



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 9, 2024, 6:00 PM

203 Main Ave East

COUNCIL CHAMBERS

Members -

City Limits: Craig Kelley, Chairperson; Marilu Perez, Vice-Chair; Todd Rambur; Cortney Campbell; Robyn Weatherford

Area of Impact: David Detweiler

Staff members present: Spendlove, Klaver, Ebersole, Green, Wells, Caton

1) Confirmation of Quorum/Call Meeting to Order

2) Conflict of Interest Declaration

- Commissioner Campbell mentioned she lives in the area of Public Hearing item A and would like to step down for voting.

3) Consent Calendar

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

- **Commissioner Detweiler made a motion to approve the consent calendar, as presented. Commissioner Weatherford seconded the motion.**

4) Items of Consideration

a) Preliminary presentation to amend Addison Springs Zoning Development Agreement and Master Plan for property located at NE corner of Carriage Lane N and Addison Avenue E c/o Jeff Hatch on behalf of Spring Creek Storage LLC. (PZ23-0094)

Staff Presentation:

Senior Planner Klaver presented the preliminary presentation to amend Addison Springs Zoning Development Agreement and Master Plan for property located at NE corner of Carriage Lane N and Addison Avenue E c/o Jeff Hatch on behalf of Spring Creek Storage LLC. (PZ23-0094)

Per City Code 10-6-1.7 (B) The applicant is required to present a preliminary review prior to a public hearing to the Planning and Zoning Commission in which the Commission may give suggestions and ask questions of the applicant about the proposed ZDA.

Per City Code 10-6-1.7(E) Approval of a ZDA shall be based on the following standards: the proposed uses are not detrimental to surrounding properties; deviations from Title 10 shall be warranted by the design of the conceptual plan; conformance to the Comprehensive Plan, and existing and/or proposed infrastructure must be adequate for the project.

Per City Code 10-14-1 thru 8 Any application for a zoning district change shall follow the procedures outlined in these sections.

Addison Springs Zone Development Agreement (ZDA) was adopted in 2018. Since then, the northern portion has been developed with Addison Spring Apartments, and the southeastern portion has been developed with Spring Creek Storage.

A full analysis of this application will be provided during the public hearing.

Staff makes no recommendations at this time. Staff will present a full analysis of the request at the public hearing scheduled for Tuesday, January 23, 2024.

Applicant Presentation:

- Jeff Hatch clarified the drive through is facing west. He talked about the storage units that based on demand, the request has been for larger facilities.

PZ/Questions & Comments:

- Commissioner Campbell asked what the normal hours are and what are extended hours.
- Senior Planner Klaver responded that 7am – 10pm are normal anything outside of that would be extended hours.
- Commissioner Campbell asked if this could be 24 hours.
- Senior Planner Klaver responded that yes it could be.
- Chairman Kelley asked about the road if it was finished on the North side.
- Director Spendlove responded that it is not a public road and wouldn't be.

- Chairman Kelley asked about RV storage or parking.
- Jeff Hatch responded that all the storage is enclosed and there would be no outside storage.
- Cora Miller the site manager stated that all units are enclosed and will include RV and vans.
- Senior Planner Klaver explained that the ZDA includes apartments that they could change a current building if they wanted and would not need to come back. He explained that this changes the zoning regulations for the whole area.
- Jeff Hatch responded that as of right now there is no intent to modify the development to the north. The development to the south is being left open for a possible bank or office building.
- Chairman Kelley clarified that they are changing the whole area.

Commissioner Campbell stepped down for the next item.

5) Public Hearings

- a) Request for a special use permit to allow an in-home daycare service on property located at 458 Falls Ave W c/o Jeanne Ceusi (PZ23-0085)

Staff Presentation:

Senior Planner Klaver presented the request for a special use permit to allow an in-home daycare service on property located at 458 Falls Ave W c/o Jeanne Ceusi (PZ23-0085)

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 subject property is located within the Smallwood Subdivision #2, which was recorded in 1955. The subject property has a current zoning district of Residential Single Household or Duplex (R-2). There are no records of this property being rezoned.

The 2016 Comprehensive Plan has designated this property as "Town Neighborhood".

Town Neighborhood, as defined in the 2016 Comprehensive Plan: Grow With Us, is a district that is "primarily residential in character" that is "contiguous and clustered development to maximize open space and community gathering areas". Furthermore, the comprehensive calls

for a mix of land uses such as single-family attached and detached, duplexes, triplexes, and townhomes, parks and recreation facilities, schools, and civic facilities.

The Comprehensive Plan states that we should "create great neighborhoods with a wider range of housing types, mix of uses, and amenities".

Falls Avenue West is classified as an arterial street. Per City code 10-10-5 B, vehicles shall not back onto collector and arterial streets. Arterial streets are typically designed for the express movement of traffic. Backing onto an arterial can cause safety issues for the homeowner and vehicles driving down Falls Ave West. Since this neighborhood is well established, Falls Avenue West is lined with houses and their associated driveways which already adds to traffic congestion and safety concerns. Engineering has noted the increased number of vehicle trips would not be substantial enough to cause a decrease in traffic flow. However, backing onto Falls Avenue West, an arterial roadway, may pose some issues as stated previously. With this potential conflict point, staff recommends a condition of approval that requires the addition of a hammer head turnaround that shall be constructed within three (3) years of approval or shall be constructed if vehicle crash frequency increases in this area and may be attributed to backing onto Falls Avenue West, whichever comes first.

Upon conclusion, should the commission approve the request as presented, staff recommends the approval be subject to:

1. A hammer head turnaround that shall be constructed within three (3) years of approval or shall be constructed if vehicle crash frequency increases in this area and may be attributed to backing onto Falls Avenue West, whichever comes first; and
2. Site plan amendments as required by Building, Fire, Engineering and Zoning to comply with applicable City Codes and standards.

Applicant Presentation:

Prince Aganze is the son of the applicant and lives in the home. He responded to the question that 3 people are living in home.

PZ/Questions & Comments:

- Commissioner Detweiler asked if there was a driveway now.
- Senior Planner Klaver replied yes and explained the situation with the current driveway and how many cars fit. He stated there is on street parking.
- Commissioner Detweiler asked if it does or doesn't have on street parking.
- Senior Planner Klaver stated yes, the city wouldn't allow parking, but it could be used as a drop off. He explained that part of the plan is for the applicant to pick kids up instead of families dropping them off.
- Commissioner Detweiler clarified that as employees they would pick up and drop off.
- Senior Planner Klaver replied yes, and they would be the only employees - homeowner and son.
- Commissioner Rambur stated he had no questions.
- Vice Chair Perez asked how many people are living there.
- Commissioner Weatherford wanted clarification of what a hammerhead would look

like there.

- Senior Planner Klaver pulled up an example.
- Chairman Kelley asked if there are any other daycare in the vicinity.
- Director Spendlove answered yes, HeadStart is right there and showed it on the map.
- Senior Planner Klaver commented about the public input letter.

- Commissioner Rambur asked how many people they will bring into the daycare.
- Prince responded that just the 2 people for now and will have 6 kids.
- Vice Chair Perez stated she had no questions.
- Commissioner Detweiler asked if the backyard was fenced.
- Prince replied that it is.

- Prince clarified about the state license and how many you need to have one and they will only have 6 kids and will not need one at this time.
- Senior Planner Klaver stated 7 or more kids requires state license.

Public Hearing: Opened

- Wreny Blick asked if it's a state licensed and insured daycare. Stated he is the one who submitted the letter and petition. He stated his concerns regarding traffic with local schools with parents driving to and from on Falls Ave. The road gets backed up when school is in session. He is nervous that families would use his road to an alternative turn around point. He pointed out other daycare in the area.

Public Hearing: Closed

Discussions Followed:

- Vice Chair Perez stated she agrees with the letter. She questions if there are things that can be considered from the commission and feels there are valid issues. She likes the condition staff has proposed and wondered about adding a condition for a trial period for noise and traffic issues.
- Commissioner Rambur is not sure about a daycare on a main arterial. He's concerned that parents would park to drop off on wrong road.
- Commissioner Detweiler feels that 6 kids is small and likes the city condition. He agrees with Marilu about the letter. He would be in favor of it.
- Commissioner Weatherford likes the city condition with the parking and is comfortable with that option.

- Commissioner Detweiler doesn't think they would use the wrong road. He thinks they would just pull over on Falls.
- Vice Chair Perez feels the wrong road would only be a problem if the applicant isn't picking up the kids.
- Commissioner Rambur agreed with that.
- Chairman Kelley proposal is to not allow pick up or drop off.
- Commissioner Detweiler wondered if drop off is a problem then add the condition.
- Director Spendlove added that it would be difficult to know who the problem was. The city engineer noted that the only problem they saw would be backing out of the home and added the hammerhead to solve the problem.
- Chairman Kelley asked about the 3-year trial.
- Director Spendlove clarified that if the applicant using the driveway became a problem that would start the process immediately otherwise it would be 3 years.
- Commissioner Detweiler likes the idea with a 3-year condition.
- Chairman Kelley had concerns with the traffic.
- Commissioner Rambur asked who determines if it becomes an issue.
- Director Spendlove stated the city engineering dept would keep track of that.

MOTION: Commissioner Detweiler moved to approve the request for a special use permit to allow an in-home daycare service on property located at 458 Falls Ave W c/o Jeanne Ceusi (PZ23-0085). Commissioner Weatherford seconded the motion.

Roll call vote showed all members present voted. Approved 3 to 2.

Commissioner Campbell returned to the stand.

- b) Request for a Special Use Permit to allow an automobile and truck service and/or repair (oil change services) on property located at 1350 Blue Lakes Blvd. N c/o Jeff Likes (PZ23-0086)

Staff Presentation:

City Planner Ebersole presented the request for a Special Use Permit to allow an automobile and truck service and/or repair (oil change services) on property located at 1350 Blue Lakes Blvd. N c/o Jeff Likes (PZ23-0086)

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 C-1 PUD, located within the Blackhawk-Lowes PUD.

The proposed lot is paved and has been used for overflow parking.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Mixed Use", which serves local and regional commercial and allows high intensity mixed use development in a compact, pedestrian oriented environment.

Staff has determined the proposed use is compatible with the comprehensive plan, and is similar to uses of neighboring properties.

The applicant is proposing to develop the property located between the Oasis Gas Station and Banner Bank along Blue Lakes Boulevard North.

Per the narrative, the facility will consist of three (3) service bays, generating twenty-five (25) vehicle trips per day. According to the ITE Trip Generator Manual, a Quick Lubrication Vehicle Shop generates an average of forty (40) trips per weekday, per servicing position. The applicant's trip assessment may be low, but still within the ITE Manual's average trips per day.

The property is located on Blue Lakes Boulevard North, a major arterial roadway, which can handle any additional traffic generated by this proposed use. This use is compatible with the pattern of development along Blue Lakes Boulevard North.

The stated hours of operation are Monday – Friday, 7am – 7pm, Saturday, 8am – 6pm, and Sundays, 9am – 5pm. The hours of operation fit within the allowed retail hours of operation.

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:

- Jeff Likes was on the phone. He explained the access and the layout of the drive through facility. He responded about the fact that they will be going through the plat process in the future with a new landscape plan.

PZ/Questions & Comments:

- Vice Chair Perez asked if there are any required improvements.
- Planner Ebersole explained that would be handled with the building permit process.
- Vice Chair Perez asked if the landscaping is maintained by Lowe's or would the applicant take over that.
- Planner Ebersole responded that if the applicant wanted to purchase the property, they would have to plat it and that would include maintenance of landscaping. If they lease it, Lowe's will continue to maintain the landscaping.
- Commissioner Weatherford asked if the entry would be by the arterial parking lot.
- Planner Ebersole showed the layout for the entry.

- Commissioner Detweiler asked if it's more an oil change or repair shop. He doesn't see a lot of parking.
- Jeff responded that it is an oil change only. The parking is only for employees.
- Commissioner Detweiler asked if there is a waiting room.
- Jeff answered that customers will not leave their cars.

Public Hearing: Opened and closed with no public input

Discussions Followed:

- Vice Chair Perez likes this idea.
- Commissioner Detweiler likes the idea.
- Commissioner Campbell questioned the two lanes but feels if the city doesn't have an issue, she is in favor.
- Commissioner Detweiler feels like it's a big parking lot and will flow ok.

MOTION: Commissioner Detweiler moved to approve the request for a Special Use Permit

to allow an automobile and truck service and/or repair (oil change services) on property located at 1350 Blue Lakes Blvd. N c/o Jeff Likes (PZ23-0086). Commissioner Campbell seconded the motion.

Roll call vote showed all members present voted. Approved 6 to 0.

- c) Request for a Special Use Permit to allow a detached garage (more than 1,000 square feet) on property located at 871 Drayton Ave c/o Jeff Couch on behalf of Michael Pittman (PZ23-0091)

Staff Presentation:

City Planner Ebersole presented the request for a Special Use Permit to allow a detached garage (more than 1,000 square feet) on property located at 871 Drayton Ave c/o Jeff Couch on behalf of Michael Pittman (PZ23-0091)

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.

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- 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, Residential Single Household or Duplex, located in the Broadmoor Subdivision.

The surrounding properties are all residential uses.

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for “Town Neighborhood”, which is primarily residential in nature.

The applicant’s narrative states the accessory building will be for personal use only, to store a camper and side by side vehicles. There are other properties in the same neighborhood that have similar buildings on their property.

Twin Falls City Code Title 10-11-4 states residential driveway approaches shall not exceed thirty-six (36) feet and at least two (2) feet between the end of a driveway and a side property line. Staff has determined, as the current driveway approach measures thirty-six feet, the applicant will not be allowed to increase the approach width.

Based on the zoning and the surrounding properties, 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:

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 driveway approach for the property not to exceed 36 feet per Twin Falls Municipal Code Title 10-11-4.

Applicant Presentation:

- Jeff Couch clarified that this is just for personal use.

PZ/Questions & Comments:

- Vice Chair Perez asked about the driveway width.
- Director Spendlove explained that code was written with that width, and it was probably for aesthetic reasons.
- Commissioner Detweiler asked if there is an HOA.
- Planner Ebersole didn’t think so.

Public Hearing: Opened and closed with no public input

Discussions Followed:

- Commissioner Rambur thinks this looks good.
- Vice Chair Perez agreed.

MOTION: Commissioner Campbell moved to approve the request for a Special Use Permit to allow a detached garage (more than 1,000 square feet) on property located at 871 Drayton Ave c/o Jeff Couch on behalf of Michael Pittman (PZ23-0091). Commissioner Detweiler seconded the motion.

Roll call vote showed all members present voted. Approved 6 to 0.

- d) Rescheduled - Request for a Special Use Permit to allow professional services (IT services) on property located at 1301 11th Ave E c/o Activity3, LLC (PZ23-0092)
- e) Request for recommendation to consider an expansion of the City of Twin Falls Area of Impact Boundary for 3 properties near the intersection of Champlin Way and Kimberly RD. c/o Gerald Martens (PZ23-0098)

Staff Presentation:

Director Spendlove presented the request for recommendation to consider an expansion of the City of Twin Falls Area of Impact Boundary for 3 properties near the intersection of Champlin Way and Kimberly RD. c/o Gerald Martens (PZ23-0098)

The process roughly outlined in Idaho Statute 67-6526 and 67-6509 as follows:

1. The City Council shall submit the questions to the Planning and Zoning Commission for a recommendation. The direction from City Council should include a reasonable deadline for the commission to make this recommendation.
2. The Planning and Zoning Commission makes a recommendation to the City Council.
3. The City Council notifies the County of the requested change to the Area of Impact.
4. The City (and simultaneously the County) Planning and Zoning commission holds a public hearing, and makes a recommendation.
5. The City Council (and simultaneously the Board of County Commissioners) passes an ordinance amending the boundary and the applicable plan/ordinances for the new area.

The action associated with this item today is #2 listed above.

N/A

The exact process by which an area of impact is modified between Cities is not entirely clear within the Idaho Statute. However, it is known a recommendation is required from the Planning and Zoning Commission on "the questions". It is our interpretation that the questions at hand are which Comprehensive Plan and Land use Development Code should be utilized. Further down the process, an additional hearing will take place to determine which Future Land Use Designation and Zoning District should be enacted on the property.

It is our recommendation that we stick with the current Area of Impact Agreement language which would utilize the City of Twin Falls Comprehensive Plan and City of Twin Falls Land Use Development Code for this new area.

The Commission is tasked with making a recommendation to the City Council on which Comprehensive Plan and Land Use Code should be adopted for the new Area of Impact properties.

Sample motion: *"I motion to recommend the City of Twin Falls Comprehensive Plan and City of Twin Falls Land Use Development Code be utilized for the expanded area."*

PZ/Questions & Comments:

- Commissioner Detweiler asked why they wanted to do this.
- Director Spendlove pulled up a map to explain where this is and why we would include this property.
- Commissioner Campbell asked about the sewer capacity.
- Director Spendlove replied that we do have capacity. The limitation is the pipes in the ground and how big they are. Water is not an issue.
- Commissioner Weatherford asked if there could be future impact.
- Director Spendlove responded that any time you expand your area of impact or city service line or your service boundary you do have an impact on how we deliver services.
- Commissioner Detweiler had questions about if the city removed properties from the area of impact.
- Director Spendlove answered why properties would be moved in and moved out.
- Vice Chair Perez asked if the county code was the same as the city.
- Director Spendlove said the county is different. They will negotiate with each city on which code they will enforce for the city's area of impact. We have the county use ours.

Public Hearing: Opened and closed with no public input

Discussions Followed:

- Vice Chair Perez asked if this recommendation is approved is the next step to decide what to zone the new area of impact.
- Director Spendlove clarified what they were recommending and what the next steps will be for this item.
- Commissioner Detweiler asked if this is approved then would the city decide the zone.
- Director Spendlove stated that this is a recommendation. The city council and the Board of County Commissioners will then pass an ordinance amending the boundary, the plan and the zones.
- Vice Chair Perez has no issues.
- Commissioner Rambur has no issues.
- Commissioner Detweiler feels this looks good.

- Commissioner Weatherford has no issues.

MOTION: Commissioner Campbell moved to recommend the request for recommendation to consider an expansion of the City of Twin Falls Area of Impact Boundary for 3 properties near the intersection of Champlin Way and Kimberly RD. c/o Gerald Martens (PZ23-0098). Commissioner Detweiler seconded the motion.

Roll call vote showed all members present voted. Approved 6 to 0.

6) Upcoming Meeting(s)

- a) Tuesday, January 23, 2023.
- b) Discussion for new concept for work sessions.

7) Adjournment

Jody Green

Jody Green, Planning Technician