



Twin Falls Planning & Zoning Commission Minutes

Tuesday, December 12, 2017, 6:00 PM

305 3rd Avenue East
Twin Falls, ID 83301

Members -

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Members Present: Woods, Frank, Higley, Grey, Hawkins

Staff Present: Carraway-Johnson, Spendlove, Strickland, O'connor, Vitek, Wonderlich

2) Consideration of Amendments to Agenda

Staff Presentation:

Zoning & Development Manager Carraway-Johnson stated there was an amendment to the agenda, to withdraw agenda item 6e from the public hearings. She explained the Commission can take comments on this item during the General Public Input portion of the agenda if they choose.

Motion:

Commissioner Grey made a motion to approve the request to amend the agenda, Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

3) General Public Input

Senior Planner Spendlove explained that during the preparation of the staff report and consultation with City Attorney Wonderlich it was determined the request is premature. As a result of this determination the item needed to be removed from the public hearing portion of the agenda and moved to the general public input portion of the meeting. It is up to the Commission's discretion whether or not to allow public comment on the item and to offer input. However, no decision about the status of the permit can be made at this time.

City Attorney Wonderlich clarified the item that was removed from the public hearing section of the Agenda was request regarding the Acorn Learning Center. This item has been moved to the general public input portion of the agenda. There are a lot of people here tonight and they should be allowed to speak on this item.

Public Comment:

- Wali Fedaie, the applicant for this request, stated he does not understand why this was removed and why he was not notified.
- James Jolly, 473 Eastland Drive, explained that he and his wife support this school and are thankful the school is there.

- Rick Kuhn, 635 3rd Avenue East, and his home faces the Bickel School playground and he has never consider the noise from kids playing an issue. He has lived in his home for 30 years and Bickel School is much larger than Acorn Learning Center so he doesn't understand how the children could create enough noise to be disturbing.
- Heidi Campbell, 435 Hailee Avenue, stated she was the board president when the original special use permit was approved and they met the notification requirements for their request.
- Nancy Larson ,573 Eastland Drive, stated she doesn't think children playing is disruptive but the neighbors in the apartments that come in all hours of the night drunk and yelling at each other are much more disturbing.
- Teron Floyd, 667 Sunrise Boulevard North, stated they possibly have 20 kids max out at one time for 15 minutes twice a day.
- Laird Stone, kids were students at this school, he has taken the opportunity to take a look at the school and the distance between the playground and the apartments. The distance between the playground to the apartments is far enough there shouldn't be any impacts to the people that live in the apartments. There is a fence around the play area and he thinks it would be a travesty if their SUP was revoked.
- Wali Fedaie, stated he was not notified originally, the noise level is unbearable, the tenants work grave yard shift and it is unbearable for his tenants. They have armed security for the apartments and they don't allow a disruptive noise level. They have been managing these apartments about 14 years and have not had incidents at the apartments.

Closing Comments:

- Commissioner Frank reminded the people that spoke that this is not a public hearing but that if this item does get scheduled again for a public hearing he encourage them to come and speak at that meeting also.
- Senior Planner Spendlove explained while preparing for the hearing staff discovered that the Special Use Permit was not actually sent to the applicant because they have not yet fulfilled the conditions of the permit, for example blocking off the north access, parking lot striping. Because the conditions have not been completed the Special Use Permit has not been issued, therefore a revocation cannot occur on a Special Use Permit that has not been issued. Acorn Learning Center has been notified of this situation and they are working with staff to rectify the situation.

4) Consent Calendar

a) Approval of minutes from the following meeting:

- 11-14-17 Public Hearing Minutes
- 11-28-17 Public Hearing Minutes

b) Approval of Findings of Fact and Conclusions of Law for the following meeting: 11-04-17

- Temple View (pre-plat)
- Z Country (pre-plat)
- Yurivilca (SUP)
- Locust Grove North (pre-plat)

Motion:

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

Commissioner Higley seconded the motion.

Unanimously Approved

5) Items of Consideration

None

6) Public Hearings

- a) Request for consideration of **Revocation of Special Use Permit #1233**, granted to Afrim Hetemi on June 14, 2011 to allow an indoor recreation facility to operate in conjunction with an existing bar and grocery store outside the permitted retail hours of operation on property located at 139 Shoshone Street North. c/o City of Twin Falls (app. 2455)

Staff Presentation:

- Planner I O'Connor reviewed the request and stated there is no addition analysis from Staff for this item. However, Officer Loosli will be presenting more information as requested by the Commission in October of this year.
- Officer Loosli, stated that they have collected more data on calls for service though December 3, 2017. He explained there are some incidents that are specifically associated and some that are vehicle stops. He reviewed each call for service attributed to this 139 Shoshone Street North address. The calls are associated to the address whether they occur inside the business or outside the business, the majority of the issues occur in the parking lot, which is typical when they have to respond to a bar fight. The calls for service are associated to the business that is open and this is the only business open in this location at the times of the calls.
- Commissioner Frank asked if the issues are the same at this time or is it generally the same.
- Officer Loosli stated he can't say that it is worse.
- Commissioner Grey stated that the business being open is drawing the element, that is clear, however to he does want to recognize the business for reporting the

disturbances in an area that he has no control over, but it is also attributed to the business address.

- Officer Loosli explained that there could be more research on the calls if he has the phone numbers of the business security he could narrow down how many calls they make to the police. In his experience they are not calling as often as has been lead to believe. The calls don't appear to be from the business and if security is calling their names are put in the report. He is not familiar with the security at the business. Considering the weather, the numbers have dropped off a bit, however the real issue typically occur in the warmer months.
- Commissioner Woods reviewed the data and stated it appears the numbers are dropping.
- Commissioner Grey stated he is tempted to let it go for now.
- Commissioner Woods stated he would say let it go but to keep an eye on things, and he would also like to see the business owner install some more lighting.
- Officer Loosli clarified that the data for this time frame is very hard to interpret, he thinks that there will be better data when the weather starts to warm up again. His experience with businesses that cater to people that have consume a lot of alcohol throughout the evening and that come and hangout longer at a place that is open past 1:30 am they cause a lot of problems. He thinks the data is very difficult to use to determine if there has been an improvement. These issues have been going on at this establishment for many years. He would hope that things would change, he and several other officers have tried to speak with them and have been unsuccessful and getting things to change.
- Commissioner Frank asked about the conversations that have taken place.
- Officer Loosli explained they understand they have had problems in the parking lot outside their business. A appointment was set up after the last meeting to work with the owner and he never showed up for the appointment.
- Commissioner Woods asked if this revocation or amendment were to happen would the people just move to another location.
- Officer Loosli explained without other businesses like this operating he couldn't answer that question.
- Commissioner Grey suggested that the Commission follow-up on this situation again in the Spring and Summer. The concern he has is that with all the changes going on downtown and growth Twin Falls is having there are going to be others that want to be open as well which may decentralize the people. There here because its the only place open like this around town.
- Officer Loosli explained he has grown up here and never knew if the downtown plans would work and he is impressed with what has happened so far. The question he has is does this type of business fit into the downtown plans and he doesn't want to limit businesses, but his biggest concern is making it safe. The multiple fights and disturbances in a parking lot pulls the patrol units off the roads where they monitor for drunk drivers. He also knows from experience if there are more of these types of businesses operating this will continue to be a problem.

- Commissioner Woods asked how hard the data is to keep track of the calls for service month to month.
- Officer Loosli explained that pulling data by address is simple but looking at the data to provide more specific information takes a little extra time. He also thinks the data for this time frame is very hard to analyze.

Planner I O'Connor stated upon conclusion the commission is tasked to approve revocation, deny the revocation, or amend SUP #1233. Staff recommends amending the SUP per the Police Department's recommendation and subject to:

1. Subject to removal of condition #3 of SUP #1233
2. Subject to closing down the establishment to all uses and patrons at 1:30 am, with no patrons allowed within the premises beyond the 1:30 am closing time –the PD suggested time per normal bar operating hours.

Public Hearing:

- Berham Hetemi explained winter time is their busiest time of year, they don't have an outside area for people to sit and people want to be inside. His father installed a light on the back of the building shining towards the parking lot area. There have been zero fights in the bar and zero fights in the parking lot. He is not sure where the complaints are coming from, because the bar is dead until 11:30 or so and these calls are at 9:30. They use their addresses for cars that they pull over. They use to have officers come in and check the alcohol and have had several officer come in and stated that things have gotten better. They have been packed for the last few months, other businesses have not complained to them. The no loitering sign has made a difference for his security guards to warn the people they will call the police for hanging out or they need to come back in the building. The big brawls are not happening at their location.
- Commissioner Frank asked if the security is identified and with the light do they have cameras installed.
- Mr. Hetemi explained that he has just installed cameras and the security staff are identified with lime green t-shirts that glow in the dark. He is aware that the City is trying to renovate and revitalize downtown and if this is revoked this will send the wrong message, if we want it to be like Boise and keep people local.
- Commissioner Frank asked about the address association.
- Officer Loosli explained the business owner is correct the data could be calculated that way.

Discussion Followed:

- Commissioner Woods explained the business owner is convinced that he is making an attempt to improve and but monitoring should continue.
- Commissioner Higley agreed.

- Commissioner Frank stated Twin Falls is in transition and he has mixed feelings because the business does draw the people to this location, he is concerned that no other surrounding businesses came up to speak and the quality of the information provided is questionable.
- Commissioner Grey explained that we are focused on the incidences that happen after 1:30 am in comparison to the incidences that happen before 1:30 am at similar establishments. The other question is how do we want Twin Falls to evolve, and do want to allow businesses to be open after 1:30 am.
- Commissioner Hawkins explained that this is difficult there is not a clear solution, it does sound like he is trying to improve, a lot of things are out of his control, but we should continue to monitor the progress.
- Commissioner Frank stated he also thinks the police department should continue monitoring and develop some strategies for dealing with this because this is something the community has not really had to deal with but it will have to eventually as the community grows. He would like more data and make sure the business understands they will be monitored closely.
- Zoning & Development Manager Carraway-Johnson explained that the Commission needs to make a motion on the request and the monitoring can continue.

Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations. Commissioner Hawkins seconded the motion. Commissioner Hawkins voted in favor of the motion with Commissioners Woods, Frank, Higley & Grey voting against the motion.

Motion Failed

- b) Request for the Commission's **recommendation on a PUD Amendment** to the CSI PUD #262-Section 2, to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' on property located at 315 Falls Avenue. c/o Spencer Cutler on behalf of the College of Southern Idaho (app. 2906)

Applicant Presentation:

Jeff Harmon, explained they are here to request a PUD Amendment to #262 to allow the building height restriction to be raised to 50' so that they can construct residence halls/rooming houses on the campus.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated CSI has a long history in the Magic Valley but has had a physical presence, at its current location, in Twin Falls since the early '60s. Prior to that, it was agricultural land. The campus has seen steady growth over the decades and has responded over time to such growth. The College of Southern Idaho-North Campus PUD Agreement #254 was adopted in 2008. This PUD rezoned the 87+/- acres north of North College Rd. In 2011 the current CSI PUD #262 was approved

by the City Council. Currently the entire college grounds, referenced as Section 1; the campus north of North College Rd and Section 2; the campus south of North College Rd, are governed by PUD #262. This PUD was recorded in January 2012.

This is a request to amend CSI PUD #262. CSI PUD #262 is separated into two (2) sections; Section 1 is the campus north of North College Rd and Section 2 is the campus south of North College Rd. This proposed amendment is to amend Section 2; the campus south of North College Rd. The proposed amendment is to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' which would allow for 3-story buildings within Section 2 of the CSI campus. The College has expanded over its existence and new residence halls are required now to meet current and future demands. PUD #262 prohibits building heights over thirty-five feet (35'), basically limiting buildings to no more than 2 stories high. PUD #262 allows residence halls or rooming houses by special use permit. The current PUD regulations met the code at the time of adoption. The College would like to update their PUD Covenants and to allow a new residential hall to proceed in a timelier manner. The allowance of additional building height from 35' to 50' matches the current commercial building heights and would allow for 3-story residence halls. The College stated they feel this is a reasonable request given the changes fit what the C-1 zone currently allow, and also outright permits residences halls on a college campus, rather than requiring an SUP.

The applicant is requesting the following changes to the PUD Agreement:

I. Increase the Allowable Building Height

- A. Under COVENANTS **2. Nature of Property Development** item **B. Building Height**. Revise "thirty- five feet (35') in height" to "fifty feet (50') in height or higher if City of Twin Falls C-I zones are amended higher".
- B. Under COVENANTS **4. Building/Structural Standards** item **B. Building Height**, revise "thirty-five feet (35') in height" to "fifty feet (50') in height or higher if City of Twin Falls C-I zones are amended higher".
- C. Under COVENANTS **4. Building/Structural Standards** item **C. Architectural Standards**, revise "two (2) stories" to "three (3) stories".

II. Change Residence Halls and Rooming Houses to be Permitted Uses

- A. Under **EXHIBIT "C", USE REGULATIONS, (A) Permitted Uses:**
Add a new item - "12. Residential:
 - a. Dwellings - multiple household (5 units or more)
 - b. Residence halls, residence hotels, rooming houses."
- B. **Under EXHIBIT "C", USE REGULATIONS, (B) Special Uses: 4. Residential**
Remove items - b. Dwellings - multiple household (5 units or more)
 - e. Residence halls, ~~residence hotels~~, rooming houses."

Senior Planner Spendlove stated upon conclusion should the Planning and Zoning Commission is tasked with forwarding a recommendation to the City Council. The Commission may recommend approving the request as presented, approving the request with conditions, or

denying the request.

Public Hearing: Opened

- Senior Planner Spendlove read into the record a comment letter from a citizen that has been filed in the application packet.
- Heidi Cambell, 435 Hailey Avenue explained there are several potential student activities that could be provided during the summer and the dormitory space available now limits these opportunities.

Public Hearing: Closed

Discussion Followed: Without Concerns

Motion:

Commissioner Higley made a motion to recommend approval of the request, as presented. Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

Recommended, Approval to City Council, As Presented

Scheduled for City Council Public Hearing January 8, 2018

- c) Request for the Commissions recommendation on a **Zoning District Change and Zoning Map Amendment** from C-1 PUD to C-1 for a .22 acre tract located at the south east corner of Canyon Falls Road and Harrison Street. c/o Ryan Bybee (app. 2908)

Public Hearing Items 6c & 6D will be presented together but will require separate motions.

- d) Request for **Vacation** of a 15' x 264', 3,960 sq ft, public utility easement to allow commercial development of property located at the southeast corner of Canyon Falls Drive and Harrison Street. c/o Ryan Bybee(app. 2909)

Applicant Presentation:

Ryan Bybee, the applicant explained he would like to rezone Tract A to C-1 and vacate an easement to allow him to build on the lot. He has received letters from all of the utilities in support of this request.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated There are two parcels the applicant has purchased. They were at one point part of the larger Breckenridge Farm. The

slim long sliver parcel was, according to the applicant, the old driveway to access the Breckenridge farm. The Smaller triangular piece was zoned C-1 PUD when the Northbridge PUD was adopted in 1998. The old driveway was annexed as C-1 in late 2016.

This is a request for a Zoning District Change and Zoning Map Amendment to rezone .22 +/- acres located at the NE corner of Pole Line Rd. and Harrison St N. from C-1 PUD to C-1. The applicant has purchased this tract and wishes to develop a commercial business at this location. To do this the tract needs to be removed from the Northbridge PUD and be zoned to a C-1. In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks: 1- to determine whether the request is in conformance with the Comprehensive Plan and 2- evaluate the request to determine the extent and nature of the amendment requested.

The Comprehensive Plan indicates this corridor as appropriate for Mixed Uses. There is no development plan to evaluate as this request is to only rezone the property. Any changes will require a full review by staff to determine the extent and nature of the changes. Any change shall comply with the purpose, uses and development standards of the RB Zoning District prior to development.

To make a positive recommendation, the Commission must determine that 1- the request is in conformance with the Comprehensive Plan and 2- the extent and nature of changing the zoning of this property to the Commercial Highway District would allow land development that would be compatible with and not detract from the surrounding area.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Mixed Use." Mixed use is a very broad category, which supports high density residential and commercial development. Staff has determined this request complies with the 2016 comprehensive plan.

Senior Planner Spendlove stated upon conclusion should the Commission is asked to make a recommendation to the City Council on this request

Senior Planner Spendlove stated the second portion of the request is to vacate a 15 foot public utility easement along the eastern boundary and a sign easement on a triangular parcel identified as Tract A. All other utility easements along Harrison St N. and Canyon Falls Dr. will remain in place. The applicant has purchased this tract and the adjacent 60' x 435' +/- parcel and wishes to develop a commercial business at this location. The purpose of vacating the easement is to allow a building to be constructed across the lot lines as seen in the applicant's site plan. The sign easement to be vacated is a private easement for a sign advertising the residential development which is currently not built. Staff has received all the required letters from the utility companies and governmental jurisdictions as well as the required letter for the sign easement, all in agreement for vacation thereof.

Senior Planner Spendlove stated upon conclusion should the Commission recommend to the

City Council, this request be granted as presented, staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code requirements and standards

Motion for 6c-ZDC

Commissioner Grey made a motion to recommend approval of the request, as presented. Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

Recommended Approval to City Council, As Presented

Motion for 6d-VAC

Commissioner Hawkins made a motion to recommend approval of the request, as presented. Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

Recommended Approval to City Council, As Presented

Scheduled for City Council Public Hearing January 8, 2018

- e) Request for consideration of the **Revocation of Special Use Permit#1432**, granted to Acorn Learning Center on May 23, 2017 to operate a private school offering pre-school through 5th Grade in a portion of an existing professional office building on property located at 493 Eastland Drive. c/o Wali Fedaie (app. 2910)

This item was withdrawn and moved to general public input. See general public input for discussion related to this item

- f) Request for the Commission's recommendation on a **Zoning Title Amendment** to add "Wedding Chapel and Event Center" to the SUI Zoning District: 10-4-2.2 (B) 5, to allow by Special Use Permit and to add the definition of "Wedding Chapel and Event Center" to Title 10; Chapter 2; Definitions. c/o BB55, LLC(app. 2911)

Applicant Presentation:

Dave Thibault, EHM Engineer, Inc., representing the applicant, stated that the code presently identified uses allowed and permitted, however wedding chapel and event centers are not listed in the code. they would like to add this particular use to the code section as a special use item and they have seen these types of amendments have been made in other sections of the code and they ask for a positive recommendation for the request.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated the R-1 43,000/SUI zone is located within the Area of Impact. The purpose of this zoning district is intended to provide a transition district from agricultural land uses to residential land uses in the area of impact. This district is also intended as a holding zone for future higher density residential zones, to be annexed and developed when city water and sewer services become available.

This request is to amend City Code 10-4-2; SUI Zoning District, to allow by Special Permit, Wedding Chapels / Event Centers. The SUI Zone lists the following permitted uses: farming in the form of animals on pasture, trees and plants, and intense agriculture on parcels 5 acres or larger. However, there are limited commercial uses listed under Special Uses, attachment #3.

The applicants state there are limited options for large gathering places for more than 200 people on properties located within this zoning district. This request looks to expand the special uses by adding Wedding Chapels/Event Centers, with a minimum of 3 acres, and meeting specific development standards with regards to fire, water, parking, landscaping, lighting, storm water retention, etc... Approval of this request would amend City Code 10-4-2 as listed below.

1. **10-4-2.1: PURPOSE:** This district is intended to preserve the rural integrity of areas adjacent to the city. (Ord. 2796, 6-14-2004)

10-4-1.2: USE REGULATIONS:

...

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

...

1. Public Assembly:
 1. Auditoriums
 2. Religious facility.
 3. Schools – public.
 4. [Wedding Chapel/Event Center with 3 acres or more.](#)

The addition of Wedding Chapel/Event Center into the Special Use category for the SUI zone could have some detrimental effects across the Area of Impact. However, staff feels that since this request places the use into the Special Use section, each request will be scrutinized based on the conditions of the property, and the proposed development on a case by case basis. This process will place a burden on the Commission to evaluate each request consistently, and mitigate each request for those impacts which contribute to detrimental effects in those

areas.

Lastly, if the Commission decides to approve the request, Staff recommends modifying the language to match the Use currently portrayed in City Code: *Wedding chapels and/or reception halls* this will alleviate some confusion within the code, and keep the land use consistent across Zoning Districts. Furthermore, a new definition would not need to be created at this time, as we would be using the terminology currently in use within City Code.

Senior Planner Spendlove stated upon conclusion the Commission may recommend the zoning title amendment as requested, recommend a modification of the amendment as presented (this may require another public hearing before the Commission), recommend with staff's modifications, or recommend the amendment be denied.

Public Hearing: Opened & Closed

Closing Statements:

Mr. Thibault explained he is in support of the Special Use Permit concept because there are some mitigating impacts to surrounding neighbors, and give the Commission some controls.

Discussion Followed: Without Concerns

Motion:

Commissioner Woods made a motion to recommend approval of the request, as presented. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

Recommended, Approval to City Council, As Presented

Scheduled for City Council Public Hearing January 8, 2018

7) Upcoming Meeting(s)

December 19, 2017 at 2:00 pm Work Session/Special Meeting for Public Hearing

January 3, 2018 12:00 pm Work Session/Special Meeting for Public Hearing

8) Adjournment

Lisa A. Strickland, Administrative Assistant