



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 11, 2022, 6:00 PM

203 Main Avenue East
Twin Falls, ID 8301

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

Commissioner Hansen called the meeting to order at 06:00 PM

A quorum was present.

Members Present: *Hansen, Bolton, Musser, Detweiler*

Staff Present: *Spendlove, Zollinger, Ebersole, Strickland, Nope, 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 4-0.

a) Approval of Minutes from the following meeting: December 14, 2021

3) Items of Consideration

a) Request for the consideration of the preliminary plat for Eastern Sun Subdivision No. 1, approximately 80 acres consisting of 312 lots located at the 400-600 block of Hankins Road c/o EHM Engineers, Inc. on behalf of Gerald Martens. (PZ21-0184)

Staff Presentation:

City Planner Strickland presented the request for the consideration of the preliminary plat for Eastern Sun Subdivision No. 1, approximately 80 acres consisting of 312 lots located at the 400-600 block of Hankins Road c/o EHM Engineers, Inc. on behalf of Gerald Martens. (PZ21-0184)

As per Twin Falls City Code 10-12-2.3: The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat.

Approval of the Preliminary Plat will set many parameters for which the Final Plat must substantially conform to. Including the total number of lots, street layout, sidewalk connections, and other similar items.

A Final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. After a final plat has been approved by the City Council and construction plans approved, the plat may be recorded, and lots sold for development.

The subject property was annexed in 2020 with the Zoning District designation of R2.

Upon conclusion, should the Commission approve this request as presented, staff recommends approval be subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards

Applicant Presentation:

Gerald Martens, applicant, presented the request for the preliminary plat for Eastern Sun Subdivision No. 1. He stated this will be a residential subdivision, designed in phases. He stated the subdivision will be built similar to the Morning Sun Subdivision.

PZ/Questions & Comments:

- Commissioner Musser asked if this subdivision would comply to the new city standards.
- Mr. Martens stated Eastern Sun Subdivision #2 to the north will include a neighborhood park.
- Commissioner Hansen asked if the subdivision streets will be private. He asked if the width of streets will be enough for cars to park on each side.
- Mr. Martens stated all streets will be public with an enhanced entryway to the subdivision, with all streets built to city standards.

Discussions Followed: without concerns

MOTION: Commissioner Detweiler moved to approve the request for the Preliminary Plat for the Eastern Sun Subdivision No. 1, approximately 80 acres consisting of 312 lots located at the 400-600 block of Hankins Road c/o EHM Engineers, Inc. on behalf of Gerald Martens. (PZ21-0184), as presented, with staff recommendations. Commissioner Musser seconded the motion. Roll call vote showed all members present voted. Approved 4 to 0.

- b) Request for the consideration of the preliminary plat for Golden Eagle Subdivision No. 7, approximately 9 acres consisting of 42 lots located at 1652 Harrison Street South c/o TD&H Engineering, Inc. on behalf of Robert and Kathi Meyers.(PZ21-0185)

Staff Presentation:

City Planner Strickland presented the request for the consideration of the preliminary plat for Golden Eagle Subdivision No. 7, approximately 9 acres consisting of 42 lots located at 1652 Harrison Street South c/o TD&H Engineering, Inc. on behalf of Robert and Kathi Meyers.(PZ21-0185)

As per Twin Falls City Code 10-12-2.3: The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat.

Approval of the Preliminary Plat will set many parameters for which the Final Plat must substantially conform to. Including the total number of lots, street layout, sidewalk connections, and other similar items.

A Final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. After a final plat has been approved by the City Council and construction plans approved, the plat may be recorded, and lots sold for development.

This property was last included in the Golden Eagle #5 Plat in 2015. That Plat included, and was part of, the Middle School Development to the north.

Upon conclusion, should the Commission approve this request as presented, staff recommends approval be subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards

Applicant Presentation:

Rex Harding, applicant representative, presented the request for a preliminary plat for Golden Eagle Subdivision No. 7. He stated this subdivision will have detached sidewalk and curb, with the widening of Harrison Street to match on the south side. He stated the city has an irrigation pump station that will be platted as a separate lot. He stated the streets will be built according to Twin Falls City standards, with good sizes for the residential lot.

Discussions Followed: without concerns

MOTION: Commissioner Bolton moved to approve the request for the consideration of the preliminary plat for Golden Eagle Subdivision No. 7, approximately 9 acres consisting of 42 lots located at 1652 Harrison Street South c/o TD&H Engineering, Inc. on behalf of Robert and Kathi Meyers.(PZ21-0185), as presented, with staff recommendations.

Commissioner Detweiler seconded the motion.

Unanimously Approved by a vote of 4-0.

- c) Request for the consideration of the preliminary plat for Sportsman's Warehouse Subdivision, a PUD, approximately 12 acres consisting of 3 lots located at 1940 Bridgeview Boulevard c/o EHM Engineers, Inc. on behalf of Patrick Wood. (PZ21-0191)

Staff Presentation:

Planning and Zoning Director Spendlove presented the request for the consideration of the preliminary plat for Sportsman's Warehouse Subdivision, a PUD, approximately 12 acres consisting of 3 lots located at 1940 Bridgeview Boulevard c/o EHM Engineers, Inc. on behalf of Patrick Wood. (PZ21-0191)

As per Twin Falls City Code 10-12-2.3: The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat.

Approval of the Preliminary Plat will set many parameters for which the Final Plat must substantially conform; including the total number of lots, street layout, sidewalk connections, and other similar items.

A Final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. After a final plat has been approved by the City Council and construction plans approved, the plat may be recorded, and lots sold for development.

The subject property went through the subdivision and zoning PUD public hearings during the late 1990's and was constructed in the early 2000's.

The reason for this request is the new owner of Sportsman's Warehouse want to own the land the building sits on.

Upon conclusion, should the Commission approve this request as presented, staff recommends approval be subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards

Applicant Presentation:

David Thibault, applicant representative, presented the request of the preliminary plat for Sportsman's Warehouse Subdivision, a PUD. This is a new plat with its own lot to transfer ownership of the property. The development will function as is, with a continued cross use parking plan. He stated the new owner is aware of the repairs needed around the canyon rim trail.

PZ/Questions & Comments:

- Commissioner Detweiler asked if there is buildable area on the lot.
- Planning and Zoning Director Spendlove stated any expansion would take place through a PUD amendment, depending on the size of the expansion request.
- Commissioner Musser asked will there be a change to the parking requirement.
- Planning and Zoning Director Spendlove and Mr. Thibault stated the PUD has a cross use parking agreement.

Discussions Followed: without concerns

MOTION: Commissioner Detweiler moved to approve the request for the consideration of the preliminary plat for Sportsman's Warehouse Subdivision, a PUD, approximately 12 acres consisting of 3 lots located at 1940 Bridgeview Boulevard c/o EHM Engineers, Inc. on behalf of Patrick Wood. (PZ21-0191), as presented with staff recommendations. Commissioner Musser seconded the motion.

Unanimously Approved by a vote of 4-0.

4) Public Hearings

- a) Request for a Special Use Permit to allow a detached accessory building of over 1000 square feet on property located at 288 Pheasant Road c/o Zernickow Family Investments on behalf of Theresa LaRue Living Trust. (PZ21-0179)

Staff Presentation:

City Planner Zollinger presented the request for a Special Use Permit to allow a detached accessory building of over 1000 square feet on property located at 288 Pheasant Road c/o Zernickow Family Investments on behalf of Theresa LaRue Living Trust. (PZ21-0179)

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 property is zoned R-4 and is located within the Twin Falls Z Country Estates Subdivision. The home is currently being constructed.

The proposed structure would have a setback greater than what the property development standards for the R4 zoning district permits for primary and accessory structures. The setbacks for primary structures are twenty (20) feet from the front and five (5) feet to the side. The setbacks for accessory structures are three (3) feet to the side and rear. Staff have reviewed the request and do not anticipate substantial negative impacts should the request be approved.

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

1. Subject to compliance with all local, state and federal code requirements and other standards as applicable.

Applicant Presentation:

Jon Zernickow, applicant representative, presented the request for a Special Use Permit to allow a detached accessory building of over 1000 square feet on property located at 288 Pheasant Road. He stated the applicant wants to build a 2,400 square foot metal building. He stated it will be professionally built with the front matching the house with stucco and rock.

PZ/Questions & Comments:

- Commissioner Hansen asked about the lot size and access from the south.
- City Planner Zollinger clarified where the house is located on the lot and its street access.

Public Hearing: Opened

- Randy Rucks, 238 Pheasant Rd., requests the building match the CC&R regulations. He stated his concern that other homeowners in subdivision have been asked to follow the rules, and this applicant is not being held to same standard.
- Kristi Rucks, 238 Pheasant Rd., stated she is okay with the size of the building, but the CC&R's state the types of building materials allowed, and this applicant

should have to comply with the rules.

- Mr. Zernickow responded to the citizen's concerns stating it will be professionally built, with vinyl fencing around the property.
- Planning and Zoning Director Spendlove stated the building permit does not show the front of the building materials.
- Commissioner Hansen asked if the commission could condition the Special Use Permit based on the CC&R's.
- Planning and Zoning Director Spendlove stated the city and the commission have not conditioned SUPs to follow CC&R's, as it is a private contract, but have made conditions for the accessory building to match the material to the primary dwelling unit.
- City Attorney Nope stated city can't get involved in a disagreement with unless the common goal matches the conditions placed on the SUP by the commission.
- Commissioner Musser asked if they can just approve the use of the accessory building only.
- Planning and Zoning Director Spendlove stated the commission can do that and would need to make the determination on why or why not to condition the SUP.
- Commissioner Musser asked for clarification on the difference of the building permit and asked if the applicant can bring this back to the commission at a later date.
- Planning and Zoning Director Spendlove clarified the commission's possible actions.

Public Hearing: Closed

Discussions Followed:

- Commissioner Musser has no issue with the building or its size.
- Commissioner Detweiler asked how CC&R's work and how they affect the commission's decisions.
- Commissioner Hansen stated there is a committee of homeowners who draft the CC&R's and discrepancies are handled in a civil manner between the Homeowner Association and the individual property owner. He stated these discrepancies are not a legal matter for the city.
- Commissioner Detweiler stated the commission is asked to approve the building because of its size, and the design would be handled through the HOA.
- Commissioner Hansen stated the commission can condition the SUP for the building match the house to conform to the neighborhood, following the nine (9) criteria for an SUP. He stated the applicant can resubmit the building permit if the SUP is conditioned.
- Commissioner Bolton suggested tabling the decision and ask the applicant to bring back the final design for the commission to review.
- Commissioner Musser asked if it is enough to condition the SUP to match the

front façade.

- Commissioner Detweiler stated the commission cannot override the subdivision CC&R's. He stated he would rather not table the decision.
- Planning and Zoning Director Spendlove stated the building permit has not been approved yet, as there is a need to have the SUP approved first.
- Planning and Zoning Director Spendlove stated the commission can table the item for additional information to clarify testimony received tonight, as a continuation of tonight's public hearing. The continuation date would be February 8, 2022.

MOTION: Carolyn Bolton moved to table the request for a Special Use Permit to allow a detached accessory building of over 1000 square feet on property located at 288 Pheasant Road c/o Zernickow Family Investments on behalf of Theresa LaRue Living Trust (PZ21-0179), until Tuesday, February 8, 2022 for additional clarifying information from the applicant.

Commissioner Detweiler seconded the motion.

Motion Approved by a vote of 3-1.

- b) Request for a Special Use Permit to allow for the use of a hotel on property located at 1771 Pole Line Road East c/o Laughlin Ricks Architecture on behalf of Terra Development, LLC. (PZ21-0182)

City Attorney stated he has advised Commissioner Hansen that it is not a conflict for him to sit and hear this item as he is employed by another hotel.

Staff Presentation:

City Planner Strickland presented the request for a Special Use Permit to allow for the use of a hotel on property located at 1771 Pole Line Road East c/o Laughlin Ricks Architecture on behalf of Terra Development, LLC. (PZ21-0182)

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 property had a special use permit for a hotel approved in 2008 for a hotel. The property was never developed. Therefore, the original special use permit is void. The property is located within the C-1 zoning district and has not been developed. The approach to the hotel will be located off of a platted easement with a recorded cross use agreement between the property owner and the senior living center located to the north. The location of the hotel is near the Magic Valley Mall and several eating establishments, making this an appropriate location for this type of land use. The impact on the surrounding area will be some additional traffic. However, Pole Line Rd E is an arterial constructed to sustain a large amount of traffic. The existing access from Bridgeview to the Hotel is already used by the senior living facility and could be minimally impacted. The site plan does show sufficient parking, gateway arterial landscaping, a shared access easement, and will have a final review upon submittal for a building permit. The staff doesn't foresee any significantly negative impacts on the surrounding area.

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

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

Applicant Presentation:

Colby Ricks, representing applicant, presented the Request for a Special Use Permit to allow for the use of a hotel on property located at 1771 Pole Line Road East. He stated the hotel will be four (4) stories tall with 110 rooms. He stated there will be a swimming pool with indoor water park for guests. He stated this is a good location close to the mall, canyon rim trail and nearby restaurants.

PZ/Questions & Comments:

- Commissioner Hansen asked how many parking stalls are required.
- City Planner Strickland stated there is one parking stall required per room. She stated this plan meets the requirements and staff has worked with the applicant on the site plan.
- Commissioner Hansen asked the applicant if the pool is open to the public.
- Mr. Ricks stated the pool is only open to guests and this lot does not dictate public use due to size and no additional parking.
- Commissioner Detweiler asked if the access road dead ends into property.
- Mr. Ricks stated it ends at the property line, with 1/2 of the access road owned by property owner.
- Commissioner Hansen asked if there is a cross use parking agreement with Bridgeview Estates.
- Mr. Ricks stated there is no cross-use agreement.
- Planning and Zoning Director Spendlove stated it is an access driveway, not a

public road for the city to maintain. The access easement would not continue to the property to the east.

Public Hearing: Opened and Closed without input

Discussions Followed:

- Commissioner Bolton is in support of the project.
- Commissioner Detweiler is in support of the project, as it is a great use of property that has been vacant for years.
- Commissioner Musser is in support of the project, but has a congestion concern.
- Commissioner Hansen stated he is concerned with congestion, but the project meets city code and has had an SUP for a hotel in the past.

MOTION: Commissioner Detweiler moved to approve the request for a Special Use Permit to allow for the use of a hotel on property located at 1771 Pole Line Road East c/o Laughlin Ricks Architecture on behalf of Terra Development, LLC. (PZ21-0182) Commissioner Bolton seconded the motion.

Motion Approved by a vote of 3-0-1.

5) Upcoming Meeting(s)

- a) Tuesday, January 25, 2021

Planning and Zoning Director Spendlove informed the commission of Liz Hart's departure from the City.

6) Adjournment

The meeting adjourned at 07:05 PM

Kelli Ebersole

Kelli Ebersole, Administrative Assistant