



Twin Falls Planning & Zoning Commission Minutes

Tuesday, May 5, 2020, 6:00 PM

203 Main Ave East
Twin Falls, ID 83301

SPECIAL MEETING

Members -

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

Area of Impact: David Detweiler

1) Call In Instructions

- a) To call in for Public Comment on the items on this agenda, please call **1-208-939-6718**, **Conference ID: 500 472 991#**. Calls must be received between 6:00 pm - 6:10 pm and will be put into the queue to speak during the Public Hearing portion of the meeting.

2) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 06:07 PM

A quorum was present.

Members Present: Titus, Kelley, Musser, Detweiler, Perez, Bolton

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

3) Consent Calendar

Commissioner Kelley made a motion to approve the consent calendar, as presented. Commissioner Musser seconded the motion.

Unanimously approved by a vote of 7-0

- a) Approval of Minutes from the following meetings: April 14, 2020 and April 28, 2020

4) Public Hearings

- a) Request for a Zoning District Change and Zoning Development Agreement from R-4 and R-6, P-3 Parking and Professional Office Overlays to "Masqueray Lofts R-6 PRO ZDA" for property located at 660 Shoshone Street East, 137 7th Avenue East, and 155 7th Avenue East c/o Patrick Hugens on behalf of GOQOZ Twin Falls 660 LLC. (PZ20-0014)

Staff Presentation:

PZ Director Spendlove presented the Request for a Zoning District Change and Zoning Development Agreement from R-4 and R-6, P-3 Parking and Professional Office Overlays to "Masqueray Lofts R-6 PRO ZDA" for property located at 660 Shoshone Street East, 137 7th Avenue East, and 155 7th Avenue East c/o Patrick Hugens on behalf of GOQOZ Twin Falls 660 LLC. (PZ20-0014)

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.

Per City and County records the Twin Falls Clinic building was first built in 1947 and experiences significant renovations in 1964 and expansion in the early 1990's. Magic Valley Healthcare occupied the building from 2002 – 2010. For a time, a portion of the southern building was occupied by Twin Falls County Sheriff's Office. Since 2015 the building has been vacant and owned by various parties.

The majority of properties associated with the request were Zoned R6: Multi Family - PRO in 1989 when the original Clinic was expanded.

This is a request for a Zoning District Change & Zoning Development Agreement from R-4 PRO and R-6 PRO to "Masqueray Lofts R-6 PRO ZDA" for property located at 660 Shoshone Street East, 137 7th Avenue East, and 155 7th Avenue East.

The purpose of the requested ZDA is for the future construction of two (2) fifty-six (56) residential unit buildings and a potential future school. Each proposed building will consist of:

- Twenty-Four (24) Studio Units
- Eighteen (18) One Bedroom Units
- Nine (9) Two Bedroom Units
- Five (5) Three Bedroom Units

The proposed ZDA is requesting the following variations from the R-6 District and PRO Overlay development standards:

- No lot area minimum.
- No lot occupancy requirement.
- Setbacks: No front yard, and No rear yard setback requirement where the rear property line abuts an alley or non-residential use.
- Off street parking requirements will be accomplished through a cross access parking agreement for the entirety of the development, and counting the adjacent on-street public parking on 7th Ave East.
- Minimum Residential Parking Requirements shall be: Studio: 1.0 space; One Bedroom: 1.0 space; Two Bedroom: 1.5 spaces; Three Bedroom: 2.0 spaces.

If the Commission determines the proposed request appropriate, you may recommend approval to the City Council, as presented, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning, and other City Departments.

PZ/Questions:

- Commissioner Kelley asked city staff what are the normal parking requirements per code.

- PZ Director Spendlove stated, most times, it is two (2) spaces per dwelling unit up to three (3) bedrooms. At 3+ bedrooms, the parking requirement is 2.5 parking spaces.
- Commissioner Detweiler asked the parking on the site plan on 6th Street and if that is part of the parking plan.
- PZ Director Spendlove stated as it is adjacent to the property, he believes the applicant has available to the building. The applicant can clarify.
- Commissioner Bolton asked for clarification on city code requirements regarding public comments coming in by phone. She asked if this meets the minimum level of Open Meeting Law.
- City Attorney Nope stated the two specific laws are at play with this meeting. First, The Local Land Use Planning Act. This allows for evidence to be presented at meeting, and there is no reference as to whether it is in person, phone, or by email. Second, The Open Meeting Law of Idaho. When Governor Little gave his March order, he followed up with a proclamation removing requirement for public to be allowed to be in person, while allowing for video and conference calling to be used as substitutes. These meetings are listed as this is essential business. He stated this meeting is legal and be held as such.

Motion:

Commissioner Bolton moved to postpone this item until all Corona Virus orders have been lifted and in person testimony can be given in Council Chambers in front of the Planning and Zoning Commission at City Hall.

- Chairperson Titus asked City Attorney Nope to clarify if this motion can be acted on and if this is a legal motion.
- City Attorney Nope clarified that there is due process for the applicant and affected parties. This meeting has been deemed essential per Governor Little's order. He stated the commission can act upon Commissioner Bolton's motion, but to weigh if that is infringing on the applicant's right to be heard in a reasonable amount of time.
- There is No second on the Motion, so there is no vote.
- Commissioner Perez asked about amendments to the proposed parking.
- PZ Director Spendlove clarified that the street parking is public parking per city code. City will not regulate who parks on a public street. 7th Avenue will not be closed or privatized. To change the laws, there is a process, but would result in no parking for anybody on the street. He stated the roads are built to be wide enough for two way traffic and street parking.
- Assistant City Engineer Vitek clarified that no parking means no parking. Staff cannot specify spots on public streets for certain vehicles.
- Commissioner Perez asked about width of 7th Ave E. and if it wide enough for perpendicular parking and traffic.
- Assistant City Engineer Vitek clarified the law about backing out of spots and that would be addressed in the building stage.
- Commissioner Musser asked if "Neighborhood Parking" is available in the city.
- PZ Director Spendlove stated that it is not allowed in the city.

Applicant Presentation:

Bob Smith, architect, gave brief overview of project and changes to site plans since Preliminary Presentation. The intent of the development is to use the vacant clinic building and adjacent parking lots which have been vacant for 10 years. Turn into needed affordable housing and a charter school. The development would be built in three stages. Phase 1 and 2 – apartment

buildings. Phase 3 – charter school. They are asking for R6 zoning to apply to whole development. The apartments would range from studio to three bedroom units. The amenities include a fitness center, business center, and play area for children. He stated they reviewed the overall parking layout. The parking would have a cross use parking agreement. The applicants believe the spaces would be used at different times of the day for different parking uses. He stated the school spaces were not counted at the Preliminary Presentation, but are included on the revised site plan. The north part of the clinic building would be demolished and used for more parking spaces, drop off, and outside area for the school. He stated the revised plan has 159 total spaces for use of all three parcels.

Applicant Fran Florence addressed planning for future. He addressed the 5 topic elements of the Comprehensive Plan that this development would follow. He addressed parking concerns and stated he believes this will have a lesser traffic effect than a similar use as a clinic hospital. He stated they are asking for additional building height due to the higher density and feel the height request is reasonable. He stated that a new development in an older neighborhood puts new money into the infrastructure into the old neighborhood.

Applicant Bill Truax stated there is a mistaken notion that the intention is to create a project that they doesn't have a long term prospective. They are looking into the long view in Twin Falls. He stated they are always looking at Comprehensive Plan as a guide. He stated they are creating a development with walkability in mind. He stated that 7th Avenue East is intended to be used for a connected neighborhood. The plan is to keep the right of way and slow traffic down, but not close off the road to the public. He stated they chose this project because it is a challenge, and makes most sense. He addressed the concerns with property values.

PZ/Questions and Comments:

- Commissioner Musser asked for the impact to the property on saying no to the proposed parking requirement.
- Mr. Truax stated would table the deal and put the property back on the market.
- Commissioner Kelley asked for the parking count again.
- Mr. Smith clarified the total parking number is 159 spaces, including on and off street parking.
- Chairperson Titus asked for clarification that 163 total spaces are required, but only 159 on site plan.
- Mr. Smith clarified the cross use agreement, and believes not all of the spots will be used at the same time.
- Commissioner Bolton asked the applicant about what are standards for income restrictions? What are the rental rates for affordable living? Why no underground parking at the development.
- Mr. Truax stated they have a 44 year of restriction at an income level on this property, at a rate of a 30 - 60% area median income. He stated they have to keep up the housing quality standards. The owner of a housing tax credit property has to keep the property maintained.
- Mr. Smith addressed the underground parking is cost prohibitive in this type of development. He also stated there are soil issues on this site that would add substantial cost to the foundation. He also stated this is a small site, and there is not enough room to adequately build underground parking.
- Mr. Truax gave the rent breakdowns on the different size units.
- Commissioner Perez asked the applicant their plan for promoting walkability and bikeability. Will there be bike parking designated? Address the one way road on the site

plan? Will there be a sidewalk for pedestrians?

- Mr. Smith stated both buildings have secured bike storage rooms on the first floor, with outdoor bike storage available. He addressed the conceptual one way road as a school drop off, and they may need to add sidewalk adjacent for walking to 6th Avenue. The details will be presented with the school SUP. He stated there will be sidewalks along Shoshone and Hansen to get to park and 6th Avenue.
- Chairperson Titus asked if city services are adequate to service this development. She asked about the spacing of the perpendicular parking in alley way.
- PZ Director Spendlove stated this is part of the building review process with Building, Engineering, P&Z, and Fire departments. He stated that the Fire Chief has stated the fire department can handle buildings of this size. He addressed the infrastructure, with water and sewer models. This process goes through the Engineering Dept. Any improvements to the infrastructure is 100% on developer for any improvements needed.
- Assistant City Engineer Vitek typical alleys in city are usually 20 feet wide, and if will have to allow for 24 ft. width for traffic. This is reviewed as part of the building permit process to make sure it is sufficient. Parking in the alley or use as dual purpose not an issue to the Engineering Department.

Public Hearing: Opened

- Citizen Nikki Kroese stated her opposition to the development.
- Citizen Mark Aiken stated his opposition to the development.
- Citizen Brandie Aiken stated her opposition to the development.
- Citizen Courtney Stock stated her opposition to the development.
- Citizen Paul Smith stated his opposition to the development.
- Citizen Kate Lopez stated her opposition to the development.
- Citizen Janine Neiworth stated her opposition to the development.
- Citizen Robert Myrland stated his opposition to the development.
- Citizen Linda Myrland stated her opposition to the development.
- City Attorney Nope stated that no discriminatory terms will be tolerated during the Public Hearing.
- Citizen Donna Benkula stated her opposition to the development.
- Citizen Mike Morey stated his opposition to the development.
- Citizen Deryl Geren stated his opposition to the development.
- Citizen Brian Sabala stated his opposition to the development.
- Citizen Carl Wonacott stated her opposition to the development.
- Citizen Carlie Boren stated her opposition to the development.
- Citizen Judy Rayborn stated her opposition to the development.
- Citizen Josh Thorne stated his opposition to the development.
- Citizen Robin Kirby stated her opposition to the development.
- Citizen Danielle Roberts stated her opposition to the development.
- Citizen Dave France stated his opposition to the development.
- Father Joseph Lustig, St. Edwards Catholic Church, stated his opposition to the development.
- Citizen Gerardo Munoz stated his opposition to the development.
- Citizen David Brown stated his opposition to the development.
- Citizen Janae Korno stated her opposition to the development.
- Citizen Roxanne Welch stated her opposition to the development.

City Attorney Nope stated when the Public Hearing started, there were 39 callers on the line,

and 29 calls were taken for Public Comment. He stated if any caller decided to hang up and not give testimony tonight, there will be another chance for Public Testimony when this items goes before City Council.

Public Hearing: Closed

Applicant Closing Statement:

The applicants gave a closing statement and addressed the concerns of the callers.

Discussions Followed:

- PZ Director Spendlove clarified due process and the Public Notice Letter process.
- Commissioner Musser asked if there are other low income projects in the city.
- PZ Director Spendlove stated low income does not play into a land use decision.
- Commissioner Bolton asked staff how historic districts play into P&Z.
- PZ Director Spendlove clarified there is a national register for historic properties. He reviewed the city has three historic districts: downtown, warehouse, and city park. There are no guiding documents for a historic residential district, as it has not been approved by City Council. The Historic Preservation Commission oversees requests in the historic districts.
- Commissioner Bolton asked if this is an Urban Renewal Project.
- PZ Director Spendlove stated it is not a URA project.
- Commissioner Perez asked if the process for Public Comments at tonight's meeting is different than it would be without the Stay Home order.
- PZ Director Spendlove stated emails are always an avenue for the public as written testimony.
- Chairperson Titus asked if there are no setbacks, are there still sidewalk requirements.
- PZ Director Spendlove clarified the sidewalk is in the Right of Way, but setback is measured from property line. There is a sidewalk requirement.
- Chairperson Titus asked about driveway blockage.
- PZ Director clarified how to report an issue.
- Chairperson Titus asked about current height restrictions by zone.
- PZ Director Spendlove stated in the CB zone, commercial, and warehouse, the height restriction is 50 ft. and 35 ft. for residential zones.
- Chairperson Titus asked if the height increase of 62 ft. includes additional utilities on top of building.
- PZ Director Spendlove stated, in the submitted drawings, 62 ft. is the highest point of building.
- Chairperson Titus asked what the commission is being asked to deliberate.
- City Attorney Nope clarified what the commission is to deliberate.
- Commissioner Detweiler stated he likes finding a use for that property. He stated he likes downtown housing, but has a problem with the parking impact from park events and residents.
- Commissioner Kelley stated the commission are volunteers, not elected officials. He stated he has concern with the parking.
- Commissioner Musser stated this fits well with Comprehensive Plan. He stated he likes mixed uses and high density, but afraid this project goes too far. He is concerned with parking and the proposed height.
- Commissioner Bolton stated incremental change is optimal. She stated she likes the idea of infill and use of clinic. She is concerned with the parking.
- Commissioner Perez stated she may love to live there, close to downtown. She stated

she would like to find alternate parking.

- Commissioner Titus stated she believes this is a creative infill project and conforms to the Comprehensive Plan. She understands the concern of citizens next door
- Commissioner Kelley stated he believes the development needs its own parking, and not count street parking.
- Commissioner Detweiler stated he is okay with height, but believes they should stick with current parking code.
- Commissioner Bolton stated this development should be only allowed the required parking for this project. She stated they should meet the letter of the code.
- Commissioner Perez stated the parking overlay should be taken into account.
- Chairperson Titus agreed with that the parking overlay allows for alternate parking.

Motion:

Commissioner Perez made a motion to add Condition #2 to require a minimum of 159 parking spaces of onsite/off street pkg spaces.

Commission Kelley seconded the motion.

Discussion followed.

Commissioner Perez retracted the Motion

Motion:

Commissioner Kelley made a motion to add condition #2 to require 1 parking space per studio, 2 parking spaces for 1 or more bedroom units of onsite/off street parking.

Commissioner Detweiler seconded the motion.

Motion approved by a vote of 5-1

Motion:

Commissioner Kelley moved to recommend approval to City Council of the request for a Zoning District Change and Zoning Development Agreement from R-4 and R-6, P-3 Parking and Professional Office Overlays to “Masqueray Lofts R-6 PRO ZDA” for property located at 660 Shoshone Street East, 137 7th Avenue East, and 155 7th Avenue East c/o Patrick Hugens on behalf of GOQOZ Twin Falls 660 LLC, with the addition of Condition #2 and staff recommendations.

Commissioner Musser seconded the motion.

Motion approved by a vote of 5-1

- b) Request for a Special Use Permit to allow an In Home Daycare Services on property located at 1063 Borah Avenue West c/o Montserrat Ramos. (PZ20-0032)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow an In Home Daycare Services on property located at 1063 Borah Avenue West c/o Montserrat Ramos. (PZ20-0032)

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 City and County records the primary residence on the subject property was built in 2010.

This is a request to allow In Home Daycare on property located at 1063 Borah Avenue West. The subject property is located in the R-2 (Residential Medium Density) Zoning District.

The applicant intends to operate an In-Home Daycare / Summer Program which will provide services for no more than twelve (12) children. The applicant will be the sole employee. Proposed hours of operation will be from 7:30 AM to 6:00 PM. When outside, the children will be in the backyard which is fully fenced.

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 Ramos presented her request for a Special Use Permit to allow an In Home Daycare Services. She outlined her educational program and her reasons for wanting to start the program.

PZ/Questions & Comments:

- Commissioner Detweiler asked the age of the children in the program.
- Applicant Ramos stated the age range of the children is 5 – 12 years of age.
- Commissioner Musser asked about state licensing requirements.
- Applicant Ramos stated that she is currently working through the state licensing, but had to go through the SUP process prior to obtaining the licensing.
- Commissioner Detweiler asked for the total student count.
- City Planner Cherry specified only twelve (12) students are allowed per the SUP.
- Commissioner Perez asked for dates of the Summer Program.
- Applicant Ramos stated it will run from the first Monday in June to the last Friday in July.
- Commissioner Perez asked about if there needs to be a condition adding Spring Break or Holiday time to this SUP.
- BC stated that the Special Use Permit request is for traditional day care year round for up to twelve (12) students with a different program running during the Summer and during Spring Break.

Public Hearing: Opened and Closed without input

Applicant Closing Statement:

Applicant Ramos thanked the Commission for their time.

Discussions Followed:

- Commissioner Musser stated the number of students seems high in a residential neighborhood.
- City Planner Cherry stated the number of students is allowed in city code.
- Commissioner Perez asked for clarification of what is allowed by city code.
- City Planner Cherry stated, per city code, and in home day care of six (6) or more children requires an SUP. If the number goes higher than twelve (12), that would go to a different level with the State.

Motion:

Commissioner Kelley made a motion to approve the request for an In Home Daycare on property located at 1063 Borah Avenue West c/o Montserrat Ramos, with staff recommendations. (PZ20-0032)
Commissioner Detweiler seconded the motion.

Unanimously approved by a vote of 7-0

- c) Request for a Special Use Permit to allow for automobile and truck service and/or repair on property located at 1856 Eldridge Avenue c/o Rocky Ungaro. (PZ20-0037)

Staff Presentation:

City Planner Strickland presented the Request for a Special Use Permit to allow for automobile and truck service and/or repair on property located at 1856 Eldridge Avenue c/o Rocky Ungaro. (PZ20-0037)

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

The Commission shall decide on the request within thirty (30) days after the public hearing.

If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void. If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

In October 2019 the applicant submitted site plans for improvements to provide sewer and water to this property. In January 2020 a permit for a shell building was approved and construction of the building is underway.

The building under construction was declared for a specific type of land use and occupancy type. Staff would like to clarify the M2 district allows for multiple uses that may require additional Special Use Permits prior to being legally established.

The type of land use requested by this permit should have minimal adverse impacts to the area due to its location within the M2 district, and the existing uses surrounding the property.

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Industrial/Flex/Employment" This request meets this designation or other comprehensive plan

guidelines, therefore staff has determined this request is in compliance with the 2016 comprehensive plan.

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 the applicant acquiring all required permits, and certificates of occupancy for each tenant space.

Applicant Presentation:

Applicant Ungaro presented his request for a SUP to allow for automobile and truck service and/or repair. Mr. Ungaro gave the background of how it got to the SUP and outlined the business plan.

PZ/Questions & Comments:

- Commissioner Detweiler asked if there is plumbing and water in building now and if some of the units will be rented out.
- Mr. Ungaro stated there is plumbing and water at the location now and each unit will have one bathroom. He stated he will occupy one of the units as a contractor.

Public Hearing: Opened and Closed without input

Discussions Followed: without concerns

Motion:

Commissioner Kelley made a motion to approve the request for a Special Use Permit to allow automobile and truck service and/or repair on property located at 1856 Eldridge Avenue c/o Rocky Ungaro, with staff recommendations. (PZ20-0037)
Commissioner Musser seconded the motion.

Unanimously Approved by a vote of 7-0

- d) Request for a Special Use Permit to “construct multiple buildings on a lot” on property located at 1155 Cheney Drive West c/o EHM Engineering, Inc. on behalf of David Scaggs. (PZ20-0038)

Staff Presentation:

City Planner Cherry presented the request for a Special Use Permit to “construct multiple buildings on a lot” on property located at 1155 Cheney Drive West c/o EHM Engineering, Inc. on behalf of David Scaggs. (PZ20-0038)

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 City & County records the subject property is current vacant.

This property went through multiple Zoning changes in the past decade. The latest and of the changes created the R-6 PRO WS&V PUD #268 which currently governs this property.

This is a request for a Special Use Permit to allow for a multi-family fourplex development on property located at 1155 Cheney Drive West. The subject property is zoned R-6 PRO and located within the WS&V Amended PUD #268.

The proposed multi-family fourplex development will consist of ten (10) two (2) story buildings with three-thousand (3000) square-feet per floor. There will be forty (40) dwelling units' total.

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:

Tim Vawser, EHM Engineers, representing applicant, presented the request for the SUP for a Special Use Permit to “construct multiple buildings on a lot”. He stated that this development would be similar to the development to the west. The land is zoned appropriately for this request. He stated there will be forty (40) living units, and this would be a nice transition to the neighborhood.

PZ/Questions & Comments: without input

Public Hearing: Opened and Closed without Input

Discussions Followed:

- Chairperson Titus asked for clarification on the site plan. Are sidewalks being built around the development.
- City Planner Cherry stated there will be sidewalks around the development.

Motion:

Commissioner Kelley made a motion to approve the request for a Special Use Permit to “construct multiple buildings on a lot” on property located at 1155 Cheney Drive West c/o EHM Engineering, Inc. on behalf of David Scaggs, with staff recommendations. (PZ20-0038)
Commissioner Detweiler seconded the motion.

Unanimously Approved by a vote of 7-0

- e) Request for a Special Use Permit to allow for a public school on property located at 209 5th Avenue North c/o Katrina Kulm, erstad Architects on behalf of Pinecrest Academy of Idaho. (PZ20-0039)

Commissioner Bolton disclosed she was a previous employee of the First Presbyterian Church, but per City Attorney, there is no conflict.

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow for a public school on property located at 209 5th Avenue North c/o Katrina Kulm, erstad Architects on behalf of Pinecrest Academy of Idaho. (PZ20-0039)

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 City & County records the current builds on the subject property were built in 1940. The existing religious facility has operated on the property since then.

Prior to this request, on October 5th 2016 the Planning & Zoning Commission approved a special use permit (SUP 1408) for a private school to be operated in conjunction with the existing religious facility. The proposed private school would have hosted ages from Pre-School to 5th Grade. The Planning and Zoning Commission conditioned their approval based upon a 100-student maximum enrollment and a pedestrian crosswalk being striped and relocated to the intersection of 5th Avenue North and Gooding Street North per the City Engineer.

SUP 1408 was not established within one-year of Planning & Zoning Commission Approval, thus making the original SUP void.

This is a request for a Special Use Permit to allow a public school to operate on property located at 209 5th Avenue North. The subject property is zoned R-6 Residential Multi-Household District PRO Professional Office.

The proposed public school will be a tuition-free public school accessible to the general public. It is anticipated that the school will host ages from kindergarten to 8th Grade with 250 students and 16 staff members at full build out. Hours of operation will be typical school hours Monday thru Friday from 7:30 AM to 4:30 PM. The school will be closed for major holidays and during the summer months.

Further the proposed school will share the property with the First Presbyterian Church whom is currently operating on the subject property.

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 the sidewalk pedestrian corner ramps at 5th Avenue North and Gooding Street being constructed to current ADA standards per the City Engineer.
3. Subject to the Parking Shared Use Agreements proposed by the applicant being notarized and submitted to City Staff prior to school operations.

4. A single parking space be located as close to the proposed use as possible to serve as an unloading/loading space.
5. Subject to any regular utilization of the City Park being communicated to and approved by the Parks & Recreation Department.

Applicant Presentation:

Katrina Kulm, representing applicant, presented the Request for a Special Use Permit to allow for a public school on property located at 209 5th Avenue North. She stated that she has met with staff to address any issues for this SUP. She stated there will be bussing provided, and this should help with traffic and parking. She stated the drop off point will be in front of the school. She clarified the parking arrangement with the County.

Denise Shoemaker, principal of Pinecrest Academy, stated she will be the head staff member on property. She explained their curriculum model. She stated the school will start with an enrollment of 172 students, working up to a maximum of 250 students.

PZ/Questions & Comments:

- Commissioner Perez asked the applicant if they already have list of students who will be attending and if she knew if those students lived in the vicinity where they can walk or bike to school.
- The applicant stated they are providing bus service and have 50 students qualified now. She stated she was unsure of the number of students who would walk or bike to school.
- Commissioner Perez asked staff about bike paths in the area.
- PZ Director Spendlove stated he does not believe there are bike paths adjacent to the property.
- Chairperson Titus asked about crosswalk requirements.
- Assistant City Engineer Vitek stated the applicant is required to construct sidewalk pedestrian corner ramps at 5th Avenue North and Gooding Street, with no marked crosswalk. ADA ramps would mark the crossing area.
- Chairperson Titus asked about crossing lights or flags.
- Assistant City Engineer Vitek addressed the areas that have flags and/or lights. He stated there is no need at this crossing because of the type of street and it is already a 25 mph zone.
- Commissioner Detweiler asked what came of the previous SUP in 2016.
- City Planner Cherry clarified the school use of the SUP did not come to fruition, so the SUP became null and void. He stated this school is a different model, so there is a need for a new SUP.
- Commissioner Perez asked the Public Comment letter received regarding this SUP an addressed area between two buildings and asked staff to clarify its location.
- City Planner Cherry demonstrated the alleyway in question. He stated that per city code, a screening requirement would not apply for this project.
- PZ Director Spendlove stated that this is a public alley, and it would not able to be closed off.
- Ms. Kulm stated the students will be monitored by staff and parents.
- Ms. Shoemaker stated she could share the security plan with the commission. She stated there will be constant contact with the students, knowing where they are at all times. There will be staff assigned to specific locations for monitoring students. There will be no time that the students will be unsupervised.

Public Hearing: Opened

- Citizen Carolyn Baird expressed support for this project.

Public Hearing: Closed

Discussions Followed:

- Commissioner Musser asked if this will be dual use with the church.
- City Planner Cherry stated it will be a dual use as a way to utilize building full time.
- Commissioner Perez stated her concern with the number of total students and traffic.
- City Planner Cherry clarified the number of students for this SUP is less than the previously approved number of the 2016 SUP.
- Commissioner Kelley asked for clarification on what grades will be taught and the total number of students.
- Ms. Shoemaker stated the starting enrollment is 172 students, in grades K-5, with the plan to add an additional grade each year up to 8th grade, with a maximum enrolment of 250 students. An additional bus service will be added at maximum capacity, which will help with traffic.
- Commissioner Musser asked if there will need to be additional square footage with the increase to maximum capacity.
- City Planner Cherry stated that will be addressed with the building permit.
- Chairperson Titus asked about the signage on private property.
- City Planner Cherry clarified that the signs posted would not be city signs, but would be put up for encouragement and will not be enforced by the city. He stated the signs will have to be approved by the City Engineer.

Motion:

Commissioner Detweiler made a motion to approve the request for a Special Use Permit to allow for a public school on property located at 209 5th Avenue North c/o Katrina Kulm, erstad Architects, on behalf of Pinecrest Academy of Idaho, with staff recommendations. (PZ20-0039) Commissioner Kelley seconded the motion.

Unanimously Approved by a vote of 7-0

5) Upcoming Meeting(s)

- a) Tuesday, May 12, 2020

6) Adjournment

The meeting adjourned at 11:40 PM.

Kelli Ebersole

Kelli Ebersole, Administrative Assistant