MINUTES
Twin Falls City Planning & Zoning Commission
TUESDAY, MARCH 27, 2012-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Jason Derricott Tom Frank Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp
Chairman Vice-Chairman
AREA OF IMPACT:
Lee DeVore Steve Woods
CITY COUNCIL LIAISON
Rebecca Mills Sojka Jim Munn

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	
Derricott	
Frank	
Grey	
Ihler	
Jacobson	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	
Woods	

CITY COUNCIL MEMBERS PRESENT: Sojka
CITY STAFF PRESENT: Carraway, Reeder, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

I. ITEMS OF CONSIDERATION: **NONE**

II. PUBLIC HEARINGS:

1. Requests for a Special Use Permit to construct and operate a restaurant with a drive-through window on property located at 1631 Blue Lakes Boulevard North c/o Robert Lombardi on behalf of Chick-Fil-A (app. 2510)
2. Request for a Special Use Permit to operate an automobile sales business on property located at 1155 Florence Avenue c/o Dave Johnson/Freedom Auto Finders on behalf of Jim Paxton (app.2511)

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:

None. The minutes for the March 13th and tonight's meeting will be on the next meeting.

III. ITEMS OF CONSIDERATION:

None

IV. PUBLIC HEARING ITEMS

1. Requests for a Special Use Permit to construct and operate a restaurant with a drive-through window on property located at 1631 Blue Lakes Boulevard North, c/o Robert Lombardi on behalf of Chick-Fil-A. (app. 2510)

APPLICANT PRESENTATION:

Don Ikeler, Development Manager for Chick-Fil-A, stated that they are excited about their project in Twin Falls. They are here to answer any questions. They have reviewed the staff report and conditions and are comfortable with those.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the property is located in the Woodbury Pracvest C-1 PUD. The applicant is proposing to operate a drive-through window in conjunction with a restaurant at this location. A Special Use Permit is required to operate a drive-through window.

The proposed property is on a vacant pad site along Blue Lakes Boulevard North. The property is currently developed as a parking lot. Access to the site is to be through the interior of the existing shopping complex. There are cross-use access agreements already in place and there are no plans for any modifications at this time.

The restaurant and drive-through would eventually like to operate from 5:30 am to 11:30 pm daily. Current hours of operation in the C-1 zone are permitted from 7:00 am to 10:00 pm unless a Special Use Permit for extended hours is granted. The applicants indicated that they will pursue that Permit at a later date. They are anticipating fifty (50) employees with indoor seating for 117 people and an indoor play area.

Zoning & Development Manager Carraway reviewed the aerial map and site plan. The drive-through lane is twelve feet (12') wide by 200' long. City Code 10-7-13, which are the Vehicle Stacking Requirements for Drive-through Facilities, states that Fast Food Restaurants and Drive-In Banks require "nine spaces, or such number as approved by the Planning and Zoning Commission, but not less than six." The drive-through lane will accommodate the requirement for nine (9) stacking spaces as proposed on this site plan.

There are also two (2) menu boards for taking orders which provide an extra stacking space and is intended to make the drive-through more efficient. The drive-through is primarily situated on the east side of the building. Impacts from idling vehicles and the drive-through window speakers are on the east side which is adjacent to Blue Lakes Boulevard North and is not likely to affect or be noticeable to neighboring properties.

The menu boards are shown on the site plan as being located along the side and rear of the building – that puts them along Blue Lakes Boulevard North. Staff would recommend that some additional

landscaping, in conjunction with the gateway arterial landscaping requirements, be placed to buffer the menu board area visually.

Blue Lakes Boulevard North is a gateway arterial into the City. The front of the restaurant is oriented towards the west, where the main entrance and parking is located. The other businesses in the shopping complex fronting Blue Lakes Boulevard North have the same situation with an internal access as none of the properties have their own access to Blue Lakes Boulevard however many have a building front facing Blue Lakes Blvd N. There is some concern that the east elevation of the Chick-Fil-A building facing Blue Lakes Boulevard North looks too much like the back of the building as there are few windows and some exposed mechanical equipment.

Staff recommends that the east elevation have additional features such as additional rock, windows, or architectural articulations so that it will have an aesthetically pleasing Blue Lakes Boulevard frontage. Such a condition would help the request to be in accordance with the goal of the Twin Falls Comprehensive Plan which is to "improve the commercial profile and operations along Blue Lakes Boulevard" which is in the Twin Falls Comp Plan page 2-38. Also, within City Code §10-13-2.2(D)3 which states that Special Use Permit requests must be "harmonious and appropriate in appearance with the existing or intended character of the general vicinity."

A full review to ensure compliance with site improvement such as landscaping, parking, storm water retention, lighting, and the existing PUD Agreement will be completed as part of the building permit process.

This request is in compliance with the Comprehensive Plan, which designates this area as appropriate for commercial/retail uses. Staff has reviewed this request and determined the anticipated impacts from this business should be minimal to the surrounding area.

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, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code Requirements and Standards.
2. Subject to hours of operation being 7:00 am to 10:00 pm, as per City Code.
3. Subject to development of the drive-through on the south side of the building, as shown on the site plan, and providing for a minimum of nine (9) stacking spaces.
4. Subject to the menu board area adjacent to Blue Lakes Boulevard North and the development access to include trees and shrubs to create a visual buffer from the roadway and access, to be approved by staff.
5. Subject to the east elevation of the restaurant building being appropriate in appearance as a building "front" in harmony with the existing character of the Blue Lakes Boulevard North corridor.

P&Z COMMENTS/QUESTIONS:

- Commissioner Lane Jacobson- On condition 4, has there been any specific discussion on trees and shrubs or is that left to approval by the Building Department?
- Zoning and Development Manager Carraway-The Code is not specific in giving direction on types of trees and shrubs just some height variation. We don't have anything specific; when it comes in we would review it.
- Commissioner Jacobson- In terms of deciding that additional shrubs or trees were necessary, was that because of the look of the building itself?

- Zoning and Development Manager Carraway- It was the placement location of the menu boards. The landscaping will help buffer the boards and lights of vehicles as they come around.
- Commissioner Tom Frank- As a gateway arterial, there are some rules and regulations in the gateway arterial codes.
- Commissioner Woods- Is the area on the site plan in the northwest corner where the dumpster is located? Will it have tall walls hiding it or just a fence?
- Zoning and Development Manager Carraway- We will review it and it will have to comply with the code requirements.

PUBLIC HEARING: OPENED

- none

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Tom Frank- In favor of this, the place was built for it. He whole-heartedly agrees with staff's conditions. If there is any way to keep mature landscaping on the site that would be great to maintain what is there.

MOTION:

Commissioner Frank 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 hours of operation being 7:00 am to 10:00 pm, as per City Code.
3. Subject to development of the drive-through on the south side of the building, as shown on the site plan, and providing for a minimum of nine (9) stacking spaces.
4. Subject to the menu board area adjacent to Blue Lakes Boulevard North and the development access to include trees and shrubs to create a visual buffer from the roadway and access, to be approved by staff.
5. Subject to the east elevation of the restaurant building being appropriate in appearance as a building "front" in harmony with the existing character of the Blue Lakes Boulevard North corridor.

2. Request for a Special Use Permit to operate an automobile sales business on property located at 1155 Florence Avenue, c/o Dave Johnson/Freedom Auto Finders on behalf of Jim Paxton. (app.2511)

APPLICANT PRESENTATION:

Jim Paxton, 960 Blue Lakes Boulevard North, asked that the Commission support the application for Dave Johnson at Freedom Auto Finders. They have worked with an architect, site designer, and general contractor to come up with a very nice building to suit their business. Last year they added a building and put in curb and gutter in trying to enhance the area. Their hours are Monday through Friday and by appointment on Saturdays.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is located in the C-1 zone. The applicant would like to relocate their automotive services business to potential car buyers to this property. A Special Use Permit is required for automobile sales in the C-1 zone.

The Freedom Auto Finders opened their office in the fall of 2009 at 1139 Falls Ave East, Suite A. They are an automobile sales company that provides buyers and sellers an alternative to visiting a car dealership.

The business has grown substantially in the last 2½ years and they are moving to a larger office located at 1155 Florence Avenue to accommodate their expanding business. Although this business was granted a Special Use Permit in 2009, an SUP is not transferable to a new location. The applicant is requesting an SUP be granted to operate their auto sales business in a new location.

The current business hours are Monday through Friday, 9:00 am to 5:00 pm. They are available in the evenings and on Saturdays by appointment only. No change is anticipated at this time in these hours of operation.

Their narrative indicates they do not plan to operate this business like the traditional automobile car lot. Although the State requires a minimum of five (5) designated parking spaces be provided onsite for retail automobile sales, the vehicles can either be displayed indoors or outdoors.

In keeping with their current type of alternative automobile sales business, the applicant has designed the new facility to accommodate up to five (5) vehicles under the roof of the building. They are not planning on having vehicles displayed outside for sale, however, there may be a time when they wish to park a vehicle outside. The narrative states any vehicle parked on the premises outside shall not be there for more than 3-5 days at a time and if this occurs it will be only on rare occasions. They are not planning on using this as a car lot.

Their narrative also states they do not intend on displaying any signage, balloons, streamers, or any other visible marketing materials that you typically see on a car lot. If the Commission grants this request a condition stipulating these conditions should be included.

The property is currently designated as a residence. To operate a retail business from this site will require a Certificate of Occupancy for a change of use. Parking, landscaping, storm water retention, and other possible site improvements will be reviewed as part of the building permit review process for a change of use.

The request is in compliance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses. Staff has reviewed this request and determined the anticipated impacts from this business should be minimal to the surrounding area.

Upon conclusion, should the Commission grant the Special Use Permit, as presented, staff does recommend 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. Limited to a maximum of five (5) vehicles displayed on the property at any one time whether inside or outside.

3. Subject to any one vehicle being displayed outside up to a maximum of five (5) days.
4. Subject to no signage, balloons, streamers or any other visible marketing materials used to advertise this business.
5. Special Use Permit limited to this business operating as presented.
6. Subject to compliance with all other Department of Motor Vehicle dealership requirements. A copy of the approved Dealership License shall be provided prior to operation of business.

P&Z COMMENTS/QUESTIONS:

- Commissioner Tom Frank- Is there a basement- a stairwell going downstairs? Is it for mechanical?
- Jim Paxton- There is a basement where there is mechanical and there will also be a break area. We are complying with egress requirements.
- Commissioner Chuck Sharp- It says that you will utilize an on-site bull pen, where is that on the site?
- Jim Paxton- There is an area that Mr. Johnson has the right to exercise an option for rental. It is 6900 sq ft and could store up to 19 vehicles.
- Chairman Wayne Bohrn- That is on one of the drawings.
- Commissioner Steve Woods- On the west side of your property, is there an alley on the west side of your building that exits behind Big 5.
- Commissioner Tom Frank- Are you talking about the access that they had open when they were working on Blue Lakes?
- Jim Paxton- In 2009, when the Department of Transportation was doing work on Blue Lakes Boulevard he had KMVT, Rob Green, and Big 5 come to him and ask if he could open it up because of the lack of access to their properties. Working with the neighbors they opened that up. There are not any written easements or agreements, just a gentlemen's agreement to ease traffic off of Blue Lakes and give them a back door access to their properties.
- Chairman Wayne Bohrn- Dave, do you have a problem with any of the recommendations of the City?
- Dave Johnson, representing Freedom Auto Finders- He has some hesitation on the condition regarding limiting the number of vehicles to five (5). They are not a car lot and he doesn't want five (5) cars or really any cars on the lot for sale. They have to have space for five (5) vehicles by state law. They do have cars coming and going- they bring them to the site to photograph them and then try to get them out the same day. There are times when they may have a truck-load. A truck-load is 8-10 vehicles and they may need to be staged for a few days until transport is arranged. It has been a real concern at their current location because the parking is so tight. We have lived up to the recommendations of the last location. They are growing like a weed- over 300% last year and they are on track for over 200% this year. He could see them exercising the option on the bull pen at some point. He is trying to keep costs down and the bull pen is fenced and gated- it is not a car lot but would be for storage. They are aware they need customer access too. They would have maybe up to ten (10) vehicles on the site at any one time A transport is 8-10 vehicles and they may sit there for a week because transports are going to Boise or Salt Lake or Denver and they won't tell you exactly when they are coming. I wouldn't want a restriction that would cause conflict- he wants to respect it and he thinks that is what they have shown in how they've operated over the last two (2) years. He even had staff coming by to check and that they were doing what they said and they were- they are keeping

the cars moving. It also takes time to get cars out to detail shops and service stations. He just wants some latitude so that nobody will be upset with them later. He doesn't think this will be a problem but doesn't think five (5) would be enough. We don't want to look like a car lot, what we have works and people like us and so we don't want to change that model because that would defeat the purpose. He could actually open a car lot for less money than he is paying to operate in a professional office environment but that is what they want.

PUBLIC HEARING: OPENED

- none

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Tom Frank- He thinks it is a great project and will make that area look a lot better. He appreciates Jim and Dave being able to get together to work on it. The area seems like an after-thought sometimes and he thinks that Dave's business will enhance the area.
- Commissioner Chuck Sharp- Are the parking spots indicated on the site available for the business? It looks like they have plenty of space.
- Jim Paxton- The parking spaces shown on the plan are designated for their use.
- Commissioner Kevin Grey- The Special Use recommendation says no signage but on all the elevations there are places for exterior signage. Is there signage at the current location?
- Dave Johnson- The recommendation is only for signage on cars- like a car parked outside with a sign in the window?
- Zoning and Development Manager Carraway- The recommendation was taken from the narrative which just said no signage. They will have to be specific in the recommendation if that is not what was meant.
- Dave Johnson- What he meant is that there is not going to be display signs on cars. There current plan is to have signage on the building. The elevations show it will look like a professional office from the outside. The south side of the building facing Florence will have a sign. The sign on the east will probably not be installed. The door for access will be a double showroom door instead of overhead door. They are going to transfer the sign on their current building that will go onto the west side of the property. They just want to be identified.
- Zoning and Development Manager Carraway- In the motion it will need to be specified that there will not be any signs "on the vehicles" so it will allow them to have signage on the building and the property.
- Commissioner Tom Frank- Per C-1 zoning.
- Commissioner Steve Woods- On the south side of Florence there are a couple of small businesses that have small signs that are unobtrusive to people that are living or driving around in the area and that is probably what they are talking about.
- Chairman Wayne Bohrn- We don't have much to do with signs, in this case there was mention in the narrative and so they need to address it. This could be called "boutique" automobile sales, he likes the idea of an indoor showroom and they could even bring in the

more exotic cars. He likes the idea. Mr. Paxton has done a great job of cleaning that area up and this will put more shine on it.

- Commissioner Lane Jacobson- On the limitation to showing five (5) vehicles- how will that be impacted if the bull pen idea becomes viable? There would be additional vehicles- not on display- but on the property.
- Zoning and Development Manager Carraway- That was a suggestion, you can modify the condition. That number was put on based on their narrative and analysis. If you feel that they should be able to put more vehicles on the site the condition can be modified. It sounded like the applicant said that could happen and would like to be allowed more than five (5).
- Commissioner Tom Frank- The bull pen is a different piece of property. They would have to come back for that piece?
- Zoning and Development Manager Carraway- There wasn't a specific number address listed for the property in the public notice and the narrative describes the bull pen and it is shown on the site plan. So the action tonight could include the bull pen.
- Commissioner Tom Frank- The bull pen could be included in the motion tonight?
- Zoning and Development Manager Carraway- Rather than having any confusion later on it should be addressed if it is included or not tonight in the motion.
- Chairman Wayne Bohrn- At this time it may not be used as a staging area but they may have 7-10 vehicles waiting for a truck to pick them up.
- Zoning and Development Manager Carraway- She asked that it is specified in the motion so that later on there is not a question about what the intent was with this process.
- Commissioner Jason Derricott- Perhaps there should be a limit to the spaces used in the bull pen area.
- Jim Paxton- There is an existing storage area there currently. There are 19 spaces available. It would be completely fenced in should Mr. Johnson decide to use it.
- Dave Johnson- There are about 25 spaces around the site without the bull pen, he would not like to use that bull pen if he doesn't have too. He might need it later on. Initially they would be in the showroom, minimally, or park around it. If you look at our reputation and how we have interacted with our current neighbors, we are not going to be a problem.
- Chairman Wayne Bohrn- The Commission is not as concerned about it being a car lot as making sure the conditions are relative how the business will operate.
- Commissioner Jason Derricott- Would ten spaces, without the bull pen be adequate?
- Dave Johnson- That is the most that they would likely have. And cars are sitting 3-5 days at the most.
- Chairman Wayne Bohrn- If we change the condition from five (5) vehicles to ten (10) vehicles at any one time that would suffice until the point that they would have to move somewhere else?
- Dave Johnson- I think that would work or there could be a complaint clause so that it could be looked at if there starts to be complaints?
- Chairman Wayne Bohrn- That is not the best way to address it. They just want to make sure that they can get him in operation.
- Commissioner Steve Woods- Is this strictly for automobiles or for RVs and trailers?

- Dave Johnson- They do new and used vehicles. They do not park anything there to sell. Either the client keeps the product or it is farmed out to other dealers. The only time anything is on the property is when they bring it to the site to take pictures, get a description and condition report. They are internet based.
- Commissioner Steve Woods- So some RVs could be on the property taking up spaces?
- Dave Johnson- It may happen but they get it out of there. They aren't displaying anything.
- Zoning and Development Manager Carraway- For the record, RV parking is a different land use and is not included in this request.

MOTION:

Commissioner Jacobson made a motion to approve the request with the following conditions, which were modified from staff recommendations:

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. Limited to a maximum of ten (10) vehicles displayed on the property at any one time whether inside or outside.
3. Subject to any one vehicle being displayed outside up to a maximum of five (5) days.
4. Subject to no signage on vehicles, balloons, streamers or any other visible marketing materials used to advertise this business.
5. Special Use Permit limited to this business operating as presented and approved.
6. Subject to compliance with all other DMV dealership requirements. A copy of the approved Dealership License to be provided prior to operation.

Commissioner Sharp seconded the motion.

Discussion on the motion-

- Commissioner Jason Derricott- Are we including the 19 spaces in the bull pen?
- Chairman Wayne Bohrn- No, that would be something that they would come back for unless the motion is amended.
- Commissioner Lane Derricott- If he wants to use that property he can bring it in for a Special Use Permit, otherwise they would be approving up to 20 or 30 cars.

A role call vote showed 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. Limited to a maximum of ten (10) vehicles displayed on the property at any one time whether inside or outside.
3. Subject to any one vehicle being displayed outside up to a maximum of five (5) days.

4. Subject to no signage on vehicles, balloons, streamers or any other visible marketing materials used to advertise this business.
5. Special Use Permit limited to this business operating as presented and approved.
6. Subject to compliance with all other DMV dealership requirements. A copy of the approved Dealership License to be provided prior to operation.

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

Zoning and Development Manager Carraway reminded the Commission about a training session tomorrow at noon. There will be lunch. Terry Ihler, Lane Jacobson, and Lee DeVore will not be able to attend. She asked the Commissioners to feel free to bring up any questions that they may have at the training.

VI. UPCOMING MEETINGS:

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

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:40 pm.

Amber Reeder

Amber Reeder
Planner I
Community Development Department