



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 28, 2020, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301
Council Chambers

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; 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: Higley, Bolton, Kelley, Perez, Detweiler, Hansen

Staff Present: Spendlove, Cherry, Ebersole, Nope, Vitek

2) Consent Calendar

Commissioner Hansen made a motion to approve the consent calendar, as presented.
Commissioner Perez seconded the motion.

Consent Calendar approved by a vote of 4-0-2

- a) Approval of Minutes from the following meeting: January 14, 2020

3) Items of Consideration

- a) Preliminary Presentation for a Zoning District Change and Zoning Development Agreement from SUI & CRO PUD to Molivia SUI & CRO ZDA for property located at 2746 E 4200 N c/o EHM Engineers, Inc. on behalf of Steve Shotwell, Molivia, LLC (PZ19-0165)

Staff Presentation:

PZ Director Spendlove presented the Preliminary Presentation for a Zoning District Change and Zoning Development Agreement from SUI & CRO PUD to Molivia SUI & CRO ZDA for property located at 2746 E 4200 N c/o EHM Engineers, Inc. on behalf of Steve Shotwell, Molivia, LLC (PZ19-0165)

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.

This is a preliminary presentation for a request for a Zoning District Change & Zoning Development Agreement from SUI & CRO PUD to Molivia SUI & CRO ZDA for property located at ParcelsRP09S17E300660, RPO23010000010 & RP09S17E310610.

City Code requires that the applicants make a preliminary presentation to the Commission and to the public.

This presentation allows the Commission and the public to become familiar with the proposed planned development project prior to the actual public hearing. The Commission can also give suggestions to the applicants on the project outside of the hearing process. No action is taken at the presentation meeting.

A public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting February 11th, 2020. Further staff analysis will be provided at that time.

Staff makes no recommendation at this time.

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented the preliminary presentation for a Zoning District Change and Zoning Development Agreement from SUI & CRO PUD to Molivia SUI & CRO ZDA for property located at 2746 E 4200 N c/o EHM Engineers, Inc. on behalf of Steve Shotwell, Molivia, LLC (PZ19-0165). This is a proposed development with a subdivision of 80 residential lots.

PZ/Questions & Comments:

- Commissioner Higley asked if this property is hooked to city water and sewer.
- PZ Director Spendlove stated this property is not on city services as it is still outside city limits.

- b) Preliminary Presentation for a request for a Zoning District Change & Zoning Development Agreement from C1 & CRO PUD to Twin Falls County West Annex C1 & CRO ZDA for property located at 650 Addison Ave West. c/o Bob Beer on behalf of Twin Falls County. (PZ19-0167)

Staff Presentation:

City Planner Cherry presented the Preliminary Presentation for a request for a Zoning District Change & Zoning Development Agreement from C1 & CRO PUD to Twin Falls County West Annex C1 & CRO ZDA for property located at 650 Addison Ave West c/o Bob Beer on behalf of Twin Falls County. (PZ19-0167)

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.

This is a preliminary presentation for a request for a Zoning District Change & Zoning Development Agreement from C1 & CRO PUD to Twin Falls County West Annex C1 & CRO ZDA for property located at Parcels RPT00107086001, RPT2641000007D & RPT2921003010B.

City Code requires that the applicants make a preliminary presentation to the Commission and to the public. This presentation allows the Commission and the public to become familiar with the proposed planned development project prior to the actual public hearing. The Commission can also give suggestions to the applicants on the project outside of the hearing process. No action is taken at the presentation meeting.

A public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting February 11th, 2020. Further staff analysis will be provided at that time.

Staff makes no recommendation at this time.

Applicant Presentation:

Bob Beer, representing applicant, presented the preliminary presentation for a request for a Zoning District Change & Zoning Development Agreement from C1 & CRO PUD to Twin Falls County West Annex C1 & CRO ZDA for property located at 650 Addison Ave West. c/o Bob Beer on behalf of Twin Falls County. (PZ19-0167)

4) Public Hearings

- a) Request for a recommendation to City Council to vacate a portion of a public utility, irrigation, and drainage easement on property located at 430 Parkway Circle c/o Dustyn L. Brownlee. (PZ19-0154)

Staff Presentation:

City Planner Cherry presented the Request for a recommendation to City Council to vacate a portion of a public utility, irrigation, and drainage easement on property located at 430 Parkway Circle c/o Dustyn L. Brownlee. (PZ19-0154)

All procedures will follow the process as described in TF City Code: 10-16-1

Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning & Zoning Commission will make a recommendation to the City Council that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

The North Park #1 Subdivision was platted in 1976. The easement in question was part of that original plat.

This is a request to vacate a platted utilities, irrigation, and drainage easement within the northern portion of Lot 20, Block 1 in the North Park #1 Subdivision located at 430 Parkway Circle. The purpose of the proposed vacation is to have a greater building envelope for a detached garage.

The applicant has provided approval letters from all appropriate utility providers, with no objections.

Should the Commission recommend approval to the City Council as presented, staff recommends approval be subject to the following conditions:

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

Applicant Presentation:

Dustyn Brownlee, applicant, presented the request for a recommendation to City Council to vacate a portion of a public utility, irrigation, and drainage easement on property located at 430 Parkway Circle. He would like to build a detached garage on the property.

PZ/Questions & Comments:

- Commissioner Perez asked how the utilities are contacted and asked if all were contacted.
- City Planner Cherry stated the utilities are contacted by letter, and all approval letters have been received.

Public Hearing: Opened and Closed without input

Discussions Followed: without concerns

MOTION: Carolyn Bolton moved for a recommendation to City Council to vacate a portion of a public utility, irrigation, and drainage easement on property located at 430 Parkway Circle c/o Dustyn L. Brownlee. (PZ19-0154).

Commissioner Detweiler seconded the motion.

Unanimously Approved

- b) Request for a Special Use Permit to allow a Home Occupation on property located at 435 Fillmore Street c/o Darcy Thomas. (PZ19-0157)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow a Home Occupation on property located at 435 Fillmore Street c/o Darcy Thomas. (PZ19-0157)

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 this property was constructed in 1947.

This is a request to establish a home occupation for a professional dog grooming business on the property located at 435 Fillmore Street within the R-2 Zoning District.

The applicant will operate her business inside her shed just to the west of her residence.

The applicant intends to be with the dogs at all times. All waste will be disposed of promptly. The applicant intends to regularly operate 7 A.M. to 5 P.M. Monday through Friday with an occasional Saturday. The applicant intends to serve approximately two (2) clients every hour.

Letters submitted in favor, none in opposition.

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 no more than (4) dogs being on the subject property at one time.

Applicant Presentation:

Darcy Thomas, applicant, presented the request for a Special Use Permit to allow a home occupation on property located at 435 Fillmore Street. She stated she has 20 years of experience and is ready to start own business.

PZ/Questions & Comments:

- Commissioner Hansen asked the applicant the number of dogs she owns. If city code only allows four (4) dogs at a time, how will applicant comply?
- Applicant Thomas stated she has three (3) dogs. She will only service one (1) dog at a time. She stated she will keep in contact with customers to comply with city code requirements.
- Commissioner Detweiler asked the location of grooming business.
- Applicant Thomas stated the business will operate in the shed on the property.

Public Hearing: Opened and Closed without input

Discussions Followed: without concerns

MOTION: Commissioner Higley moved to approve the request for a Special Use Permit to allow a Home Occupation on property located at 435 Fillmore Street c/o Darcy Thomas. (PZ19-0157)

Commissioner Detweiler seconded the motion.

Unanimously Approved

- c) Request for a Special Use Permit to allow alcohol beverage sales and consumption on property located at 302 3rd Avenue South c/o Kate Hahn on behalf of Chad Babcock. (PZ19-0158)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow alcohol beverage sales and consumption on property located at 302 3rd Avenue South c/o Kate Hahn on behalf of Chad Babcock. (PZ19-0158)

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 building housing the proposed use was built in 1995. The subject property was issued a special use permit (SUP #853) for the retail sale of alcoholic beverages when consumed on the premises where sold on property before in 2003. However, because SUP #853 has been inactive for more than a year the use was discontinued.

The current indoor recreation facility (JumpTime), which the proposed use would be accompanying, has been in place since 2017.

This is a request to allow the retail sale of alcoholic beverages when consumed on the premises where sold on property located at 302 3rd Avenue South. The subject property is within the Old Town (O-T) Zoning District.

Per the applicant the purpose of the requested special use permit is to sell beer and wine on the subject property.

The hours of operation for the proposed use are Monday 10:00 AM – 8:00 PM, Tuesday 4:00

PM – 8:00 PM, Wednesday 4:00 PM – 8:00 PM, Thursday 10:00 AM – 8:00 PM, Friday 10:00 AM – 10:00 PM, Saturday 10:00 AM – 10:00 PM, and Sunday 10:00 AM – 10:00 PM.

500 to 1000 customers visit the subject property on a normal week.

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:

Kate Hahn, Facility Manager, representing applicant, presented the request for a Special Use Permit to allow alcohol beverage sales and consumption on property located at 302 3rd Avenue South. They are asking for this SUP to grow company and increase revenue. She stated this is a way to help get the parents involved. She stated the Meridian location has not had issues. Wristbands will be worn by customers drinking alcohol, and all customers ordering alcohol will be ID'd.

PZ/Questions & Comments:

- Commissioner Bolton asked if there is food service at the facility.
- Applicant stated there is currently food service.

Public Hearing: Opened and Closed without input

Discussions Followed: without concerns

MOTION:

Commissioner Hansen moved to approve the request for a Special Use Permit to allow alcohol beverage sales and consumption on property located at 302 3rd Avenue South c/o Kate Hahn on behalf of Chad Babcock. (PZ19-0158)

Marilu Perez seconded the motion.

Unanimously Approved

- d) Request for a Special Use Permit to allow a Commercial Daycare Facility and Preschool on property located at 733 Addison Avenue c/o Jeff Jones on behalf of Joni Schwertfeger-Jones. (PZ19-0161)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow a Commercial Daycare Facility and Preschool on property located at 733 Addison Avenue c/o Jeff Jones on behalf of Joni Schwertfeger-Jones. (PZ19-0161)

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 building on the property was built in 1948. The building was most recently used as professional office.

This is a request to for a special use permit to establish a commercial daycare facility and preschool on property located at 733 Addison Avenue. The subject property is located in the R-2 (Residential Single Household) Zoning District with PRO (Professional Office) Overlay.

The applicant plans to operate from 6:00am to 6:00pm Monday through Friday. Two (2) staff members will be present during operating hours.

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

1. Subject to all State and Federal requirements pertaining to the proposed use.

Applicant Presentation:

Jeff and Joni Jones, applicants, presented the request for a SUP a Commercial Daycare Facility and Preschool on property located at 733 Addison Avenue. Denise Johnson, building owner, also presented for the applicant.

The applicants stated they have been in business for nine (9) years serving over 100 children in the Magic Valley. The applicants need to move to a new location as the current building they are in on Addison Ave. is being sold. They stated the hours of operation are Monday-Friday from 6:00 am -6:00 pm. The students are dropped off at various times. They stated the main entrance is off of Addison Avenue, with no entrance on Pierce St. There is now a six foot (6') wooden fence along back of property to block headlights from neighbors. The applicants stated they will landscape per code and put in a fenced area for children to play for 15-30 minutes at a time. The exterior of the building to remain the same.

Denise Johnson, building owner, owns the Fillmore Inn and the property at 733 Addison Avenue. She stated that she is not worried about decrease in the value of neighboring properties, with a day care nearby. She stated the applicants have had no complaints from neighbors during their years in business. She addressed parking off of Pierce St. stating that parking is not allowed. She has no concern of additional noise pollution as there is a school across Addison nearby. She believes this will be a great addition to neighborhood.

PZ/Questions & Comments:

- Commissioner Higley asked how many children will be at the daycare. Does the State set the maximum number of students allowed?

- The applicant stated there are 27 children enrolled at this time.
- Commissioner Higley asked about the location of the playground area.
- The applicant stated they are planning to have playground area in the back of the building, but are not opposed to putting in side yard.
- Commissioner Perez asked if people walk to day care to drop off students.
- The applicant stated they are not aware of how the students are dropped off.
- Commissioner Hansen asked about maximum capacity.
- The applicant stated with the building size and remodel, believes not over 20 students at one time.

Public Hearing: Opened

- Citizen Jan Leutel, 115 Pierce St., stated her opposition to the proposed SUP. She stated she submitted list of 11 neighbors that she is representing. She stated the neighbors are concerned with public safety and that the traffic on Pierce St. and the public alley will be affected. She stated there is no parking allowed on Pierce St. and there is a concern with parents parking in front of their homes. She also stated she has a concern for safety of the driveway on Addison Ave. She stated she does not believe there is not adequate fencing on property for play area. She feels there is a pollution issue for the children with dangerous emissions from Hwy. 93. She also stated a concern for proper sleep for the children, and does not believe this building is good fit for school. She stated that there is a website for the business that states they also have after school care.

Ms. Leutel also stated the neighbors have a concern of loss of property value if there is a day care next door. The neighbors would like to see a business commiserate with the area.

- Citizen Kristen Baker, 102 Fillmore Street, is in favor of this request. She stated she believes the applicant is following all of the rules. She stated that Pierce St does not touch the parking lot and there should be no issue as there is no parking allowed. She addressed the pollution concern: currently there is a school 5 blocks away and there does not seem to be an issue. She addressed real estate value concern by stating she believes this is great for prospective buyers with children and easy to walk to if family lives nearby.

Applicant closing statement:

Applicant Jones addressed the citizens' concerns. They stated they have not had a website since 2011, and there is no afterschool care. The oldest child they serve is six (6) years old. Regarding the noise concerns, there is a city park at end of Pierce St. where children play nearby, so the noise from the children playing will be similar to what is already in the area.

Public Hearing: Closed

Discussions Followed:

- Commissioner Higley stated his concerns. He does not believe the Professional Overlay was not meant for daycare. He does not believe there is a sufficient area for a playground. He does not believe this is a good fit for the area.
- Commissioner Hansen stated there is a reasonable expectation to follow the law regarding no parking on Pierce St. He stated he is in favor of the request.

- Commissioner Bolton stated she believes there is always a need for good child care. She stated she is in favor of the request.
- Commissioner Perez stated she understands the neighbors' concerns. She is not concerned with additional noise. She compared the traffic to the equivalent of having two additional houses on the street. She does not think there is concrete evidence to prove the property value decrease with the day care.
- Commissioner Detweiler stated his concern is with the parking. He is not sure if this location is the best fit for the business or applicant. He has safety concerns and is worried about traffic back up on Addison Ave. He is not in favor of this request.
- Commissioner Perez stated she believes there will be fencing around side of property and there is no access from the side on Pierce St.
- Commissioner Bolton stated the check in sheet shows the children are dropped off at different times, so that should help with traffic.
- Commissioner Hansen stated applicant's business is currently on Addison Ave. and is not aware of any complaints brought forward. He believes staggered drop off times will help with traffic. He stated that the commission has never been brought proof of a property value drop with a daycare nearby.
- Commissioner Kelley stated he is in favor of the request and asked if they can put in a condition for parking.
- Commissioner Perez stated the applicant stated they are going to put in landscaping per building code.
- Commissioner Kelley stated the landscaping is already a requirement.
- PZ Director Spendlove stated that the parking concern on Pierce St. is covered in Condition #1. He stated that the commission can condition landscaping.
- City Planner Cherry stated the commission would have to put a condition for the location of the landscaping.
- Commissioner Detweiler stated his biggest concern is the front area on Addison Avenue. He would like a buffer of landscaping along front or fencing.
- Commissioner Higley does not want anything to obstruct view.
- City Planner Cherry stated he has spoken to applicant about landscaping.
- Commissioner Bolton stated she does not see the space available to dictate noise buffers.

MOTION: Commissioner Hansen moved to approve the request for a Special Use Permit to allow a Commercial Daycare Facility and Preschool on property located at 733 Addison Avenue c/o Jeff Jones on behalf of Joni Schwertfeger-Jones. (PZ19-0161)
Marilu Perez seconded the motion.

Request Approved by a vote of 4 to 2.

5) Upcoming Meeting(s)

- a) Worksession: Wednesday, February 5, 2020
Tuesday, February 11, 2020
Monday, February 24 - joint worksession with City Council at 5:00 pm to give update during first hour.

6) Adjournment

The meeting adjourned at 07:28 PM

Kelli Ebersole

Kelli Ebersole, Administrative Assistant