



Twin Falls Planning & Zoning Commission Minutes

Tuesday, October 8, 2024, 6:00 PM

203 Main Ave East
Twin Falls, ID 83301

COUNCIL CHAMBERS

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact: Susan Petruzzelli

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 06:00 PM

Members Attending: Titus, Rambur, Weatherford, Zimmerman

Staff Attending: Spendlove, Klaver, Ebersole, Green, Schuerman

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Approval of minutes from the following meeting: September 24, 2024

Commissioner Zimmerman made a motion to approve the consent calendar, as presented.

Commissioner Rambur seconded the motion.

4) Items of Consideration

- a) Request for the consideration of the Preliminary Plat for Haven Rock Subdivision, consisting of 214 lots on 24.39 acres located at 761 Filer Avenue West. c/o Rex Harding on behalf of Ray Perron. (PZ24-0055).

Staff Presentation:

Senior Planner Klaver presented the request for the consideration of the Preliminary Plat for Haven Rock Subdivision, consisting of 214 lots on 24.39 acres located at 761 Filer Avenue West. c/o Rex Harding on behalf of Ray Perron. (PZ24-0055).

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:

1. The conformance of the subdivision with a Comprehensive Plan.
2. The availability of public services to accommodate the proposed development.
3. The continuity of the proposed development with the capital improvement program.
4. The public financial capability of supporting services for the proposed development; and
5. 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 last official Plat done on this parcel was the Orchalara Subdivision and was done in 1908. Since then, Lots 4,5, & 6 have been broken up. November 11, 2023 the Martin Street Development Zoning District Agreement was adopted for this proposed area.

Staff has reviewed the preliminary plat based on the proposed development plan, the zoning regulations and comprehensive plan and finds that the preliminary plat is within compliance should the applicant conform to Staff's recommended conditions.

Upon conclusion, this preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3, all regulations regarding R-4 zoning development standards, and the 2016 comprehensive plan. All general criteria for approval have been met, per State Statute 50 - Chapter 13.

Should the Commission approve this request as presented, staff recommends approval be subject to the following conditions:

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 submittal of a preliminary plat submitted, prior to final plat submittal, showing compliance with all conditions and comments in Engineering Memorandum dated July 8, 2024; and
3. Subject to landscape plan submitted, prior to final plat submittal, showing compliance with all conditions and comments in Parks and Recreation Memorandum dated August 19, 2024.

PZ/Questions & Comments:

- Commissioner Rambur asked if was it approved to the east for multifamily.
- Senior Planner Klaver clarified what was approved and that there were no significant changes.
- Commissioner Rambur asked if it was supposed to start in the south end and move north.
- Chairperson Titus asked to clarify any existing roads and if there are any new roads.
- Senior Planner Klaver explained which ones were existing roads and where the new roads will be.
- Commissioner Rambur asked if the roundabout and Martin St exchange were already approved.
- Senior Planner Klaver stated they were part of the condition of the ZDA.
- Commissioner Rambur asked about the canal.
- Senior Planner Klaver stated all water rights will be preserved.
- Director Spendlove stated the phases were not conditions but were discussed.

Applicant Presentation:

Rex Harding corrected the number of single 112 total of 256 units. They are working with the city on the roundabout and Martin Street. The internal streets will be public streets. The south-east area is being worked on and they might go together on water.

PZ/Questions & Comments:

- Commissioner Rambur asked if they have had any dialogue with the neighbors.
- Rex Harding replied that they have talked with one and she wanted to make sure she has access to the water.
- Commissioner Rambur asked about the house to the west.
- Rex Harding stated they have not since the ZDA was approved.

Public Hearing: Opened

- Gerald McNabb asked what is the city going to do with the abandoned property and how are they going to get access to water with the roundabout.

Public Hearing: Closed

- Senior Planner Klaver explained that the roads and roundabout are still being designed and the access for others is always considered.
- Chairperson Titus asked if the city has certain roadways and accesses do they have to have a certain distance from the intersection.
- Senior Planner Klaver replied that they do have standards but he does not have specifics.
- Gary Perron is an applicant and answered the questions about the phasing.

Discussions Followed:

- Commissioner Rambur is in favor of the 50' setback. He feels this fits the comprehensive plan with multifamily close.
- Commissioner Weatherford feels this fits and likes it.

MOTION: Commissioner Rambur moved to approve the request for the consideration of the Preliminary Plat for Haven Rock Subdivision, consisting of 214 lots on 24.39 acres located at 761 Filer Avenue West. c/o Rex Harding on behalf of Ray Perron. (PZ24-0055). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

5) Public Hearings

- a) Request for a Special Use Permit for a home occupation (dog grooming) on property located at 782 Bighorn Dr. c/o Stephanie Fort-Baliola (PZ24-0093).

Staff Presentation:

City Planner Ebersole presented the request for a Special Use Permit for a home occupation (dog grooming) on property located at 782 Bighorn Dr. c/o Stephanie Fort-Baliola (PZ24-0093). 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 is zoned R-2, Residential Single Household or Duplex District and located in the Twin Falls Grandview Estates Subdivision. Per city code, a Home Occupation requires a Special Use Permit in the R-2 zoning district.

According to County Records, the house was built in 2018. Records show the base square footage is 2,740 square feet. According to the narrative and site plan, the applicant will be using one room of the home for the grooming business (144 square feet), meeting the size restriction for a "home occupation" of 400 square feet.

The applicant stated in their narrative that the business will service one dog at a time, with an estimate of five (5) dogs per day. This business will be a sole proprietorship, with no other employees.

Hours of operation are Monday – Thursday, 8:00 am to 5:00 pm. Clients will drop off their dog at their scheduled appointment time and be expected to pick up within 30 minutes of completion. There is accessible customer parking in the driveway and in front of the home.

The surrounding properties are primarily residential. Per their narrative, the applicant has stated there will be minimum impact to the surrounding properties due to noise, as all work will happen indoors, and no impact due to glare, odor, and fumes. The applicant has stated any dog waste will be picked up immediately and disposed of properly.

Per City Code 10-10-2, off-street paved parking is required for a home occupation. The property has a paved driveway with two available spaces for customer drop off and pick up. The street frontage may also be used by customers.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Town Neighborhood", which is primarily residential in character, lot sizes are smaller than found in Rural Residential, with contiguous, and clustered development to maximize open space and community gathering areas. This designation consists of single-family homes, attached and detached, duplexes, triplexes, and townhomes, parks and recreation facilities, schools, and Civic facilities.

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

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

The commission is tasked with making a ruling on the request. The commission may approve the request, as presented, approve the request with added conditions, deny the request, or table for further information. 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:

Stephanie Fort-Baliola has been a groomer for 7 years. Her clients are established and will follow her to her new business. She can change hours if needed. Everything is indoors. She has a company that comes once a week to clean outside.

Public Hearing: Opened

- Greg Fulton spoke and was concerned about traffic in the future. He asked about the homeowners association and if they have been contacted because CC&R's don't allow a home business.
- Chairperson Titus spoke that HOA and CC&R's are not enforced by the city.
- Stephanie Fort-Baliola stated the traffic won't change and she did talk to the HOA.
- Chairperson Titus asked if employees can be added.
- Director Spendlove answered no.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur feels this is appropriate with town neighborhood.
- Commissioner Zimmerman asked if complaints happen can they revoke the permit.
- City Planner Ebersole replied that yes they can.

MOTION: Commissioner Weatherford moved to approve the request for a Special Use Permit for a home occupation (dog grooming) on property located at 782 Bighorn Dr. c/o Stephanie Fort-Baliola (PZ24-0093). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- b) Request for a recommendation to City Council to approve a Zoning District Change from R-6 to C-1 on property located on the south side of the 1900 block of 4th Avenue East. c/o Ajia, LLC on behalf of Perrine Investments, LLC (PZ24-0094).

Staff Presentation:

City Planner Ebersole presented the request for a recommendation to City Council to approve a Zoning District Change from R-6 to C-1 on property located on the south side of the 1900 block of 4th Avenue East. c/o Ajia, LLC on behalf of Perrine Investments, LLC (PZ24-0094).

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 is currently zoned R-6, Multi-Family Residential. This property is vacant and has never been developed per County records.

This property is located in the Twin Falls Acres Inside, and consists of approximately 6.39 acres.

The property is located between Manufacturing and Residential zones.

The applicant has proposed to rezone this property to C-1, Commercial Highway District, to be developed for commercial uses.

City Staff finds the result of this change may create an area that will serve the current development, both residential and manufacturing/businesses.

The potential detrimental impacts on surrounding areas will be largely due to the location of the flood plain, with the canal running through the eastern portion of the property. The applicant will need to have the project surveyed to determine how much of the property is located in the flood plain, and work with the Twin Falls Canal Company during the construction phase of the project to determine appropriate setbacks.

The potential impact of changing the zoning density may pose some problems with land use compatibility for the neighbors to the North and West. The commission should take this into consideration and determine if the uses are compatible.

The Comprehensive Plan designates this area as "Town Neighborhood", which is primarily residential in character. The Future Land Use map shows a small portion designated as "commercial". This line of distinction should be viewed as "fuzzy," allowing the Commission to interpret which designation is most appropriate. With this property's location between a Light Manufacturing zone and residential (multi-family), the Commercial Highway District may make a transitional zone between the two. As this property has never been developed, commercial businesses in this area are a good use of the property, as it may serve the surrounding business and residential communities.

Staff has determined this request is compatible with the 2016 Grow with Us Comprehensive Plan.

This specific project accomplishes a number of goals found in the Comprehensive Plan:

- Land Use Goal 3: Encourage mixed use developments that provide the benefits of more compact, denser development with a mix of living, shopping, and working environments.
- Land Use Goal 5: Create great neighborhoods with a wider range of housing types, mix of uses and amenities.

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, modify the request, add conditions to the amendment request, or it may recommend that the amendment be denied.

PZ/Questions & Comments:

- Chairperson Titus asked if C-1 has side and rear setbacks are there any with residential.
- City Planner Ebersole replied there are when next to residential.
- Commissioner Rambur asked if when they decide what they are building will that come back to the city.
- City Planner Ebersole replied that it comes for building review as long as it's permitted.

Applicant Presentation:

Ben Lida from Ajia stated they have no plans for development and they want open options.

Public Hearing: Opened and closed with no public input

Discussions Followed:

- Commissioner Rambur feels this is compatible with comprehensive plan.
- Commissioner Weatherford feels this fits with the surrounding area.
- Commissioner Zimmerman would like in addition to the setback more landscaping.

MOTION: Commissioner Weatherford moved to approve the request for a recommendation to City Council to approve a Zoning District Change from R-6 to C-1 on property located on the south side of the 190 block of 4th Avenue East. c/o Ajia, LLC on behalf of Perrine Investments, LLC (PZ24-0094). Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- c) Request for a recommendation to City Council to approve a Zoning District Change from C-1 PUD to C-1 on property located on the north side of the 2000 block of Pole Line Road East (Entirety of Pillar Falls Plaza Subdivision). c/o Greg Elmore on behalf of Dirk Reitsma (PZ24-0095).

Staff Presentation:

Senior Planner Klaver presented the request for a recommendation to City Council to approve a Zoning District Change from C-1 PUD to C-1 on property located on the north side of the 2000 block of Pole Line Road East (Entirety of Pillar Falls Plaza Subdivision). c/o Greg Elmore on behalf of Dirk Reitsma (PZ24-0095).

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.

Zoning Map Amendment: 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. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title.

In June 2009, the subject area had a Planned Unit Development (PUD) created called "Pillar Falls Plaza PUD". This PUD called for Townhomes on the North portion, Hotel on the Northwest portion, and the Neighborhood shopping / professional center on the South portion of the property.

In August 2018, a final plat, Pillar Falls Plaza PUD, was recorded with the county. These lots have been in a trust with the City of Twin Falls ever since due to construction of the subdivision infrastructure not being complete.

Current Entitlements on the Property (C-1 CRO PUD, Pillar Falls Plaza):

1. A master sign plan is required.
2. A master landscape plan is required. Increased of landscape buffer between uses
3. Architectural requirements
4. The Pillar Falls Plaza PUD primarily points to base zoning districts as their intended design.
 - o The residential areas point to R-6 with little to no modification of standards.
 - o The hotel area points to C-1 zoning district, but modifies the height to thirty-five (35') feet and restricts the allowed uses to hotel and sit down restaurant.
 - o The neighborhood commercial area points to the NCO district.

Proposed Entitlements on Property (C-1 CRO):

1. Signs to follow Twin Falls Municipal Code 10-9.
2. No master plan is required. Standards follow Title 10 of Twin Falls Municipal Code.
3. No Architectural requirements
4. Zoning will follow C-1 standards for entire area.
 - o Height: The property is in the Canyon Rim Overlay. This means height requirement is as follows: Twenty-five feet (25') in height measured at fifty linear feet (50') from the canyon rim and rising evenly to thirty-five feet (35') in height measured at one hundred linear feet (100') from the canyon rim, and thereafter rising evenly to fifty feet (50') in height measured at one hundred fifty linear feet (150') from the canyon rim.
 - o No master plan requirement

Comprehensive Plan:

2016 Future Land Use map designates this area as Mixed Use. The Mixed Use designation calls for development that serves local and regional commercial facilities that are sited at intersections of major arterials. Typically, this designation or area is anchored by a grocery store, civic or entertainment uses. The comprehensive plan calls for a land use mixture such as retail, office, restaurants, vertical mixed use, town homes, apartments, hotels, etc.

Upon conclusion, the commission is tasked with making a recommendation to the City Council on the zoning designation being requested by the applicant. The commission may recommend the proposed zone change from C-1 PUD to C-1, recommend the C-1 PUD zoning be maintained, recommend an alternative zoning designation, or table the request to acquire new information.

PZ/Questions & Comments:

- Chairperson Titus asked if the rest of the PUD stays.
- Senior Planner Klaver replied that this would dissolve the whole PUD.

- Commissioner Weatherford asked about the infrastructure.
- Senior Planner Klaver explained the infrastructure is roads, sewer and water.

Applicant Presentation:

Greg Elmore explained that they have been working on this with city staff for a while. They are wanting to remove the PUD to allow them more freedom to develop. He stated they will have to adjust the lots to accommodate what they would like to do. He explained that they do not want to do anything that is not allowed in the C-1 zone. They do not have set plans, they are just trying to make this property make sense to build on.

PZ/Questions & Comments:

- Chairperson Titus asked staff if they know the zoning in the county for the surrounding areas.
- Director Spendlove replied that SUI (suburban urban interface) is the zone they use.
- Chairperson Titus asked if PUD's were required along the canyon rim.
- Director Spendlove stated that it used to be but was changed. There are still landscape and height requirements.

Public Hearing: Opened

- Cathryn Strong stated her only concern is a gas station with a lot of lights.
- Nick Kirchner owns property near and has concerns with things that might block views and a few things that will be put there.
- Rick Geisler wants to know why a gas station would go there and why change the zoning to allow this. He stated the neighbors were there first.
- Gary Perron was involved in the start of this project. He feels the C-1 zone is appropriate.
- Tyler Elison talked about the property to the south. He owns property in the south property with a C-1 PUD that has the same limitations and doesn't like that a specific area in the PUD changed the zone to change the height restrictions and feels this property is wanting to do the same.

Greg Elmor clarified that they are keeping the zone but removing the PUD. They will follow the required setback from the rim. A lift station will need to be put in and they will have to put that in.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur asked what the height restriction difference is.
- Senior Planner Klaver explained that the C-1 PUD limits it to 35' across the whole property. The C-1 has different options depending how far away you are from the rim. Can go up to 50'.
- Commissioner Rambur asked how far the south portion of the lot to the rim is.
- Director Spendlove responded that the east edge is 600' from Pole to the canyon rim.
- Commissioner Zimmerman asked if the use of a building can change.
- Director Spendlove explained that the ZDA locks in what can go where.
- Chairperson Titus feels like the intent behind the original was an attempt to buffer.

- Commissioner Rambur doesn't like the C-1 zone for the whole lot.
- Chairperson Titus likes the look of what was presented with different zones.
- Commissioner Zimmerman feels that they should keep the zones as presented on the original Master Plan keeping the base zone for the north R-6, the east side C-1 and the south C-1 with a NCO overlay and removing the ZDA. She doesn't think the lines need to be moved.

MOTION: Commissioner Zimmerman moved to approve the request for a recommendation to City Council to approve a Zoning District Change from C-1 PUD to R-6 on the north side, C-1 on the east side and C-1 NCO on the south side on property located on the north side of the 2000 block of Pole Line Road East (Entirety of Pillar Falls Paza Subdivision) c/o Greg Elmore on behalf of Dirk Reitsma (PZ24-0095). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- d) Request for a recommendation to City Council on the appropriate zoning designation for a proposed annexation of approximately 9.58 acres on the south side of the 300 block of Diamond Ave W. c/o Gary Palmer (PZ24-0097) - RESCHEDULED TO NOVEMBER 19, 2024

6) Upcoming Meeting(s)

- a) October 22, 2024

7) Adjournment

The meeting adjourned at 08:11 PM

Jody Green

Jody Green, Planning Technician