



Twin Falls Planning & Zoning Commission Minutes

Tuesday, September 14, 2021, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Council Chambers

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Vice Chair Kelley called the meeting to order at 06:03 PM

A quorum was present.

Members Present: Kelley, Bolton, Hansen, Musser

Staff Present: Spendlove, Strickland, Hart, Ebersole, Zollinger, Vitek

2) Consent Calendar

MOTION: Commissioner Bolton moved to approve the Consent Calendar, as presented. Commissioner Musser seconded the motion.

Unanimously Approved by a vote of 4 to 0.

a) Approval of minutes from the following meeting: August 24, 2021

3) Items of Consideration - none

4) Public Hearings

a) Request for a Special Use Permit to allow for an in-home daycare service on property located at 396 April Avenue c/o Sabrina Al Zohiry. (PZ21-0096)

Staff Presentation:

City Planner Strickland presented the request for a Special Use Permit to allow for an in-home daycare service on property located at 396 April Avenue c/o Sabrina Al Zohiry. (PZ21-0096)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, 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.

In 2008, the City Council approved the Sundance PUD. The property is residential and is zoned R-2 Sundance PUD. The PUD states the development shall follow all the permitted uses and special uses detailed in Title 10-4-4.2.

The hours of operation are proposed to be 6:00 am - midnight, 7 days per week.

Upon review of this request, staff does have concerns about the extended hours in a residential neighborhood. Therefore, the Commission may want to adjust the hours of operation. The State of Idaho defines a *commercial daycare* as a facility that cares for 13 or more children regardless of the relationship to the person(s) providing care. For this reason, City Staff feel it is necessary to limit the number of children to 12 in order to mitigate the encroachment of *commercial businesses* into residential neighborhoods.

Upon conclusion should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject the number of children to be cared for be limited to 12 regardless of the relationship to the person(s) providing care.
2. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and Standards.

Applicant Presentation:

Sabrina Al Zohiry, applicant, presented the request to allow for an in-home daycare service on property located at 396 April Avenue.

PZ/Questions & Comments:

- Commissioner Hansen asked if the number of children allowed in the home includes the children living in the home.
- City Planner Strickland clarified the number includes the children living in the home.
- Commissioner Musser asked about modifications to the home and the ages of children.
- City Planner Strickland stated the Building Safety Dept. and Fire Dept. will inspect the home for day care modifications, as required by the State.

- Commissioner Hansen asked about the extended hours of operation.
- Mrs. Al Zohiry stated the extended hours will help families who work late or early shifts.
- Commissioner Musser asked if the location of the home accommodates the addition of traffic.
- Mrs. Al Zohiry stated there should not be an impact to the neighborhood and her neighbors will be using her service.

Public Hearing: Opened and closed without input

Discussions Followed:

- Commissioner Hansen stated his concerns about the hours but doesn't know how the commission could condition the request.
- Commissioner Bolton stated she understands the need for extended hours. She stated she is in favor of the request, as no neighbors are protesting the request.
- Commissioner Musser stated the services are needed in town. He stated he understands the extended hours and is in support of the request.
- Vice Chair Kelley agreed and stated he is in favor of the request, as there are no disapproval from neighbors.
- Commissioner Hansen asked about staff recommendation for only 12 children.
- City Planner Strickland stated that limit keeps it from being a commercial daycare.

MOTION: Commissioner Bolton moved to approve the request for a Special Use Permit to allow for an in-home daycare service on property located at 396 April Avenue c/o Sabrina Al Zohiry, as presented with staff recommendations. (PZ21-0096)
Commissioner Musser seconded the motion.

Unanimously Approved by a vote of 4 to 0.

- b) Request for a Special Use Permit to allow for an indoor recreation facility on property located at the NE corner of Kimberly Road and Meadowview Lane c/o EHM Engineers, Inc. on behalf of Ka-Tet Investments, LLC. (PZ21-0120)

Staff Presentation:

Senior Planner Hart presented the Request for a Special Use Permit to allow for an indoor recreation facility on property located at the NE corner of Kimberly Road and Meadowview Lane c/o EHM Engineers, Inc. on behalf of Ka-Tet Investments, LLC. (PZ21-0120)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, 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.

The subject property was annexed into city limits in November of 2008 with a C1 zoning designation.

The proposed use for the subject property is an indoor recreation facility. A new building to house the use is anticipated to be approximately 20,000 sf in size.

Surrounding properties include multi-family units to the north, the city's water storage tank and vacant ground to the east, and the Oregon Trail trailer park and other vacant ground to the west, and to the south is agricultural.

Access to the site is off of Meadowview Lane. It is anticipated that the traffic generation will come from Kimberly Road.

The proposed use is not anticipated to unfairly interfere, compete, or disrupt any of these existing uses.

Upon conclusion, should the Commission approve the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

Applicant Presentation:

Dave Thibault, representing applicant, presented the request for a Special Use Permit to allow for an indoor recreation facility on property located at the NE corner of Kimberly Road and Meadowview Lane. He stated the access will be off Meadowview Lane, not Kimberly Road. He stated the utilities are in existence, with roadway improvements to the curb, gutter and sidewalk. He stated there will be a landscape buffer to the north between the property and the residential neighborhood. He discussed hours of operation, number of employees, and the number of vehicles to the property daily.

PZ/Questions & Comments:

- Commissioner Hansen asked what is located north of the property.
- Senior Planner Hart answered residential apartments.

- Commissioner Hansen asked the applicant why are the hours listed in the narrative less than the standard allowed hours.
- Mr. Thibault stated the applicants wanted the real hours of operation listed.

Public Hearing: Opened and closed without input

Discussions Followed:

- Commissioner Hansen stated he has no concerns with this request but would like to add a condition to allow for regular C1 hours.
- Commissioner Musser agreed with Commissioner Hansen.
- Vice Chair Kelley asked what are the allowed C1 hours.
- Planning and Zoning Director Spendlove stated retail hours 7:00 am -10:00 pm. He stated the commission can add a condition to address hours of operation.

MOTION: Commissioner Hansen moved to add a condition to allow for standard retail hours of operation from 7:00 am – 10:00 pm.
Commissioner Musser seconded the motion.

Unanimously Approved by a vote of 4 to 0.

MOTION #2: Commissioner Bolton made a motion to approve the request for a Special Use Permit to allow for an indoor recreation facility on property located at the NE corner of Kimberly Road and Meadowview Lane c/o EHM Engineers, Inc. on behalf of Ka-Tet Investments, LLC, as presented with staff recommendations. (PZ21-0120)
Commissioner Musser seconded the motion.

Unanimously Approved by a vote of 4 to 0.

- c) Request for a Special Use Permit to allow for a zoological center on property located at 1485 Pole Line Road East c/o Joshua Dowding on behalf of Twin Falls Zoological Center. (PZ21-0124)

Staff Presentation:

City Planner Strickland presented the Request for a Special Use Permit to allow for a zoological center on property located at 1485 Pole Line Road East c/o Joshua Dowding on behalf of Twin Falls Zoological Center. (PZ21-0124)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions

shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, 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.

In 2018 the Magic Valley Mall rezoned the property to C-1 ZDA. This document, as well as Title 10-4-8 requires a special use permit for a Zoo.

The applicant's narrative explains the goals and missions of the zoo as an educational center.

Staff has reviewed this request for the zoological center and the property owners have also provided documentation that they are in support of this request. The staff does not anticipate there will be noticeable impacts on the surrounding properties with proper management of the animals

Upon conclusion, should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

Applicant Presentation:

Joshua Dowding, applicant, presented the request for a Request for a Special Use Permit to allow for a zoological center on property located at 1485 Pole Line Road East. He explained the layout of the facility and the business plan.

PZ/Questions & Comments:

- Commissioner Musser asked if the animals will be at the facility around the clock.
- City Planner Strickland stated yes, the animals will be at the facility around the clock and the owners will follow state regulations for their care, similar to the Herrett Center. She stated that the applicant has a waste management plan, and has chosen animals appropriate for the facility.
- Commissioner Musser asked about the odor control.
- Applicant Dowding answered that the smell comes from lack of cleanliness and the facility will have a care management program for the animals.
- Commissioner Musser asked about the indoor habitat for the animals.
- Applicant Dowding stated they picked low impact, high yield animals and will replicate their natural habitat.
- Commissioner Bolton asked the types of animals.
- Applicant Dowding gave a summary of the type of animals for the facility.
- Vice Chair Kelley asked about concerns of the mall management.

- Applicant Dowding explained that he reviewed the business plan with mall management, and they are in support of the project. He explained they currently visit schools and summer programs and believes this will be a benefit to the community.
- Planning and Zoning Director Spendlove stated as this is an indoor facility, the effects will be enforced by the Mall as the property owner. Staff believes this is a good spot for this project.

Public Hearing: Opened and closed without input

Discussions Followed:

- Commissioner Hansen stated he is in favor of this request and believes it is a great idea for the area.
- Commissioner Bolton agreed and believes the business plan is impressive. She stated this is a good way to bring people to the mall.
- Commissioner Musser agreed that it is a creative use of mall space.
- Vice Chair Kelley agreed and is in favor of the request.

MOTION: Commissioner Hansen moved to approve the request for a Special Use Permit to allow for a zoological center on property located at 1485 Pole Line Road East c/o Joshua Dowding on behalf of Twin Falls Zoological Center, as presented with staff recommendations. (PZ21-0124)

Commissioner Bolton seconded the motion.

Unanimously Approved by a vote of 4 to 0.

- d) Request for a Special Use Permit to allow for a Fire Station on property located on the 200 block of Cheney Drive c/o the City of Twin Falls. (PZ21-0125)

Background:

Planning and Zoning Director Spendlove presented the request for a Special Use Permit to allow for a Fire Station on property located on the 200 block of Cheney Drive.

This property has been foreshadowed as a location for a future Fire Station for a number of years. As the City has grown outward, the increasing number of calls for service towards the North West have grown. This has caused an increase in the response time for those properties towards the North West quadrant of the city.

The overall goal will be to relocate the resources at Fire Station 2 (currently at Falls and Fillmore) to this location.

This property changed hands from the College of Southern Idaho (CSI) to the Twin Falls Rural Fire District sometime in 2009. Despite the ownership change, the property has been used as part of CSI Agricultural related programming. Recently, the City of Twin

Falls and the Rural Fire District have partnered to move forward with the construction of a new fire station.

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, 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.

The subject property has a zoning designation of R4, which allows fire stations as a special use.

The property is located along the north side of the CSI campus and accesses Cheney Drive, an Arterial roadway. The surrounding area has a mix uses of agriculture (CSI managed), commercial, institutional, and residential. The most noticeable impacts to surrounding properties will come from siren noise. It is also anticipated some noise will occur with the regular maintenance, operations, and training to be conducted on the Fire Station grounds.

The siren noise will be mitigated to the extent possible. This is done by the Fire Department operating under national EMS/Fire Response standards for "Priority/Emergency Calls for Service". Lights are primarily used, with Sirens being implemented when the situation warrants. They are currently averaging twelve (12) "Priority Calls" per day for this station.

Although some impacts will be created, Fire Stations are a necessary service for the care and safety of the community. This location allows for a rapid response to high priority locations (Hospital, Elementary School, High School), and a growing population area to the North West.

Staff recommends approval of this Special Use Permit with the following standard condition:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

Applicant Presentation:

Chief Kenworthy presented the request for a Special Use Permit to allow for a Fire

Station on property located on the 200 block of Cheney Drive.

Chief Kenworthy addressed the plan for a streetlight in the future. He stated conduit will be installed for the light if needed in the future.

PZ/Questions & Comments:

- Vice Chair Kelley asked about the proposal for a signal in the future.
- Planning and Zoning Director Spendlove clarified that if there is a need, the fire department would work with Engineering to have it installed. There is no need at this time for a signal.
- Vice Chair Kelley asked when last fire station was built.
- Chief Kenworthy answered the last new fire station was built in the 1970's. He stated this is a much-needed addition to the city to protect the citizens and provide service.

Public Hearing: Opened and closed without input

Discussions Followed: without concerns

MOTION: Commissioner Musser moved to approve the request for a Special Use Permit to allow for a Fire Station on property located on the 200 block of Cheney Drive c/o the City of Twin Falls, as presented, with staff recommendations. (PZ21-0125) Commissioner Bolton seconded the motion.

Unanimously Approved by a vote of 4 to 0.

5) Upcoming Meeting(s)

a) Tuesday, September 28, 2021

6) Adjournment

The meeting adjourned at 06:51 PM

Kelli Ebersole

Kelli Ebersole, Administrative Assistant