



Twin Falls Planning & Zoning Commission Minutes

Tuesday, May 23, 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; Robyn Weatherford

Area of Impact: David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Vice Chair Perez called the meeting to order and confirmed a quorum.

Members Present: Weatherford, Stone, Campbell, Perez, Detweiler

Staff Present: Spendlove, Strickland, Schuerman, Ebersole

2) Conflict of Interest Declaration

3) Consent Calendar

MOTION: Commissioner Stone moved to approve the Consent Calendar, as presented. Commissioner Detweiler seconded the motion.

Unanimously Approved by a vote of 5 to 0.

a) Approval of minutes from the following meeting: May 9, 2023

4) Items of Consideration - None

5) Public Hearings

a) Request for a Special Use Permit to allow for an indoor recreation facility and extended hours of operation on property located at 405 Main Avenue East c/o Matthew Dorsey. (PZ23-0021)

Staff Presentation:

City Planner Ebersole presented the request for a Special Use Permit to allow for an indoor recreation facility and extended hours of operation on property located at 405 Main Avenue East c/o Matthew Dorsey. (PZ23-0021)

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.

County records show the property was built in 1931. The property is currently vacant has been utilized for many commercial uses, most recently a dog grooming business.

The property is located in the C-B, Commercial Central Business and P-1 Parking Overlay districts.

In the C-B zone, a Special Use Permit is required for an indoor recreation facility, along with operating outside allowed retail hours.

The applicant currently operates a mobile recreational axe throwing facility. The applicant intends to expand their operation with a brick-and-mortar recreational axe throwing venue. The proposed use will consist of multiple throwing lanes, an office, sales counter, and other business components.

The anticipated business hours will be Tuesday through Thursday from 5:00 pm. to 10:00 pm., Friday 12:00 pm to 12:00 am, and Saturday from 10:00 am. to 12:00 am. The facility will be closed on Sunday and Monday.

The facility will employ two (2) to four (4) employees on rotating shifts.

The P-1 Parking Overlay district removes the normal off-street parking requirement. However, the applicant has provided a site plan showing there will be striped parking for customer and employee use on site.

Staff has analyzed the surrounding area and has determined there is sufficient public parking to accommodate the needs of the proposed use.

The site is currently being improved with curb and gutter, on Jerome Street, as required by the Engineering Department.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Downtown/High Density Residential", which allows for a diverse mix of land use, scaled to create a functional, walkable, pedestrian friendly environment, encouraging redevelopment and infill.

The surrounding properties range from commercial to residential. The applicant has stated that there will be no adverse effects on surrounding properties due to glare, odor, or loud noise coming from the building.

This property is currently vacant and the proposed use should have minimal impact on the surrounding area.

Staff has determined the proposed use meets the "Downtown/High Density Residential" designation.

Based on the standards for approval, staff does not foresee any negative impacts related to the land use.

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:

Matthew Dorsey, applicant, presented his request for a Special Use Permit to allow for an indoor recreation facility and extended hours of operation on property located at 405 Main Avenue East. He shared details about the business.

PZ/Questions & Comments:

- Commissioner Stone asked if there is a zoning district that allows for an indoor recreation facility without an SUP.
- City Planner Ebersole answered an SUP is required in all zoning districts.
- Vice Chair Perez asked if the SUP applies if a new owner were to take over the property and had an indoor recreation facility, not the same as axe throwing.
- City Planner Ebersole stated the SUP stays with property, not the applicant.
- Planning and Zoning Director Spendlove stated if the new business has a substantial larger impact than the current use, a new SUP would need to be approved by the commission.
- Vice Chair Perez asked if an amendment to the SUP would be required if the applicant decides to sell alcohol.
- Planning and Zoning Director Spendlove stated that the downtown C-B zone allows for beer and wine sales, so an amendment would not be needed.
- Commissioner Detweiler asked if there is enough parking and if the applicant plans to use street parking.
- Mr. Dorsey stated they believe there is enough available parking.
- Vice Chair Perez asked about the wood inventory and where it would be stored.
- Mr. Dorsey stated he will store the wood in the basement at the facility.
- Vice Chair Perez asked about wood disposal.
- Mr. Dorsey stated it is donated for firewood.
- Commissioner Campbell asked for clarification on the alcohol sales rules.
- Planning and Zoning Director Spendlove clarified the C-B downtown district zone and the allowed uses.
- Vice Chair Perez asked about the site improvements.
- City Planner Ebersole shared photos of the site and building upgrades in progress.

Public Hearing: opened

- Citizen Eric Watte, surrounding landlord, stated he is in favor of this request as it is an upgrade to the entrance to downtown.

Public Hearing: closed

Discussions Followed:

- Commissioner Detweiler stated he is in favor of the improvement to the area and has no concern for extended hours.
- Commissioner Campbell inquired about any required landscaping.
- Planning and Zoning Director Spendlove stated landscaping will be reviewed with the building permit, and the owner will do as required.

MOTION: Commissioner Detweiler moved to approve the Request for a Special Use Permit to allow for an indoor recreation facility and extended hours of operation on property located at 405 Main Avenue East c/o Matthew Dorsey, as presented, with staff recommendations. (PZ23-0021)
Commissioner Stone seconded the motion.

Unanimously Approved by a vote of 5 to 0.

- b) Request for a Special Use Permit to allow for an in-home day care facility on property located at 1511 Targhee Drive c/o Furahisha Mutafuni. (PZ23-0022)

Staff Presentation:

City Planner Strickland presented the request for a Special Use Permit to allow for an in-home day care facility on property located at 1511 Targhee Drive c/o Furahisha Mutafuni. (PZ23-0022)

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 is zoned R-2 and has been a residence since 1976, according to the county records.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Town Neighborhood". The defining characteristics of this category is primarily residential in nature, typically consisting of single family, duplex, triplex, and townhomes with parks, schools and civic facilities. Staff has determined the proposed use is compatible with the comprehensive plans.

The applicant currently cares for less than 6 children in the home and would like to expand her services to care for no more than 12 children. She would like to operate Mon-Sat 24/7 and care for children ages 3 months to 10 years of age. The driveway will function as the drop off and pick up location for parents. There is a fully fenced yard for the children to play and she will have a couple of areas within the home for the children to sleep. Staff has informed the applicant that a fire inspection will be required to receive the license for the daycare from the state and that she must have an approved special use permit from the Planning & Zoning Commission to operate.

Staff has not received any complaints about her current daycare service and therefore, based on the standards for approval, staff does not foresee any negative impacts related to the approval of this 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:

Furahisha Mutafuli, applicant, presented the request for a Special Use Permit to allow for an in-home day care facility on property located at 1511 Targhee Drive. She stated she is currently watching 5 children, and would like to expand to 12 children. She stated there is limited childcare spaces in town and she would like to help accommodate the need.

PZ/Questions & Comments:

- Vice Chair Perez asked for location clarification and the drop off points.
- City Planner Strickland stated the allowed parking and the intended drop off area.
- Commissioner Detweiler asked about fencing on the property.
- City Planner Strickland clarified the fencing around property.
- Commissioner Detweiler asked for clarification on the number of kids and the reason for request.
- City Planner Strickland clarified the SUP permit process for in home day care.
- City Planner Strickland clarified the state licensing requirements.
- Vice Chair Perez asked if the state licensing has location requirements.
- City Planner Strickland stated there are requirements for home inspection and fire inspection addressing safety issues with the in-home day care.
- Vice Chair Perez asked if parking is reviewed.
- City Planner Strickland clarified how the request can be conditioned.
- Planning and Zoning Director Spendlove stated there is no parking allowed on Locust Street at that location.
- Planning and Zoning Director Spendlove clarified the state license requirements.
- Commissioner Campbell asked who polices the number of children and if she plans to care for 12 children total or 12 children at a time.
- Planning and Zoning Director Spendlove stated zoning regulates 6 or more with an SUP, the Fire Department and State of Idaho Dept. of Health and Welfare for inspection and licensing.
- Commissioner Detweiler asked about current drop off issues.
- The applicant stated she is currently doing most of the picking up and dropping off the children.
- Vice Chair Perez asked if she plans to expand her service and if she can park in the garage.
- The applicant stated she can fix the garage to be able to park there.

- Commissioner Campbell asked about noise and number of children.
- The applicant stated there is no excessive noise and there may be 12 children there at a time.

Public Hearing: Opened

- Citizen Marty Buss stated she is not in favor of this request due to her concern for increased traffic. She stated her concern for the driveway and sidewalk being blocked. She asked who would police making sure only the driveway would be used for dropoff.
- Citizen Jessica Bodily stated her concern that the sidewalk is blocked and kids walking in the street. She stated she does not believe there is enough parking for parents to drop off and pick up their children. She stated there are no stop/yield signs in the area.
- Citizen McKade Thurgood stated his concern for parking, but understands the need for her request.
- The applicant addressed their concerns. She stated she is willing to be in charge of pick up and drop off herself and regulate parking.
- Commissioner Stone asked if she is the only employee.
- The applicant stated she has one other employee.
- Vice Chair Perez asked about restricting drop off and pick up times.
- The applicant explained it is hard with clients changing jobs and schedules.
- Commissioner Weatherford asked if she owns the home.
- The applicant stated she owns the home.
- Planning and Zoning Director Spendlove stated homeownership is not part of the decision making, as the applicant has proven her the right to apply for the Special Use Permit.
- Vice Chair Perez asked staff about Galena Drive and Targhee Avenue not having street signs.
- Planning and Zoning Director Spendlove stated two residential roads do not require stop signs in the city, unless warranted, and anyone blocking the sidewalk is illegal. The person parking the vehicle is the offender.
- Vice Chair Perez asked for residents' recourse.
- Planning and Zoning Director Spendlove stated the complaint would come in as a non-emergency call and Code Enforcement issues the ticket for a violation. He explained this property has 3 off street parking spaces on site, one more than is required at a residence.
- Vice Chair Perez asked the parking requirements for a residential property.
- Planning and Zoning Director Spendlove stated in the R-2 zone, two (2) parking spots are required per dwelling unit. A parking violation would run through the Police Dept., but is enforced by Code Enforcement.
- Vice Chair Perez asked about making rules on public parking.
- Planning and Zoning Director Spendlove stated it is not possible to put regulations on public parking in only certain spots.

- Citizen Jessica Bodily disagreed with the number of parking spaces on property.

Public Hearing: Closed

Discussions Followed:

- Commissioner Campbell stated her concern for the maximum number of drop offs possible, 3 shifts a day, and if this area can handle more traffic. She believes this is not in compliance with #2, 3, 4, 7, and 8.
- Commissioner Stone stated he does not think the area can handle additional traffic, and does not feel parking violations will be a priority for enforcement. He stated he will not approve the request, even with conditions.
- Commissioner Weatherford stated does not believe the request is warranted and the area can't handle additional traffic.
- Commissioner Detweiler stated his concern with traffic at this location, and the drop off issues. He believes it should be kept to 5 kids or less. He stated he would not approve an expansion for safety concerns. He stated he does not know if he would approve, even with conditions.
- Vice Chair Perez stated if there are cars parked on the street, it encourages people to drive slower generally, and a clear roadway invites speed. She stated, with conditions, she could get behind an approval. The applicant stated she can handle pick ups and drop offs. She stated there are 3 parking spaces on site, and a garage. The commission usually trusts that the applicant will do as they say at the hearing.
- Commissioner Detweiler stated he believes 12 drop offs twice a day is excessive for the area, and is concerned for enough staff to take care of children.
- Planning and Zoning Director Spendlove stated the City Engineer has determined the street can handle the traffic generated by this request. He explained motions are always worded in the positive.
- Commissioner Stone stated he has issues with 10-13-2.2, specifically #5, being adequately able to service. He does not believe the applicant can regulate how her customers park.
- Commissioner Campbell stated her concern with 10-13-2.2, #3, that it is not harmonious use in the area, and the safety for children walking in front of the house during drop off . She believes this is more in line with a commercial business, versus a home occupation.
- Vice Chair Perez reminded that the city has stated on record that the street can handle the traffic.
- Commissioner Campbell stated she believes the road being able to handle traffic load and the driveway parking and along the street are two different things.
- Planning and Zoning Director Spendlove stated if approved, the applicant is expected to operate and behave as required, until proven otherwise. He stated the street can handle the traffic load. People do get tickets for parking on

sidewalks.

- Vice Chair Perez asked if there are restrictions on trips in and out of driveway.
- Planning and Zoning Director Spendlove stated there are no restrictions.
- Commissioner Campbell stated she believes it is excessive for the area, but not sure what number of children is acceptable.
- Vice Chair Perez stated she believes the property is designated as Town Neighborhood with mixed use. She asked if there are elementary schools nearby.
- Planning and Zoning Director Spendlove clarified Town Neighborhood definition and this being an in-home business. He clarified the school locations, needing a bus stop for children to get to school.
- Commissioner Detweiler does not feel traffic will be increased to maximum, but the commission has already heard testimony with traffic issues as it is now. He stated he believes if the request is approved, they are doubling the issues.
- Commissioner Stone stated the current testimony tonight is the parking issues.

MOTION: Commissioner Stone moved to approve the request for Request for a Special Use Permit to allow for an in-home day care facility on property located at 1511 Targhee Drive c/o Furahisha Mutafuli, as presented, with staff recommendations. (PZ23-0022)

Commissioner Detweiler seconded the motion.

Motion was denied by a vote of 1 to 4.

6) Upcoming Meeting(s)

- a) Wednesday, June 7, 2023 - worksession
Tuesday, June 13, 2023

7) Adjournment

The meeting adjourned at 07:14 PM

Kelli Ebersole

Kelli Ebersole, City Planner