



## Twin Falls Planning & Zoning Commission Minutes

Tuesday, March 28, 2023, 6:00 PM

203 Main Avenue East  
Twin Falls, ID 83301

### **COUNCIL CHAMBERS**

#### **Members -**

**City Limits:** Craig Kelley, Chairperson; Marilu Perez, Vice-Chair; Todd Rambur; Cortney Campbell; Grayson Stone

**Area of Impact:** David Detweiler

#### **1) Confirmation of Quorum/Call Meeting to Order**

Chairman Kelley called the meeting to order at 06:00 PM

A quorum was present.

**Members Present:** Kelley, Campbell, Stone, Rambur

**Staff Present:** Spendlove, Strickland, Ebersole, Palmer-Handley

#### **2) Conflict of Interest Declaration**

none

#### **3) Consent Calendar**

**MOTION:** Commissioner Stone moved to approve the Consent Calendar, as presented.

Commissioner Rambur seconded the motion.

**Unanimously Approved by a vote of 4 to 0.**

a) Approval of the minutes from the following meeting: February 28, 2023

#### **4) Items of Consideration - None**

#### **5) Public Hearings**

a) Request for a Special Use Permit to allow an indoor recreation facility on property located at 1881 Pole Line Road East c/o Gerald Martens on behalf of JAE Foundation, Inc. (PZ22-0172)

##### **Staff Presentation:**

Planning and Zoning Director Spendlove presented the request for a Special Use Permit to allow an indoor recreation facility on property located at 1881 Pole Line Road East c/o Gerald Martens on behalf of JAE Foundation, Inc. (PZ22-0172)

**Per City Code 10-13-2-2** 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 decide 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.

Standards Applicable to Special Uses:

- Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
- Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
- Will be designed, constructed, operated, and maintained to 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.
- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

The property in question had various businesses throughout the years including a raquetball club, YMCA, and most recently a Retail Store/Corporate Office (Real Deals).

In 2017 the property went through a Public Hearing process to establish the Real Deals business. That approval came with conditions (see attachment #6). City Staff believe these conditions should still apply to this property as the circumstances surrounding those original conditions are still applicable today.

On February 27, 2023 the City Council approved the request for annexation with a C-1 zoning designation by a unanimous vote.

The subject property is approximately 1.69 (+/-) acres and has gone through some interior remodeling of the building, the most recently for Real Deals in 2017.

Both the previous use and the intended use of the subject property are consistent with the uses permitted in the C1, Commercial Highway District. City Staff does not foresee this new

land use being any more impactful than was previously performed on the property. Most customers will access and utilize the western sides of the property, thereby negating most impacts to the residential home to the east. City Staff also believes this proposed use to be in general compliance with the currently adopted Comprehensive Plan, 2016 "Grow With Us".

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.
2. Subject to the conditions of Special Use Permit 1443, remaining in place, unless otherwise deferred by the appropriate authority.

**Applicant Presentation:**

Gerald Martens, applicant representative, presented the request for a Special Use Permit to allow an indoor recreation facility on property located at 1881 Pole Line Road East. He stated the JAE Foundation wants to reestablish the fitness center of their facility. He reviewed the JAE Foundation goals, stating physical therapy is part of their program. He stated the applicant agrees with staff's recommendations/conditions.

**PZ/Questions & Comments:**

- Commissioner Campbell asked if there was a gym in the facility previously, why does it need a new Special Use Permit.
- Planning and Zoning Director Spendlove stated there was a change of use when Real Deals was in the building, so the new owner needs to come back for a new Special Use Permit. He stated if the use hadn't changed, no new Special Use Permit would be needed to reestablish the gym use.

**Public Hearing: Open**

Paige Vickrey, JAE Foundation, shared the goal of the JAE Foundation and how mental and physical health go together. The foundation helps with both the mental and physical health components. She shared the eight steps in the Boot Check program. She stated the foundation needs the gym for the movement portion of program.

**Public Hearing: Closed**

**Discussions Followed:**

- Chairman Kelley stated the request follows code, and has no issue with the request.
- Commissioner Rambur stated he has no issue with the request, as it was an previously approved use.

**MOTION:** Commissioner Stone moved to approve the request for a Special Use Permit to allow an indoor recreation facility on property located at 1881 Pole Line Road East c/o Gerald Martens on behalf of JAE Foundation, Inc. (PZ22-0172), as presented, with staff recommendations.

Commissioner Rambur seconded the motion.

**Unanimously approved by a vote of 4-0**

- b) Request for a Non-Conforming Building Expansion Permit to allow for an addition to property located at 1881 Pole Line Road East c/o Gerald Martens on behalf of JAE Foundation, Inc. (PZ23-0009)

**Staff Presentation:**

Planning and Zoning Director Spendlove presented the request for a Non-Conforming Building Expansion Permit to allow for an addition to property located at 1881 Pole Line Road East c/o Gerald Martens on behalf of JAE Foundation, Inc. (PZ23-0009)

**Per City Code 10-3-4 (D)** The city planning and zoning commission may authorize the issuance of a nonconforming building expansion permit.

- a. Will the proposed expansion be harmonious with and in accordance with the general objectives of the comprehensive plan and/or zoning regulation?
- b. Will the proposed expansion be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity?
- c. Will the proposed expansion involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare of the surrounding neighborhood by reason of excessive production of traffic, noise, smoke, fumes, glare or odors?
- d. Will the proposed expansion have any other adverse impact upon the surrounding neighborhood?
- e. Considerations relating to traffic safety and traffic congestion:
- f. Considerations relating to outdoor advertising and noise:
- g. Considerations relating to landscaping:
- h. Considerations relating to buildings and site layout: The considerations of exterior design in relation to adjoining structures in height, bulk and area openings, breaks in the facades and facing on streets, line and pitch of roof and arrangement of structure on the parcel.
- i. Considerations relating to drainage and utilities.

The property in question had various businesses throughout the years including the Athletic Club, YMCA, and most recently a Retail Store/Corporate Office (Real Deals).

In 2017 the property went through a Public Hearing process to establish the Real Deals business. That approval came with conditions (see attachment #6). City Staff believe these conditions should still apply to this property as the circumstances surrounding those original conditions are still applicable today.

On February 27, 2023 the City Council approved the request for annexation with a C-1 zoning designation by a unanimous vote.

The subject property is approximately 1.69 (+/-) acres and has gone through some interior remodeling of the building, the most recently for Real Deals in 2017.

City records go back to 1992 when an addition took place on the southern portion of the building for the Athletic Club. The form of the building has not changed from that approved addition in 1992. However, remodels of the interior and exterior of the building took place for

the YMCA and Real Deals.

In 2014 the City of Twin Falls enacted Ordinance 3077 which reads, in part, as follows:  
" A property line setback of twenty five feet (25') shall be maintained on the side yard and rear yard for buildings adjacent to existing residential uses with four (4) or fewer units per building,"

The Jae Foundation building was constructed in its current form and location prior to this ordinance being enacted. Thereby making this building legal non-conforming.

The foundation would now like to add onto the building on the North/Northeast portion of the building to fully realize their plans for a multi-faceted mental and physical health resource center. The addition will not encroach further into this 25 foot side yard setback, but would maintain the setback that the original building created in that area (~18 feet).

The commission is tasked with reviewing the information presented, analyzing the impacts based on the criteria listed in City Code 10-3-4 and making a final decision. The Commission may approve the request, approve with conditions, deny the request, or table for more information.

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 applicable City Codes and standards.

**Applicant Presentation:**

Gerald Martens, applicant representative, stated the foundation would like to add a 1000 square foot gym to the back of the property, keeping the existing building line, which is non-conforming now. He stated he has reviewed the neighbors' concerns as brought up with the annexation. He stated they will address the issues and work with neighbor by adding a solid screening fence between the properties.

**PZ/Questions & Comments:**

- Commissioner Campbell asked what code section they are reviewing for this request.
- Planning and Zoning Director Spendlove verified the appropriate code section.

**Public Hearing: Opened and closed without input**

**Discussions Followed:**

- Commissioner Ramburtr does not feel issue as lines up with existing building.
- Chairman Kelley stated as the neighbor is in agreement, he has no issues with the request and stated the existing building line sets a precedent.
- Commissioner Campbell stated she believes the applicant is committed to be a good neighbor.

**MOTION:** Commissioner Stone moved to approve the request for a Non-Conforming Building Expansion Permit to allow for an addition to property located at 1881 Pole Line Road East c/o

Gerald Martens on behalf of JAE Foundation, Inc. (PZ23-0009), as presented, with staff recommendations.

Commissioner Campbell seconded the motion.

**Unanimously Approved by a vote of 4 to 0.**

- c) Request for a Special Use Permit to allow dog grooming and/or kennels on property located at 767 2<sup>nd</sup> Avenue West c/o Tawny Bandy. (PZ23-0012)

**Staff Presentation:**

City Planner Strickland presented the request for a Special Use Permit to allow dog grooming and/or kennels on property located at 767 2<sup>nd</sup> Avenue West c/o Tawny Bandy. (PZ23-0012)

**Per City Code 10-13-2-2** 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 decide 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.

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- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

The property has no significant Zoning history. The property is located in the CB; Central Business Zoning District and the P2 Parking Overlay. It is believed these designations were in place since the early 1980's. Per 10-4-7 a special use permit is required for dog grooming and/or kennels in the CB Zoning District.

The property is surrounded by a mix of uses. It is located along two major streets, Washington St and 2nd Ave W. The future land use map designates this area as Downtown/High Density Residential. There are a variety of mixed uses, such as retail, services, offices, government buildings and schools. The goal for this area is to encourage redevelopment and infill projects designed to make the area more walkable, functional and pedestrian friendly.

This property is currently used for commercial purposes; the land use proposed for the site should have very minimal impacts on the surrounding area. The property is located along major streets that can support any additional traffic this business may generate.

The Applicant has described the business as appointment only Monday-Friday. The applicant washes and grooms dogs and the animals are dropped off and picked up the same day. The estimate is 10-15 customers per day. Due to the limited number of customers, impacts to the area should be minimal.

The property is located within the P-2 parking overlay that requires 30% less parking than what is required outside of this overlay. The land use requires 2 parking spaces, the site is designed to provide 5 spaces and on-street parking is allowed in this area.

The business will be operated during normal business hours and there will be no overnight stays. The building is large enough to accommodate the proposed use and has ample parking. Based on the applicant's narrative, the location of the property and hours of operation, staff does not foresee any negative impacts should the commission approve the request.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

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:**

Tawny Bandy, applicant, presented the request to allow dog grooming and/or kennels on property located at 767 2<sup>nd</sup> Avenue West. She stated the reason for the request is that her previous location was sold and she is needing a new location. She addressed any noise issues.

**PZ/Questions & Comments:**

- Commissioner Campbell asked if there are homes next to this property.
- City Planner Strickland stated there are a mix of uses near property and the prior use of the building was a commercial use. She shared the current parking layout, the customers are by appointment only, with limited traffic.

- Commissioner Campbell stated her concern for excessive noise.
- City Planner Strickland stated the previous use was cabinet making. The previous use would have more noise impact than one or two dogs at the facility.
- Chairman Kelley asked why this location.
- Ms. Bandy answered there are not a lot of locations available for a dog groomer. She stated she knows the property owner and he will allow her to be at this location.

**Public Hearing: Opened and closed without input**

**Discussions Followed:**

- Commissioner Rambur stated he does not think a dog grooming business will negatively impact the neighborhood.
- Chairman Kelley stated he is not concerned, as this is an established business with a current clientele.
- Commissioner Campbell stated her issues were addressed and she is in favor of the request.

**MOTION:** Commissioner Campbell moved to approve the request for a Special Use Permit to allow dog grooming and/or kennels on property located at 767 2<sup>nd</sup> Avenue West c/o Tawny Bandy. (PZ23-0012), as presented, with staff recommendations.  
Commissioner Rambur seconded the motion.

**Unanimously Approved by a vote of 4 to 0.**

**6) Upcoming Meeting(s)**

- a) Wednesday, April 5, 2023 - Worksession  
Engineering presentations for the Traffic Safety Committee (Planning and Zoning Commission) to review.

**7) Adjournment**

The meeting adjourned at 06:33 PM

*Kelli Ebersole*

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Kelli Ebersole, City Planner