



Twin Falls Planning & Zoning Commission Minutes

Tuesday, November 19, 2024, 6:00 PM

203 Main Ave East
Twin Falls, ID 83303

Members -

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

Area of Impact:

1) Confirmation of Quorum/Call Meeting to Order

Vice-Chair Campbell called the meeting to order at 06:00 PM

Members Attending: Campbell, Rambur, Weatherford, Herrgesell, Zimmerman

Staff Attending: Spendlove, Klaver, Strickland, Ebersole, Green, Handley

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Approval of the minutes from the following meeting: October 22, 2024

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

- b) Approval of the minutes from the following meeting: November 4, 2024

Commissioner Rambur made a motion to approve the consent calendar, as presented. Commissioner Herrgesell seconded the motion.

4) Items of Consideration

- a) Preliminary Presentation for Planning and Zoning Commission on a PUD Amendment. Amend the master plan of the Campus Park PUD to allow for increase of square footage of residential structures. (Add a new building to the east side of the parking lot.) c/o Jared Nielson on behalf of Falls Crossing (PZ24-0114).

Staff Presentation:

Senior City Planner Klaver presented the preliminary Presentation for Planning and Zoning Commission on a PUD Amendment. Amend the master plan of the Campus Park PUD to allow for increase of square footage of residential structures. (Add a new building to the east side of the parking lot.) c/o Jared Nielson on behalf of Falls Crossing (PZ24-0114).

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.

N/A

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, December 3, 2024.

PZ/Questions & Comments:

- Commissioner Rambur asked if the setbacks were adequate.
- Senior Planner Klaver stated it is.
- Commissioner Rambur asked if parking is adequate.

- b) Consideration of Resolution 2024-010 validating conformity of the Southwest Urban Renewal Project Plan with the City Comprehensive Plan c/o Urban Renewal Agency of the City of Twin Falls (PZ24-0125).

Staff Presentation:

Planning and Zoning Director Spendlove presented the consideration of Resolution 2024-010 validating conformity of the Southwest Urban Renewal Project Plan with the City Comprehensive Plan c/o Urban Renewal Agency of the City of Twin Falls (PZ24-0125).

Per State Statute, the Planning and Zoning Commission is tasked with making a decision on the resolution (see attachments) validating the conformity of this URA Plan with the City Comprehensive Plan. A majority vote of the Commission will decide the outcome of this request.

N/A

N/A

The Planning and Zoning Commission is tasked with making a decision on this request, including the associated resolution.

The following options are available: approve the request, deny the request, or table the request for additional information.

Sample Motion: I move to approve Resolution 2024-010 confirming the conformity of the Southwest Urban Renewal Project Plan with the City Comprehensive Plan.

PZ/Questions & Comments:

- Vice-Chair Campbell asked if Planning and Zoning feels it is in compliance.
- Director Spendlove replied it is and falls in line with the comprehensive plan.
- Commissioner Rambur asked about the residential area on the southeast corner.
- Director Spendlove explained that they would be notified if anything changes.

MOTION: Commissioner Weatherford moved to approve Resolution 2024-010 confirming the conformity of the Southwest Urban Renewal Project Plan with the City Comprehensive Plan. Commissioner Herrgesell seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

5) Public Hearings

- a) 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)

Staff Presentation:

City Planner Strickland presented the 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)

COMMISSION RECOMMENDATION REQUIRED: Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission on the proposed plan and zoning ordinance changes for the unincorporated area. The council shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendment or repeal until recommendations have been received from the commission.

PUBLIC HEARING:

- A. The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes.
- B. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the proposal with its recommendations to the council.
- C. The council, prior to adoption, amendment or repeal of the plan or zoning ordinance, shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the hearing of the council, if the council makes a material change in the plan or zone, further notice and hearing shall be provided before the council adopts the plan or zone
- D. Concurrently or immediately following the adoption of an ordinance of annexation, the council shall amend the planning and zoning regulations as shall be found to be necessary.

The area surrounding the property to the east and to the south were approved to

rezone from R-4 to M-2 in 2018. Earlier this year, there was a request that is a little further south for a property to be annexed, located generally at the southwest corner of Washington Street S and Park Ave (extended), with the M-2 zoning designation. The commission recommended approval of the proposed zoning and council confirmed the recommendation and approved the annexation with the M-2 zoning designation. Although a declaration of land use is not required with a rezone request, the commission can take into consideration for the difference between the zones and the land use allowances when making their recommendation. The current zoning for the property is the area of impact and is county jurisdiction. Within the Area of Impact the county points to and utilizes City zoning standards. Records show the property has been the R-4 zone, a residential zoning designation, in an area surrounded by properties zoned M-2, Heavy Manufacturing. These two (2) zoning designations are very different in comparison to land use allowances and land uses. Staff has provided a copy of the R-4 and M-2 zoning codes for reference in the staff report packet. The properties to the south, east and west are undeveloped while the property to the north is occupied by an industrial land use.

As part of the consideration, the commission must also review the comprehensive plan to determine if the zone requested would be appropriate and compatible with the future land use plan. Keeping in mind that the Comprehensive Plan is a guide to what the City proposes for the area and the designations are fluid, they are not attached to property boundaries and represent what would generally be compatible with the surrounding area. The current R-4 zoning designation would generally not be compatible with the future land use plan for this area,

The designation for this property is Industrial/Flex/Employment: This designation is characterized by businesses that provide non-retail employment and support local industries within the community, such as hotels, restaurants and other retail uses. The property is generally located near regional roads and railways. In reviewing the comprehensive plan designation and the proposed zoning change, M-2 would be more compatible with the plan and supports the goals of the comprehensive plan which is to allow future industrial growth in this area.

Taking into consideration the comprehensive plan and the land use/zoning of the surrounding properties, staff would be in support of the request, as presented. 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 R-4 to M-2, recommend the R-4 zone be maintained, recommend an alternative zoning designation, or table the request to acquire new information. Should the commission recommend approval staff recommends the following conditions:

1. Right-of-Way Dedication for Diamond Avenue W.
2. Diamond Avenue W. Right-of-Way improvements completed at the time of development.

Sample Motions:

1. *Move to recommend to City Council the property be zoned M-2, as presented.*
2. *Move to recommend to City Council the property be zoned _____.*
3. *Move to table the request to a date certain.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

- Commissioner Rambur feels that with the M-2 zone to the north that this is a good option.
- Commissioner Herrgesell feels with the surrounding also changing to M-2 this shouldn't be an issue.

MOTION: Commissioner Herrgesell moved to recommend 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). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- b) Request for a Variance to the front yard setback on property located at 448 Addison Ave. c/o Arnel Culum. (PZ24-0109). - **Rescheduled**
- c) Request for a Special Use Permit to allow an automobile and truck service and/or repair on property located at 328 5th Ave W. c/o Logan Summers (PZ24-0111).

Staff Presentation:

City Planner Ebersole presented the request for a Special Use Permit to allow an automobile and truck service and/or repair on property located at 328 5th Ave W. c/o Logan Summers (PZ24-0111).

Per City Code 10-4-7.2 states "a special use permit is required for "Automobile and truck service and/or repair".

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.

Upon Granting a Special Use Permit, Conditions May Be Attached To A Special Use Permit Including, But Not Limited To, Those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in this Title.

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-B, Commercial Central Business, which is intended to provide for commercial activities of various sizes with residential opportunities for persons wishing to work and live in a unified environment.

The applicant has owned the property since 2021.

The surrounding neighborhood is mixed with residential and commercial uses. There are other vehicle repair/service shops to the southeast and west of the property with residential uses to the northwest.

The applicant states he expects to see one (1) – four (4) vehicles a day and is self-employed. Along with the repair shop, the applicant runs a 24/7 roadside repair business.

Normal operating hours are stated to be 8:00 am – 8:00 pm. The applicant states there will be minimal impact to the surrounding properties due to noise, with the occasional use of pneumatic tools that can be heard up to twenty (20') feet from outside the building. According to the applicant, there will no impact from glare, odor, fumes, or vibrations, as the property is surrounded on all three (3) sides with automotive shops.

The applicant lives in the residential unit on property. A condition has been added to the Special Use Permit stating that the residence is not used for business, meaning there can be no customers in the residence during business hours.

Parking is tight at this property. This property is located within the P2 Parking Overlay, which allows for a 30% reduction to the minimum parking requirement. Therefore, the minimum parking spaces required on property are two for the residence, and three for business use. A condition has been added to the permit stating the required parking spaces for the residence and business be located on property, and not in the public Right-of-Way. The applicant has provided a site plan showing the proposed parking will be in front of the property on 5th Avenue West, with nighttime storage of vehicles located between the home and shop.

Screening between commercial and residential properties is required to be installed by the commercial use. There appears to be a six (6') foot wood fence installed between the applicant's property and the residential property to the northwest. Screening is also required for any non-operating vehicles and/ or car parts left outside. A condition has been added to require all non-operating vehicles and/or parts be stored within a screened area or inside a building.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Downtown/High Density" uses, which defining characteristics are:

- Central business district serving the local and regional area• Diverse mix of land use, including restaurants, retail, community and civic facilities, and residential
- Encourages redevelopment and infill
- Scaled to create a functional, walkable, pedestrian-friendly environment
- Civic and community facilities that are open to the public
- Regional and local educational and community serving facilities.

Staff had determined the proposed use may be compatible with the comprehensive plan, as there are other automobile/truck service facilities nearby, but has concluded that this location may not be the best fit for this business. Based on the standards for approval, staff does foresee potential negative impacts related to the land use. This is a small residential property, not built to accommodate a business needing to house customer vehicles overnight. The similar businesses that surround the property are built on larger lots with more room for customer parking. Noise from various tools may be disturbing to neighboring residential properties.

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

required permits and/or licenses needed to complete the project. The Commission may approve the request as presented, add conditions to an approval, deny the request, or table the item for further information.

Should the Commission approve 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 primary residential building not used for the business.
3. Subject to the required parking spaces for the residence and business be located on property, and not in public the Right-of-Way.
4. Subject to non-operating vehicles or vehicle parts required to be stored within a site-obscuring fenced area or inside an enclosed building.
5. Subject to a site plan and building permit following city and building codes submitted prior to business operation.

PZ/Questions & Comments:

- Commissioner Rambur asked if the location is appropriate.
- Planner Ebersole replied the parking is tight and it was not built for storage of vehicles.
- Vice-Chair Campbell asked about the negative impact.
- Planner Ebersole showed where the other residential properties are and the distance.
- Commissioner Rambur asked about the letter and if the oil in question is an issue.
- Planner Ebersole explained the applicant brought a letter from the DEQ stating he was not in violation.
- Commissioner Herrgesell asked if the applicant is currently running the 24-7 business from the residence.
- Planner Ebersole replied that he parks his vehicle there.
- Commissioner Rambur asked if there is a business at the shop.
- Planner Ebersole stated to ask the applicant.

Applicant Presentation:

Logan Summers explained that he does run a business with a mobile-mechanic vehicle and did run a business from the location. He has called DEQ to come to his house to do a review because of the letter. He admits that storage is tight but he can provide parking to accommodate. He stated that this started as a hobby and turned to a business and he is trying to do what he needs to for permits. He feels the noise will not cause a problem with neighbors.

PZ/Questions & Comments:

- Vice-Chair Campbell asked about operating without permits and how traffic has been managed with cars.
- Logan Summers stated this was started as a side business and became full

time operation.

- Vice-Chair Campbell asked if cars have been an issue.
- Logan Summers stated that he has a few storage lots offsite.
- Vice-Chair Campbell asked if capacity increase or stay the same if given the permit.
- Logan Summers replied it should not increase as he is only one person.
- Commissioner Zimmerman asked if he has any employees.
- Logan Summers stated he does not.
- Commissioner Weatherford asked if customers will park in front of the home.
- Logan Summers stated yes and one ADA in the back.
- Commissioner Rambur asked for clarification about the business running for a year and a half without permit and how the City found out.
- Logan Summers stated a neighbor complained and trespassed causing the City to get involved.
- Vice-Chair Campbell asked the applicant to clarify why he called Department of Environmental Quality.
- Logan Summers stated he made a request to come out after hearing about the complaint.
- Planner Ebersole read the letter from August 8, 2024 and it states there are no violations.
- Commissioner Herrgesell asked if the staff recommendations of vehicles or parts being enclosed would be a problem.
- Logan Summers has no problem screening in. He will put signs up to prevent parking in public places.

Public Hearing: Opened

- James Kiernan turned in the letter about the oil. He has photos from a couple days ago showing where the storage container was put on the property line. He would like it moved to not be on his property.
- Sky Nichols owns a shop close by and his employees park in back. He stated he has not had any issues with noise from this business.
- RoseMary Boessen stated she has allowed the applicant to use her parking lot for the weekends.
- Eric Watte had noticed a lot of cars parked around the property but they were moved after having a conversation with applicant.
- Steve Timmons stated applicant has been a good neighbor. He feels changes for the good have been made and there has been no noticeable increase of noise. Parking has been taken care of.
- Logan Summers feels the concerns have been addressed. He is good with conditions and feels it will be a positive outcome.
- Vice-Chair Campbell asked Planner Ebersole about the easement.
- Logan Summers stated it is a setback not an easement.
- Commissioner Zimmerman asked about moving the container
- Logan Summers said the container is empty and has been moved.
- Commissioner Zimmerman asked if he will keep it out of that spot.
- Logan Summers stated he will be disposing the container.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur feels that it is surrounded by similar businesses and will work.
- Commissioner Weatherford feels if all the conditions and concerns are met then this should work.
- Commissioner Herrgesell feels there are limiting factors and the applicant is willing to make them knowing this is not a permanent business.
- Commissioner Zimmerman feels the signage will help with traffic concerns.
- Vice-Chair Campbell has concerns about the land use and the small lot with parking issues.
- Commissioner Rambur feels the staff conditions for the parking will fix that.
- Director Spendlove explained that parking is handled with the building permit.
- Commissioner Zimmerman feels that with overflow available it will work.

MOTION: Commissioner Rambur moved to approve the request for a Special Use Permit to allow an automobile and truck service and/or repair with staff suggestions on property located at 328 5th Ave E c/o Logan Summers (PZ24-0111). Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- d) Request for a recommendation to City Council for a Zoning District Change from R-2 PUD to R-2 for approximately 68 acres located South of South Hills Rd and East of Harrison St S. c/o Tim Vawser on behalf of Sundance Partners, LLC (PZ24-0112).

Staff Presentation:

City Planner Strickland presented the request for a recommendation to City Council for a Zoning District Change from R-2 PUD to R-2 for approximately 68 acres located South of South Hills Rd and East of Harrison St S. c/o Tim Vawser on behalf of Sundance Partners, LLC (PZ24-0112).

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.

The Sundance R-2 PUD zoning designation was approved in 2008. The conditions of approval for the PUD were as follows:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning officials to ensure compliance with all applicable city codes and standards.
2. Subject to the property being platted through the City of Twin Falls prior to development
3. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of change of use of the property.
4. Subject to final approval of the PUD Agreement
5. Building setbacks to comply with R-2 development standards, or greater
6. The PUD Agreement includes a restriction that the first five lots on the southeast corner both north and west be a minimum of 10,000 sq. ft.

The PUD agreement between the developer and the City of Twin Falls in 2008 was created to ensure that specific development requirements were approved and completed, such as irrigation, roadways, sewer, water and park dedication. The property was later preliminary platted in 2017 with approximately 447 residential lots. Development of this property has occurred in stages, moving from the west boundary towards the east. The westerly portion has had three (3) final plat approvals allowing for approximately 174 residential lots to be developed. The eastern portion of the property has not yet been developed and with the recent decision by the city that a park dedication is no longer required, the applicant would like to re-plat the park area for additional residential lots. In order to create additional lots, this would require a PUD Amendment to modify the master development plan along with a new plat to subdivide the park area.

Upon review of the PUD, Staff identified that the conditions set forth in the PUD were conditions that would be required by city code and that the development of the roadways, sewer, water, pressurized irrigation facility and park dedication were satisfied in the first stage of development. Rezoning to R-2 was recommended by Staff. The original PUD directed the development to follow the R-2 zoning district standards limiting the development to single family lots only. Rezoning the property under the R-2 zoning district standards would entitle the applicant to have single family and duplex lots. The PUD also had a condition requiring lots along the southeast corner to be a minimum of 10,000 sq. ft. While reviewing the history of the PUD agreement, the intent for this condition was to provide a buffer for the large rural residential properties along the southeast corner of the development. Staff recommends that, if approved, the conditions for the larger lots on the southeast corner remain in place as required as listed in the original PUD. The applicant was agreeable to this recommendation. The applicant has indicated to Staff that they do not intend to alter the original plan other than to convert the park area to residential lots.

Currently, the Comprehensive Plan has this property designated as Town

Neighborhood. This designation is characterized primarily as residential with lot sizes that are smaller than rural residential lots and are often single family, duplexes, triplexes and town-homes. The R-2 zoning district would be compatible with the comprehensive plan therefore staff would be in support of this request. 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 R-2 PUD to R-2, recommend the R-2 PUD zoning be maintained, recommend an alternative zoning designation, or table the request to acquire new information. Should the commission recommend approval of the request, Staff recommends the following condition:

1. Subject to the first five (5) lots on the southeast corner, both north and west, be a minimum of 10,000 Sq. Ft.

PZ/Questions & Comments:

- Commissioner Rambur asked for clarification of removing the PUD if it removes the park.
- Planner Strickland stated that it does.
- Commissioner Rambur asked if there is a park to the west.
- Senior Planner Klaver stated the Parks Director said the City does not need another park in that area.
- Planner Strickland explained that the changes since this was created are impact fees are added to residential permits that allows the Parks Department to move fees where they are needed.
- Commissioner Rambur asked if the R-2 PUD to the west has any duplexes.
- Planner Strickland stated they don't.
- Commissioner Rambur asked how many they want.
- Planner Strickland stated they are planning single family and not wanting to change the original plan.

Applicant Presentation:

Tim Vawser EHM Engineers. Spoke about some of the history of this property. Harrison runs through this and everything west has been developed.

PZ/Questions & Comments:

- Commissioner Rambur noticed there are larger lots to the south and asked if it is new.
- Tim Vawser stated that is the city's wish for the neighbors.

Public Hearing: Opened

- Rick Hatridge had a question if the south end would have the larger lots because he doesn't want duplexes there.
- Tim Vawser couldn't answer the questions about what will be on the south end.
- Vice-Chair Campbell asked if it changed would it come back.

- Planner Strickland replied no.

Public Hearing: Closed

Discussions Followed:

Commissioner Rambur was worried about not having a park but if it isn't needed then he feels this will work.

The Commission feels this is a good idea and feel the conditions will make it better for the neighbors.

MOTION: Commission Weatherford moved to approve the recommendation to City Council for a Zoning District Change from R-2 PUD to R-2 for approximately 68 acres located south of South Hills Rd and east of Harrison St S c/o Tim Vawser on behalf of Sundance Partners, LLC (PZ24-0112). Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- e) Request for a recommendation to City Council for a Zoning District Change from C-1 PUD to C-1 on property located at 182, 212, and 228 Blue Lakes Blvd N. c/o EHM Engineers, Inc on behalf of Chasewood, LLC (PZ24-0113).

Staff Presentation:

Planning and Zoning Director Spendlove presented the request for a recommendation to City Council for a Zoning District Change from C-1 PUD to C-1 on property located at 182, 212, and 228 Blue Lakes Blvd N. c/o EHM Engineers, Inc on behalf of Chasewood, LLC (PZ24-0113).

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 properties are currently zoned C-1, Ash Street-Albertsons PUD. The PUD was established in 2003, and steps were taken at that time to demolish existing structures

on the properties, but the overall Master Development Plan was never constructed. The original Master Development Plan was limited to a large Albertsons grocery to be accessed off Blue Lakes Blvd. N. The current state of the property is a result of Albertsons finishing the demolition of the structures, and promptly abandoning the rest of the development. The property was recently sold, and the new owner would like to be removed from the PUD and simply follow the city's C-1 zoning code.

The property consists of six (6) parcels, approximately 7.8 acres in size, between Blue Lakes Blvd. North and Elm Street.

The applicant proposes to use the subject property to continue the development of both retail and office building structures along the Blue Lakes Blvd. North frontage, with the property located between Ash Street (private drive) and Elm Street (public roadway) being considered for retail, office, service, government, multifamily residential (5 units or more) uses that are allowed in the C-1 zone.

City Staff finds the result of this change to be beneficial to the community as it is an ideal infill project, which will remediate the "hole" on Blue Lakes Blvd North that has been there for nearly 2 decades.

The potential detrimental impacts on surrounding areas could be from increased vehicle traffic on Elm Street, both of which have capacity per their current estimated traffic counts. This land has always been designated for commercial uses, and developing this property would be harmonious with the surrounding properties.

The Comprehensive Plan designates this area as "Mixed Use", which serves local and regional commercials, sitting at intersections of major arterial roadways, typically anchored by a grocery store, civic, or entertainment uses, allowing high-intensity mixed use development in a compact, pedestrian oriented environment.

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

The Commission is tasked with making a recommendation to the City Council on whether or not the zoning district change is appropriate for the area.

The Commission may recommend that the zoning district change be granted as requested, recommend a modification to the zoning district change requested, or may recommend that the zoning district be denied.

PZ/Questions & Comments:

- Commissioner Zimmerman asked about the new owner and the allowances for the property.
- Director Spendlove explained it could only be a grocery store.

Applicant Presentation:

David Thibault EHM explained that when this was developed it had a plan of exactly what was going to be there. They would like to just go back to the original zone.

PZ/Questions & Comments:

- Commissioner Weatherford asked about ASH St.
- David Thibault explained it is private property and not a road.

Public Hearing: Opened

- Sky Nichols feels the development will be great.

Public Hearing: Closed

Discussions Followed:

Commission feels this fits with the Comprehensive plan and is excited for development.

MOTION: Commissioner Weatherford moved to approve the recommendation to City Council for a Zoning District Change from C-1 PUD to C-1 on property located at 182, 212, and 228 Blue Lakes Blvd N c/o EHM Engineers, Inc on behalf of Chasewood, LLC (PZ24-0113). Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- f) Request for a Special Use Permit to allow an in-home daycare on property located at 1721 Maplewood Dr. c/o Jackilyn Wadsworth (PZ24-0115)

Staff Presentation:

City Planner Strickland presented the request for a Special Use Permit to allow an in-home daycare on property located at 1721 Maplewood Dr. c/o Jackilyn Wadsworth (PZ24-0115)

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.

10-13-2-2: Upon Granting a Special Use Permit, Conditions May Be Attached To A Special Use Permit Including, But Not Limited To, Those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in this Title.

There is no pertinent historic information for this property. County records indicate the home was constructed in 1986.

The applicant is proposing to care for up to twelve (12) children in the home Mon-Sat with hours from 7am - 9pm offering some flexibility for parents that work later hours and possibly need services on Saturday. They would like to offer affordable daycare to parents that may need part-time or full-time services.

The applicant anticipates that the impact to the neighbors will be minimal except for possible noise from children playing outdoors. The parents will use the driveway as the primary drop-off and pick-up location. However, parents may park along the street if necessary. There will be minimal traffic throughout the day. The property has a fully fenced backyard that is large enough to accommodate the number of children proposed for the daycare. The home is located between two (2) fairly busy streets, Maurice St N and Madrona St N and Staff anticipates the additional vehicles to and from the home will be negligible. Availability of daycare services is limited within the community and the addition of this type of service to a neighborhood could be a benefit for parents.

The 2016 Comprehensive Plan designates this area as Town Neighborhood. The defining characteristics of this category are primarily residential in nature, typically consisting of single family, duplex, triplex and town-homes with parks, schools and civic

facilities. Staff has determined the proposed in-home daycare would be compatible with the comprehensive plan and would be in support approval of the request.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project. Upon conclusion should the Commission recommend approval of the request as presented, Staff recommends the following 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 driveway being reserved for parents to use when dropping off or picking up their children.

PZ/Questions & Comments:

- Commissioner Zimmerman had questions about parking and where that is.

Public Hearing: Opened and closed with no public input.

Discussions Followed:

Commission feels this will not be an issue and this is a good fit.

MOTION: Commissioner Weatherford moved to approve the Special Use Permit to allow an in-home daycare on property located at 1721 Maplewood Dr c/o Jackilyn Wadsworth (PZ24-0115). Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

6) Upcoming Meeting(s)

- a) December 3, 2024
- b) 2025 Calendar

7) Adjournment

The meeting adjourned at 07:49 PM

Jody Green

Jody Green, Planning Technician