



Twin Falls Planning & Zoning Commission Agenda

Tuesday, May 23, 2017, 6:00 PM

Amended Agenda

City Council Chambers
305 3rd Ave E
Twin Falls, ID 83301

Members -

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

Area of Impact: Ryan Higley, Steve Woods

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consent Calendar
 - a) May 9, 2017 PH Minutes
Purpose: Action By: Chairman
 - b) April 25, 2017 PH Minutes -Amended
Purpose: Action By: Chairman
- 3) Items of Consideration
 - a) Request for the consideration of the **preliminary plat** of Morning Sun Subd No. 10, approximately 32.11 (+/-) acres consisting of 95 lots, 1 tract, and 1 parcel located south of Falls Avenue East and east of Hankins Road North. c/o EHM Engineers, Inc.
Purpose: Action By: Steve O'Connor
- 4) Public Hearings
 - a) Request for a **Special Use Permit** for the purpose of operating 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 Acorn Learning Center (app. 2863)
Purpose: Action By: Steve O'Connor
 - b) Request for a **Special Use Permit** for the purpose of operating a massage therapy business as a Home Occupation on property located at 662 Eastland Drive North. c/o Angie Port dba Knots in Knead Massage Therapy (app. 2864)
Purpose: Action By: Steve O'Connor
- 5) General Public Input
- 6) Upcoming Meeting(s)
 - a) June 7, 2017 Work Session - Cancelled June 13, 2017 Public Hearing
- 7) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Lisa A. Strickland (208) 735-7267 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name, then commence with their comments. Following their statements, they shall write their name on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's presentation should include the following:**
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.

The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.

4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - The Commission may ask questions of staff or the applicant pertaining to the request at this time.
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - The Chairman may limit public testimony to no more than two (2) minutes per person.
 - Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.
 - No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.
 - Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed- **No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.



Twin Falls Planning & Zoning Commission

Minutes-Amended

Tuesday, May 9, 2017, 6:00 PM

City Council Chambers
305 Third Avenue East - Twin Falls, Idaho

Members -

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

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Commissioner Frank called the meeting to order at 06:00: PM. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

Commissioner Present: Frank, Grey, Dawson, Hall, Hawkins, Munoz, Musser, Higley & Woods.

Staff Members Present: at the meeting: Carraway-Johnson, Nope, O'Connor, Strickland and Wonderlich.

2) Consent Calendar

a) Approval of Minutes from the following meeting(s): April 25, 2017

b) Approval of Findings of Fact and Conclusion of Law: Burnt Lemon Grill (SUP 04-25-17) & Jack's Oil & Tire (SUP 04-25-17)

MOTION: Commissioner Woods made a motion to approve the Consent Calendar, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

3) Items of Consideration- None

4) Public Hearings

a) Requests for the Commission's recommendation on a **Zoning District Change and Zoning Map Amendment** for approximately 7(+/-) acres from C-1 to M-2 located at 1211 Addison Avenue West. c/o Mike Jansson on behalf of Nelda Jansson (app. 2861) **Withdrawn to be rescheduled.**

b) Request for the **Commission's recommendation for a Zoning Title Amendment** which would amend Twin Falls City Code 10; Chapter 4; Section 10-Heavy Manufacturing; by adding Dwellings – Multiple Household (5 units or more) within the list of permitted uses. c/o Urban Renewal Agency-Nathan Murray (app. 2862)

Applicant Presentation:

Economic Development Director Murray, representing the Urban Renewal Agency, he explained that the request they are making is to allow multi-family housing within the M-2 zone within those areas designated as Downtown. The area is relatively small along the Rock

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Creek Canyon Rim between Shoshone Street and Blue Lakes Boulevard. This is an area that is underutilized within the City and historically has not been considered part of downtown, however the Urban Renewal Agency feels it could be a key piece for development. Uses that are allowed in this area are light to heavy manufacturing, the Parks & Recreation Department has offices in this location. Long range, as a redevelopment agency, they would like to see multiple uses in this location. The Urban Renewal Agency owns a significant amount of property in this area and have been approached to possibly build multi-family housing. In order to pursue this project the Urban Renewal Agency has made a request to amend the code to include the land use and restrict it to the Downtown area. This is an area they would like to see development and housing is a large part of the revitalization plan for the City. Trail systems, improving pedestrian and transportation connections has been one of the steps in revitalization and housing is another.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated since the adoption of Ord 2012, the Land Uses identified in the various Zoning Districts have been largely unchanged. As growth continues, the need for change, to meet the demands of our citizens, is required. Developing a more flexible or diverse land use within the zoning code will help alleviate and expedite new land uses within existing zones not permitted since 1981 to meet those demands.

Since 1981, the only permitted residences in the M-2, Heavy Manufacturing District, are Household units existing at the time of adoption and household units in the same building as an allowed use and occupied by the owner or employee.

This request is to amend City Code; 10-4-10; M2, Heavy Manufacturing District, to allow Residential Dwellings with *Multiple Households of 5 units (or more)* in the M-2 zone by Special Use Permit. Presently No new residential development is permitted within the M-2 Zone.

In 2012, the Urban Renewal Agency of the City of Twin Falls was granted a code amendment to allow multi-family units of 5 or more units to be allowed by Special Use Permit in the OT zone. The amendment also granted that attached single-household dwellings, duplexes, triplexes and four-plexes may be permitted by Special Use Permit in both the OT and CB zones.

Allowing residential development in the M-2 zone of the downtown area can bring a diverse mix of uses that is often seen as a catalyst to revitalization. Many cities and municipalities with warehouse and light industrial zones, which have declined over the last several decades, have looked to new ways to reutilize land, which has largely been left vacant. One popular and generally successful way has been to redevelop these parcels and blocks into residential/mixed use zones. Many municipalities across the west have utilized their old and dwindling warehouse and industrial zones as projects to support infill, manage growth, and increase

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housing stock.

On March 13, 2017, the Urban Renewal Agency met and voted to pursue a code amendment to allow multi-family residential dwellings within the M-2 Zone within targeted areas.

The public notice that was published stated this request was for all M-2 Zoned properties within city limits and the area of impact. However, the applicant is only interested in that area within Revenue Allocation Area #4-1, see attached map, and designated Downtown/High Density Residential as defined In The 2016 Comprehensive Plan and located east of Shoshone St South, south of Minidoka Avenue, west of Blue Lakes Boulevard South and north of the Rock Creek Canyon.

The applicant wishes to allow developers an opportunity to take advantage of the unique setting within the downtown area. The Revitalization of Main Ave/Downtown, and the Rock Creek Trail system are a couple of the amenities which would be readily accessible to residents.

This is the first step of the Zoning Title Amendment approval procedure. A request for a Zoning Title Amendment is initially made to the Commission. The Planning and Zoning Commission holds a public hearing to evaluate the request and to determine the extent and nature of the amendment. Upon conclusion of the public hearing the Commission makes a recommendation to the City Council on whether or not to approve the request as presented, deny the request, or approve the request with conditions and/or modifications. *If the Commission recommends approval they shall assure the request is compatible with the comprehensive plan.*

The City Council shall then hold an additional public hearing where they may approve the application as recommended by the Commission, deny the application, or remand the application back to the Commission for further proceedings. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published the City Code is officially amended.

The Commission may recommend the zoning title amendment as requested, recommend a modification of the amendment as presented (this will require another public hearing before the Commission), or recommend the amendment be denied.

Planner I O'Connor stated upon conclusion should the Commission recommend approval of this request Staff recommends the following:

1. Subject to M-2 zoned property within Revenue Allocation Area #4-1, see attached map, and designated Downtown/High Density Residential as defined In The 2016 Comprehensive Plan and located east of Shoshone St South, south of Minidoka Avenue, west of Blue Lakes Boulevard South and north of the Rock Creek Canyon.
2. Subject to approval by Special Use Permit.

PZ Questions/Comments: None

Public Hearing: Open and Closed Without Concerns

Deliberations Followed:

Commissioner Woods asked about the Canyon Rim Overlay requirements for development in this area.

Planner I O'Connor explained that property zoned M-2 is exempt from the Canyon Rim Overlay zone.

Commissioner Woods asked if someone wanted to build 10' from the Rock Creek Canyon they could.

Planner I O'Connor explained that is correct.

Commissioner Woods asked if engineering studies would be required.

Planner I O'Connor explained the property zoned M-2 is exempt from the study requirements also.

Commissioner Musser asked if staff is supporting this change.

Zoning & Development Manager Carraway explained staff is in support of the Urban Renewal Agency request.

Commissioner Munoz asked if salvage yards are an allowed use in the M-2 zone.

Planner I O'Connor explained they are allowed with the approval of a Special Use Permit.

Commissioner Munoz stated anything that resembles residential is a better option than what is allowed in the zone.

Commissioner Higley stated he agrees it provides the transition we would like to see and is a better option than what is there now.

Commissioner Frank stated he thinks this is a great direction and a path to take to get housing closer to downtown, this would provide a higher value land use.

Commissioner Woods asked if there are any litigation concerns with people building near existing uses that are not typical to residential uses and then suing the City for allowing this use.

Zoning & Development Manager Carraway-Johnson explained the manufacturing uses were in the area prior to the development so this should not be a concern.

Commissioner Munoz explained he doesn't think that there is going to be heavy manufacturing in this area.

Commissioner Higley explained this is a transition and could be a great catalyst to helping revitalize the area and bring housing to the downtown.

City Attorney Wonderlich explained that he understands the concern about litigation. He stated that the railroad right-of-ways existed prior to the townsite and staff is correct that anyone who buys an apartment in this area is doing so with the knowledge that the railroads are nearby.

Commissioner Musser stated he has some concerns about the setbacks however he agrees that this would be a good change.

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Motion:

Commissioner Dawson made a motion to recommend approval of the request to City Council, as presented, with staff recommendations. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Recommended for Approval, to City Council, as presented, With the Following Recommendations

1. Subject to M-2 zoned property within Revenue Allocation Area #4-1, see attached map, and designated Downtown/High Density Residential as defined In The 2016 Comprehensive Plan and located east of Shoshone St South, south of Minidoka Avenue, west of Blue Lakes Boulevard South and north of the Rock Creek Canyon.
2. Subject to approval by Special Use Permit.

5) General Public Input

Zoning & Development Manager Carraway-Johnson explained that the next public hearing has a couple of Special Use Permit requests, so it will be small agenda. The work session will be to discuss potential amendments to the code.

6) Upcoming Meeting(s)

May 23, 2017 Public Hearing
June 7, 2017 Work Session

7) Adjournment

Chairman Frank adjourned the meeting at 06:26: PM

Lisa A. Strickland, Administrative Assistant



MINUTES-AMENDED
TWIN FALLS CITY PLANNING & ZONING COMMISSION
April 25, 2017 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Danielle Dawson Tom Frank Kevin Grey Darren Hall Craig Hawkins Gerardo "Tato" Muñoz Ed Musser
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Dawson
Frank
Grey
Hall
Hawkins
Musser

ABSENT

Munoz

AREA OF IMPACT MEMBERS

PRESENT

Woods

ABSENT

Higley

CITY STAFF: Carraway-Johnson, O'Connor, Nope, Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **April 5, 2017 WS, April 11, 2017 PH**
2. Approval of Findings of Fact and Conclusions of Law:
Blu, LLC (SUP-04-11-17) Renter Center (SUP 04-11-17)

Motion:

Commissioner Grey made a motion to approve the consent calendar, as presented. Commissioner W seconded the motion.

Unanimously Approved

III. ITEMS OF CONSIDERATION: None

IV. PUBLIC HEARINGS:

- a) Request for the **Commission's recommendation on the zoning designation** for 2.19 (+/-) acres proposed for annexation with a zoning designation of R-2, currently zoned R-2 for property located at 491 Canyon Rim Road. c/o EHM Engineers, Inc. on behalf of Gordon Greaves (app.2857)

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc. representing the applicant explained that the applicant is requesting annexation with an R-2 Zoning Designation. He explained that the applicant plans to subdivide the property and would like to be able to connect to city services. In order to connect to city services annexation is required.

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Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated there is very little historical zoning or building data for this parcel. However, aerial imagery from 1950 shows what could be a residence at this location, and County parcel records have a home appraisal for this parcel dated in July 1963.

Recently, the majority of the old Canyon Rim Road was converted to a multi-use pathway as part of the Settlers Ridge Subdivision #3. The small portion of road in front of Mr Greaves property remained under the jurisdiction and maintenance of the Twin Falls Highway District.

The request is to annex the 2.19 acres under the current zoning R-2 Zoning District. Currently the property is developed with a single family home and what appears to be a few detached accessory buildings. Please see the attached maps for current and future zoning designations.

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed.

Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and shall be limited to the proposed development plan and zoning changes." The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published it is sent to the State and the official zoning map is officially amended.

An additional item that should be considered is Canyon Rim Road. The Settlers Ridge Sub #3 went through the public hearing process and the subsequent conversion of Canyon Rim road. At that time, Mr. Greaves elected to remain outside City Limits. As a result, multi-use path connections were made to the south of his property, and the Public Roadway in front of his property remained under the Twin Falls Highway District jurisdiction.

This described circumstance allowed the public to continue using the road in front of his property as part of that perpetual public roadway easement. This arrangement is not formalized in any agreement. As part of this annexation, it would be prudent to have a formalized easement recorded along the canyon rim for public access to the trail system.

Senior Planner Spendlove stated upon conclusion should the Commission find the R-2 Zoning Designation appropriate, they should forward a positive recommendation to the City Council for the entire 2.19 (+/-) acre site with the following condition.

1. Subject to a 15' wide public access easement, located adjacent to the Snake River Canyon Rim, being recorded prior to the Annexation Ordinance being approved by City Council, Location of 15' easement to be determined by City Staff.

PZ Questions/Comments:

Commissioner Woods asked if there will be impacts for requirements related to the Canyon Rim Overlay.

Senior Planner Spendlove explained that the Canyon Rim Overlay still applies.

Commissioner Grey asked if the applicant is aware of the condition for the easement.

Mr. Thibault explained that a 10' wide trail was discussed in the pre-application meeting with staff prior to this request. Their plans have been planning for the 10'. The applicant is willing to work with staff but the 15' was a surprise to him and the applicant.

Assistant City Engineer Vitek explained the path would be 10' in a 15' easement, this will come to the Planning & Zoning Commission as part of the preliminary plat. All of these details can be discussed at that time.

Public Hearing: Opened & Closed Without Public Input

Deliberations Followed: Without Concern

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Motion:

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

Recommended for approval, to the City Council, as presented, with the following conditions

1. Subject to a 15' wide public access easement, located adjacent to the Snake River Canyon Rim, being recorded prior to the Annexation Ordinance being approved by City Council. Location of 15' easement to be determined by City Staff.

Scheduled for City Council May 30, 2017

- b) Request for the Commission's recommendation on the vacation of 2 easements 1) utility, vehicular & drainage easement approximately 15' x 160' along the western border of Lot 3, blk 2 of West Park Commercial Subdivision No. 2 and 2) utility, vehicular and drainage easement approximately 25' x 244' along the northern boundary of Lot 3 Blk 2 of West Park Commercial Subdivision No. 3 on property located at 1821 Canyon Crest Drive. c/o Gerald Martens on behalf of Jason Vickrey aka Putters (app. 2858)

Applicant Presentation:

David Thibault, EHM Engineers, Inc. representing the applicant explained there are actually two easements that were platted. One of the easements is located on the west boundary that was reserved for utilities, the second easement is along the north side and was for vehicular and drainage. The west easement they would like to vacate completely, and they would like to vacate a portion of the north easement. As they have developed the plan they think approximately 68' could be maintained for vehicular access. A letter has been submitted explaining the amendment to the request. There are no utilities in the west easement, they are located on the front side of the property in the road.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated this parcel is part of the Westpark Commercial Subdivision #2, recorded in September 1998. Aerial Imagery shows this lot being an agricultural use from 1957 to 2004. Imagery in 2012 showed a vacant lot with more development in the area. The Northbridge PUD was signed into effect in July 1993, and currently governs the zoning and land use of the property.

This is a request to vacate two (2) platted easements: 1) utility, vehicular & drainage easement approximately 15'x160' along the western border and 2) utility, vehicular & drainage easement approximately 25' x 244' along the northern boundary, both within Lot 3 Blk 2 of West Park Commercial Subdivision No. 2 on property located at 1821 Canyon Crest Drive. The applicant wishes to vacate the platted easements in order to develop the site as a mini golf establishment.

All utility companies have agreed to release their rights to their respective easements as shown with the attached letters of approval. As additional information, the City maintains an eight (8) inch sewer main along the northern boundary of the property. This sewer main is within a separately recorded easement and will not be changed or removed by this vacation. Furthermore, the applicant's development plan does not affect the sewer infrastructure.

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.

PZ Questions/Comments:

Commissioner Hall stated he sees the letters from the utility companies but he doesn't see any paperwork from Westpark Commercial, LLC stating they are fine with the vacation.

Senior Planner Spendlove explained staff received a copy of that letter today.

Commissioner Woods explained that this is going to be a popular hangout and wanted to know if there are sidewalk in the

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area.

Senior Planner Spendlove explained there is a sidewalk from this location south to Pole Line and as Canyon Crest Drive develops there will be sidewalks.

Commissioner Musser asked if vacating this precludes putting in a street.

Senior Planner Spendlove explained that it would not allow a street as it exists today.

Mr. Thibault explained that the 25' width doesn't meet public way standards but is sufficient for emergency access.

Public Hearing: Opened & Closed Without Public Input

Deliberations Followed:

Commissioner Hawkins asked if the 68' is a concern.

Senior Planner Spendlove explained that the access is not required but in the future if they re-plot the undeveloped portion of the property this may have to be addressed.

Motion:

Commissioner Dawson moved to recommend approval of the request, as presented, with staff recommendations.

Commissioner Grey seconded the motion. All members present voted in favor of the motion.

Recommended for approval, to the City Council, as presented, with the following conditions

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

Scheduled for City Council, May 30, 2017

- c) Request for a Special Use Permit for the purpose of expanding by more than 25% an existing tire and lube shop on property located at 721 Hankins Road in the City's Area of Impact. c/o Jack's Tire and Oil (app. 2859)

Applicant Presentation:

Ike Smith, representing the applicant, stated the reason for the request is to expand 25% because they have had a 20% increase in customers. They need additional work bays and need to be able to serve their customers. The addition will be along the northwest corner of the building. There will be no changes to the operating hours, and there should not be any impacts to the surrounding area.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated aerial imagery shows this parcel as Agricultural land until 1989. At that time it appears there was some form of commercial operation established. According to county parcel records, Jack's Tire and Oil purchased the property in 2005. They have been operating at this location since.

This is a request to expand a tire and lube operation by more than 25% in the C-1 zone, thus an SUP is required. The building will be expanded to the west, as shown in the elevations. This general area has seen some recent development with the establishment of McDonald's and Oasis Stop N' Go across the street. The applicant has seen a steady increase in operations since they started operating over 10 years ago and require additional space. The applicant, nor City Staff, anticipate any increase in detrimental impacts to the area that would be cause for concern. Staff determines this request as reasonable due to the zone and surrounding land uses.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for Commercial or Industrial Flex. Areas with these two designations fit more intensive commercial or light industrial land uses. This request being an expansion of an already operating commercial establishment fits the Commercial Future Land Use Designation. Therefore, staff has determined this request complies with the 2016 comp plan.

Per City Code 10-13-2:

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Expansion of any building by over 25% for a use that originally has an SUP, requires a Special Use Permit.

Per City Code 10-11-1 thru 8:

Required improvements include access, drainage and storm water. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

Increase in traffic to Jack's Tire and Oil is the only anticipated impact to the surrounding area. However, with the establishment of McDonald's/Oasis Stop N' Go directly across Hankins and being in close proximity to Kimberly Rd/State Hwy 30, this increase is not likely to be detected.

Planner I O'Connor stated upon conclusion should the Commission grant this request 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.

PZ Questions/Comments:

Commissioner Frank asked if the entire property has to be brought up to code, the hard surface requirements for equipment parking and maneuvering area.

Planner I O'Connor explained the hard surface requirement does apply in the C-1 zone.

Public Hearing: Opened & Closed Without Public Input

Deliberations Followed:

Commissioner Hall explained that he doesn't think that the area where they are storing tires should need to be paved. Planner I explained code will determine the requirements

Motion:

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

Approve, As Presented, With 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.

- d) Request for a **Special Use Permit** for the purpose of serving alcohol for consumption on site in conjunction with a restaurant on property located at 1040 Shoshone Street East. c/o Brenden Taylor dba Burnt Lemon Grill, LLC (app. 2860)

Applicant Presentation:

Brenden Taylor, the applicant explained they would like a special use permit to be able to serve beer and wine at the restaurant. This is a counter service type business so the customer would have to come to the counter to purchase each drink. They currently have this service at their business in Nampa and have not had any issues. He has educated his staff on the penalties for serving alcohol through the drive through window and he ensures this will not occur.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated County Parcel records date back to 1987, as owned by Bank of America. In 1976, a Conditional Use Permit was granted by Ordinance 1800 to permit a Savings and Loan Bank including a drive-thru, to be constructed and operated on the property. City utility billing records indicate there has only been a financial institution operating from this property. The property was vacated within the last 5 years. The

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Commission approved SUP #1403 on August 23rd, 2016 to allow a nonconforming use to replace a legal nonconforming use at 1040 Shoshone St E. Currently, it is a vacant building in which the applicant is improving to open the new location for The Burnt Lemon Grill.

The applicant is requesting a Special Use Permit to serve Alcohol for consumption on site, in conjunction with a restaurant. The Commission previously approved SUP #1403 to replace a legal nonconforming use with a different nonconforming use. The commission approved the nonconforming use of a restaurant at this location, and the applicant is now requesting another SUP in order to allow the serving of alcohol for on-site consumption, a nonconforming use. The applicant has stated "they understand clearly, the penalties for serving alcohol through a drive-thru window and will ensure this will never happen."

The applicant considers their restaurant a "counter service" style establishment and as such, patrons will not likely see their establishment as a "hangout" in the sense a bar is a hangout. The applicant, nor staff, anticipates an increase in detrimental impacts to the surrounding properties with the approval of this request.

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Downtown/High Density Residential." This land use designation is deemed appropriate for a diverse mix of land uses, which is scaled to create a pedestrian friendly environment. A restaurant which serves alcohol for consumption on site, fits the desired intent for a mixed use zone, and the proximity to residential improves the likelihood of an increase in pedestrian traffic. Staff determines this request complies with the 2016 comprehensive plan.

Per City Code 10-3-4:

..."A legal nonconforming use involving a building may be resumed or replaced by another nonconforming use by special use permit if said legal nonconforming use has not been discontinued for more than five (5) years. In addition to the General Standards, 10-13-2.2(D), applicable to special uses, the applicant must show that the existing building cannot reasonable be converted to a conforming use. (Ord. 2555, 7-21-1997)"

Per City Code 10-11-1 thru 8:

Required improvements include access, drainage and storm water. These required improvements have been and will continue to be evaluated, and enforced at the time of building permit submittal.

The applicant states there will be no increase in noise, odor, or glare with the approval of the request. The original impacts of the business as reported in the previous Special Use Permit #1403 are still applicable. As such, the original conditions of that SUP should continue to be applicable.

Planner I O'Connor stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the original conditions placed upon SUP Permit #1403 still being met and fully enforceable.

PZ Questions/Comments: None

Public Hearing: Opened

Ms. Hurtago explained the main concern they have is the restaurant hours and how that will impact the area with customers consuming alcohol on site.

Mr. Taylor explained they close at 9pm, this will not operate like a bar, it will be just be a service offered to their customers.

Hania Hurtago asked what the recourse is if there are issues.

Planner I O'Connor explained that if there is a disturbance because of this use they can contact the police department.

Public Hearing: Closed

Planning & Zoning Commission Minutes

April 25, 2017

Deliberations Followed: Without Concerns

Motion:

Commissioner Musser made a motion to approve the request, as presented, with staff recommendations. Commissioner Dawson seconded the motion. All members presented voted in favor of the motion.

Approved, As Presented, With the Following Conditions

1. Subject to the original conditions placed upon SUP Permit #1403 still being met and fully enforceable.

V. GENERAL PUBLIC INPUT:

Commissioner Frank asked for a large print out of the zoning map.

VI. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VII. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber unless otherwise posted)

1. Work Session-**May 3, 2017 Cancelled**
2. Public Meeting-**May 9, 2017**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:58 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



Public Meeting: **TUESDAY, May 23rd, 2017**

To: Planning and Zoning Commission

Presenter: Jonathan Spendlove, Planner I

Authors: Steve O'Connor & Jonathan Spendlove

AGENDA ITEM III-1

Request: Request for consideration of the preliminary plat of the Morning Sun Subdivision, #10, 32.11 (+/-) acres consisting of 95 lots, 1 tract, and 1 commercial parcel located at the southwest corner of Stadium Blvd and Hankins Road North. c/o EHM Engineers, Inc.

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner	Size: 32.11 +/- Acres
Ardel Wickel Wickel Land Co, LLP 1084 E. 300 N. Declo, ID 83323	Current Zoning: R-2, Residential Medium Density District	Requested Zoning: Preliminary Plat
	Comprehensive Plan: Town Neighborhood	Lot Count: 95 Lots & 1 Tract & 2 Commercial Parcels
	Existing Land Use: Agriculture & Vacant	Proposed Land Use: S/F Residential Subdivision
Representative:	Zoning Designations & Surrounding Land Use(s)	
EHM Engineers c/o Gerald Martens 621 N College Rd, Ste 100 Twin Falls, ID 83301 gmartens@ehminc.com 208.734.4888	North: Stadium Blvd; R-2, Morning Sun #9 & Pillar Falls Elementary	East: R-1 VAR Aol; Agriculture
	South: R-1 VAR Aol; Filer Ave E Extended/Highlawn Sub; Residential	West: Hankins Rd N; R-1 VAR; Morning Sun S/F Residential Sub
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-4, 10-12-1 through 4;	

Approval Process:

As per Twin Falls City Code 10-12-2.3 Action on Preliminary Plat:

The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

Budget Impact:

As the request is for a Preliminary Plat, approval of this request will have negligible impact on the City budget.

Regulatory Impact:

Upon approval of a preliminary plat a final plat that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

History:

On July 8, 2014 the Commission held a public hearing to hear a request for Annexation of 53.6 (+/-) acres, zoned R-1 VAR, located on the east side of the 500, 600 & 700 blocks of Hankins Road North aka 3200 East Road c/o Twin Falls School District & The City of Twin Falls (app. 2650). All members present voted in favor of the motion to forward a positive recommendation with the zoning of R-1 VAR.

On August 4, 2014, the City Council held a public hearing on this request. With a vote of 6 in favor to 1 against City Council approved annexation with the zoning designation of R-1 VAR. On August 11th, 2014 the Ordinance 3075 was read and adopted.

January 13th, 2015 this commission forwarded to city council, a request to rezone this area to R-2. In February 2015, City Council approved and passed Ordinance 3089 to rezone said property. The Final Plat for the Sackett Farms Subdivision No. 2 was recorded in May 2015.

Sackett Farms Conveyance Plat was recorded in 2007. In 2015 Sackett Farms Subdivision #2 was recorded. Morning Sun #10 is a replat of a portion of Sackett Farms Sub #2.

Analysis:

This is a request for preliminary plat of The Morning Sun #10 subdivision. This request is a resubdivision of Lot 1, Block 2 of the Sackett Farm Subdivision No. 2. The Sackett Farm Subdivision No. 2 was platted to facilitate the development of Pillar Falls Elementary School as well as further residential development. Morning Sun # 10 is the last section of the Sackett Farm No.2 to be re-platted. The preliminary plat submitted consists of 32.11 +/- acres with 95 residential lots, 1 Tract and 2 Commercial Parcels. It is unclear as to the intent of the 2 commercial parcels.

The code requires every residential subdivision to develop parkland unless a request for a Parks-n-Lieu, cash payment, is approved by the City Council subject to a recommendation from the Parks & Rec Commission. As of today, the Parks and Rec Commission has not held a public hearing on this request. A final plat cannot be submitted until the parks issue is resolved. The preliminary plat does not show a park.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan, which designates this area as "Town Neighborhood." Low to medium density residential use is appropriate for this future land use designation.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

Conclusion:

Staff recommends the commission approve the preliminary plat of the Morning Sun Subdivision #10, as presented, and subject to the following conditions:

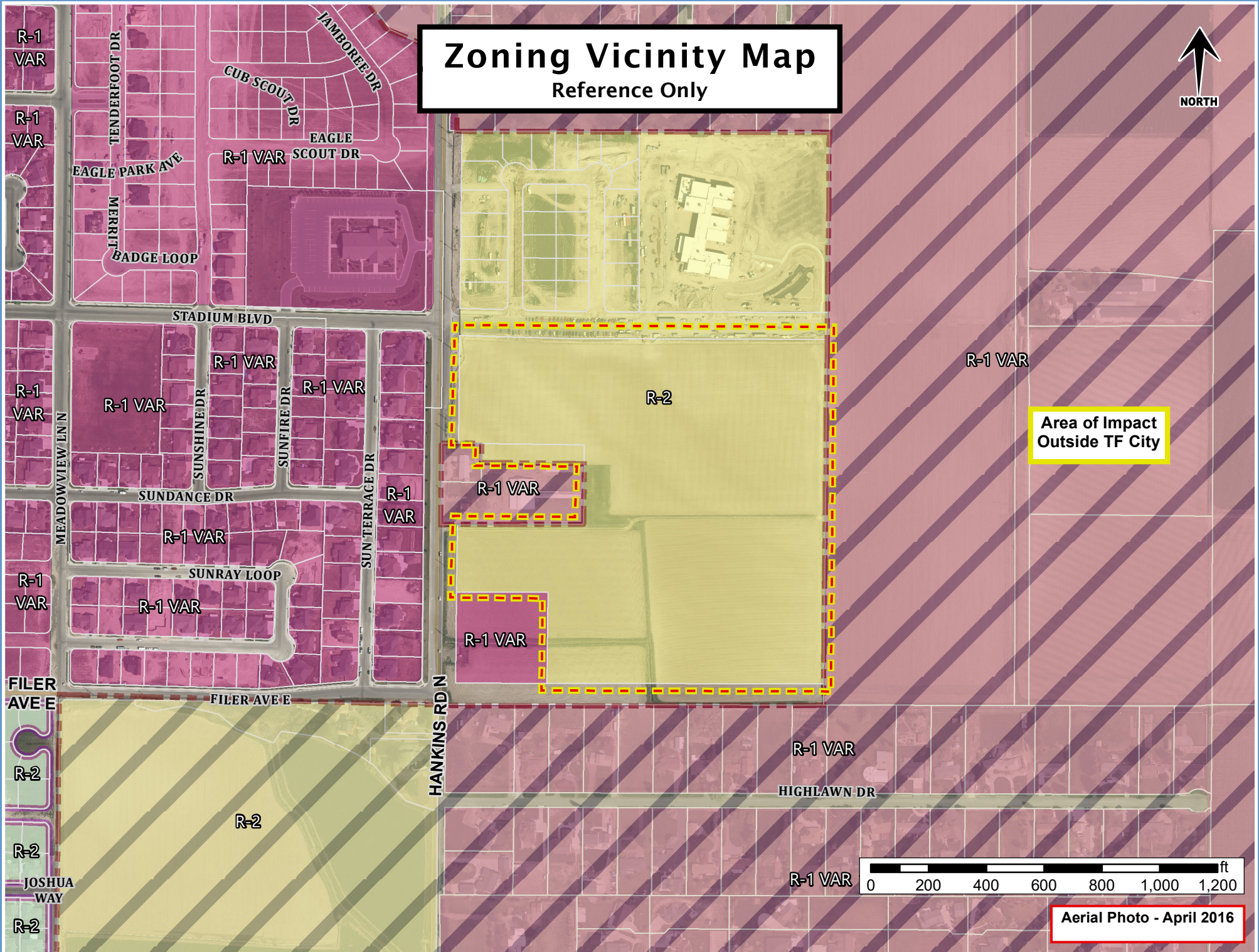
1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to no final plat submitted until the parks issue is resolved.

Attachments:

1. Zoning Vicinity Map
2. Aerial Photo Map
3. FLU Map
4. Sackett Farms Sub No 2 plat
5. Preliminary Plat
6. Photos

Zoning Vicinity Map

Reference Only



Area of Impact
Outside TF City



Aerial Photo - April 2016

Aerial Map

Reference Only



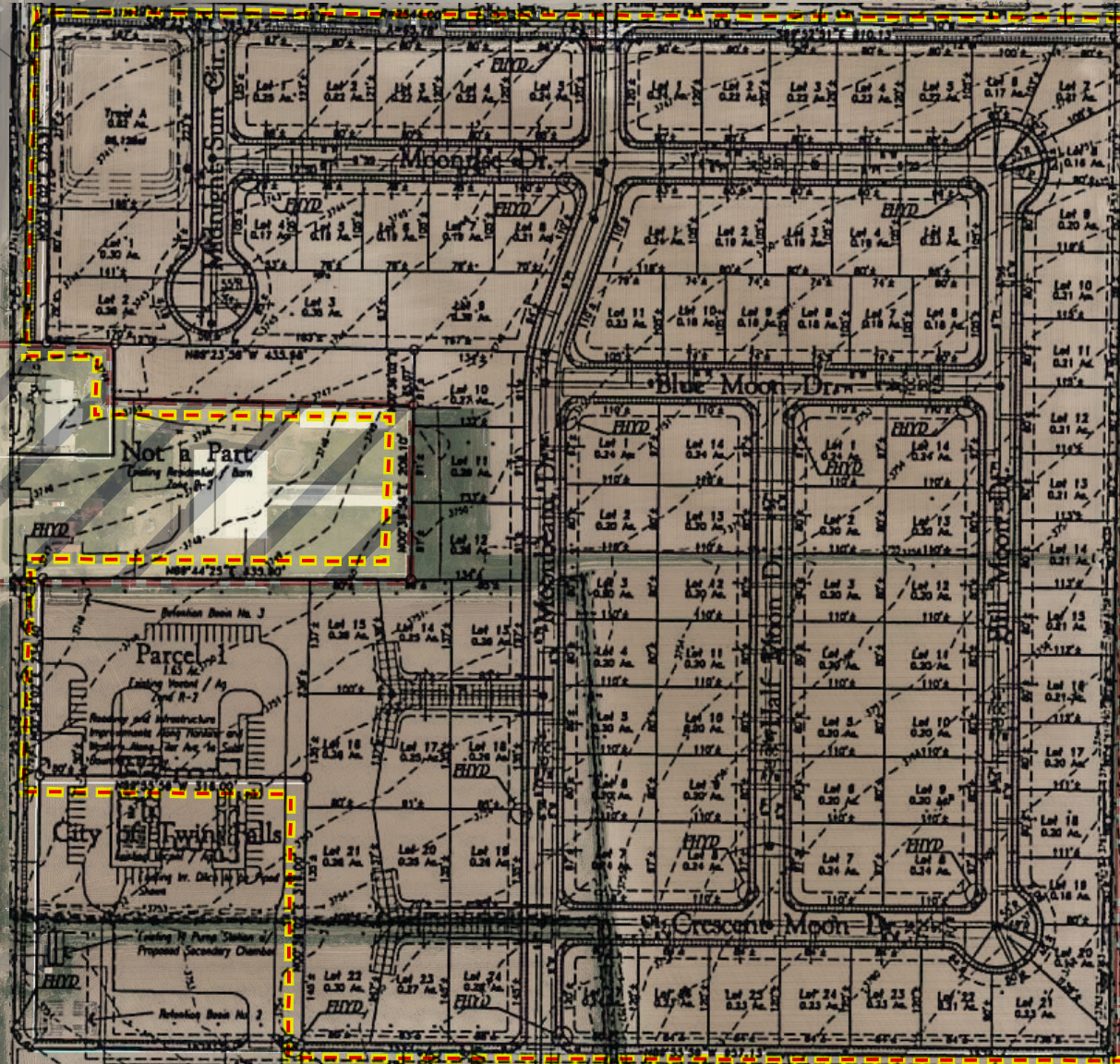
HANKINS RD N

STADIUM BLVD

SUNDANCE DR

SUN TERRACE DR

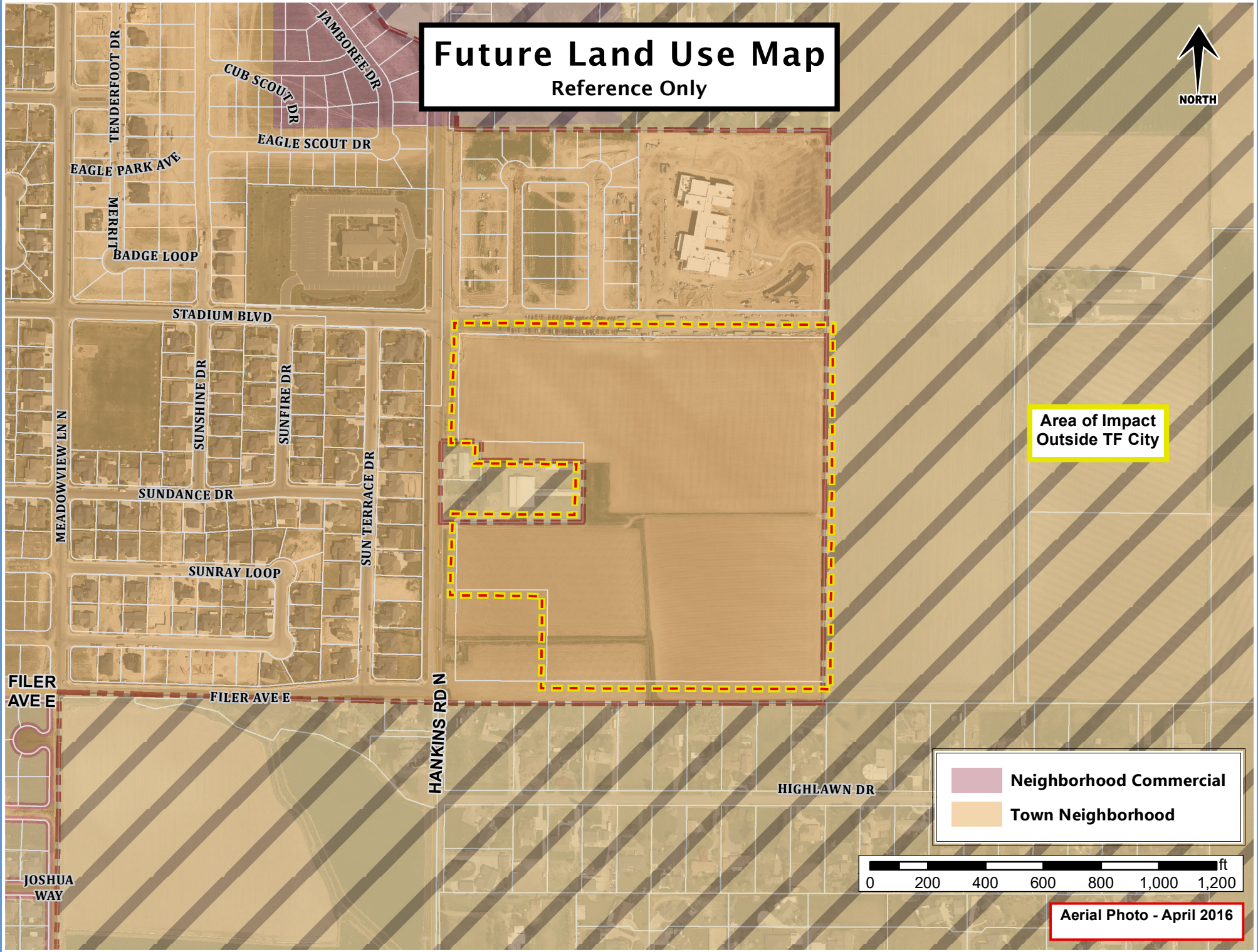
FILER AVE E



Aerial Photo - April 2016

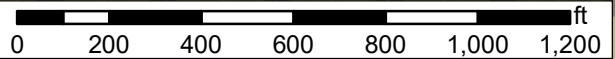
Future Land Use Map

Reference Only



Area of Impact
Outside TF City

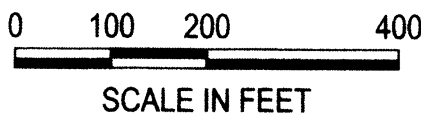
	Neighborhood Commercial
	Town Neighborhood



Aerial Photo - April 2016

SACKETT FARM SUBDIVISION NO. 2

A Re-Subdivision and Re-Numbering of Lot 1 and Lot 2
Conveyance Plat Sackett Farms Subdivision
Located In a Portion of
S² NW⁴ NW⁴ and a Portion of SW⁴ NW⁴ of
Section 12
Township 10 South, Range 17 East Boise Meridian
Twin Falls County, Idaho
2015

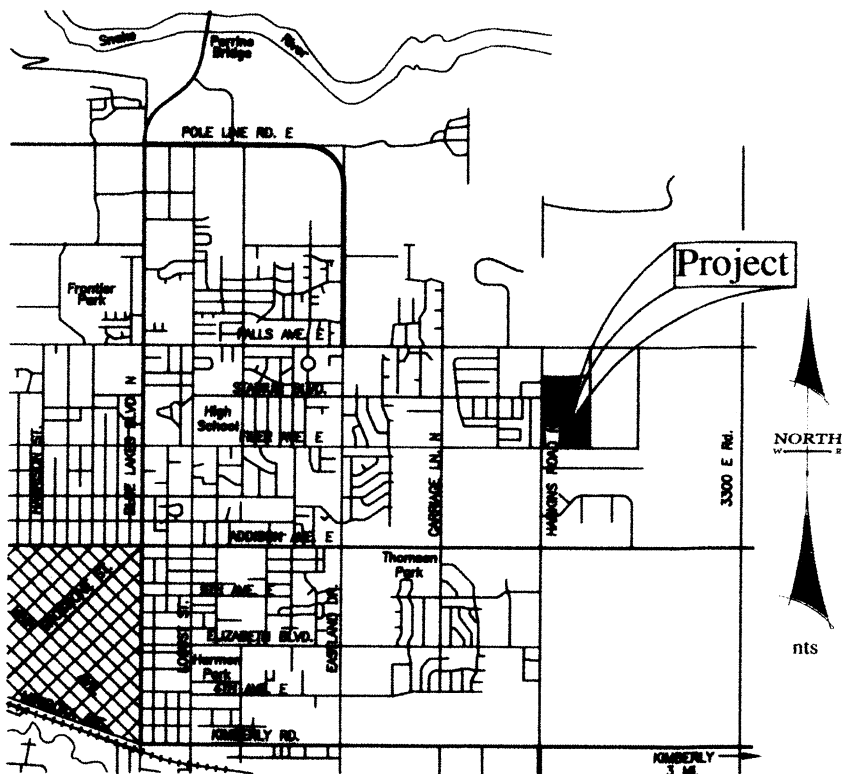


Legend

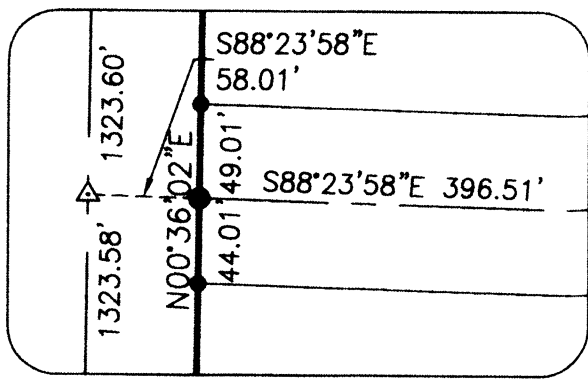
SUBDIVISION BOUNDARY LINE	_____
SECTION LINE	_____
QUARTER SECTION LINE	_____
EASEMENT LINE (SEE EASEMENT TABLE)	_____
ADJACENT PROPERTY LINE	_____
CENTERLINE OF STREET	_____
LOT LINE	_____
CALCULATED POINT (NOT SET)	△
FOUND BRASS CAP	●
FOUND 5/8" REBAR & CAP, LS 8077 OR AS NOTED	○
SET 5/8" x 24" REBAR & CAP - LS 10110	●
SET 1/2" x 24" REBAR & CAP - LS 10110	●

Easement Table

- (A) 15' WIDE LANDSCAPE, UTILITY, ACCESS, SIDEWALK, IRRIGATION AND DRAINAGE EASEMENT
(B) 15' WIDE IRRIGATION EASEMENT



TWIN FALLS, IDAHO



DETAIL

Health Certificate

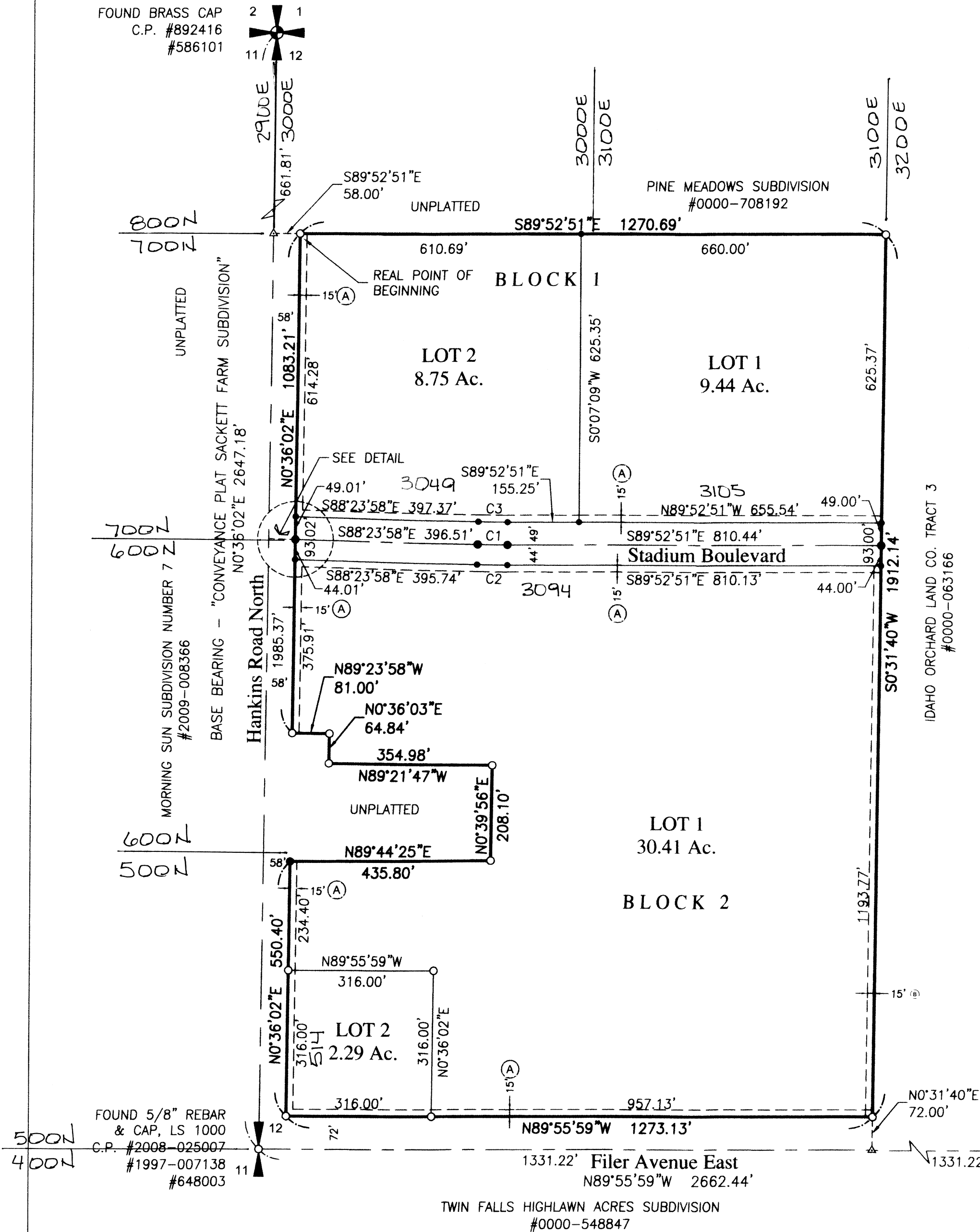
SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 50, CHAPTER 13, HAVE BEEN SATISFIED BASED ON THE DEQ APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF SANITARY RESTRICTIONS. BUYER IS CAUTIONED AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER/SEPTIC FACILITIES HAVE SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET OTHER CONDITIONS OF DEQ, THEN SANITARY RESTRICTIONS MAY BE RE-IMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

REHS, SOUTH CENTRAL PUBLIC HEALTH DISTRICT

DATE: 4/15/15

Survey References

#2008-014155
#0000-976425



Curve Table

CURVE #	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
C1	1°28'53"	2500.00'	64.64'	64.64'	32.32'	S89°08'25"E
C2	1°28'53"	2544.00'	65.78'	65.77'	32.89'	S89°08'25"E
C3	1°28'53"	2451.00'	63.37'	63.37'	31.69'	S89°08'25"E

TWIN FALLS COUNTY
Recorded for:
EHM ENGINEERS
8:29:08 AM 05-20-2015
2015-007935
No. Pages: 3 Fee: \$ 33.00
KRISTINA GLASCOCK
County Clerk
Deputy: DWRIGHT





Public Ntice Sign



Looking South from Stadium Blvd



Looking SW from NE Corner



Looking NE from SW Corner



Public Hearing: **Tuesday May 23rd, 2017**

To: Planning and Zoning Commission

Presenter: Steve O'Connor, Planner I

Editor: Renee Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM IV-1

Request: Request for a **Special Use Permit** 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. Acorn Learning Center c/o Andrew Swensen on behalf of Joseph Ippilito (app. 2863)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner	Size: .99 (+/-) acres
Joseph Ippilito For Acorn Learning Center PO Box 1596 Twin Falls, ID 83301	Current Zoning: R-6 PRO & R-4 PRO, Residential Multi-Household District with a Professional Office Overlay	Requested Zoning: SUP
	Comprehensive Plan: Town Neighborhood	Lot Count: 1 Lot
	Existing Land Use: Vacant professional office building	Proposed Land Use: a private school offering pre-school through 5 th grade classes
Representative:	Zoning Designations & Surrounding Land Use(s)	
Andrew Swensen, P.E. 2972 E 3400 N Twin Falls, ID 83301 208.308.3741 andrew@swensensmarket.com	North: R-4, Residential; R-4 PUD (Russell Square), 4-Plex Complex	East: R-6 PRO and C-1; professional office / Eastland Dr; O'Leary Jr. High School
	South: R-6 PRO, Residential; R-4 PUD (Russell Square), Apartment Complex	West: R-4 PUD (Russell Square), 4-plex residential complex
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-6, 10-4-18, 10-11-1 thru 8	

Approval Process:

The Special Use Permit process requires a public hearing to be held in which interested persons have the opportunity to be heard with regards to the application.

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions placed by the Commission for approval.

If an applicant or interested party appeals the decision of the Commission with fifteen (15) days from the date of action (when the Findings of Fact are signed), the 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.

Budget Impact:

Approval of this request will have a negligible impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to establish and operate a private school serving preschool through 5th grade aged children in a portion of an existing professional office building at 493 Eastland Dr.

A special use permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

History:

This parcel is part of the Snyder Tract recoded in 1909. 493 Eastland Dr. first appeared in the Polk directories in 1984 as a psychologist's office. It has since change uses and in 1993 built a 3900 sq. ft. addition, 1300 sq. ft. on 3 floors, to the north side of the existing building. The zoning with the PRO overlay was likely placed when Ordinance 2012 passed in 1981.

Analysis:

This is a request to operate a private school serving preschool through 5th grade aged children in a portion of an existing professional office building at 493 Eastland Dr. The request is to operate the school from all three floors of the 1300 sq. ft. 1993 addition, for a total of 3900 sq. ft., located on the north side of the building. The Commission may wish to get clarification whether or not the school will operate from all three (3) floors. There is no indication whether or not there will be a safe outside play area for the children. The aerial identifies a fenced grass area that may be utilized for an outside play area.

The property has had several uses of the years and has previously had two (2) other Special Use Permits, SUP #103 to establish a professional office and in 1993 SUP #339 was granted to expand the building to its current size. The R-6 zone requires an SUP to establish a private academic school.

Though there is limited parking on this lot, the applicant is requesting to use only the 3900 sq. ft. of the 1993 addition. Based on the use of this school and a professional office staff has determined there appears to be adequate parking provided. There are 19 total spaces available onsite and assuming the original portion of the building is utilized as a professional office it appears to be enough parking here to fit both uses. The private school, as presented, requires seven (7) parking spaces:

- 1 Preschool class with 2 Teachers = 3 parking spaces
 - 1 Kindergarten class with 1 Teacher = 2 parking spaces
 - 1 Elementary class with 2 Teachers = 2 Parking Spaces
- Total Parking = 7 spaces + 1 Off loading/Loading space**

There is a secondary access lane to the north of the building. The lane appears to be unpaved. Declaration of the intended use of the lane should be addressed as part of this request. If the applicant does not intend to use the unpaved access/lane then a condition that it be blocked from use should be a condition of approval. Any use of the access/lane shall require hard surfacing and may require development of an arterial approach. The area located to the west of the building does not appear to be paved. Parking and maneuvering areas require them to be hard surfaced. If the applicant intends to use this area then it will require development.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for Town Neighborhood, which is defined as; Primarily residential in nature, with lots that are smaller than rural lots to maximize open space and provides services which would cater to residential uses. This application for a private school which is a use that will serve the surrounding neighborhood as well as other students in other parts of the city. Staff determined that a private school complies with the Town Neighborhood designation of the 2016 comprehensive plan.

Per City Code 10-4-6:

A Special Use Permit is required to establish a private academic school in the R-6 zone and assurance the site is in compliance with development requirements.

Per City Code 10-11-1 thru 8:

Required improvements for this change of use may include arterial access, drainage and storm water retention, parking, parking lot lighting, striping, landscaping, etc... Required improvements shall be evaluated at the time of building permit submittal. All applicable code requirements shall be completed prior to a certificate of occupancy being issued.

Possible Impacts:

The applicant does not anticipate any adverse effects from noise glare or odor. However, it is anticipated that traffic during the morning drop off times will increase and could add to traffic on Eastland Drive seen at that time for O'Leary Middle School. The pick-up times are proposed to be staggered in order to limit the traffic impact in the afternoon. The narrative does not state the maximum number of students. It has been a typical condition placed by the commission to limit the number of students/teachers under an approved special use permit for the operation of a school. In addition, there is only one developed access to the applicant's property and that is through 493 Eastland Dr. Currently a chiropractic office is operating at 497 Eastland Dr. The increase in traffic in the morning and afternoon will have the most impact upon this business.

Conclusion:

Should the Commission grant this request 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.
2. Subject to the maximum enrollment limited to **50??** students. Additional students shall require a new special use permit.
3. Subject to all parking and maneuvering areas be developed in compliance with code.
4. If the northerly access lane is not used it shall be blocked.
5. Subject to No occupancy until a Certificate of Occupancy is issued.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. Applicant Submitted Site Plan
6. Site Photos

Special Use Permit Application – Additional Information

Property located at 493 Eastland Drive
Joseph Ippilito

Purpose and Description:

A Special Use permit is requested to operate a "School – Private Academic" at the property located at 493 Eastland Drive. This property is currently zoned R-6 Residential Multi-Household District and the current City Code requires a special use permit for this type of proposed use. This property has been previously used for Professional Office.

The applicant intends to operate Acorn Learning Center, a 501C3 educational organization that caters to children ages pre-school through 5th grade. The school has an annual calendar that resembles the other traditional schools in the area, where classes are held from late August through late May.

During the months that school is in session, Acorn Learning Center will operate from 8 am to 4 pm. The averages number of students per day averages fifty students, with a teacher/office staff of five people. Traffic is heaviest during the morning drop off period. Later in the day, the half-day preschoolers, half-day Kindergarteners, and the full-day grade schoolers are released at staggered times, which results in a reduced flow of traffic for those various pick-up times.

The properties surrounding this location are used for single unit dwellings, multi-unit dwellings, neighborhood businesses, and other schools. The applicant feels that this proposed use is consistent with other uses in the area and adds value to this part of Twin Falls by offering a unique and valuable service.

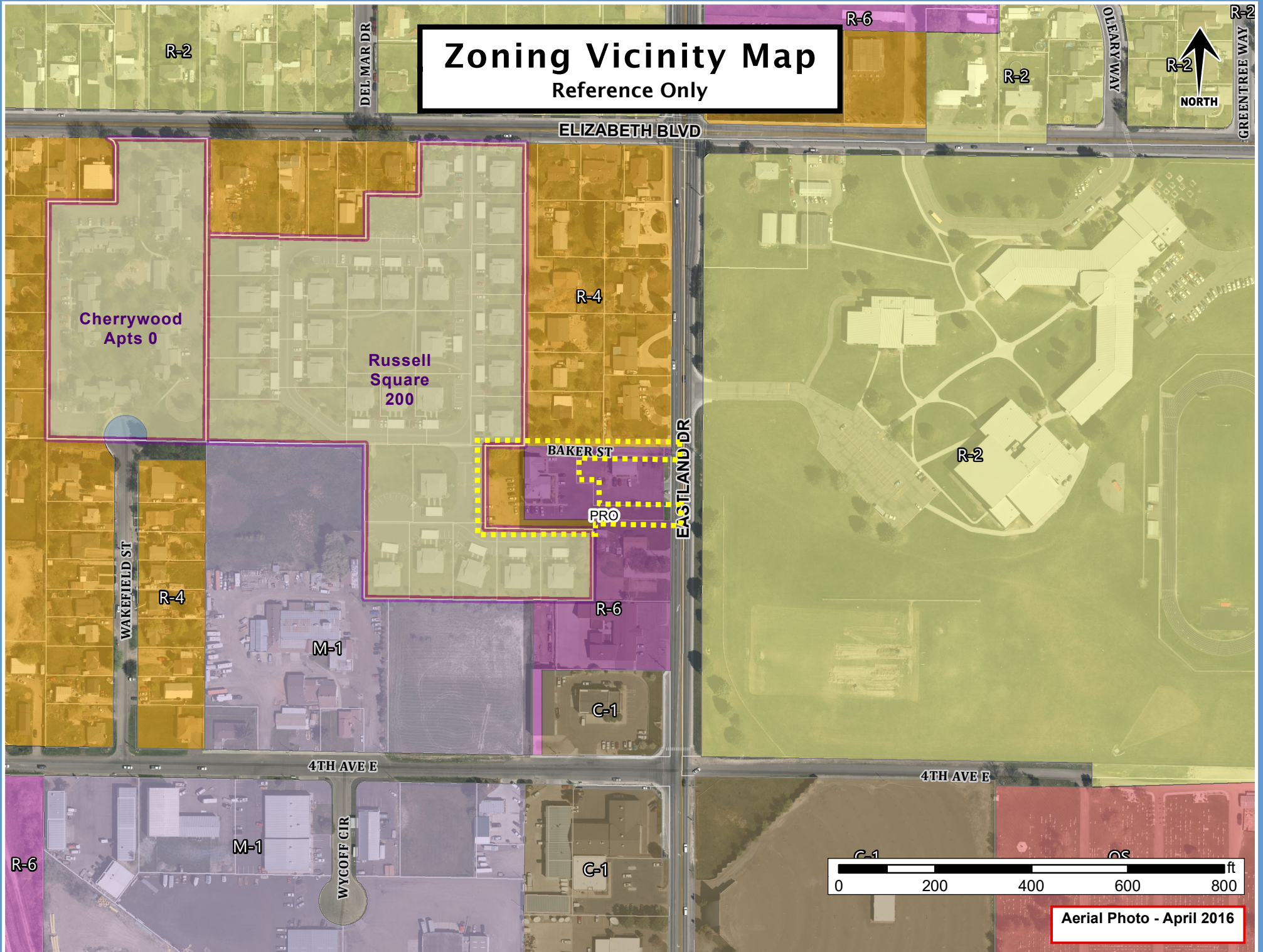
Effects on Adjoining Property:

The proposed special use is compatible with the other uses in the neighborhood. The proposed use is not anticipated to cause adverse noise, glare, odor, fumes, and/or vibrations that might affect adjoining properties.

There will be the expected traffic flow to the school, especially during the morning drop off period at around 8:00 am. This site offers a 28 foot wide arterial approach off of Eastland Drive and a generous paved parking lot with handicap parking stalls and an ADA compliant sidewalk ramp. For fire lane purposes, the site offers a secondary lane that provides the ability for larger trucks to loop through the property.

Zoning Vicinity Map

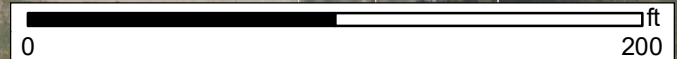
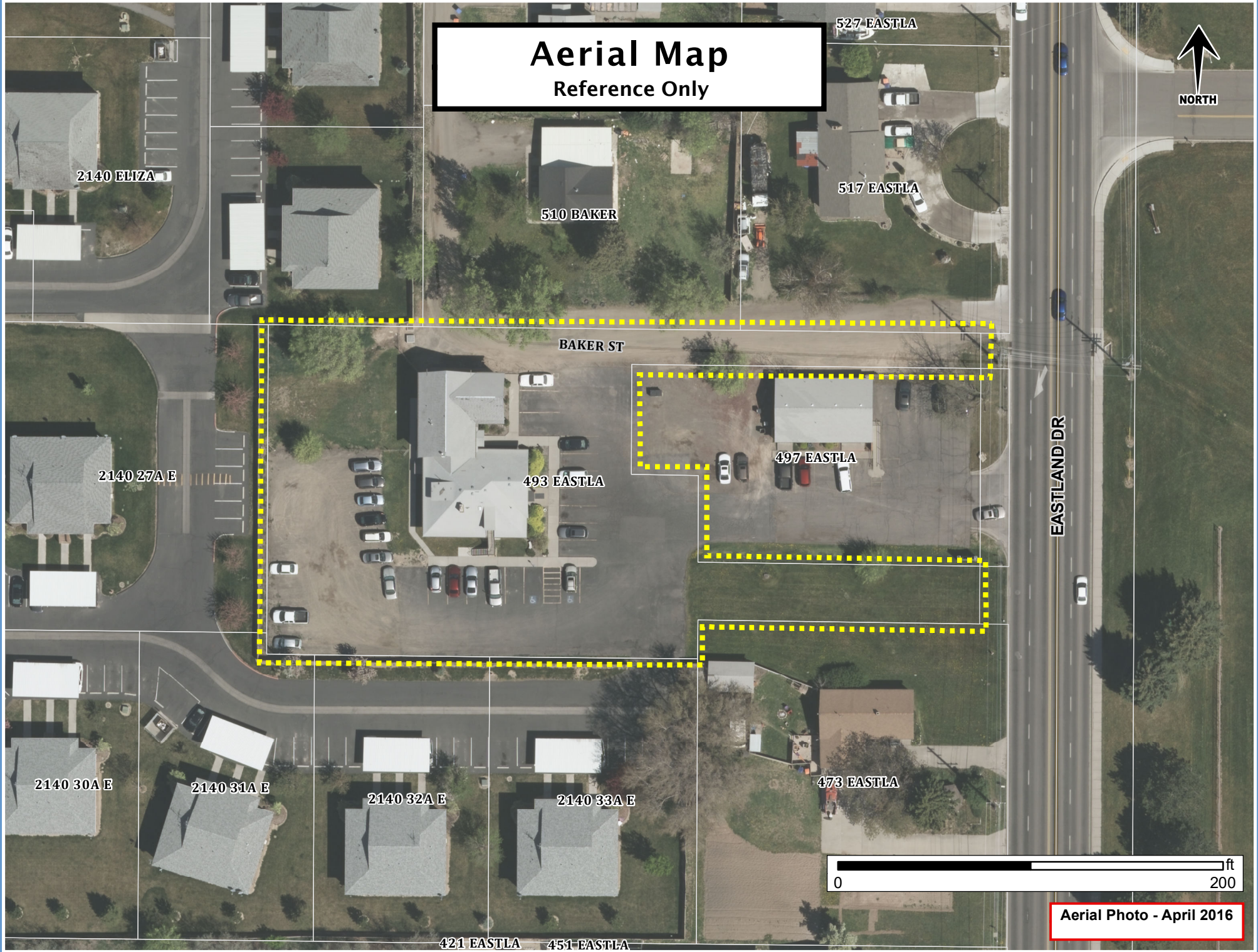
Reference Only



Aerial Photo - April 2016

Aerial Map

Reference Only



Aerial Photo - April 2016

Future Land Use Map

Reference Only



DEL MAR DR

OLEARY WAY

GREENTREE WAY

ELIZABETH BLVD

WAKEFIELD ST

BAKER ST

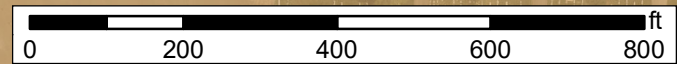
EASTLAND DR

4TH AVE E

WYCOFF CIR

4TH AVE E

Town Neighborhood



Aerial Photo - April 2016

Notes:

- 1. For complete R/W and P/L information, refer to the property records on file with Twin Falls County. A legal description is attached to this Application
- 2. The space to be leased and occupied is the "1993 Addition" to the original structure only.
- 3. This internal area is a separate lot with separate ownership.

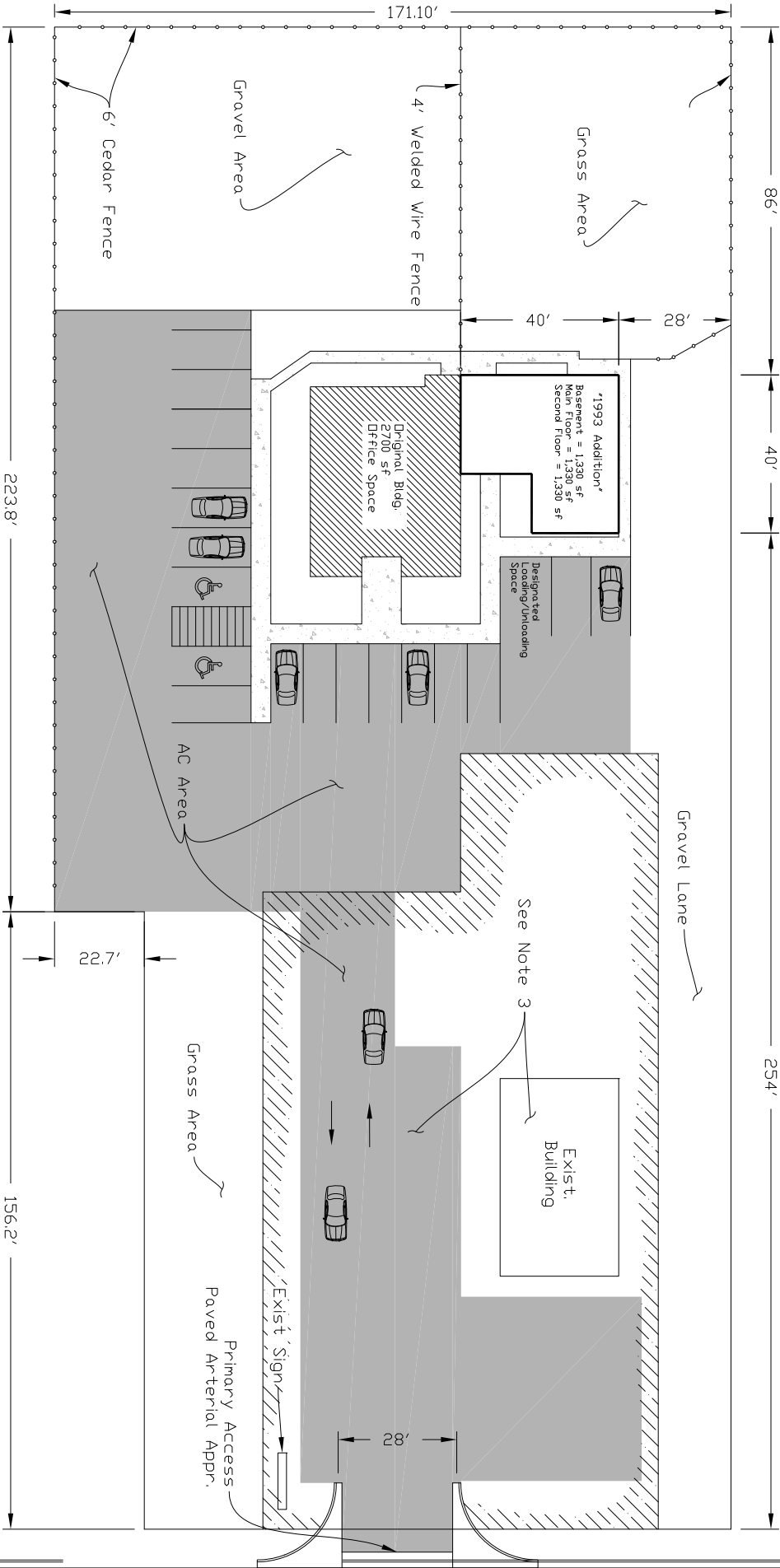
RECEIVED

04/27/2017
10:36:51 AM

City of Twin Falls
Planning & Zoning



Scale: 1"=40'



Parking Requirements:

- "1993 Addition" - 7 space + 1 offload/load space (per code analysis by P&Z)
- Original Bldg - 11 spaces (office space, 1 space per 250 sf)
- Total Required Spaces - 18 spaces + 1 offload/load space
- Total Available Spaces - 19 spaces

Site Plan

UPDATE #2, 04.27.2017

Legend

- Asphalt Concrete
- Edge Hatch used to clarify limits of internal property.

T10S R17E Boise Meridian
A tract in Lot P of
Snyder Tract

Joseph Ippilito
493 Eastland Drive
(208) 420-3651

Eastland Drive



Front of Building Looking West



SE Corner Looking NW



View from Baker St (Private)



Rear of Building Looking East



SW Corner Looking NE



Public Hearing: **Tuesday, May 23rd, 2017**

To: Planning and Zoning Commission

Presenter: Jonathan Spendlove, Planner I

Editor: Renee Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM IV-2

Request: Request for a **Special Use** Permit to operate message therapy business as a Home Occupation on property located at 662 Eastland Drive North. c/o Angie Port (app. 2864)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner	Size:
Angie Port 662 Eastland Dr N Twin Falls, ID 83301 208.705.2328 angie.port@gmail.com	Current Zoning: R-2, Residential Single Household and Duplex District	Requested Zoning: SUP for a Home Occupation to operate a massage therapy business at 662 Eastland Dr. N
	Comprehensive Plan: Town Neighborhood	Lot Count: 1 Lot
	Existing Land Use: Residential	Proposed Land Use: Residential with a Home Occupation
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: R-2; Residential	East: R-2; Residential
	South: R-2; Residential	West: Eastland Dr N; R-2; Residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-2-1, 10-4-4, 10-11-1 thru 8	

Approval Process:

The Special Use Permit process requires a public hearing to be held in which interested persons have the opportunity to be heard with regards to the application.

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval. Conditions shall be implemented within 6 months or the permit is void.

If an applicant or interested party appeals the decision of the Commission with fifteen (15) days from the date of action (when the Findings of Fact are signed), the 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.

Budget Impact:

Approval of this request will have a negligible impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to establish and operate a massage therapy business as a home occupation at 662 Eastland Dr. N.

A special use permit is for zoning purposes only. Other permits such as building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

History:

This property is part of the original 1964 Canyon Crest Subdivision, and has been a residential lot since that time. The applicant purchased this property in March of 2017.

Analysis:

This is a request to operate a massage therapy business as a home occupation at 662 Eastland Dr. N. Staff has determined this request to fall under the definition of "Home Occupation" since only the homeowner/applicant will be providing a service to customers that come to her home. A Home Occupation requires a Special Use Permit. The description the applicant has provided in how the home occupation will operate leads staff to characterize this request as a low impact use as there will not be an over burdensome amount of traffic coming and going from the property. Also, the layout of the residence will allow the customers to park off the street almost unseen from the public right of way so there will be minimal visual impact as well. The driveway does not appear to be paved at this time. All parking and maneuvering areas are required to be paved.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for Town Neighborhood, which is defined as; Primarily residential in nature, with lots that are smaller than rural lots to maximize open space. Since this application is not requesting to change the primary use and function of the residence, staff has determined this request complies with the 2016 comprehensive plan.

Per City Code 10-2-1:

Home Occupation is defined as:

A service, excluding daycare, offered by the resident of a household unit or the sale of items handcrafted on the premises by the resident of a household unit providing the service, sale or handcrafting is performed only by the resident therein and providing the area used in performing the home occupation does not exceed four hundred (400) square feet in area and providing there is no exterior indication of the home occupation. Services which generate no traffic to the premises or which use no vehicles which would not normally be found incidental to a residential use shall be exempt from this definition.

Per City Code 10-4-4:

A Special Use Permit is required in the R-2 zone for Home Occupations.

Per City Code 10-11-1 thru 8:

Required improvements may include access, paving of parking & maneuvering areas, drainage, storm water retention, etc.. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal. The applicant may request the improvements be developed over a 3-yr period, City Council approval is required.

Possible Impacts:

The applicant has stated there will be no more than one customer at a time on the premise, and there will be a minimum of 30 minutes between appointments to prevent any overlap or possible congestion of vehicles on the property. The applicant only plans on being open for 1-2 days a week and possibly one day on the weekend and will only operate for no more than 6 hours on the days she is open. The applicant nor staff anticipate any adverse effects from a massage therapy establishment.

Conclusion:

Should the Commission grant this request 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.
2. Subject to the business being operated as presented in the applicant's narrative.
3. Subject to the parking and maneuvering areas being hard surfaced per code.
4. Subject to the driveway being used for Customer parking only during business hours.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. Applicant Submitted Site Plan
6. Site Photos

To Whom it May Concern,

I am requesting a permit for an in home business for the purpose of opening a massage business in the shop space attached to my garage. I am a licensed massage therapist in Idaho and would like to open a small business that I can base around my families schedule.

I would not begin massages any early then 8am and would be finished by no later than 7:30 pm. I am planning on working no more than 1-2 days a week. Most likely Wednesday's, Thursday's or Saturday's. The traffic anticipation would be minimal as I would do no more than 6 working hours in a given day. There will be a minimum 30 minutes in between each massage so there will not be congestion of any kind. My drive way can easily be managed with 2 vehicles across and is the of about 4-5 vehicles. There will be no employees.

The surrounding properties should not be affected in anyway. The only noise that will be present is talking between the client and I when needed and relaxation music that will not be able to be heard beyond my work area. This will be inside so there won't be any additional glares that are not already present from the sun reflecting off windows. As far as fumes and odors, I use essential oils on occasion but that will also be confined to my indoors work space.

Sincerely

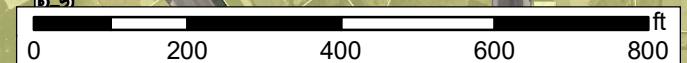
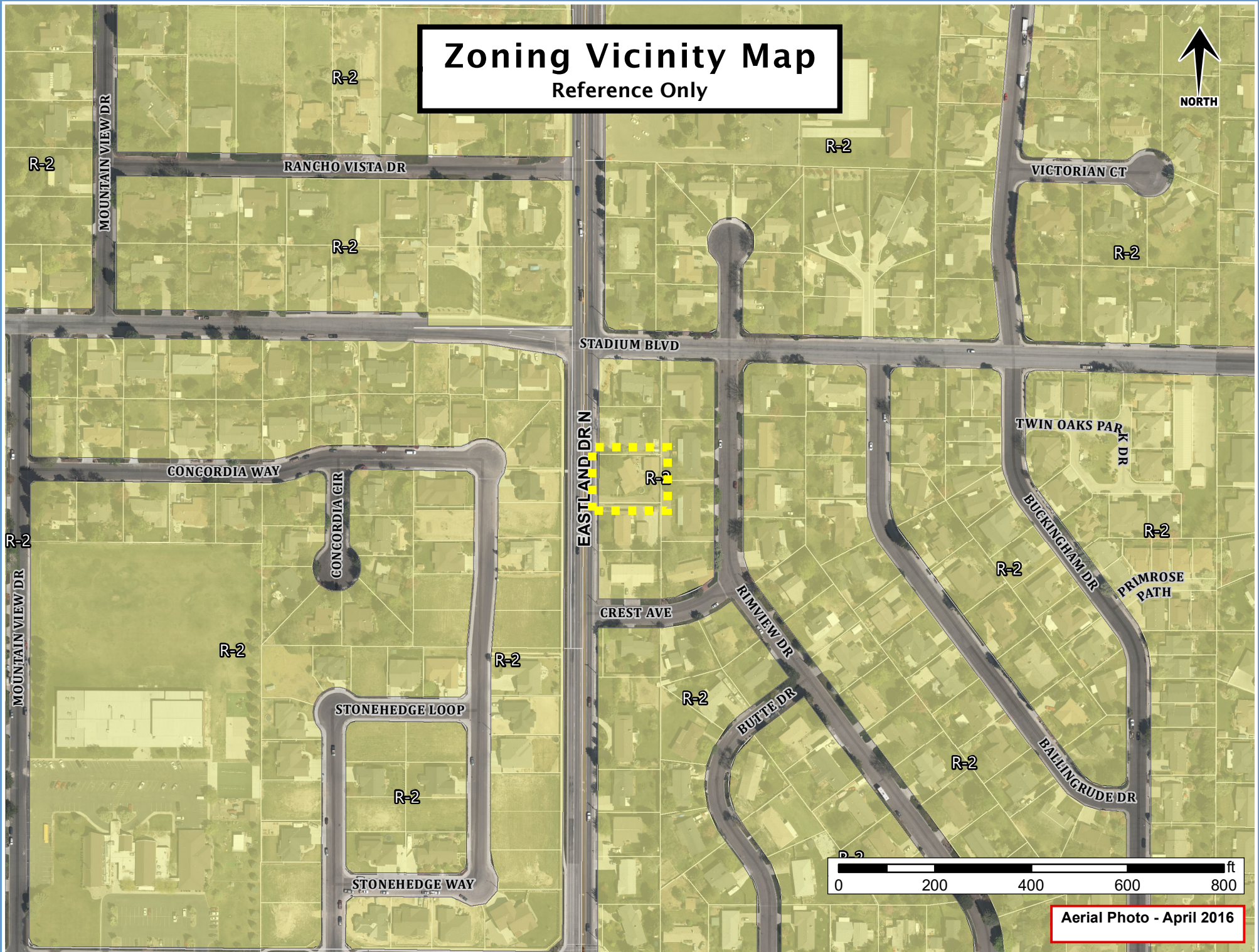
A handwritten signature in black ink, appearing to read "Angie Port". The signature is fluid and cursive, with the first name "Angie" and last name "Port" clearly distinguishable.

Angie Port

April 26, 2017

Zoning Vicinity Map

Reference Only



Aerial Photo - April 2016

Aerial Map

Reference Only



EASTLAND DR N

RIMVIEW DR

2157 CONCO

2186 STADI

2214 STADI

667 RIMVIE

646 STONEH

670 EASTLA

641 RIMVIE

638 STONEH

662 EASTLA

623 RIMVIE

630 STONEH

644 EASTLA

2229 CREST

622 STONEH

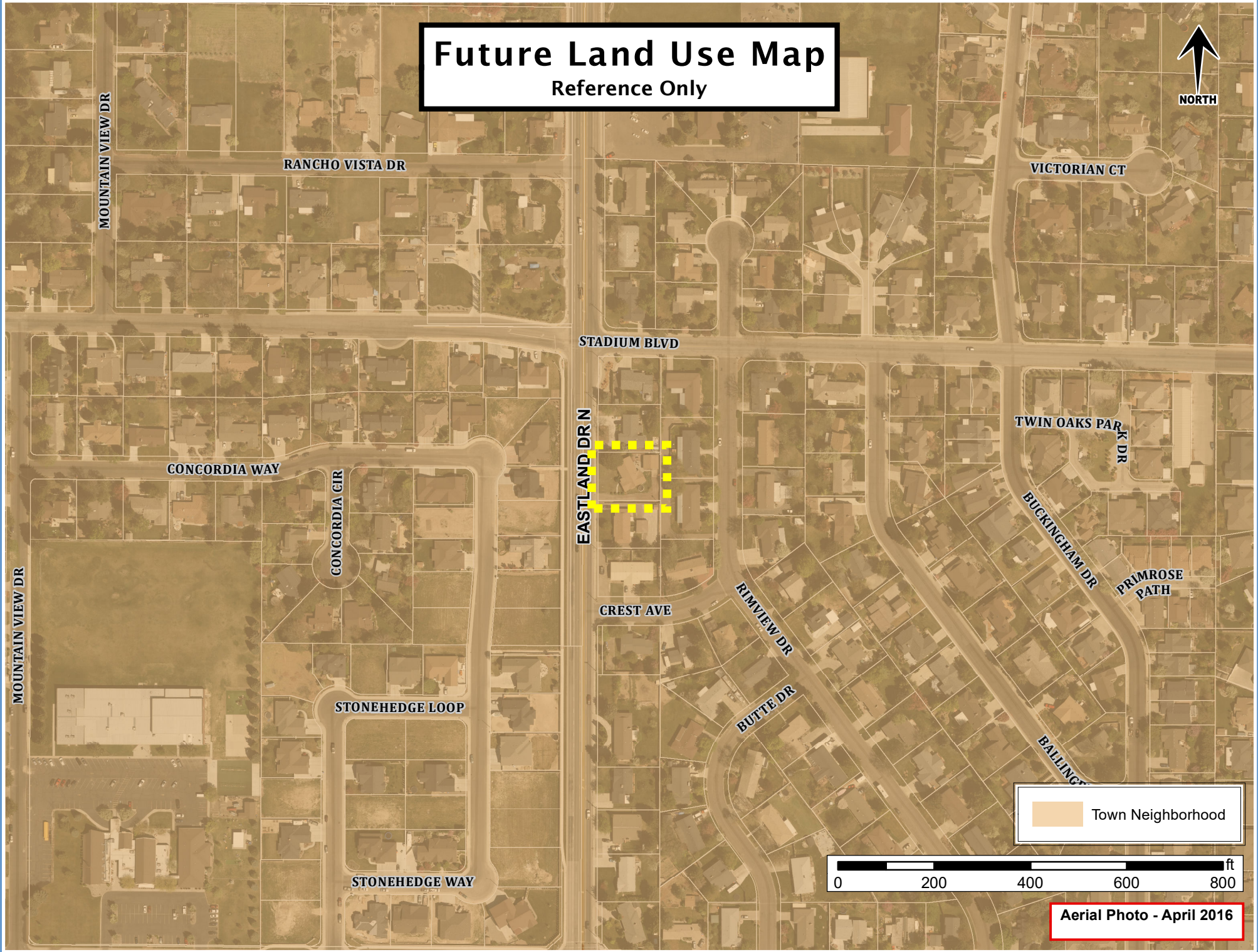
2211 CREST

0 140 ft

Aerial Photo - April 2016

Future Land Use Map

Reference Only



Town Neighborhood

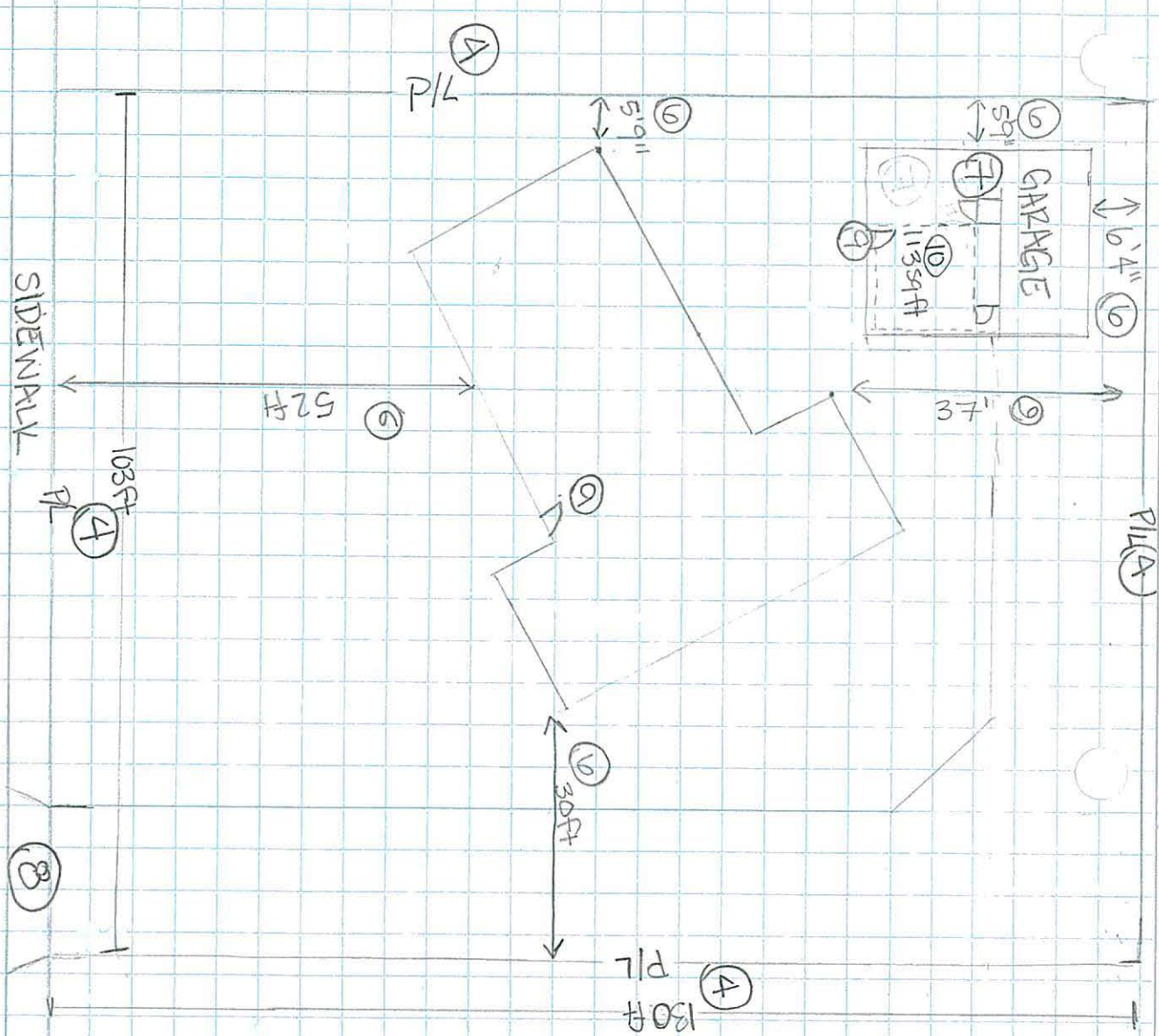
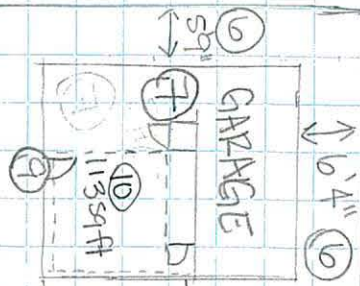
0 200 400 600 800 ft

Aerial Photo - April 2016



EASTLAND DR. N.

SIDEWALK



1" = 5'4"

3) ANGLE POINT
1002 EASTLAND DR. N.
TWIN FALLS, ID



SW Corner Looking NE



SW Corner Looking NE