



Twin Falls Planning & Zoning Commission Minutes

Tuesday, December 10, 2019, 6:00 PM

203 Main Ave E.
Twin Falls, ID 83301
Council Chambers

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Craig Hawkins; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Vice Chair Kelley called the meeting to order at 6:00 PM.

A quorum was present.

Members Present: *Hawkins, Musser, Higley, Bolton, Detweiler, Hansen, Kelley, Perez*

Staff Present: *Spendlove, O'Connor, Cherry, Strickland, Vitek, Nope*

2) Consent Calendar

- a) Approval of Minutes from the following meeting: November 19, 2019

Item Tabled to next meeting

3) Public Hearings

- a) Request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from R-4 to R-6 ZDA and to amend the Elizabeth Estates Zoning Development Agreement for property located on the south side of the 1800 block of Elizabeth Blvd. c/o Gerald Martens on behalf of Elizabeth Estates, LLC. (PZ19-0131)

Staff Presentation:

City Planner Steve O'Connor presented the request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from R-4 to R-6 ZDA and to amend the Elizabeth Estates Zoning Development Agreement for property located on the south side of the 1800 block of Elizabeth Blvd. c/o Gerald Martens on behalf of Elizabeth Estates, LLC. (PZ19-0131)

Per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District requires a preliminary presentation to the Planning and Zoning Commission for a review of the proposed changes. The Commission is allowed, and may grant the public the ability, to ask questions and give suggestions to applicant about the proposed project during the preliminary presentation.

A public hearing shall be held before the Commission for a recommendation to the Council to

amend the zoning district and the zoning map, amend with recommendations or deny the request.

The original Elizabeth Estates ZDA was approved by City Council on May 8th, 2017. This is a request for an Amendment to the Elizabeth Estates Zoning Development Agreement. This request also constitutes a Zoning District Change and Zoning Map Amendment for the newly acquired property.

The change in this ZDA is to add a lot in the Northeast corner of the development to include two more Four-plexes. Currently there are 7 of the original 14 approved four-plexes built on the property. If approved, this amendment will add an additional 2 units bring the total to 16 total four plexes.

Staff does not foresee the added area, and additional units, creating detrimental impacts beyond reasonable levels to neighboring properties.

The Commission may choose to recommend to City Council that the amendment be approved, approved with modifications, or rejected.

If the Commission recommends approval of this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to all original conditions as set forth by City Council on May 8th, 2017.

Applicant Presentation:

Gerald Martens, representing applicant, presented the request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from R-4 to R-6 ZDA and to amend the Elizabeth Estates Zoning Development Agreement for property located on the south side of the 1800 block of Elizabeth Blvd. c/o Gerald Martens on behalf of Elizabeth Estates, LLC. The old home was recently acquired on the corner of the property. He is asking for an amendment to add two more units. This will allow the completion of the street expansion, curb, gutter, and sidewalk to the west. He stated this will make for a better looking project with slight increase in density. There will be an extra access for manager use only.

Public Hearing: Opened

- Citizen Andy Arenz opposes this request for additional units at complex. He stated there is a large impact to the street traffic and aesthetics of the area. He stated this was once open area, and in his opinion, the development has not added value to the neighborhood.
- Commissioner Musser asked if this change will add to traffic in the area.
- City Planner O'Connor stated with the new units he does not see a sufficient change to the current traffic.
- Assistant City Engineer Vitek stated he does not see further impact to the road.
- Commissioner Perez asked the phase of the project.
- Mr. Martens stated this is part of Phase 2.
- City Planner O'Connor stated they are currently in construction of phase 2.

- Commissioner Bolton asked for clarification on what the commission is asked to approve with this request.
- City Planner O'Connor clarified the request.

Public Hearing: Closed

Discussion followed: without concerns

Motion:

Commissioner Musser made a motion to approve a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from R-4 to R-6 ZDA and to amend the Elizabeth Estates Zoning Development Agreement for property located on the south side of the 1800 block of Elizabeth Blvd. c/o Gerald Martens on behalf of Elizabeth Estates, LLC, PZ19-0131, as presented with staff recommendations. Commissioner Detweiler seconded the motion.

Unanimously approved by a vote of 8-0

- b) Request for a Special Use Permit to allow a religious facility on property located at the 1100 block of Sunway Drive North c/o Gerald Martens on behalf of First Baptist of Twin Falls. (PZ19-0136)

Staff Presentation:

City Planner O'Connor presented the Request for a Special Use Permit to allow a religious facility on property located at the 1100 block of Sunway Drive North c/o Gerald Martens on behalf of First Baptist of Twin Falls. (PZ19-0136)

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

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The property is part of the Sunway Conveyance Plat, recorded in March 2015.

This is a request to establish a Religious Facility on property located on the 1100 Block of Sunway Drive North, Lot 2, Block 1, of the Sunway Conveyance Plat. The property is zoned SUI which requires a SUP for a Religious Facility.

Though the property is part of a plat, it is a Conveyance Plat, which is not a Final Plat. The difference is that a Final plat constitutes a build-able lot. A conveyance plat is just to sell or set aside property for development at a later time. Before a building permit is approved the

property will need to go through the final plat process.

As for the proposed land use as a Religious Facility. Staff believes the change from pasture/farm ground to a developed Assembly type land use will have an increase in light, noise, and Traffic. However, the increases are expected for property near city limits and these impacts will occur mostly during off-peak hours. When developed, the required improvements and standards of development found in City Code should mitigate the majority of any increased impacts to the area.

If the Commission approves this request as presented, then staff recommends the following conditions:

- 1 - Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
- 2 - Subject to recordation of a Final Plat before a building permit is issued.

Applicant Presentation:

Gerald Martens, representing applicant, presented the request for the request for a Special Use Permit to allow a religious facility at the 1100 block of Sunway Drive North. There is no plan for a preschool or regular daycare.

PZ/Questions & Comments:

- Commissioner Detweiler asked what portion of the property is for the church.
- Mr. Martens clarified the land in question.
- Commissioner Hawkins asked for clarification of the location of the church.
- City Planner O'Connor clarified where the church will be located.
- Commissioner Higley asked the acreage of the property.
- City Planner O'Connor stated the property consists of 12.7 acres.

Public Hearing: Opened

- Citizen Sarah Harris has concerns about the construction. She would like to see some architectural interest in building. She is not in favor of a vinyl fence. She would like to see Pollinator friendly landscaping and dark sky lighting in parking lot. She stated she is concerned of the increase in traffic on Sunway Drive North and believes there are traffic control issues on the road now.
- Citizen Sarah Hatterlie has concerns. She stated that this is a highly used recreational area with no bike path, narrow shoulders, and no sidewalks. She would like to see widening of the roads, a bike path and sidewalk for recreational area. She stated there is a visibility issue where the canal crosses the road as it is hard to see over crest. She stated the church will border a park and registered sex offenders are not allowed within a certain distance of areas where children are present. She would like to see a fence put up bordering the church and park to help protect children in area.
- Citizen Matt Packham expressed his concerns about the canal that borders his property and the easements. He also asked about accesses to the church and what will be placed in the back corner of property.
- Citizen Carol Sperry has concerns with parking and traffic issues in area.
- Citizen Gary Hatterlie has concerns with traffic safety in the area. He would like to see additional safety provisions put into the conditions of this SUP.

- Mr. Martens addressed the citizen's concerns. There will be a platting process that will address additional right of way, widening of street, addition of curb, gutter and sidewalk. The improvements to the road will take place at building permit process. He addressed dark sky lighting, landscape, screening fence requirements. He does not believe there is a plan for the property in back yet. He stated there will be no access from the east, only from the west side.
- Commissioner Detweiler asked about tiling the canal.
- Mr. Martens stated there is no plan to tile the canal at this time. He stated city water is now extended out to Sunway Park, and access would be of great service to the church.
- City Planner O'Connor stated that this property is in the SUI zone, and does not require them to connect to city services.
- Commissioner Higley asked about annexation.
- PZ Director Spendlove stated to access city services, the church property would have to annex into the city.
- Mr. Martens stated this will be addressed at the plat process.
- City Planner O'Connor explained the changes to the Area of Impact permitting as of January 1, 2020.
- Vice Chair Kelley clarified the SUP request.
- Commissioner Higley asked for clarification on the process of development in regards to streets, curb, sidewalk, and gutter.
- PZ Director Spendlove stated Sunway Road is not a city street and not maintained by City of Twin Falls and do not have jurisdiction over the road, as it lies with Twin Falls Highway District. The other issues will be addressed at the Preliminary Plat stage and can make suggestions to the Highway District at that time. The commission can only look at the mitigating issues of this request for a religious facility at this location.
- Commissioner Musser asked if it would be better to submit this request in January.
- PZ Director Spendlove stated at this point, we are fulfilling obligation for this application.
- Commissioner Perez asked about impact issues on a Sunday.
- PZ Director Spendlove stated take the commission is to only take into account the impacts of this request. He stated there is a process for Special Event permitting and issues or concerns can be addressed at the City Council meetings when the events are on the agenda.
- Commissioner Perez asked for clarification on the Special Event permit processes.
- PZ Director Spendlove clarified the process.
- Commissioner Hansen shared the big event timeline at the park.

Public Hearing: Closed

Discussions Followed:

- Commissioner Detweiler stated the park is aware of the parking issues and working out the issues.
- Commissioner Perez stated her concern is the added traffic on a certain day, but doesn't see this request as an issue.
- Commissioner Hawkins does not see problems, but understands concerns and hopes they will be addressed down the road.

- Commissioner Musser is supportive, but questions what conditions the commission can add at this time.
- City Planner O'Connor stated the added conditions can only address the property only, not on street, right of way.
- PZ Director Spendlove gave an example and what is outside the scope of the Special Use Permit.
- Commissioner Bolton is in favor of approving this request.
- Commissioner Higley would like to add dark sky lighting condition, and possibly no privacy fence around property.
- Commissioner Hansen thinks this does fit the area, and meets conditions for SUP.

Motion #1:

Commissioner Hansen made a motion to approve the Special Use Permit to allow a religious facility on property located at the 1100 block of Sunway Drive North c/o Gerald Martens on behalf of First Baptist of Twin Falls, PZ19-0136, as presented with staff recommendations. Commissioner Bolton seconded the motion.

Motion #2:

Commissioner Higley made a motion to add condition #3 that parking by lit under dark sky lighting. Commissioner Musser seconded the motion.

Unanimously approved by a vote of 8-0

Discussion Followed:

- Commissioner Perez asked if there can be conditions added regarding landscaping and architectural features.
- City Planner O'Connor clarified the conditions that can be added.
- Commissioner Hansen stated he is not in favor of restricting the fencing of the property.
- Commissioner Musser asked if there is a requirement for fencing along canal.
- City Planner O'Connor stated there is no requirement in code for screening at this facility. He stated the zoning will stay in place at the County level.

Vote on Motion #1, with added condition #3:

Unanimously approved by a vote of 8-0

- c) Request for a Special Use Permit to allow Dog Grooming and/or Kennels on property located at 235 and 239 Main Avenue West c/o Randi Kay Sosa. (PZ19-0141)

Staff Presentation:

City Planner Strickland presented the Request for a Special Use Permit to allow Dog Grooming and/or Kennels on property located at 235 and 239 Main Avenue West c/o Randi Kay Sosa. (PZ19-0141)

The Special Use Permit process requires a public hearing in which interested persons have the

opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The location being proposed is part of the original building occupied by Radio Rondevoo and was constructed c. 1940. These two spaces have been occupied for various uses. The most recent use was a retail clothing store.

The applicant has taken into account a few things that may have an impact on adjacent businesses and have addressed these in their narrative. These items include, operating hours, noise, and waste management. The property is located in a commercial zone, and will be operating during normal business hours, and the dogs will not be housed on site after hours.

During business hours the dogs will be housed along the west wall of the building, which is shared with Radio Rondevoo that is not open during the same hours. Noise was one concern from staff, however staff believes the applicants plan will mitigate this concern.

Waste management was another item of concern however, the applicants have explained in their narrative that all waste will be bagged and deposited in the trash, and they will use pet safe disinfectant to keep their grooming salon clean. Staff is confident that this is a reasonable plan for managing the waste.

The applicants currently operate their business at 520 Main Avenue South and are wanting to relocate to grow their business. Staff is not aware of any complaints about their current operation and does not anticipate any negative impacts associated with approval of this request.

Should the Commission approve the request, as presented, staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

Applicant Sosa stated he and his wife have been doing business since 2016. There is a need to move to a new location due to current issues with their current building. He stated the new landlord in support of this business. He stated that he believes adding this business will increase flow of commerce to the area. He stated that they want to be pleasing to the area. He stated there will be no change to traffic as their current business is on Main Avenue now. He stated he will be aware of the potential impact of noise by the location of the kennels.

PZ/Questions & Comments:

- Commissioner Hansen asked if the applicant is restricted to the operating hours in their narrative.
- PZ Director Spendlove stated they are able to be open during regular operating hours in that area.
- Commissioner Detweiler asked if there are two levels to the building.
- Mr. Sosa stated there are two levels, but they will only use the bottom floor.

Public Hearing: Opened and Closed without input

Discussions Followed: without concerns

Motion:

Commissioner Hansen made a motion to approve the request for a Special Use Permit to allow Dog Grooming and/or Kennels on property located at 235 and 239 Main Avenue West c/o Randi Kay Sosa, PZ19-0141, with staff recommendations.

Commissioner Perez seconded the motion.

Unanimously Approved by a vote of 8-0

- d) Request for a Special Use Permit to allow a Home Occupation on property located at 829 Canyon Crest Drive c/o Braxton Christensen. (PZ19-0142)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow a Home Occupation on property located at 829 Canyon Crest Drive c/o Braxton Christensen. (PZ19-0142)

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

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Per County records the primary residence on the subject property was built in 2018. This is a request to allow a Home Occupation for a Hydro Dripping business located at 829 Canyon Crest Drive. The subject property is located within the R-2 (Residential Single Household) Zoning District.

The applicant hydro dips a variety of items including firearm components (which requires a current FFL license). The applicant intends to operate within a 210 square foot area inside his garage. The business will operate on a semi-irregular daily basis from 8:00 A.M. to 5:00 P.M.

Staff determines that the applicant's request is in accordance with City Code and City Comprehensive Plans.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

Applicant Christensen presented his request for a Special Use Permit to allow a Home occupation on property located at 829 Canyon Crest Drive. He stated that one component of the business is firearms. He stated that the weapon is sent to him disassembled before hydro dipping process. He stated the customer is the one who puts firearm back together. He gave other examples of the products he hydro dips. He explained the only traffic to his home would be customers picking up their orders, no different than someone coming over to visit.

PZ/Questions & Comments:

- Commissioner Bolton asked for clarification that there will be no loaded weapons or assembled firearms on premises.
- Mr. Christensen clarified that the firearms that come in to his business will not be assembled or loaded.
- City Planner Cherry stated the applicant must follow ATF regulations.
- Commissioner Perez asked about any fumes/odors coming from the residence.
- Mr. Christensen clarified it is a water based process with low fumes.
- City Planner Cherry stated the city's Environmental Engineer reviewed the process at the pre application and did not find any issues.
- Commissioner Perez asked if the materials used can be conditioned.
- PZ Director Spendlove stated any special materials or processes would have to be reported. The air quality is checked and is included in the conditions.
- Commissioner Musser asked about traffic and neighbor concerns.
- Mr. Christensen stated his neighbors are aware of his business and don't seem to have concerns. If they have had questions, he has invited them over to review the process.
- Commissioner Higley asked about other employees.
- The applicant stated the business consists of he and his wife only.

Public Hearing: Opened and Closed without input

Discussions Followed: without concerns

MOTION:

Commissioner Bolton made a motion to approve the request for a Special Use Permit to allow a Home Occupation on property located at 829 Canyon Crest Drive c/o Braxton Christensen, PZ19-0142, with staff recommendations.

Commissioner Perez seconded the motion.

Unanimously Approved by a vote of 8-0

- e) Request for a recommendation to City Council for an Annexation with a Zoning District Change from M1 to M2 for property located at 594 & 616 Washington Street South c/o Ben Bernier on behalf of Idaho Department of Corrections. (PZ19-0147)

Staff Presentation:

City Planner Cherry presented the Request for a recommendation to City Council for an Annexation with a Zoning District Change from M1 to M2 for property located at 594 & 616 Washington Street South c/o Ben Bernier on behalf of Idaho Department of Corrections. (PZ19-0147)

The Commission shall conduct at least one public hearing, to send a recommendation to City Council for the proposed plan and zoning designation. Interested persons shall have an opportunity to be heard at the commission and council hearings. The Planning & Zoning Commission hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

Per County records a Work Release Center was built on the subject property in 1992. The subject property is currently owned and maintained by the Idaho Department of Corrections (DOC).

This is a request to annex parcel RP10S17E207349, a 3 acre +/- parcel located at 594 & 616 Washington Street South. Currently the parcel is zoned M-1 (Light Manufacturing). The applicant is requesting a zoning change with this annexation to M-2 (Heavy Manufacturing).

The Commission is tasked to make a recommendation to the City Council on the zoning designation being requested by the applicant. The Commission's recommendation may be to deny the request, approve the request as presented, request a different zoning designation or request additional information be provided.

Applicant Presentation:

Ben Bernier, representing applicant, presented the request for a recommendation to City Council for an Annexation with a Zoning District Change from M1 to M2 for property located at 594 & 616 Washington Street. He stated they did get ITD approval with curb, gutter, and widening of the road.

PZ/Questions & Comments:

Commissioner Hansen asked where the location of the Gem State Dairy project approved by commission in relation to this project.

PZ Director Spendlove clarified the location of the Gem State Dairy project.

Public Hearing: Opened and Closed without input

Discussions Followed: without concerns

Motion:

Commissioner Musser made a motion to approve the recommendation to City Council for an Annexation with a Zoning District Change from M1 to M2 for property located at 594 & 616 Washington Street South c/o Ben Bernier on behalf of Idaho Department of Corrections, PZ19-0147, with staff recommendations.

Commissioner Detweiler seconded the motion.

Unanimously approved by a vote of 8-0

4) Upcoming Meeting(s)

- a) Monday, January 8, 2020 (Worksession)
Tuesday, January 14, 2020

5) Adjournment

The meeting adjourned at 07:43 PM.

Kelli Ebersole

Kelli Ebersole, Administrative Assistant