



## Twin Falls Planning & Zoning Commission Minutes

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

Commissioner Members Present: Frank, Grey, Dawson, Hall, Hawkins, Munoz

Staff Members Present: Carraway-Johnson, Nope, O'Connor, Spendlove, Strickland, Vitek, Wonderlich

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.

### 2) Consent Calendar

a) May 9, 2017 PH Minutes

b) April 25, 2017 PH Minutes -Amended

#### **Motion:**

Commissioner Grey moved to approve the consent calendar, as presented. Commissioner Munoz seconded the motion.

**Unanimously Approved**

### 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.

#### **Applicant Presentation:**

Gerald Martens, representing the applicant, stated this property is located south of Pillar Falls School. The property will be developed as Morning Sun Subdivision No. 10 and is just a continuation of the Morning Sun Subdivision. The plat will consist of 95 residential lots to be developed in a minimum of three phases beginning at the northwest corner working towards the south. There are two commercial parcels, one to be transferred to the City of Twin Falls for a proposed Fire Station. The second will go to the Intermountain Gas Company for a pressure

reduction station to provide additional capacity in the area. They have reviewed the staff report and concur with staff recommendations. He explained they are currently mid construction for making improvements to Morning Sun Park with a canopy along with some picnic facilities, utilizing funds from Morning Sun Subdivisions 8 & 9. They have also requested to pay parks-in-lieu funds that would then be applied to complete the improvements such as a drinking fountain and some restrooms. They do understand that the details for the parks-in-lieu need to be worked out prior to recording the final plat. They plan to have Morning Sun Subdivision No. 9 completed before they begin No. 10 and will most likely not begin No. 10 until 50% of the lots are sold so that development can occur as the demand arises.

**Staff Presentation:**

Senior Planner Spendlove reviewed the request on the overhead and stated 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.

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.

Senior Planner Spendlove stated upon conclusion, should the Commission approve the request, as presented, staff recommends 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.

**P&Z Questions/Comments:**

Commissioner Munoz asked about the designation for Hankins Road.

Senior Planner Spendlove explained it is an arterial, and any landscaping requirements would be reviewed at the time of the building permit review.

Commissioner Grey asked about a cross walk located near Filer Avenue and Hankins Road.

Senior Planner Spendlove stated citizens would be encouraged to travel Hankins Road to Stadium to cross the road at the signal.

Commissioner Grey asked about the direct route to the park.

Senior Planner explained the route to the park on the overhead.

**Public Input: Opened**

Commissioner Frank read into the record a letter received from a citizen. The letter has been filed with the application packet.

John Martin, 624 Hankins Road, stated that he is happy to speak in favor of this subdivision.

Stuart Sandall, 3051 Highlawn Dr, stated the back of his property is adjacent to Filer Avenue East and asked for some clarification on the plat and what is planned for the south side of this development. He explained connection to the school is limited from his property and the traffic along Hankins Road at the Filer Avenue intersection is so dangerous his children have to ride a bus, when the school is just a few blocks over from their home.

**Public Input: Closed**

**Closing Statements:**

Mr. Martens explained property to the south is in the county would not be allowed to hook into city services and any improvements made to the street are going to be made at his cost however when the property was developed to the south it would be subject to the City

payback resolution to reimbursement the cost. As for the corner of Filer Avenue and Hankins Road that will become City property when the Fire Station is developed and the City is very aware of the traffic at this intersection and will need to ensure a safe intersection for the operation of the Fire Station.

Assistant City Engineer Vitek explained he would try to answer questions that Mr. Martens was unable to answer. He stated that there will be curb, gutter and sidewalk installed along the exterior portions of the Morning Sun Subdivision No. 10 when developed. The property to the south of Filer Avenue West is in the county, if that subdivision wants to put a sidewalk in they would have to do it at their own expense. When the City does develop the Fire Station area there will be curb, gutter and sidewalk installed. As for speed control he showed on the overhead a photo of the roadway and explained the design requirements as it relates to speed and a vehicles ability to stop in time. He explained that the roadway does have a crest along but without more information he would not be able to determine that it is not safe. As for hooking up to City services the properties that are in the county would have to annex into the city in order to hook up to services. Filer Avenue West is a collector street, therefore there will not be any accesses allowed along this section of the road.

**Deliberations:**

Commissioner Grey he doesn't have any issues but did ask if a traffic signal would be installed because of the Fire Station.

Assistant City Engineer Vitek explained a signal must be warranted in order for it to be installed. He is unable to answer this question at this time without a traffic study. Even with a traffic study completed he's not sure a signal would be warranted at the intersection of Hankins Road and Filer Avenue West.

Commissioner Munoz explained that this seems like a natural progression for the area.

Commissioner Frank explained he is in favor of this development but it does bring up discussion about how things get developed within the community.

Commissioner Hall explained he would like to see the sidewalk completed all at once for safety purposes.

Commissioner Munoz explained the difficulty is that the City can only require the improvements when the property is developed.

**Motion:**

Commissioner Munoz moved to approve the request, as presented. Commissioner Hall seconded the motion. All members present voted in favor of the motion.

**Approved, As Presented, With 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.

**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)

**Applicant Presentation:**

Andrew Swensen, representing the applicant, explained the applicant is requesting to operate a pre-school through fifth grade in the 1993 portion/northern half of the building. The southern portion of the building will not be occupied by the applicant. There is a nice size play area to the back of the property that will be fenced and have play equipment installed. On site parking is available to handle the requirements for both the proposed use as well as the southern portion of the building with the assumption that that space will be used as a professional office. The primary access to the site is through an ingress/egress easement that runs along the southern 25' of the property. There will be a maximum of 50 students per day occupying the building with possibly more enrolled students. They have varied times for drop off and pick up to mitigate traffic concerns. He asked that the work enrollment in the conditions be changed to occupancy. This learning center is an absolute treasure and adds to the quality of life for the community and he asked that the Commission approve the request.

**Staff Presentation:**

Planner I O'Connor reviewed the request on the overhead and stated 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.

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.

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.

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.

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 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 occupancy be limited to 50 students at any time. Additional occupancy shall require a new special use permit.
  3. Subject to all parking and maneuvering areas being developed in compliance with code.
  4. Subject to the northerly access being blocked if it is not used.
  5. Subject to no occupancy until a Certificate of Occupancy is issued.

**PZ Questions/Comments:**

Commissioner Grey asked about the width of the access and if it is sufficient for the additional traffic and safety vehicles to access the property.

Planner O'Connor explained that this will be reviewed during the building permit process.

Commissioner Frank asked if all 3 floors of the building will be used by the applicant.

Mr. Swensen explained that yes all 3 floors will be used.

Commissioner Hall asked about life safety issues and ADA requirements.

Planner I O'Connor explained that this will be reviewed during the building permit process.

**Public Hearing: Opened**

Josh Olsen, Kimberly, explained that he is in support of the request, however he is concerned about the traffic impacts to his Chiropractic Office. He is concerned about the cars that are parked at his practice having to worry about vehicles pulling in and out to drop off children. He feels this will have a negative impact on his business. He has asked that Baker Street be considered as an option to access the school.

Heidi Campbell, 435 Hailee Ave, president of Acorns Learning Center, have been operating since 1982 and occupied their current location since 1985. O'Leary plans to start at 8:40 am and they do not plan to operate at the same time. 8:15 to 8:30 for pre-school and then 8:45 for pre-school hours.

John Marten, 624 Hankins Rd stated this is the best school around, and their children benefited from this learning center.

Nicki Dasher, 1037 Skyline Dr, explained she has two children enrolled at Acorn Learning. Pre-School hours will be 9:00 am there are families with multiple children registered. There will not be 50 cars and there are not usually any delays at their current facility with regards to traffic.

Jenny Taylor, File, explained she has one child and will have two more attending Acorn Learn School she is excited about this opportunity.

Tim Floyd, 667 Sunrise Blvd N, this school has provided an outlet for her children that no other school provides. Their current site has a small parking area and they work with the adjacent neighbors to prevent impacts to the businesses next to them now. The staggering arrivals and multiple family drop offs, she hopes this can be resolved.

Rebecca Olsen, Kimberly, explained that when you are leaving the office you can only leave by turning right, it is difficult to turn left. She is not trying to be complicated and as a community we all need to share space but we also need to keep the safety of the kids in mind.

Kelly Carson, 406 Knottingham Dr, she is here in support of the Acorn Learning Center and was a patient at this office when Dr. Longs clinic operated and has not had traffic issues.

**Public Hearing: Closed**

**Closing Statements:**

Bart Browning, 1044 Laurelwood Ct, Attorney, representing the applicant, explained the easement is wide enough to accommodate two-way traffic. Eastland is an arterial and there are traffic signals at Elizabeth Boulevard and at Kimberly Road, which provides a gap in traffic flow to accommodate entering and exiting this property. Dr. Robinson occupied the building that Acorn Learning Center is considering and the traffic for his office was quite a bit heavier, but he and Dr. Long were able to co-exist without many issues.

**Deliberations Followed:**

Commissioner Munoz explained he understands the concerns however there could be another use that could be more excessive in this building.

Commissioner Grey asked for clarification of the curb cut location.

Assistant City Engineer Vitek explained that the curb cut for access looks as if it was put in the wrong place. He had a gentleman speak to him about relocating the approach and the City would be in full support of that decision. The new approach just has to meet ADA standards on both sides and the sign may need to be relocated.

Commissioner Grey clarified that if both businesses were willing to work together and share the expense of moving the access it could resolve the issues.

Commissioner Hall asked if Baker Street is public.

Assistant City Engineer Vitek explained it is private, heads north and exits onto Elizabeth Boulevard.

Commissioner Frank stated he believes is a good use for the property and previous uses have been high traffic. He thinks the approach does need to be redone and in the mean time they will need to work together.

**Motion:**

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

**Approved, 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.
2. Subject to the maximum occupancy be limited to 50 students at any time. Additional occupancy shall require a new special use permit.
3. Subject to all parking and maneuvering areas being developed in compliance with code.
4. Subject to the northerly access being blocked if it is not used.
5. Subject to no occupancy until a Certificate of Occupancy is issued.

- 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)

**Applicant Presentation:**

Angie Port, the applicant stated she is requesting a Special Use Permit to operate a massage therapy business at her home with no more than 6 hours per day. The driveway is large enough for parking vehicles and there should not be any impacts to the surrounding neighbors.

**Staff Presentation:**

Planner I O'Connor reviewed the request on the overhead and stated 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.

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.

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.

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.

Planner I O'Conner stated upon conclusion should the Commission approve the request, as presented, staff recommends 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.

**PZ Questions/Comments:**

Commissioner Munoz asked about hours of operation.

Ms. Port explained her earliest appointment would be around 8:00 am her latest would be finished by 7:30 pm.

**Public Hearing: Opened & Closed No Public Present**

**Deliberations Followed: Without Concerns**

**Motion:**

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

**Approved, 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.
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.

**5) General Public Input**

Zoning & Development Manager Carraway-Johnson explained that there are possibly some issues with the current sign code. In order for staff to pursue reviewing this code for amendments. Staff

**Motion:**

Commissioner Munoz moved have staff begin review of the current sign code. Commissioner Dawson

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

**6) Upcoming Meeting(s)**

Commissioner Frank reminded the Commission that the June 7, 2017 Work Session has been cancelled.

June 7, 2017 Work Session Cancelled

June 13, 2017 Public Hearing

a) June 7, 2017 Work Session - Cancelled

June 13, 2017 Public Hearing

**7) Adjournment**

Chairman Frank adjourned the meeting at 7:36 pm.

---

Lisa A. Strickland, Administrative Assistant