



Twin Falls Planning & Zoning Commission Minutes

Tuesday, October 22, 2024, 6:00 PM

203 Main Ave East
Twin Falls, ID 83303

COUNCIL CHAMBERS

Members -

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

Area of Impact: vacant

1) Confirmation of Quorum/Call Meeting to Order

NAME called the meeting to order at 06:00 PM

A quorum was present.

Members Present: *Titus, Herrgesell, Rambur, Weatherford, Zimmerman*

Staff Present: *Spendlove, Ebersole, Klaver, Strickland, Schuerman*

2) Conflict of Interest Declaration - none

3) Consent Calendar

- a) Approval of minutes from the following meeting: October 8, 2024.

MOTION: Commissioner Zimmerman moved to approve the Consent Calendar, as presented.

Commissioner Weatherford seconded the motion.

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

4) Items of Consideration

- a) Request for the consideration of the Preliminary Plat for Kenyon Meadows Phases 3-6 Subdivision consisting of approximately 44 (+/-) acres located west of Kenyon Rd and north of Highway 74 (3600 N) - aka RPT00107294875. c/o Stephen Andersen on behalf of Brad Beauchamp (PZ24-0100).

Staff Presentation:

Senior Planner Klaver presented the request for the consideration of the Preliminary Plat for Kenyon Meadows Phases 3-6 Subdivision consisting of approximately 44 (+/-) acres located west of Kenyon Rd and north of Highway 74 (3600 N) - aka RPT00107294875. c/o Stephen Andersen on behalf of Brad Beauchamp (PZ24-0100).

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.

This piece of land has never been platted before. The R-4 zoning district has been in place since 1981, ordinance 2012.

Senior Planner Klaver described the location of the plat and how the lots may be developed as residential lots. He described the phases of the development.

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; and
2. Subject to submittal of a preliminary plat, submitted prior to final plat submittal, showing compliance with all conditions and comments in the Engineering Memorandum dated August 30, 2024.

Applicant Presentation:

Stephen Andersen, Civil Science, representing applicant, presented the request of the

Preliminary Plat for Kenyon Meadows Phases 3-6 Subdivision consisting of approximately 44 (+/-) acres located west of Kenyon Rd and north of Highway 74 (3600 N). He described the 44 acre subdivision, and will be built in phases. He stated the plan complies with current zoning. He stated the applicant will comply with negotiated memorandum and city requirements. They will install a larger sewer main (line) that will service whole area.

PZ/Questions & Comments:

- Chairperson Titus asked about the property to west being vacant.
- Senior Planner Klaver clarified the property is vacant and when developed, the collector road will be finished.
- Mr. Andersen stated there is an agreement in place with the owner along Pheasant Road to build the southern half of the road.
- Commissioner Zimmerman asked for the count of single family dwellings vs. duplexes.
- Mr. Andersen stated there could be up to 31 duplexes.
- Senior Klaver clarified any lots over 7000 sf are eligible for a duplex.
- Chairperson Titus clarified duplexes are outright allowed in the R-4 zone.

Public Comment:

- Fern Warren, citizen, asked if a new school was going in and the location. She asked about screening, and what is planned to be built, single family dwelling or townhome, on west property line.
- Mr. Andersen answered the street on west side of property is a collector, so no screening will be placed along road. The collector street to the south will be moved per city request. The lots on the west side will be duplexes, and all within the approved zoning.

Discussions Followed:

- Commissioner Rambur stated he believes this development will be harmonious with area and the Comprehensive Plan, as there are residences around this property.
- Commissioner Herrgesell agreed and believes it is harmonious.
- Commissioner Weatherford is in favor of the request. She believes it is harmonious and likes that Pheasant Rd will go through.
- Chairperson Titus is happy that Pheasant Rd. will go through and the applicant is not asking for a different zone change. They are parceling out the lots and will meet the negotiated memorandum.

MOTION: Commissioner Weatherford moved to approve the request for a Preliminary Plat Preliminary Plat for Kenyon Meadows Phases 3-6 Subdivision consisting of approximately 44 (+/-) acres located west of Kenyon Rd and north of Highway 74 (3600 N) - aka RPT00107294875. c/o Stephen Andersen on behalf of Brad Beauchamp (PZ24-0100), as presented, with staff recommendations.

Commissioner Hergesell seconded the motion.

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

- b) Request for the consideration of the Preliminary Plat for Westpark Commercial Subdivision No. 12 consisting of approximately 8 (+/-) acres located at the 200 Block of Avenida Del Rio Drive c/o Gerald Martens on behalf of David Shotwell (PZ24-0108). Senior Planner Klaver presented the request for the consideration of the Preliminary Plat for Westpark Commercial Subdivision No. 12 consisting of approximately 8 (+/-) acres located at the 200 Block of Avenida Del Rio Drive c/o Gerald Martens on behalf of David Shotwell (PZ24-0108).

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. This piece of land is part of the Twin Falls Westpark Commercial Subdivision No 3 that was recorded in 2006. Since then, several pieces have been split off through the subdivision process. This is what remains of the original Lot 4, Block 2 of Westpark Commercial Subdivision No. 3.

Senior Planner Klaver reviewed the Zoning and Future Land Use maps.

The zoning on this property is C-1 PUD. The Planned Unit Development (PUD) is the Northbridge PUD and has been in place since July 1993.

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 C-1 PUD 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; and
2. Subject to submittal of a preliminary plat, submitted prior to final plat submittal, showing compliance with all conditions and comments in the Engineering Memorandum dated September 25, 2024.

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented the request of the Preliminary Plat for Westpark Commercial Subdivision No. 12 consisting of approximately 8 (+/-) acres located at the 200 Block of Avenida Del Rio Drive. He explained the journey to get to this place of platting. He stated the property will be split into 2+ acres parcels, finalizing the remaining land in the Westpark PUD.

PZ/Questions & Comments:

- Chairperson Titus asked about access roads to the north and south.
- Senior Planner Klaver stated Avenida del Rio Drive and Vermont Drive are both private roads, and access to the property is on Avenida del Rio Drive from Washington Street North to Canyon Crest Drive.
- Chairperson Titus asked about the current sidewalk.
- Planning and Zoning Director Spendlove clarified the sidewalk to connect east to west was conditioned with the PUD originally. He stated the commission could add the condition to ensure the sidewalk.
- Mr. Vawser stated he remembers the original condition of a sidewalk, and agrees with adding the condition of a connecting sidewalk.

Public Comment: None

Discussions Followed:

- The sidewalk condition was discussed.
- Commissioner Rambur likes the plan for the 4 lots.
- Commissioner Weatherford stated the flow serves mixed use and looks forward to it being built out.
- Chairperson Titus asked for zoning verification of the property.
- Senior Planner Klaver stated the zone is C-1 PUD.
- Chairperson Titus is okay with plan.

MOTION:

#1 - Commissioner Rambur moved to add a condition to construct a sidewalk

connecting the east and west from Fairfield Suites to US Foods Chef Service.
Commissioner Hergesell seconded the motion.

#2 - Commissioner Herrgesell made a motion to approve the request for the consideration of the Preliminary Plat for Westpark Commercial Subdivision No. 12 consisting of approximately 8 (+/-) acres located at the 200 Block of Avenida Del Rio Drive c/o Gerald Martens on behalf of David Shotwell (PZ24-0108), as presented, with staff recommendations, and added condition.
Commissioner Weatherford seconded the motion.

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

5) Public Hearings

- a) Request for a Special Use Permit for a residential shed (greater than 1000 square feet) on property located at 2256 Detweiler Place. c/o Lance LeBaron on behalf of Mark Gardoski (PZ24-0101).

Staff Presentation:

City Planner Strickland presented the request for a Special Use Permit for a residential shed (greater than 1000 square feet) on property located at 2256 Detweiler Place. c/o Lance LeBaron on behalf of Mark Gardoski (PZ24-0101).

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.

Review Criteria for Special Uses:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. 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.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. 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.

6. 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.
7. 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.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Conditions may be attached to a Special Use Permit including, but not limited to, those:

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

The subdivision was platted and recorded in May 2011, the home was issued a Certificate of Occupancy in May 2022.

The comprehensive plan designates this area as Town Neighborhood. Town Neighborhood is characterized as primarily residential land uses or related uses such as parks, recreation facilities, schools and civic facilities. Accessory structures of up to 1,000 sq. ft. are outright permitted in the R-2 zoning district. The size being proposed for this accessory building is not much larger than what is outright permitted, but does require a special use permit. Detached accessory buildings are typically found with residential homes and the lot is sufficient to support the size being proposed. The applicant has stated the proposed accessory building will be used for the storage of a recreational vehicle and the plans submitted show the building will have a large bay door for the RV with a craft room area. The exterior of the building will be designed to complement the existing residence.

Approval of this request wouldn't create a detrimental burden to the current system, add additional cost to public services, create excessive traffic, fumes or noise and would not be detrimental to the neighborhood.

Upon conclusion, should the commission approve the request as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with all applicable codes and standards.
2. Subject to personal use only-no commercial activity.

Applicant Presentation:

Mark Gardoski presented the request for a Special Use Permit for a residential shed (greater than 1000 square feet) on property located at 2256 Detweiler Place. He stated the plan originally was to build a pool house, but he is now in need of RV storage. He stated the building will be 16 feet in height to match the house, with a small pool room and craft room space.

PZ/Questions & Comments:

- Commissioner Rambur asked the allowed building height.
- City Planner Strickland stated city code allows for up to 35 feet.
- Commissioner Rambur asked if the design will match house.
- Mr. Gardoski clarified it will be designed to match the house.

Public Hearing: Opened and Closed without comment

Discussions Followed:

- Commissioner Rambur stated since there is no one opposing the request, he does not have an issue with it.
- Commissioner Herrgesell stated she has no issues as blends in with house.
- Commissioner Weatherford agrees and believes the request will be fine and no issues.
- Chairperson Titus stated the applicant is not asking for too much and there is no additional height request. She has no issue with the request.

MOTION: Commissioner Weatherford moved to approve the request for a Special Use Permit for a residential shed (greater than 1000 square feet) on property located at 2256 Detweiler Place. c/o Lance LeBaron on behalf of Mark Gardoski (PZ24-0101), as presented with staff recommendations.

Commissioner Rambur seconded the motion.

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

- b) Request for an recommendation for the appropriate zoning for a proposed annexation of approximately 46 (+/-) acres located east of Sunway Dr N from North College Rd W to Pole Line Rd W. c/o Tim Vawser, EHM on behalf of Gary Nelson (PZ24-0103).

Staff Presentation:

Planning and Zoning Director Spendlove presented the request for an recommendation for the appropriate zoning for a proposed annexation of approximately 46 (+/-) acres located east of Sunway Dr N from North College Rd W to Pole Line Rd W. c/o Tim Vawser, EHM on behalf of Gary Nelson (PZ24-0103).

Per City Code 10-15-1: 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.

Per City Code 10-15-2 (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. (Ord. 2012, 7-6-1981)

The property is currently utilized as agricultural pasture/farm ground. It is located in the Twin Falls City Area of Impact. Available records show this land has always been used for irrigated agricultural purposes.

The Comprehensive Plan has designated this area as Commercial and Town Neighborhood.

- The land uses typically found in the Commercial designation are: retail, office, restaurants, hotels, plazas and parks.
- The land uses typically found in the Town Neighborhood designation are: residential, schools, parks and recreation facilities, and civic facilities.

The proposed zoning for this request is Commercial Highway District (C-1) and Residential Single Household or Duplex District (R-2). These zones can be characterized by the following:

- **Purpose Statement:**
 - C-1 is "intended to provide for commercial activities of various sizes from large malls to small shops, fast food restaurants and tourist accommodation. This district is designed for application on major streets or portions thereof."
 - R-2 is "intended to promote and preserve residential development and to provide a low density residential environment with a mix of both single household and duplex dwellings in an area with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required."
- **Sample of Permitted Uses:**
 - C-1: Bakery; bookstore; eating places; laundering facilities; photography

- studios; professional services; doctor's offices; libraries; etc.
- R-2: Single-family attached and detached; duplex; parks; etc.
- Heights:
 - C-1 is fifty (50') feet
 - R-2 is thirty-five (35') feet

The Commission is tasked to make a recommendation to the City Council by reviewing the comprehensive plan and the requested zoning designations compatibility with the future land use map designation.

The Commission will make a recommendation to City Council to approve the requested zoning designation, as presented, recommend denial of the requested zoning designation, recommend a different zoning designation or table the request for additional information.

Sample Motion:

1. *Move to recommend to City Council the subject property be zoned as presented with the C-1 and R-2 zoning district.*
2. *Move to recommend to City Council the subject property be zoned _____.*
3. *Move to table the request for additional information.*

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented the request for a recommendation for the appropriate zoning for a proposed annexation of approximately 46 (+/-) acres located east of Sunway Dr N from North College Rd W to Pole Line Rd W. He stated the zoning request follows the natural roadway to connect Cheney Drive to the west, with C-1, Commercial Highway District, along the Pole Line Rd corridor and R-2, Single Family Residential, to the south. He explained the plan is to mirror the properties and uses around them. Utilities are accessible to the area now, so the property is now developable.

PZ/Questions & Comments: none

Public Hearing: Opened and Closed without comment

Discussions Followed:

- Commissioner Rambur stated this project looks similar to property to the east and complies with the Comprehensive Plan and Future Land Use Map.
- Commissioner Zimmerman agrees that it complies with the Future Land Use Map and appreciates the forward thinking to accommodate Cheney Drive going through.
- Commissioner Herrgesell appreciates the explanation of the plan and has no issues.

- Commissioner Weatherford states the zoning seems appropriate for the area and appreciates connecting the roads.
- Commissioner Herrgesell asked for clarification of the vote tonight.
- Chairperson Titus stated the zoning makes sense along the commercial corridor. She stated she likes the division is a natural divide for future development.

Motion:

Commissioner Herrgesell made a motion make a recommendation to City Council for the appropriate zoning for a proposed annexation of approximately 46 (+/-) acres located east of Sunway Dr N from North College Rd W to Pole Line Rd W. c/o Tim Vawser, EHM on behalf of Gary Nelson (PZ24-0103), as presented, with staff recommendations.

Commissioner Rambur seconded the motion.

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

- c) Request for a Special Use Permit to allow commercial painting on property located at 317 Addison Ave W. c/o Kyndell Madsen on behalf of Saul Esquivel (PZ24-0104).

Staff Presentation:

City Planner Strickland presented the request for a Special Use Permit to allow commercial painting on property located at 317 Addison Ave W. c/o Kyndell Madsen on behalf of Saul Esquivel (PZ24-0104).

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.

Review Criteria for Special Uses:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. 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.

4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. 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.
6. 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.
7. 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.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Conditions may be attached to a Special Use Permit including, but not limited to, those:

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

The building was constructed in conjunction with an automobile dealership located at 309 Addison Ave W and granted an SUP in 2004 for detailing and service of vehicles being sold by the dealership. Later, the building was occupied by Advanced Suspension, who has since constructed a new shop across the street from this location at 356 Addison Ave W. The applicant would like to continue the use of the building for automotive repair with the addition of a paint booth.

The property is zoned C-1 CRO. Within this zoning district a special use permit is required for automotive service and repair. In 2004, the subject property was granted a special use permit for automotive service and repair and although painting can be considered an automotive service, per City Code 10-7-18 a special use permit for inside commercial painting is required.

The applicant is proposing to add a paint booth to an existing building that was

constructed for the purpose of automotive service and repair. The paint booth proposed by the applicant is an independent piece of equipment that can be installed in the building with approved permits.

The applicant is proposing to operate Mon-Fri 8:00 am to 5:00 pm. They will have two (2) employees on-site during operational hours and anticipate the business will not generate more traffic than the previous automotive suspension shop. There are several commercial businesses neighboring this property such as a vacuum sale service and repair store, automotive dealership, muffler repair shop and a small embroidery/screen printing business.

The property is located within the city limits and is connected to city water and sewer services. Addison Ave W, a gateway arterial less than a block north of this property, is constructed to support large amounts of traffic. Access to and from this area is simple and the amount of traffic generated by the proposed land use would not be detrimental as this is a well-traveled system that is able to withstand additional vehicles.

Approval of this land use would not create detrimental burden to the current system, add additional cost to public services, create excessive traffic, fumes, or noise and would not be detrimental to the community nor result in the destruction or loss of any natural, scenic, or historic feature of major importance.

Upon conclusion, should the commission approve the request as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Fire, Engineering and Zoning Officials to comply with city codes and standards.
2. Subject to all vehicles, miscellaneous parts and or equipment being located within the building, or within a sight obscuring screened area reviewed and approved by staff.
3. Provide a recorded cross access agreement for the subject property from adjacent property owner(s).

Applicant Presentation:

Kyndell Madsen, Laughlin Ricks Architecture, representing the applicant, presented the request for a Special Use Permit to allow commercial painting on property located at 317 Addison Ave W. She stated there will be no change to the building. The applicant wants to add a paint booth, complying with building and zoning standards.

PZ/Questions & Comments:

- Chairperson Titus asked about ventilation requirements.
- City Planner Strickland stated it is reviewed with the building permit.
- Commissioner Rambur asked about odor issues.
- Planning and Zoning Director Spendlove stated air quality is handled by DEQ

(Idaho Department of Environmental Quality). He stated if an issue is reported to the city, DEQ would investigate and do an air quality check, and if not in compliance, the Special Use Permit can be revoked.

- Chairperson Titus asked about if there is a screening issue.
- City Planner Strickland stated the property needs new solid screening, which will be required with the new Special Use Permit.

Public Hearing: Opened and Closed without comment

Discussions Followed:

- Commissioner Weatherford stated she has no issues with the request as long as they follow rules/policies.
- Commissioner Rambur stated this request will not create a traffic issue on Addison Avenue West. He elaborated on the fume concern.
- Chairperson Titus stated with proper ventilation, this business should not be an issue, and does not believe the commission needs to add a condition.

MOTION: Commissioner Hergesell moved to approve the request for a Special Use Permit to allow commercial painting on property located at 317 Addison Ave W. c/o Kyndell Madsen on behalf of Saul Esquivel (PZ24-0104), as presented, with staff recommendations.

Commissioner Weatherford seconded the motion.

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

- d) Request for a Special Use Permit to allow a home occupation (in-home daycare) on property located at 2080 Elizabeth Blvd. c/o Kylie Hansen (PZ24-0105).

Staff Presentation:

Senior Planner Klaver presented the request for a Special Use Permit to allow a home occupation (in-home daycare) on property located at 2080 Elizabeth Blvd. c/o Kylie Hansen (PZ24-0105).

Per City Code 10-4-5.2 states “a special use permit is required for “in home daycare services.”

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 R-4, Medium Density Residential.

The property is approximately 0.27 acres (+/-), with a dwelling that is approximately 1,392 sq. ft. (+/-). The building was constructed circa 1940 according to county records.

The applicant is requesting a Special Use Permit for an in home daycare.

Per the narrative, the Hours of Operation are 8:00 am to 8:00 pm, with an option to extend her hours of operation based on her client's needs, on a case-by-case basis.

The applicant states in her narrative that she expects to have no more than nine (9) additional kids in the home at any given time. The traffic generated from this business will be for drop off and pick up times.

There will be two (2) employees, the applicant plus one (1) other person. Clarification from the applicant has the other employee being her spouse. Noise from children playing outside may affect the neighboring properties. The applicant has stated that there are households with children on each side of the property. There will be no glare, odor, fumes, or vibration impacts with this use.

Elizabeth Boulevard is a collector road and can handle the potential increased traffic of up to eighteen (18) trips per day.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Town Neighborhood, which is primarily residential in character, consisting of single-family dwellings, duplex, triplex, townhomes, parks and recreation facilities, Schools and Civic facilities". Staff had determined the proposed use is compatible with the comprehensive plans, as it states we should "create great neighborhoods with a wider range of housing types, mix of uses, and amenities."

Staff concludes that an in-home day care service will be a good addition to the neighborhood, as having a day care with up to nine (9) children during working hours will not add any impacts/burdens to the surrounding property.

Based on the standards for approval staff does not foresee detrimental 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:

Kylie Hansen, applicant, presented the request to allow a home occupation (in-home daycare) on property located at 2080 Elizabeth Blvd. She clarified the space for the daycare is a garage to be remodeled. She believes there is a need for childcare and this will help fill a gap. She stated she was awarded a federal grant and this is a harmonious use to the neighborhood being close to schools.

PZ/Questions & Comments:

- Commissioner Rambur asked about the sidewalk and parking.
- Senior Planner Klaver stated there is adequate parking and there is an existing sidewalk.
- Chairperson Titus asked about the site plan.
- Senior Planner Klaver clarified that a new addition will be added between house and garage for the daycare.
- Commissioner Herrgesell asked about the entrance.
- Senior Planner Klaver stated there appears to be a separate entrance.
- Commissioner Rambur asked the maximum number of children allowed and hour restrictions.
- Senior Planner Klaver stated 12 children maximum and there are no hour restrictions.
- Commissioner Hergesell asked about the drop off plan.
- Mrs. Hansen clarified there is a wide driveway along the side of the house to be extended for access, or the parent can walk children back from the front of the house.
- Commissioner Rambur asked where the applicant parks.
- Mrs. Hansen stated she parks in front of the house.

Public Hearing: Opened and Closed without comment

Discussions Followed:

- Commissioner Rambur has no issues as it will serve the area.
- Commissioner Zimmerman believes this is a great use of the property.
- Commissioner Hergesell agrees that a daycare would be helpful to the area.
- Commissioner Weatherford agrees and believes parking will be worked out moving forward.
- Chairperson Titus stated that no response from neighbors is not normal for this type of request. She agrees it is good for the area, and believes pick up and drop off will be worked out.

MOTION: Commissioner Weatherford moved to approve the request for a Special Use Permit to allow a home occupation (in-home daycare) on property located at 2080

Elizabeth Blvd. c/o Kylie Hansen (PZ24-0105), as presented, with staff recommendations.

Commissioner Hergesell seconded the motion.

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

6) Upcoming Meeting(s)

- a) November 4, 2024 - Special Meeting
November 19, 2024

7) Adjournment

The meeting adjourned at 07:34 PM

Kelli Ebersole

Kelli Ebersole, City Planner