



Twin Falls Planning & Zoning Commission Minutes

Tuesday, June 27, 2017, 6:00 PM

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

Present Members: Grey, Dawson, Hawkins, Munoz, Musser, Higley Woods

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

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

2) Consent Calendar

- a) Approval of Minutes from the following meeting(s): **June 13, 2017 PH**
- b) Approval of Findings of Fact and Conclusions of Law for the following meeting(s): **June 13, 2017**
Ricki Lezamiz Commercial Subd (Pre-plat) Zernickow, Jon (SUP) Willie, Dan (SUP)

Motion:

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

Commissioner Hawkins seconded the motion.

Unanimously Approved

3) Items of Consideration

- a) Request to consider the **Preliminary Plat** for TF Caswell Subdivision, approximately .97 (+/-) acres consisting of 2 lots located at 687 Blue Lakes Boulevard North c/o Harper-Leavitt Engineer, Inc..

Applicant Presentation:

Chris Street, Harper Levitt, LLC, stated this is a request to approve a preliminary plat to separate the existing lot into two parcels. There is a 15' easement along the coolie and there is storm water retention along the Caswell Street property line. There is currently a building on one of the proposed lots that will be Chipotle Restaurant, the other lot will have a building constructed but they currently do not know whom the tenants for that building will be.

Staff Presentation:

Planner I O'Conner reviewed the request on the overhead and stated the Zoning history of this property is limited to Ordinance #2012, which established the districts we current enforce. The

Polk directories indicate Intermountain Gas occupying the property as far back as 1965. Approximately 2 years ago, Intermountain Gas vacated the premises, the building was demolished and the new owner received a building permit to construct a restaurant on the corner. The wish to subdivide to allow another for commercial development.

The property is zoned C-1; Commercial Highway. This is a request to subdivide 0.97 acres +/- to allow for commercial development. The TF Caswell preliminary plat is for two (2) lots on this acreage. Currently a building exists on the northern portion of the property (proposed Lot 1). It is suspected the second lot will be sold and another building constructed.

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 wastewater 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.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Mixed Use." Mixed Use is a very broad category and encompasses an extensive list of land uses. However, Mixed Use areas are characteristically, pedestrian friendly, in that they provide that range of use while keeping the scale of development, human friendly. The requested Preliminary Plat meets the mixed-use designation since it encourages shared use parking and provides for infill development of a previously developed property.

Planner I O'Conner stated upon conclusion staff recommends the commission approve the TF Caswell preliminary plat as presented, subject to the following condition:

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.

PZ/Questions & Comments:

- Commissioner Grey clarified the size of the property is .97(+/-) acres
- Planner I O'Connor confirmed
- Commissioner Woods ask staff to identify lots 1 and lots 2 on the overhead
- Commissioner Munoz asked about parking requirements for the new buildings.
- Planner I O'Connor explained the parking requirements for the second building will depend on the use of the building and will be reviewed at the time of the building permit.

- Commissioner Grey asked if there is a cross use agreement with the other shopping center.
- Planner I O'Conner stated not that staff is aware of at this time.

Public Hearing: Opened & Closed Without Input

Discussion Followed:

- Commissioner Grey stated he is fairly sure that the applicant would not go through this process without some idea of what would fit in the area.
- Commissioner Munoz stated that as long as parking is worked out for the property he doesn't see any issues.

Motion:

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

**The Preliminary Plat TF Caswell Subdivision was
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.
- b) Request to consider the **preliminary plat** for Sundance Subdivision, a PUD, consisting of 447 lots 5 tracts and 117.42 (+/-) acres located on the south side of 3600 North Road and west side of Blue Lakes Boulevard South. c/o EHM Engineers, Inc.

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc., representing the applicant stated this property is along Harrison Street and south of 3600 North. The developer of this subdivision as well as several other developers have entered into an agreement with the City to install a water line to assist in serving the future development of the area. The development is approximately 446 lots with several tracts for canal company and park areas. The property is designed under the guidelines of a PUD. This large number of lots does not get built all at once. Usually a development this size is done in Phases with approximately 30 to 40 lots. It will begin on the west side of Harrison Street and will take approximately 5 years before development will begin on the east side of Harrison Street.

Staff Presentation:

Planner I O'Conner reviewed the request on the overhead and stated this property has been Agricultural in use since before 1950. It was likely zoned R-1 VAR in 1981 with the adoption of Ordinance 2012 but has remained agriculturally based. In September 2006, the commission heard and forwarded to the City Council a positive recommendation for a zoning designation of R-2 if the site was annexed. City Council held a public hearing in September 2008 and approved

the annexation with a zoning designation of R-2. In October 2008 Ordinance 2950 was signed and published for adoption, and the property annexed and rezoned at that time. Also in October 2008 The Commission forwarded on a positive recommendation to rezone the subject property from R-2 to R-2 PUD. City Council approved the rezone in November 2008, and Ordinance 2955 was signed and published for adoption in December 2008.

The PUD agreement has not been adopted by the City Council at the time of this report.

The property is zoned R-2 PUD. This is a request for approval of the preliminary plat of Sundance Subdivision, a PUD. The proposed subdivision is 117.4 +/- acre site and consists of 446 residential lots. The number of lots has fluctuated from the beginning of the review process until now. This is common as staff works with the developer to review access, minimum lot sizes, utilities, and other various factors. The Preliminary plat included with the packet contains the 446 Residential lots, 8 tracts, and 1 City Lot for PI. The draft PUD Agreement is included in the staff report packet. The document will be presented to the City Council for approval at the time of final plat.

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.

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.

Planner I O'Conner stated upon conclusion staff recommends the commission approve the preliminary plat of the Sundance Subdivision, a PUD, as presented, and subject to the following staff condition, and any others the Commission deems appropriate:

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.

PZ/Questions & Comments:

- Commissioner Musser asked about the phasing of a subdivision.
- Assistant City Engineer Vitek stated they try to approximate how they will phase the

construction of the subdivision but it can change.

- Commissioner Woods asked if this information has been shared with the School District
- Planner I O'Connor explained yes.
- Commissioner Woods asked if there is a plan to deal with the irrigation in this area.
- Assistant City Engineer Vitek explained there was an extensive conversation with the developer and the Twin Falls Canal Company and the City about the canal. There is a note on the plat that explains flooding may be possible if there is a breach in the canal. Before the development is allowed to go through the sw corner of the property has had more dirt brought in to reinforce the canal bank.
- Commissioner Woods asked if there are any transportation plan for improving traffic flow from the intersection into Blue Lakes Blvd.
- Assistant City Engineer Vitek explained the developer is required to build half plus 12' along Harrison Street but they are not required to build any off-site improvements. As the school property develops the roads will somewhat align. The City also will be collecting impact fees on all of the new homes that are built in this development. That money can be used to address roadway impacts created by growth in the area.
- Commission Munoz clarified that the PUD is finalized with the final plat. The PUD provides a means to address issues that occur with a phase of development. He is concerned that it is burdensome on the City.
- Zoning & Development Manager Carraway-Johnson explained that the agreement has been designed and reviewed by the City Attorney. The Council will have the final decision and if there is a concern staff can forward those concerns to Council.
- Commissioner Grey asked why this is still a PUD and not a ZDA.
- Zoning & Development Manager Carraway-Johnson explained that this property was rezoned with under a PUD and the Ordinance was approved at the time of the rezone. The process at the time was to bring the PUD Agreement forward for approval with the final plat approval. If the developer wanted to start the property over it could be rezoned as a ZDA.
- Commissioner Grey asked about a parks in lieu or a park requirement.
- Zoning & Development Manager Carraway-Johnson explained it is still under discussion and the final decision will be made by Council.

Public Hearing: Opened

- Dan Kohring, 2955 E 3600 N, stated he live adjacent to the proposed development and own the property that is not included in the plat at the north end. His concerns are traffic impacts, safety for children that will be attending the new middle school, the intersection alignment at Harrison Street and 3600 N as well as the irrigation water access. The last concern is a pumping station for sewer until gravity fed sewer line can be installed.
- Larry Amen, 2990 Anderson Lane, he explained that this development has been in a long process and they have worked through the PUD process with the developer and he doesn't want the hard work that has occurred up to this time to be lost. They boarder the area of impact so there is not a lot they can do about this but he asks that thoughtfulness occur

when it comes to traffic and the school.

- Troy Ward, 3581 N 3000 E, explained he has concerns about a fence that is supposed to be installed along the development and the smaller lots shown on the east side of the property they were supposed to be larger.
- Van Schmechel, 1204 Kenyon Road, asked where is all the domestic water going to come from because that last time there were ponds installed out in this area before and it dried up his and several of his other neighbor's wells. He had to lower his well 30' to reach the water table. He doesn't think there is enough water to handle the 446 homes. Has there been a study done regarding the addition traffic this development is going to have on the area.
- Elaine Leavitt, 1590 Briarwood Lane, she is concerned about the traffic in the area currently. This development is going to add more traffic to the area and children traveling to the school. She would suggest a crosswalk for the kids and a place for the kids to walk along the side of the road.
- Merilee Waters, 1643 Harrison St S, her driveway is just south of the only entrance of the school and they are not going to be able to get out of their driveway and adding these homes will just make it worse. The other concern is that 3600 North is a truck route which is a concern with so many children that are going to be in the area. It is dangerous.
- Pete Johnston, 312 Washington St S, stated this concerns him with the traffic and water availability.
- Jessica Gough, 2968 E 3600 N, stated her concern is also the traffic and the children's safety. She is not convinced flashing lights or stop signs will help but she hopes there is some consideration for traffic impacts.

Public Hearing: Closed

Discussion Followed:

- Assistant City Engineer Vitek explained this development plan has been in the works since approximately 2006. Since then the City had to go through an arsenic compliance program and water has been piped to the area from Blue Lakes that takes water to the well towers. The developer has put in a 24" waterline along 3600 North and so that it can supply the development. The City is subject to Department of Water Resources standards.
- Commissioner Grey asked if the City is satisfied that water can be supplied to this area.
- Assistant City Engineer Vitek confirmed that the City is satisfied.
- Mr. Vawser, stated that reinforcement has been done to the canal bank, but there was a note still added to the plat because of the one-time historic break in the canal. The other irrigation that crosses will be piped as development moves forward to that point of the project. Access to irrigation water will remain, it will just be underground. Safety is a big concern with 446 lots. There is going to be an impact which is what impact fees can be used for to implement calming measures as needed. The property has gone through a rezone and is compliant with the PUD Draft, however he will check into the lot sizes and fence comments made earlier from citizens.
- Commissioner Higley asked about relocation of the park shown on the plan.
- Mr. Vawser explained this has been the design from the beginning.

- Assistant City Engineer Vitek explained that the canal company doesn't like children near the canal.
- Commissioner Higley asked if any of the road design will be the larger 4 lane roads.
- Assistant City Engineer Vitek explained Harrison is a collector width of 48' down to Gage Avenue. The parcel that is not developed is only 36'. Impact fees can be used to improve the roads if it due to growth and if there is right of way, otherwise it will have to wait until the property develops.
- Commissioner Higley asked about the Highway District and the truck route.
- Assistant City Engineer Vitek explained that the city has farm to market roads and there is not a truly designated truck route. This is a commonly used route because it loops around town.
- Commissioner Higley asked if there was any extra option for access to the neighborhood north to south.
- Assistant City Engineer Vitek explained the City tries to make sure streets are aligned correctly. There is also a 10' detached sidewalk along Harrison Street.
- Commissioner Grey stated his concern is pedestrian safety and asked about an elevated crosswalk
- Assistant City Engineer Vitek explained that unless the path it is completely fence off people will not use.
- Commissioner Grey asked if we know that this is going to be an issue why are we not putting in the safety measures now.
- Assistant City Engineer Vitek explained it is monetarily based and there will be approximately 40 homes in the first phase and impact fees will be collected.
- Commissioner Grey asked if a condition can be placed on the plat that states at phase 3 there needs to be another traffic impact study to determine if a traffic light is warranted.
- Mr. Vawser stated he doesn't think anyone would be opposed to taking a look at the data again at phase 3.
- Commissioner Munoz asked about a school zone on 3600 North.
- Assistant City Engineer Vitek explained there are not any plans for a school zone.
- Commissioner Dawson asked about other requirements for the school related to crosswalk or other entrances for the school.
- Commissioner Grey asked the applicant representative to look into the concerns brought up prior to the final plat.
- Assistant City Engineer Vitek stated there will be a full review to ensure it is in compliance with the PUD.
- Senior Planner Spendlove explained a study for pedestrian measures to be reviewed at a certain phase in the development.
- Commissioner Musser asked if there is an example of a subdivision similar to this development already in place.
- Senior Planner Spendlove explained developments toward the northwest end of town are similar to this development.
- Commissioner Dawson has concerns for the traffic and the kids as well there is a lot going on in the area. She is really surprised that when the school was brought forward that other

safety measures weren't required then.

- Commissioner Higley stated he has concerns with access into and out of the development with so many lots. He thinks the density is too much.
- Commissioner Munoz explained he does understand what the concern is but he is still concerned about pedestrian safety.
- Commissioner Musser clarified this is just a request for approval of the platting of the lots and the roadways.
- Commissioner Woods explained the Commission can address the impacts of this development. He is concerned about the traffic on Washington St S and it seems to him the plan is to let's start and see what happens.
- Commissioner Higley read the that the Commission should consider conformance with the comprehensive plan, the public service available to serve the development, the continuity of the proposed development with the CIP, the public financial capability to support this development, and other health safety or environmental problems brought forward to the Commission. He thinks there are concerns with the health and safety and the improvements are not there to service the development.
- Commissioner Munoz explained that the traffic study that was done is old and done prior to some of the businesses like Chobani were built. He would like a more current traffic study to be done.
- Commissioner Grey asked about speed limit changes on 3600 North with this development.
- Assistant City Engineer Vitek explained that the speed limit will change to 35 across the frontage of the development where the City owns the road.
- Senior Planner Spendlove explained an additional condition that can be added to the plat. "Subject to a traffic impact study being addressing pedestrian measures with phase 3 and if any measures are recommended said measures are to be installed prior to ¾ of the development being released for development or construction." This does not require the one development to implement the improvements, there may be impact fee money used, the school may need to participate and other developers as well. As for Washington St S that road does not belong to the City, that is owned by the State and we have no jurisdiction over when or how it gets improved or widened.
- Commissioner Grey asked if discussions have taken place with the State and if not when can that occur.
- Senior Planner Spendlove explained that the Transportation Master Plan is an avenue for talking about these issues.
- Commissioner Musser asked about traffic in the entire area and tying that to the study.
- Senior Planner Spendlove explained we would have to prove that it is only this development impacting the area to do that and that would be difficult.
- Commissioner Higley asked if a condition could address using impact fees for this area.
- Senior Planner Spendlove explained that would come from the Impact Fee Advisory Committee. This intersection is on the list.
- Commissioner Grey explained the speed limit on 3600 N will be reduce for that section and once the, beginning of phase 3 starts, a traffic study will be done.

- Commissioner Higley didn't think 100 homes would change the study results.
- Commissioner Munoz explained that the traffic study takes into account the current phase and future phases of development and the surrounding area.
- Commissioner Grey explained this is going to go through as a final plat.
- Commissioner Munoz explained this condition could also be removed by Council at the final plat stage.

Motion:

Commissioner Musser made a motion to approve the preliminary plat, as presented, with staff recommendations. Commissioner Munoz seconded the motion. Members Dawson, Hawkins, Musser and Grey voted for the motion. Members Higley, Munoz and Woods voted against the motion.

**The Sundance Subdivision, a PUD Preliminary Plat was
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 submitting a traffic impact study addressing pedestrian access with phase 3. If any measures are recommended, said measures to be installed prior to 3/4 of the development being released for development.

4) Public Hearings

- a) Request for a **Special Use Permit** to construct a 3600 sq. ft. detached accessory building for personal residential use on property located at 1983 Brook Stone Drive in the City's Area of Impact. c/o Gary & Andrea Stahlecker (app. 2872)

Applicant Presentation:

Linda Stahlecker, explained the applicant is her son and he wants to build the detached accessory building for storage of their personal belongs, RV and classic car.

Staff Presentation:

Planner I O'Conner reviewed the request on the overhead and stated this Lot is part of the Stone Ridge Estates Subdivision, which went through the Platting process in 2007-2008. On August 25th, 2015, the commission heard and approved SUP #1374 for a 2400 sq. ft. detached accessory building for the applicants. A single family home has been approved and constructed on the property.

This is a request to build a 3,600 sq. ft. detached accessory building on property located at 1983 Brook Stone Dr. The site is zoned SUI within the Area of Impact. The applicants have stated the use for this building will be for storage and maintenance of personal vehicles. They do not anticipate any adverse effects on adjoining properties. Large detached accessory buildings are not uncommon in the SUI zone; generally, they are utilized for the same purposes as to what the applicants are proposing.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for “Rural Residential.” Rural Residential is a zone typically made up of large residential parcels, mixed in with agricultural uses in the surrounding area, and not within the City of Twin Falls city limits. Staff has determined this request complies with the 2016 comprehensive plan.

Per City Code 10-4-2:

A Special Use Permit is required for any detached Accessory building over 1,500 sq. ft.

Per City Code 10-11-1 thru 8:

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

Due to the commonality of these types of structures in this neighborhood, the applicants and Staff do not anticipate any increase in adverse effects on the surrounding property.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to personal residential use by the occupants of the home – no residential occupancy, business or commercial use within the detached accessory structure.
3. Subject to the materials and construction of the structure being similar to the submitted elevations and site plan.

PZ/Questions & Comments:

- Commissioner Grey asked about the previous SUP being replaced. Planner I O'Connor explained this will replace the previous SUP.
- Commissioner Munoz asked about paving.
- Planner I O'Conner explained at a minimum the first 50' from the road will have to be hard surfaced.

Public Hearing: Opened & Closed Without Public Input**Discussion Followed: Without Concerns****Motion:**

Commissioner Higley 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 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 personal residential use by the occupants of the home – no residential occupancy, business or commercial use within the detached accessory structure.
 3. Subject to the materials and construction of the structure being similar to the submitted elevations and site plan.
- b) Request for a **Special Use Permit** to operate a dance and music education studio as an indoor recreation facility with unlimited hours of operation-sleep overs on property located at 333-B Main Ave E. c/o Stephanie Johnson dba Ovation Performing Arts, LLC (app. 2873)

Applicant Presentation:

Stephanie Johnson, explained that she and her husband own Ovation Performing Arts. They have acquired this property so that they can expand their business. The business will operate Mon-Fri from 3:30 to 8:30 pm, however when recital time rolls around the kids like to have parties and sleep overs, which is why that information has been included in the request.

Staff Presentation:

Planner I O'Conner reviewed the request on the overhead and stated this property was listed as a wholesale distribution center in 1950 and changed uses over the years. Prior to the applicant owning this property, it was an office building. SUP #0909 was approved on February 8th, 2005 for a dog-grooming establishment. Starting in December 2016 through March 2017 the P&Z department asked the Code Enforcement team to inspect all SUPs for to determine if they were active or not. SUP #0909 was inspected in February, and determined not to be active at that time. A building permit for an interior demolition was submitted in April 2017.

This site is zoned CB; Central Business with a P-1 parking overlay. This is a request to establish a Performing Arts Studio, to conduct dance and music classes. The CB zone requires a Special Use Permit for any Indoor Recreation establishment. The applicant stated in their narrative that the facility will have two (2) dance studios and one (1) piano studio for private lessons. The reason for the extended hours is for the very rare events where lessons may run over, or they have a special event for the students to include possible sleepovers. However, the regular hours of operation will be 8am to 9pm Monday through Saturday.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Downtown/High Density Residential." This designation has very wide-ranging land uses, and encourages redevelopment and infill. This request repurposes an existing building and brings a new establishment to the downtown area. Indoor Recreation, specifically the Performing Arts aspect for this request, falls in line with the "Entertainment and Arts" land use called out in the comprehensive plan. Therefore, staff has determined this request complies with the 2016 comprehensive plan.

Per City Code 10-4-7:

A Special Use Permit is required for any Indoor Recreation Facility.

Per City Code 10-10-12:

No off street parking is required for permitted uses, however parking could be required by the commission for any use that requires a SUP.

Per City Code 10-11-1 thru 8:

Required improvements include access, sight obscuring screening/fencing, parking, landscaping, drainage and storm water, etc.. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

The applicant nor staff anticipate any increase of detrimental or negative impacts from this request. It is also believed there is adequate public parking in the general area on the rare occasion of a "special event" taking place at this location.

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

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

PZ/Questions & Comments:

Commissioner Munoz asked about hours of operating and events open to the public.

Public Hearing: Opened

- Joe Avelar, owner of the building next to this address, he asked that the hours be limited so that it is not disturbing them as neighbors.
- Commissioner Munoz asked if the spaces he is speaking about are open during regular business hours or later.
- Mr. Avelar explained they are open during regular business hours.

Public Hearing: Closed**Closing Statements:**

Ms. Johnson explained that it will be a rare occasion that there will be sleep overs and being open outside of the normal hours, she would be willing to notify the neighbors. She is trying to be forward thinking and it would be a rare occasion where there would be any parties open to the public. The children would be supervised.

Discussion Followed: Without Concerns**Motion:**

Commissioner Hawkins made a motion to approve the request, as presented, with staff recommendations. Commissioner Woods seconded the motions. 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.
- c) Request for a **Special Use Permit** to establish a dog & cat grooming/kennel business as a “Pet Resort” on property located at 304 4th Avenue West. Timothy Gardiner c/o Colby Ricks (app 2874)

Applicant Presentation:

Tim Gardiner, the applicant explained he is from the Wood River Valley area. His request is to put a pet resort into downtown. This building has been used for a variety of agricultural, warehousing related uses and a tire store. He would like to convert the space so that he can provide a pet hotel and grooming service, in Downtown Twin Falls. He thinks there is a real need for this service in Twin Falls. He thinks the benefits would be substantial to the community. The market is right, the timing is right and the location is right.

Staff Presentation:

Planner I O'Conner reviewed the request as presented and stated this property was originally developed as an auto dealership in 1949, then an auto repair shop, soda bottling plant and finally a plumbing supply store. The zoning was likely set with Ordinance 2012, which established the current zones we use today.

The property is zoned CB with a P-2 parking overlay. There is an existing 10,150 sf building on the corner of 4th Ave W and Fairfield St W (3rd St W). This is a request to establish a “Pet Resort” for dogs and cats on property located at 304 4th Ave. West. A dog grooming/kennel establishment requires an SUP in the CB zone. The applicant has stated he wishes to restore the old warehouse on the property and convert it into a high-end pet resort to include overnight kenneling, day care and a pet training facility. The applicant states in his narrative that has done extensive research on the property and on the market viability of pet hotels. With the renewed investment from the city in downtown, the applicant stated he feels this location and building will display what old buildings can become. For complete details on the proposed operation, see the applicant’s narrative (Attachment #1).

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; “Grow With Us” designates this area as “Downtown/High Density Residential.” The uses can vary widely within this designation, from commercial retail and services to high density residential to civic and community uses. A Pet Resort/Kennel fits within this future land use designation as a commercial service. Therefore, staff determined this request complies with the 2016 comprehensive plan.

Per City Code 10-4-7:

A Special Use Permit is required to establish a Dog Kennel in the CB zone.

Per City Code 10-11-1 thru 8:

Required improvements include access, sight obscuring screening/fencing, parking, landscaping, drainage and storm water, etc.. As there are no internal site dimensions shown on the site plan staff is unable to determine if it meets code. These required improvements shall be evaluated and all applicable code requirements will be reviewed and enforced at the time of building permit submittal to ensure compliance.

In the applicant's narrative, it is clear they have an understanding that noise and odor will be the biggest impacts to the surrounding area. The applicant has stated that "noise baffling" will be utilized inside the building. Outside play-area shall include sight-obscuring screening as per code and pets will be allowed outside only during the day and with a limited number of pets at one time. The commission may ask the applicant for clarification on what factor he will be using to determine what the "limited number" is. Additionally, the applicant states in his narrative that all animals staying overnight will be inside their kennels by 7:00pm. Furthermore, the applicant ensures employees of the pet hotel will be adequately trained in proper hygienic procedures to minimize and mitigate any offensive odors, which will arise from an animal kennel.

Due to the proposed mitigating measures being taken by applicant and, suggested by staff, it is not anticipated this use will create overly burdensome impacts to neighboring properties.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to no pets outside between the hours of 7:00 PM to 7:00 AM.
3. Subject to no occupancy until the COO is issued.

PZ/Questions & Comments:

- Commission Woods asked for clarification of the outside area.
- Planner I O'Connor clarified on the aerial the location of the outside area for the animals.

Public Hearing: Opened

- Jim Stanton, 317 3rd Avenue West, stated he has concerns with the dogs barking and the smell of all the dogs. He doesn't think the property is big enough for this use.

Public Hearing: Closed**Closing Statement:**

- Mr. Gardiner explained the building is 10,000 sq. ft. they intend to be sensitive to the neighbors. They will be putting noise baffling in to reduce the noise, and explained that the

noise and barking is stressful to the dogs as well, it is not beneficial to avoid managing noise. The outside area will be used for exercise areas and they will have several gymnastic areas inside, the dogs will be separated according to temperament and placed accordingly.

- Commissioner Musser asked about fencing.
- Mr. Gardiner explained there will be fencing for the dogs safety and to neighborhood.
- Commissioner Grey asked about occupancy.
- Mr. Gardiner explained that with the three gymnastic areas in the building they are not able to determine occupancy because the floor plans have not been completed.
- Commissioner Musser asked about limiting the number of animals in the building.
- Planner I O'Connor explained that is not a possibility.
- Mr. Gardiner explained that the high-end resorts today have things that are not typical in this market, antimicrobial flooring, noise baffling, fire suppression; this will be a resort not a kennel.
- Commissioner Munoz asked about zoning and permitted uses such as a Tire Shop.
- Planner I O'Connor explained a Tire Shop would also require a Special Use Permit

Discussion Followed:

- Commissioner Woods stated his concern is the neighbors and the barking dog impacts. It sounds like the applicant is planning to address the concerns regarding the noise.
- Commissioner Munoz explained the neighbors could call the police for any nuisance. If it becomes an issue of noise and smells, the business will not survive as a high-end resort.

Motion:

Commissioner Dawson made a motion to approve the request as presented, with staff recommendations. Commissioner Woods 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 no pets outside between the hours of 7:00 PM to 7:00 AM.
 3. Subject to no occupancy until the COO is issued.
- d) Request for a **Special Use Permit** to construct a 1540 +/- sq. ft. detached accessory building for residential use on property located at 238 Fillmore Street. c/o David & Deborah Butler. (app 2875)

Applicant Presentation:

Deborah Butler, the applicant explained she is here to request a detached accessory building to replace an old garage, and storage building on the property. They plan to make it look nice.

Staff Presentation:

Planner I O'Conner reviewed the request as presented and stated the property located at 238 Fillmore St is made up of lots 38, 39, and 40, Block 8 of Blue Lakes Addition Subdivision,

recorded in 1917. The applicants purchased the property in 1987, and have lived there ever since.

The site is zoned R-2. The request is to remove existing detached accessory structures and construct a new 1,540 +/- sf detached accessory building including an attached outside patio area on property located at 238 Fillmore St. The R-2 zone requires an SUP for any detached accessory structure totaling more than 1,000 sq. ft. Detached garages are not uncommon in this area of town, and provide off street parking to the residents. The applicant states they will be demolishing the other accessory buildings once this one is complete.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Town Neighborhood." Town Neighborhoods supports mainly residential uses. A detached garage supports the primary function of the residential use for this request. Therefore, Staff has determined this application complies with the 2016 comprehensive plan.

Per City Code 10-4-4:

The R-2 district requires an SUP for any detached accessory building over 1,000 sq. ft.

Per City Code 10-11-1 thru 8:

Required improvements include access, sight obscuring screening/fencing, parking, landscaping, drainage and storm water, etc.. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

The applicant nor staff anticipate any negative or detrimental effects from this request of the surrounding properties.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to personal residential use by the occupants of the home – no residential occupancy, business or commercial use within the detached accessory structure.
3. Subject to the materials and construction of the structure being similar to the submitted elevations and site plan.

Public Hearing: Opened & Closed Without Input

Discussion Followed: Without Concerns

Motion:

Commissioner Musser made a motion to approve the request, as presented, with staff recommendations. Commissioner Dawson seconded the motion. All members 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 personal residential use by the occupants of the home – no residential occupancy, business or commercial use within the detached accessory structure.
 3. Subject to the materials and construction of the structure being similar to the submitted elevations and site plan.
- e) Request for a **Special Use Permit** to expand by more than 25% an existing auto repair business on property located at 490 Washington Street South. Blue Lakes Auto Repair c/o Kevin Powers (app.2876)

Applicant Presentation:

Nevin O'Berg, CNR Construction, representing the applicant, explained the applicant would like to expand his auto repair business that he purchased in 1997 and it has grown since. He has applied for Special Use Permits twice but did not proceed with the last Special Use Permit to expand. The old building needs major repairs and instead of making those repairs the applicant plans to demo the older portion of the building and replace it with a new and larger building. By code this request for expansion exceeds 25% and requires a Special Use Permit.

Staff Presentation:

Planner I O'Conner reviewed the request on the overhead and stated the applicant purchased this property in 1997. In August 1998, they were granted SUP #562, to operate an Auto Repair facility at 490 Washington St. South. Since then they have applied for, and were granted, two (2) more SUPs for expansions, one in April 2005, and another in January 2013, see attachments.

This property is zoned M-1; Light Industrial and is adjacent to Washington St S/Hwy 74. This is a request to expand an Auto Repair facility by more than 25% at 490 Washington St. South. City Code requires an SUP for auto repair in the M-1 zone, and any expansion by 25% or more of an operation, which requires an SUP. Blue Lakes Auto Repair has steadily grown over the years and requires more space and facilities for their employees and customers. The expansion will be done in phases to not disrupt any current operations. The original building, which will be demolished, is 48'x55', and will be replaced, at full build-out, by a 58'x104' building.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Neighborhood Commercial." Neighborhood Commercial is defined as; "... providing and supporting services and small scale commercial for the surrounding neighborhoods." An auto repair facility may fit this definition by supporting the needs of residents of the surrounding neighborhoods and by providing a car care and repair facility nearby. Staff has determined this request complies with the 2016 comprehensive plan.

Per City Code 10-13-2:

If an establishment required an SUP to operate and then proposes to expand by more than

25%, an additional SUP is required.

Per City Code 10-11-1 thru 8:

Required improvements include access, sight obscuring screening/fencing, parking, landscaping, drainage and storm water, etc.. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

The applicant does not anticipate any detrimental increase of impacts, which are not already felt, from this expansion onto surrounding properties. The expansion will be minimal visually being that the expansion is going to be built to the rear of the property, and match the current design scheme. Though a larger facility will allow for more customers, Blue Lakes Auto Repair's location is along Washington St. S., a heavily trafficked route. Therefore, staff does not anticipate an increase of negative impacts from this request.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to non-operating, unregistered, or unlicensed vehicles, and all parts being stored indoors or behind a sight obscuring screened area.
3. Subject to this permit being issued to Blue Lakes Auto c/o Kevin Powers, any change in ownership will require a new SUP.
4. Dedication of right-of-way for Washington St. S. and future Park Ave W. per Master Transportation Plan and as per City Engineer approval.
5. Subject to compliance with Special Use Permit #1282.

PZ/Questions & Comments:

- Commissioner Munoz asked for clarification on the owner restriction.
- Planner I O'Connor explained that if the business were to change hands the new owner would have to come back through for a Special Use Permit.

Public Hearing: Opened

- Pete Johnston, 312 Washington St S, explained he is in support of the request and they do good business. He thinks this is going to be a nice improvement to that end of town.

Public Hearing: Closed

Discussion Followed: Without Concerns

Motion:

Commissioner Munoz 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 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 non-operating, unregistered, or unlicensed vehicles, and all parts being stored indoors or behind a sight obscuring screened area.
3. Subject to this permit being issued to Blue Lakes Auto c/o Kevin Powers, any change in ownership will require a new SUP.
4. Dedication of right-of-way for Washington St. S. and Future Park Ave W. per Master Transportation Plan and as per City Engineer approval.
5. Subject to compliance with Special Use Permit #1282.

5) General Input Public/Commission/Staff

- Zoning & Development Manager Carraway-Johnson explained the Work Session on July 5, 2017 will include some security training. Officers Matt Hicks and Brent Wright will be doing the presentation. She stated she would also like to discuss changing the work session back to an hour meeting now that the Comprehensive Plan Process is complete.
- City Attorney Nope reported that City Attorney Wonderlich and Wakefield have been recognized to receive the Idaho Municipal Attorney's---Pillars of the Community Award.

6) Upcoming Meeting(s)

July 5, 2017 Work Session
July 11, 2017 Public Hearing

7) Adjournment

Vice-Chairman Grey adjourned the meeting at 8:32 pm.

Lisa A. Strickland, Administrative Assistant