



Twin Falls Planning & Zoning Commission Minutes

Tuesday, August 22, 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

Chairman Kelley called the meeting to order at 06:01 PM
A quorum was present.

Members Present: Kelley, Perez, Detweiler, Weatherford

Staff Present: Spendlove, Strickland, Ebersole, Green, O'Leary

2) Conflict of Interest Declaration

None

3) Consent Calendar

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

Unanimously Approved by a vote of 4 to 0.

- a) Approval of minutes from the following meeting: August 8, 2023

4) Items of Consideration

- a) Request for the approval of the Prosperity Hill, a ZDA preliminary plat approximately 34 acres consisting of 306 lots located along the 1200 and 1300 block of Harrison Street South, c/o David Thibault, EHM Engineers on behalf of Dennis Hourany. (PZ23-0051)

Staff Presentation:

City Planner Strickland presented the request for the approval of the Prosperity Hill, a ZDA preliminary plat approximately 34 acres consisting of 306 lots located along the 1200 and 1300 block of Harrison Street South, c/o David Thibault, EHM Engineers on behalf of Dennis Hourany. (PZ23-0051)

Per City Code 10-12-2-3

The Commission shall review the preliminary plat. The Commission's decision is final unless appealed to the City Council. The final plat is reviewed by the City Council.

Commission's Findings: In determining the acceptance of a proposed subdivision the Commission shall consider the objectives of this Title and at least the following:

- a. The conformance of the subdivision with a Comprehensive Plan.
- b. The availability of public services to accommodate the proposed development.
- c. The continuity of the proposed development with the capital improvement program.

- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table for additional information when acting on the preliminary plat.

The proposed development is for attached dwellings with 4 units per building. The site was rezoned under an R-4 ZDA agreement and will contain approximately 300 lots within the 34 acre development. The current uses in the area are agricultural and residential in nature with a mixture of lot sizes. The development is designed for individual ownership of townhouses, with adequate open space, landscaping, play areas and multipurpose trails.

The development is located along Harrison Street South with the extension of Pheasant Road through the development from east to west. The applicant is proposing a Preliminary Plat for the entire 34 acres, with Final Plats and Construction taking place in phases, approximately 2 years per phase. Staff has reviewed the preliminary plat and has verified it is in compliance with the approved Prosperity Hills ZDA Agreement as well as local and state regulations.

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, EHM Engineers, Inc., representing applicant, presented the request for the approval of the Prosperity Hill, a ZDA preliminary plat approximately 34 acres consisting of 306 lots located along the 1200 and 1300 block of Harrison Street South. He stated the preliminary plat map matches what was approved with the Zoning Development Agreement last August. He stated the plan is to construct in multiple phases. The water/sewer and topography issues were discussed. He discussed the common areas and green spaces on the map. He stated the ZDA governs the model for development. This plat is compliant with the ZDA and city code and addressed the vinyl fence requirement.

PZ/Questions & Comments:

- Vice Chair Perez stated the ZDA says there are four phases, but the plat shows three phases. She asked which document is correct?
- Vice Chair Perez asked if there is a minimum or maximum required public and shared space. Does city requirements or the ZDA take precedent?
- Planning and Zoning Director Spendlove stated there is no minimum or maximum for green space lot size because they are leftover pieces of land that don't meet minimum lot size requirement per code. Those lots become the green spaces and common area.
- Vice Chair Perez asked about the white vinyl fence requirement?
- City Planner Strickland stated the ZDA requires the vinyl fence screening, as proposed and approved by City Council.
- Commissioner Detweiler asked about a park.
- Mr. Thibault stated no park, pay park impact fees, city decide on location. dd asked about existing residence.
- Mr. Thibault stated there is a existing residence and not part of zda.
- Vice Chair Perez asked if the clubhouse could be included with the first phase.
- Mr. Thibault stated it will be evaluated during the construction phase.
- Planning and Zoning Director Spendlove stated city code governs phasing and construction. He stated there are factors that may change the timeline, and the developer has a two year

window for construction after approvals.

Public Comment: Opened

- Jason Burt, citizen, asked if the city and developer will set up sewers to accommodate surrounding neighborhoods.
- Mr. Thibault stated due to extended review and modeling timelines, the construction timeline has been extended. He stated the water and sewer will be installed to follow city standards and addressed Mr. Burt's property. He stated it does not make sense to run a line through a neighbor's property.

Public Comment: Closed

Discussions Followed:

- Commissioner Detweiler stated he has no concerns. He likes the layout, green space, and the density. He is in favor of the request.
- Vice Chair Perez stated it is a good layout, and the phasing is reasonable, and likes the parking has been taken into account. She is in favor of the request.
- Commissioner Weatherford stated she has no problem with the request. She believes they have covered the ZDA requirements to best of their ability.
- Chairman Kelley agreed and stated it follows the comprehensive plan.

MOTION: Commissioner Detweiler moved to approve the request for the approval of the Prosperity Hill, a ZDA preliminary plat approximately 34 acres consisting of 306 lots located along the 1200 and 1300 block of Harrison Street South, c/o David Thibault, EHM Engineers on behalf of Dennis Hourany. (PZ23-0051), as presented, with staff recommendations.
Commissioner Weatherford seconded the motion.

Unanimously Approved by a vote of 4 to 0.

5) Public Hearings

- a) Request for a Special Use Permit to allow an indoor recreation facility (fitness studio) on property located at 118 Cheney Drive West, Suite 200, c/o Kerri and Calista Inc. (PZ23-0048)

Staff Presentation:

City Planner Strickland presented the request for a Special Use Permit to allow an indoor recreation facility (fitness studio) on property located at 118 Cheney Drive West, Suite 200, c/o Kerri and Calista Inc. (PZ23-0048)

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.

This property is part of the HB Properties PUD that was rezoned to this designation in 2004 with final approval of the PUD Agreement in 2017. Since the approval of the PUD Agreement the property has been under development. This is the last pad site in the development and it will house Chipotle along with other tenants. The design of this development allows for shared parking. There are several land uses within this development that have varied customer traffic and have operated during regular retail hours as well as with extended hours without incident.

The property is surrounded by commercial land uses and the development has been designed to have shared parking and provide a mix of commercial uses. The future land use map designates this area as neighborhood commercial. The characteristics associated with this designation include land uses that provide support services and small-scale commercial for the surrounding neighborhood.

A fitness center would be classified as a supporting commercial service for a neighborhood and is located along an arterial gateway constructed to handle large volumes of traffic. The increase in traffic generated by this land use should be minor.

Based on the standard and criteria applicable to a special use permit, staff has determined the proposed use is compatible with the comprehensive plan. If the special use permit is approved as presented, then we do not anticipate negative impacts beyond reasonable levels for the area.

Approval of this zoning request does not preclude the applicant from obtaining other 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:

Kerri Sumpter, applicant, presented the request for a Special Use Permit to allow an indoor recreation facility (fitness studio) on property located at 118 Cheney Drive West, Suite 200. She stated this will be

her 2nd studio and believes it is a great addition to the commerce in the area.

PZ/Questions & Comments:

- Vice Chair Perez asked about other 24-hour businesses in the area.
- City Planner Strickland stated Walmart has a Special Use Permit to allow for 24 hour operating hours, but do not operate that way at this time.
- Vice Chair Perez stated her safety concerns with the infrared lights.
- Ms. Sumpter stated the health benefits for infrared saunas. She stated there is no safety concern, and all systems have been EMF tested.
- Vice Chair Perez asked about 24 hour access.
- Ms. Sumpter stated how members gain access, and the safety precautions taken in the studio.

Public Hearing: Opened and closed without input

Discussions Followed:

- Vice Chair Perez stated she has no concerns with the request and is in favor.
- Chairman Kelley stated the use fits the zoning and is in favor.
- Commissioner Detweiler stated it is already a busy corner, so noise should not be an issue, and is in favor of the request.
- Commissioner Weatherford agreed.

MOTION: Commissioner Detweiler moved to approve the request for a Special Use Permit to allow an indoor recreation facility (fitness studio) on property located at 118 Cheney Drive West, Suite 200, c/o Kerri and Calista Inc. (PZ23-0048), as presented, with staff recommendations.

Vice Chair Perez seconded the motion.

Unanimously Approved by a vote of 4 to 0.

- b) Request for a Special Use Permit to operate a Home Occupation (art classes) on property located at 1040 Highview Lane c/o Robert Koch. (PZ23-0049)

Staff Presentation:

Planning and Zoning Director Spendlove presented the request for a Special Use Permit to operate a Home Occupation (art classes) on property located at 1040 Highview Lane c/o Robert Koch. (PZ23-0049)

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.

The property at 1040 Highview Lane is zoned R-2 and has always served as a single-family residence. The property was built in the 1970's and is located in the Hill Tract Subdivision #1.

Twin Falls County records shows the property has been owned by the applicant since 2018.

Per the 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Town

Neighborhood”, which is designated as primarily residential in character. Staff has determined the proposed use is compatible with the comprehensive plan.

Staff has reviewed the request, including impacts on the surrounding properties. The classes will be held in the garage, with no visible signs of the business from the outside of property. With only 1-2 students on property each day, classes being private and held by request only, city staff does not believe there will be an unfavorable impact to the neighborhood, due to any increased traffic or parking issues.

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:

Robert Koch, applicant, presented the request for a Special Use Permit to operate a Home Occupation (art classes) on property located at 1040 Highview Lane. He stated his business will be called Magic Valley Art Glass. He brought samples of his art work and explained the type of art classes that will be held. He stated his property has extended parking spaces to accommodate students. He stated he is asking for this use until he can open a commercial location.

PZ/Questions & Comments:

- Vice Chair Perez asked about how noise complaints are handled.
- Planning and Zoning Director Spendlove stated how the city handles noise complaints.
- Vice Chair Perez asked if the Special Use Permit stays with the address, can the type of art class change with new ownership.
- Planning and Zoning Director Spendlove stated the SUP stays with the property, but the commission can add a condition to make it specific to this applicant.
- Commissioner Detweiler asked the applicant if it is blown glass.
- Mr. Koch shared his technique and how he plans to keep it acceptable for the garage.
- Commissioner Detweiler asked is there are fire extinguishers on property.
- Mr. Koch stated there are multiple fire extinguishers on property.
- Vice Chair Perez asked if there are regulations for high temperature equipment.
- Planning and Zoning Director Spendlove stated equipment rated above commercial grade, would need to comply with the building department regulations. He stated commission should only be concerned with impact to neighborhood, the comprehensive plan, and referenced the letter of support.

Public Hearing: Opened and closed without input

Discussions Followed:

- Vice Chair Perez stated she would like to add a condition that the applicant stays with this applicant, not the location.
- Commissioner Detweiler stated he is in favor of the request and added condition.

MOTION: Vice Chair Perez moved to add a condition that the Special Use Permit be approved for this applicant only, and not being transferrable to a new property owner at this location. Commissioner Weatherford seconded the motion.

Unanimously Approved by a vote of 4 to 0.

MOTION: Commissioner Detweiler moved to approve the request for a Special Use Permit to operate a Home Occupation (art classes) on property located at 1040 Highview Lane c/o Robert Koch, as presented, with the addition of condition #3, and with staff recommendations. (PZ23-0049)
Commissioner Weatherford seconded the motion.

Unanimously Approved by a vote of 4 to 0.

6) Upcoming Meeting(s)

- a) Tuesday, September 12, 2023
No worksession in September.

7) Adjournment

The meeting adjourned at 06:45 PM

Kelli Ebersole

Kelli Ebersole, City Planner