stated they are requesting to build a 2300 sq. ft detached accessory building. Part will be for storing recreational vehicles and the other portion will be for a basketball area. Cleary Construction has been picked to construct the buildings and it will look like a barn once completed. He asked that the Commission approve his request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits in the staff report and stated the property is zoned SUI and is in the Area of Impact. The SUI; suburban urban interface zone and is approximately 2.5 acres and is surrounded by the same zoning designation. The request is to construct a 2300 sq. ft. detached accessory building, in the packet the site plan shows the building would be located on the north end of the property with two accesses to the property. There would have to be a paved access to the building because code requires parking and maneuvering areas to be paved. The code does allow for only the first 50' to be paved and the rest can be gravel. The other issue that came up is Sunflower Lane is a private road and a letter would have to be submitted for the file allowing use of this road and the access to the building would also have to be paved. There should not be any impacts to the surrounding properties, it will be similar to other buildings in the area and will be for residential use only.

Zoning and Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to the building being used for private residential purposes only.
2. Subject to any lighting being downward facing and screened to mitigate possible impacts to adjoining properties.
3. Subject to access to the detached accessory building being hard-surfaced per City Code 10-11-4 (B)

4. Subject to design, construction and elevations of the proposed shop being barn-like as described.
5. Subject to the site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Commissioner Sharp asked if they spoke with the neighbors and if they had any issues. Mr. Jensen stated the property notice was posted and he has had no complaints.

PUBLIC HEARING: OPENED & CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to the building being used for private residential purposes only.
2. Subject to any lighting being downward facing and screened to mitigate possible impacts to adjoining properties.
3. Subject to access to the detached accessory building being hard-surfaced per City Code 10-11-4 (B)
4. Subject to design, construction and elevations of the proposed shop being barn-like as described.
5. Subject to the site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

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

Zoning & Development Manager Carraway stated an appeal for the Victory Home Special Use permit has been scheduled for the July 23, 2012 City Council meeting.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **July 10, 2012**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:55 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department