



Twin Falls Planning & Zoning Commission Minutes

Tuesday, October 24, 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 06:03 PM

A quorum was present.

Members present Kelley, Detweiler, Campbell, Weatherford.

Staff present Spendlove, Klaver, Strickland, Ebersole, Green and Palmer.

2) Conflict of Interest Declaration

3) Consent Calendar

MOTION: Commissioner Detweiler moved to approve the consent calendar as presented. Commissioner Weatherford seconded the motion.

Roll call vote showed all members present voted. Approved 4 to 0.

a) Approval of minutes from the following meeting: October 10, 2023

4) Items of Consideration - None

5) Public Hearings - Commissioner Stone called in.

a) Request for a recommendation on a zoning district change from R-4 to R-4 with Professional Office Overlay for property located at 1301 11th Ave E. c/o Michael Rudolph FBO Activity3 WRR LLC. (PZ23-0062)

Staff Presentation:

City Planner Strickland presented the request for a recommendation on a zoning district change from R-4 to R-4 with Professional Office Overlay for property located at 1301 11th Ave E. c/o Michael Rudolph FBO Activity3 WRR LLC. (PZ23-0062)

Per City Code 10-14-4 thru 10-14-7

Zoning districts, zoning subdistricts and overlay districts shall be amended if the request is in accordance with a comprehensive plan. The commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures. The commission, prior to recommending a zoning map amendment that is in accordance with a comprehensive plan to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard.

The commission shall transmit its recommendation to the council. The commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The commission shall ensure that any favorable recommendations for amendments are in accordance with a comprehensive plan and established goals and objectives.

The council, prior to adopting, revising or rejecting the amendment to this title as recommended by the commission, shall conduct at least one public hearing using the same notice and hearing procedures as the commission.

The property has been a residential home historically and was constructed circa 1925 per county records. The applicant states he operates an IT technology service that provides support for businesses that need help with cybersecurity and other tech support. The business provides most of their services at the customers place of business. They are looking to have a small office within the community without having to operate in a highly commercial location. This is a small company offering services to local businesses. The applicant has found this property with the hopes to rezone it with a professional office overlay. Should the overlay be approved, it would allow them to move forward with a request for a special use permit to operate a professional office at this location. The narrative explained that this home is not in great condition and located so closely to a retail convenience store open until 1am daily has not been a desirable location for a residential use. It seems as though converting the home to a small office and investment in the home as a business would be a benefit to both the business as well as the neighborhood.

The property is zoned R-4 and has been categorized as Neighborhood Commercial on the Comprehensive Plan Map. Neighborhood Commercial generally provides services that are small scale and designed to compliment the neighborhood's character. Examples of such uses are offices and small retail stores. The applicant has stated the plan is to keep the character of the residence in tact with the exception of items that would be required for building compliance. The property is located within four-hundred (400') feet of an arterial that generates a heavy amount of traffic throughout the day. Adding the professional office overlay seems appropriate for this property as the professional office overlay district was intended to provide for professional office uses along or near major arterials where increased traffic has impacted residential uses. Adding the impact of the convenience store just north of the property, by allowing the professional office overlay, creates a buffer and possibly the revitalization of a property that has been impacted by the adjacent commercial property. Staff has reviewed the request and found that it is compatible with the Comprehensive Plan and would be in support of the zoning district change.

The Commission is asked to make a recommendation to the City Council on this request. The commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

Commissioner Stone arrived in meeting.

Applicant Presentation: Jeff Blick

The intent is to preserve the residential character of the property. Proximity of the intersection and neighborhood that this is a good use. If approved, it will create an entrance on busy street side and any on street would be on alley to be mindful of the residents.

followed up -

PZ/Questions & Comments:

- Commissioner Stone – none
- Commissioner Detweiler asked if it would be used solely for commercial or used as residential.
- Jeff Blick responded that it would be for office use only.
- Commissioner Campbell asked if the parking is along the street
- Planner Strickland responded that they would have to provide on-site parking.
- Commissioner Detweiler asked if the approval of a rezone would carry on with property.
- Planner Strickland responded that yes, but it must fall into specific categories to maintain.

Public Hearing: Opened

- Carol Robertson – was wondering why this is being rezoned instead of variance - people consider the street in front of their property to be their parking.
- Steve West- this was a rental that was deteriorating and he does not object but is dismayed that north side of 11th could be sacrificed as residential. This is a wedge that may further the commercial activity. Wonders if this will degrade the "historic" neighborhood.
- Tom Robertson - Seconds the comments from Steve West - Having this as professional office makes sense and he likes the setup of the building. If more professional offices are allowed along 11th that would make things difficult because of parking. He would like this to be a variance not rezoned. As long as it's not "the oldest" profession he likes that anyone going forward will have to get a new permit.
- Dorothy Dallman – She mentioned that the lots are small and she is concerned about the future of other professional businesses. She stated that Elm Street is narrow and asked if parallel parking will be allowed. What kind of structure improvements are they going to do?
- Connie Smith – She would prefer the Avenues stay strictly a residential neighborhood. She has no issue with having a professional office overlay but not a rezone.
- Jeff Blick – He stated he has lived in Twin Falls his whole life. A lot has changed around the property and it isn't viable for only residential, as a rental it has declined. This would be a low impact professional office that's cleaned up and adds value to surrounding properties. They want to respect the fact that 11th is residential and will keep the residential look they will keep the parking in the alley. He feels they can tolerate the nuisance from surrounding commercial properties more as a business than a residence and they want to be good neighbors.

- Planner Strickland pulled up the professional office overlay to show the examples of approved uses.
- Planning and Zoning Director Spendlove gave the definition of a variance and explained that land use does not qualify.

Public Hearing: Closed

Discussions Followed:

- Commissioner Campbell said she thinks it's a great use, likes the placement and that it's a buffer and likes that the applicant is willing to keep the front the same as the surrounding structures. She feels the changes will improve the value of the neighborhood.
- Commissioner Stone stated he agrees with Commissioner Campbell and likes the restrictions the overlay has.
- Commissioner Weatherford said she agrees with Commissioner Campbell. She likes that the applicant is wanting to work with the neighborhood and thinks this will be a good addition.
- Chairman Kelley stated that the possibilities are endless for any property in town as a corner piece. He feels the proximity to Addison and the other neighborhood commercial leans him towards no makes good use.
- Commissioner Detweiler stated he has concerns that it will de-value surrounding properties and open more commercial on 11th in the future he also has parking concerns.
- Planning and Zoning Director Spendlove clarified the uses for future developments.

MOTION: Commissioner Campbell moved to approve the request for a recommendation on a zoning district change from R-4 to R-4 with Professional Office Overlay for property located at 1301 11th Ave E. c/o Michael Rudolph FBO Activity3 WRR LLC. Commissioner Weatherford seconded the motion.

Roll call vote showed all members present voted. Recommended Approval by a vote of 4 to 1.

- b) Request for a Special Use Permit to allow a home occupation (dog grooming) on property located at 884 Washington Street South c/o Jon Wirfs on behalf of Jared Higley. (PZ23-0063)

Staff Presentation:

Planning and Zoning Director Spendlove presented the request for a Special Use Permit to allow a home occupation (dog grooming) on property located at 884 Washington Street South c/o Jon Wirfs on behalf of Jared Higley. (PZ23-0063)

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-4, Residential Medium Density District. Per Twin Falls Municipal Code 10-4-5.2, a Home Occupation requires a Special Use Permit in the R-4 zoning district.

According to County Records, the house was built in 1933. Records show the outbuilding/shed was built in 1962, at 192 square feet, which meets the size requirement for a "home occupation" of 400 square feet.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Neighborhood Commercial", which allows for providing supporting services and small-scale commercial for the surrounding neighborhood, and is designed to compliment the neighborhoods character.

The surrounding properties range from commercial to residential. Per the applicants narrative, the applicant has stated there will be minimal impact to the surrounding properties due to noise, and no impact due to glare, odor, and fumes. The applicant has reached out to their neighbor at 886 Washington Street South and has stated the neighbor has no concerns with this home occupation. However, as of the creation of this staff report, Staff has not received any comments from 886 Washington Street South to verify this.

Hours of operation are Monday – Friday, 8:00 am to 5:00 pm. The applicant has stated there will be a maximum of 5-6 customer vehicles at the location daily, for drop-off and pick up of the dogs. The property is located on Washington Street South, an arterial, which can handle any increased traffic load.

The site plan shows the customer access to the pet salon, using the driveway on the south side of the property, with space for customer parking and turnaround.

The applicants are the owners/residents of the property and will be the only 2 employees of this business.

Staff has determined the proposed use is compatible with the comprehensive plan.

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 conditions of approval:

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 paved driveway on property be used for access to the dog grooming facility.

Applicant Presentation: Jon Wirfs

Applicant addressed the driveway issue stating they will use the driveway that is already paved. They have plenty of turnaround space for customers. The building on the south is the one they want to use. The applicant wants to help all kinds of dogs. He specializes with aggressive dogs. Applicants want to have a nice place to be where it's quiet. There is a shortage of groomers in the area. They are close to a traffic light and that should help with traffic issues.

PZ/Questions & Comments:

- Commissioner Stone asked which driveway is being referred to in the application.
- Planning and Zoning Director Spendlove stated they need to pave the driveway that they will use.
- Commissioner Stone asked if there was a staff recommendation on which one should be paved.
- Planning and Zoning Director Spendlove responded that it just needed to be the one they use.
- Commissioner Campbell - what will you be doing with all the waste and noise
- The applicant answered that there shouldn't be extra noise. There are dogs throughout the neighborhood and barking is common. Waste is dog hair and that will be thrown away. They will not have walk-ins. Customers are coming for a reason.

Public Hearing: Opened Closed - no comments

Discussions Followed:

- Commissioner Campbell asked about the current zoning
- Planning and Zoning Director Spendlove stated that it is R-4.
- Commissioner Campbell asked if it is in compliance with the comp plan.

MOTION: Commissioner Detweiler moved to approve the request for a Special Use Permit to allow a home occupation (dog grooming) on property located at 884 Washington Street South /o Jon Wirfs on behalf of Jared Higley. (PZ23-0063)
Commissioner Stone seconded the motion.

Roll call vote showed all members present voted. Approved 5 to 0.

- c) Request for a recommendation for a zoning district change from C-1 to R-6 Professional Office Overlay for property located at 209 Washington ST N. c/o Fran Florence on behalf of 410 North Main ST LLC/Mark Balcos. (PZ23-0066)

Staff Presentation:

Senior Planner Klaver presented the request for a recommendation for a zoning district change from C-1 to R-6 Professional Office Overlay for property located at 209 Washington ST N. c/o Fran Florence on behalf of 410 North Main ST LLC/Mark Balcos. (PZ23-0066)

Per City Code 10-14-1 Whenever the public necessity, convenience, general welfare or good zoning practices require, the council may, by ordinance, after receipt of recommendation thereon from the commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property. (Ord. 2012, 7-6-1981)

Per City Code 10-14-4 Zoning districts, zoning subdistricts and overlay districts shall be amended in the following manner:

(A) Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested.

(B) If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and (Ord. 2012, 7-6-1981)

(C) If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section [10-7-20](#) of this title. (Ord. 3091, 3-2-2015)

Per City Code 10-14-6 The commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The commission shall ensure that any favorable recommendations for amendments are in accordance with a comprehensive plan and established goals and objectives.

Per City Code 10-14-7 The council, prior to adopting, revising or rejecting the amendment to

this title as recommended by the commission shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the council hearing, if said council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the council adopts the amendment.

Upon granting or denying an application to amend this title, the council shall specify:

- (A) The regulations and standards used in evaluating the application.
- (B) The reasons for approval or denial.
- (C) The actions, if any, that the applicant could take to obtain a permit.

In the event the council shall approve an amendment, such amendment shall thereafter be made a part of this title upon the preparation and passage of an ordinance. (Ord. 2012, 7-6-1981)

There is currently an insurance office located at 209 Washington St N (Parcel RPT4521001001A). This structure was converted from a residence in 2018 and was done legally through the building permit process (permit 18-2375).

As part of the 2018 permit, the second parcel (RPT4521001002A) was developed with a parking lot on the rear of the parcel. Prior to the 2018 modification, this parcel had been undeveloped for decades.

Parcels RPT4521001001A & RPT4521001002A have been zoned C-1 since at least 2018 and most likely date back to 1981. The Future Land Use map has designated these parcels as Neighborhood Commercial since the adoption of the Comprehensive Plan in 2016.

The applicant has proposed to rezone the property generally located at 209 Washington St N (Parcels RPT4521001001A & RPT4521001002A) from C-1 to R-6 with a Professional Office (PRO) overlay.

The City Future Land Use Map designates the above-mentioned parcels as Neighborhood Commercial. The 2016 Comprehensive Plan describes Neighborhood Commercial as an environment that “provides supporting services and small-scale commercial for the surrounding neighborhood” that is “designed to complement the neighborhood's character.”

Furthermore, the land use mixture prescribes neighborhood serving commercial, townhomes, condominiums, apartments, senior / student housing, small-scale office and retail, and civic and community facilities. This desired mix of uses can be served by the R-6 zone with the PRO overlay.

The R-6 zone with the PRO overlay allows for an increase of residential types but reduces the intensity of the allowed commercial uses and will further protect the neighborhood to the west of the subject parcels. Attachment 6 highlights and compares the permitted uses in the C-1 to the proposed R-6 zone with PRO overlay.

The current structure is a nonconforming structure as the side setback does not meet current standards. Nonconforming structures require a Special Use Permit (SUP) to expand the building. An insurance office is permitted by right in the C-1 zone. However, an insurance office is only permitted by a SUP in the R-6 PRO zone. This zone district change would cause

the property to further come out of compliance and should any change in use, besides those permitted by right, require a SUP. The applicant has been made aware of this issue and has not raised any concerns. This process further serves as a protection to the neighborhood to the west from more intensive commercial uses.

The property directly west (RPT4541001009A) is zoned R-6 with the PRO overlay, which is compatible with the proposed zone district change. Attachment 2 shows maps with surrounding zoning and future land use designations.

Although residential zones make up roughly 61% of our land area, the R-6 zone only makes up roughly 1.3% of the total land area of Twin Falls. R-6 is needed in addressing various housing options such as triplex, fourplex, courtyard apartments, cottage courts, and other various housing types with more than five (5) units. The comprehensive plan calls for this mixture of housing types and states we should “guide redevelopment towards vacant and underused property to promote infill development” for housing options (Housing Policy 2.3).

City Staff finds the proposed zoning district change to be compliant with the comprehensive plan by supporting desired land use patterns and housing guidelines.

Regarding the proposed Zoning District Change, the Commission may:

1. Choose to modify the proposed Zoning District Change (which may require another public hearing before the Commission).
2. Recommend the proposed Zoning District Change to the City Council.
3. Recommend the proposed Zoning District Change be denied.

Applicant Presentation:

- Fran Florence stated that it is unusual to go from commercial zone to a down zone, doing this will allow what the owners want to do. Washington has had dramatic changes and is becoming more commercial. Residential homes are becoming rentals. Parking will be off Shoup not Washington. The applicants have a lot of different ideas and R-4 makes the most sense. This development will fit the comp plan. This rezone will allow for new investments along the corridor. He feels closing off the access will send a message to people misusing the property. The applicant hopes that people will love what they are doing.
- Mark Balcos talked about how the parking lot was built with future development plans. The building has cameras, and he feels the current building has helped the neighborhood. The future development will help decrease crime. He feels more density housing will help the area.

PZ/Questions & Comments:

- Commissioner Campbell asked what the applicants are going to do? Planner Klaver answered that they want 3 - 4 units.
- Commissioner Campbell asked if they would share an entrance.
- Planner Klaver responded that we don't have specifics yet. The rezone is in line with the comp plan.
- Commissioner Stone asked what the current use is and does it fit.

- Planner Klaver yes that's the fit now
- Commissioner Campbell clarified that they are rezoning down to build a larger building and not smaller structures.
- Planner Klaver stated the applicants don't want to touch the current structure and want to build new structures.
Chairman Kelley asked staff about the restrictions on Washington St and how close to Shoup the building is.
- Planning and Zoning Director Spendove explained that the existing building is non conformitive because the road was widened after. What the applicants are asking for will require a Special Use Permit for the overlay. C-1 does not require an overlay. This will allow more protection for the surrounding properties because it will limit the uses of this property. Any business other than the insurance company will need a new permit.

Public Hearing: Opened

- Tom Williet stated he has a problem with people walking through the parking lot along fence on his property. He is opposed to t rezone for residential. He stated the alley will not work for more people driving through.
- Brend Burns stated that the office building opened her yard to the public. The area has had a problem with people trespassing at night. She feels the lot isn't big enough for what they want to do.

Public Hearing: Closed

Discussions Followed:

- Commissioner Campbell commented that this stretch of Washington makes her sad with the declining over the last 20 years. She feels that nothing could have been done to keep crime out. The current building is kept in good condition and future development will help.
- Chairman Kelley reminded that this is only a recommendation for rezoning.
- Director Spendove clarified that Commissioner Campbell lives by the property in question and that she didn't make a special trip to look.
- Commissioner Campbell stated that she drives by for other reasons.
- Commissioner Stone feels that the rezone will have less of impact on neighbors than the current zone. He is in full support.
- Commissioner Detweiler said he agrees and feels this is great and will be an improvement for the area.
- Commissioner Weatherford stated she agrees and the and feels it will be a good addition.

MOTION: Commissioner Detweiler moved to approve the request for a recommendation for a zoning district change from C-1 to R-6 Professional Office Overlay for property located at 209 Washington ST N. c/o Fran Florence on behalf of 410 North Main ST LLC/Mark Balcos. (PZ23-0066) . Commissioner Stone seconded the motion.

Roll call vote showed all members present voted. Recommend Approval by a vote of

5 to 0.

6) Upcoming Meeting(s)

a) Tuesday, November 14, 2023

7) Adjournment

The meeting adjourned at 07:25 PM

Jody Green

Jody Green, Technician