



Twin Falls Planning & Zoning Commission Minutes

Tuesday, July 11, 2017, 6:00 PM

City Council Chambers
305 3rd Avenue 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: Frank, Grey, Hawkins, Munoz, Musser, Woods

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

Chairman Frank 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 27, 2017
- b) Approval of Findings of Fact and Conclusions of Law from the following meeting: June 27, 2017
 - TF Caswell Subd (pre-plat) Sundance Subd, a PUD (pre-plat) Powers, Kevin (SUP)
 - Johnson, Stephanie (SUP) Gardniner, Tim (SUP) Butler, David & Deborah (SUP)
 - Stahlecker, Andrea (SUP)

Motion:

Commissioner Munoz made a motion to approve the consent calendar, as presented.
Commissioner Hawkins seconded.

Unanimously Approved

3) Items of Consideration

- a) A **Preliminary Presentation** on a request to amend the Valencia Park ZDA Master Development Plan to remove the landscape islands within Valencia Street for property located at 2916 – 2930 East 3600 North. c/o Rex Harding, Riedesel Engineering Inc. on behalf of Dennis Hourany (app. 2882)

Applicant Presentation:

Rex Harding, Riedesel Engineering, Inc. representing the applicant stated that in the original plan there were landscape islands in the collector street. The intent behind installing the landscaping islands was for traffic calming. When they submitted the plat last year one of the comments that came back from the City review was that they would prefer not to have landscape islands. Because the ZDA had already been approved with the landscape island in the Master Development Plan it would need to be submitted with the islands shown. The next

review of the plat required that with the width of the road being 48' it would require 24' on each side of the island. The islands are 7' wide and in order to accomplish this requirement they would have to take the extra width out of the existing right of way minus a foot between the curb and the sidewalk and negate any traffic calming. As an example of what the street would look like complete with islands would be Washington Street North, essentially a collector built almost exactly like an arterial. The request is to remove the islands in the ZDA Agreement so that they can move forward.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated the applicant previously went through the ZDA process in the Spring/Summer of 2016. This process included multiple public hearings and a couple revisions prior to being recommended for approval by this body. The City Council ultimately approved the project and the ZDA Document, with its accompanying documents and master plans were approved with Ordinance 2016-16 in the Fall of 2016.

The applicant is proposing to remove the traffic calming/landscape islands located within the Valencia Street Right-of-Way (ROW) as depicted on the previously approved Master Development Plan.

City Code requires a preliminary presentation to be made to the Commission for any new Zoning Development Agreements (ZDA's), OR modifications to previously approved ZDA's which are departing from the Master Development Plan in a manner the Administrator determines a public hearing is needed.

This is a time for the Commission to ask questions of the applicant on items pertaining to the requested change.

Staff makes no comments, or conditions with a preliminary presentation. A Complete analysis of this request will be made at the time of the **Public Hearing on July 25, 2017.**

PZ Questions/Comments:

- Commissioner Grey asked if the park is in the correct location provide in the exhibits.
- Senior Planner Spendlove explained that is how the master development was approved by City Council.
- Commissioner Frank asked how this came about as a request for amendment.
- Assistant City Engineer Vitek explained that the master development plan is a schematic and it is not sufficient for a technical review. At the time of engineering review the plans submitted identify the width of the road. Valencia will be a collector and has to meet minimum requirements for a collector. Engineering feels that if they widen out the road as requested it will meet Engineering standards for a collector. During the construction plan review streets is invited to the plan review, and are not part of a zoning action review. Street would prefer not to have the islands, parks is not going to maintain the islands, which means each island has to be on its own separate tract and those tracts have to be

assigned to someone like the adjacent home owner or the neighborhood. These conversations occur at the construction phase.

- Commissioner Grey explained that he does like the original plan, and as to who is going to take care of the landscape islands he thought would be done by the HOA, and it is a traffic calming feature. He asked if this type of discussion could occur prior to the ZDA coming to the Planning & Zoning Commission for approval.
- Assistant City Engineer Vitek stated staff has agreed that in the future if this type of design is provided in a plan it will be discussed prior to the public hearing. If the Commission believes this is a good plan staff can work with the applicant to resolve the issue.
- Commissioner Munoz explained that the islands may provide a safe location for kids if they try to cross the street without going to a corner to do so. The traffic calming is an issue.
- Assistant City Engineer Vitek explained that the 5' of landscaping strip would still be required and the sidewalk would have to shift to accommodate that requirements, which would result in the applicant having to dedicate more right-of-way.
- Commissioner Woods asked how wide Valencia is north of Southwood.
- Assistant City Engineer Vitek explained north of Southwood the width is 36' which is an old standard.

Public Hearing: Opened & Closed Without Comment

4) Public Hearings

- a) Request for the Commission's recommendation on a request to **Vacate** a 30' x 104' (+/-) undeveloped right of way located along the 100 Block of Morningside Drive c/o Rex Lytle on behalf of REEL, LLC (app. 2878)

Applicant Presentation:

Rex Lytle, the applicant explained they are requesting the vacation of a right-of-way. In the process of forming and ESOP they are trying to clean up the property ownership and the lease agreements. Over time they have purchased property along Kimberly Road and gradually expanded by purchasing adjacent properties and this request is just to clear up property ownership.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated this Right of Way was part of the original Teasley Subdivision, recorded in June 1946. In December 1976 city council approved the vacation of Lenore St south of 2nd Ave E. The applicant previously requested, and passed City Council in August 1997, the vacation of the alley between Lenore St, and Morningside St.

This is a request to vacate the platted Right of way for Morningside St., South of 2nd Ave. E. in the Teasley Subdivision. This vacation is being requested so the applicant can expand their facilities in the future. The Morningside ROW terminates on the applicants property and does not continue through to Kimberly Rd. The ROW impedes future expansion of the applicant business, and a vacation of this ROW would reduce the constraints it creates on future

improvements. There are no utilities in this ROW, and all utility providers have submitted letters in favor of relinquishing rights to any easements in the ROW. The Engineering Department has no issues with the request to vacate this undeveloped right-of-way. Therefore, staff has determined this is a reasonable request.

Senior Planner Spendlove stated upon conclusion should the Commission recommend to the City Council, this request be granted 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 what is the property adjacent to the property zoned.
- Mr. Lytle explained that property is zoned commercial it was a house he purchased that has recently been demoed and will become a parking lot for their employees.

Public Hearing: Opened & Closed Without Comments

Discussions Followed: Without Concerns

Motion:

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

Recommend for Approval, As Presented, To City Council, 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.

Scheduled for August 7, 2017 City Council Public Hearing

- b) Request for a **Special Use Permit** to replace a legal non-conforming use with another non-conforming use on property located at 1881 Pole Line Road E within the AoI. c/o Nate & Carie Kelsey dba Real Deals (app. 2879)

Applicant Presentation:

- Nate Kelsey, the applicant explained they are requesting a Special Use Permit to replace a non-conforming use with another non-conforming use. They have been operating in the community for 14 years and would like to relocate to 1881 Pole Line Road East.
- Carie Kelsey explained they primarily deal in home décor, accessory furniture, clothing, and have been located in an old warehouse downtown. They are looking forward to bring a local flair to this area of town.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated according to County Parcel records, the building was constructed in 1978 for the Canyon Wall Racquet Club. It was purchased by the YMCA sometime in the mid 90's and then by the Kelsey's this year. The property's status as legal non-conforming is due to the established land use prior to the adoption of Ordinance 2012, and inclusion within the Area of Impact Agreement.

This is a request to replace a legal non-conforming use, the old YMCA, with another non-conforming use, a home furnishing retail business with storage/warehousing. The property is zoned SUI within the Area of Impact and is located at 1881 Pole Line Rd. E. The SUI Zone does not permit commercial entities. The applicants are owners of Real Deals, a local home decor retailer, who has the need and desire to expand their operation and are requesting the replacement of non-conforming uses, see attachment #1 - applicant's narrative.

The applicants plan on utilizing the existing building on the property, and splitting the uses up with retail space in the front of the building and retail storage in the rear. Through conversations with the applicant, 95% of what is delivered to their current location is sold here in Twin Falls. There are very few times where they will ship items to other stores. There will be 15 employees with varying schedules with 2-4 dedicated to retail, and the others are for the storage part of Real Deals.

The previous use as the YMCA was considered legal non-conforming due to being established prior to current code, which would not permit an "Indoor Recreation" facility in the SUI zone. The SUI zone is generally utilized as a low-density residential or light agricultural zone and as the title suggest on the outskirts of the "urban zone" creating a buffer between city and rural areas.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Mixed Use." Mixed use is a very broad classification, which may encompass many different uses from high density residential through intense/big box commercial. However, mixed-use land uses are generally pedestrian friendly and to a human scale with buildings that are close to the street for. A home-furnishing store falls under a commercial retail use, which fits the Mixed Use designation. Therefore, staff has determined this request complies with the 2016 Comprehensive Plan.

Per City Code 10-3-4: states, ... "A legal nonconforming use involving a building may be resumed or replaced by another nonconforming use by special use permit if said legal nonconforming use has not been discontinued for more than five (5) years. In addition to the General Standards, 10-13-2.2(D), applicable to special uses, the applicant must show that the existing building cannot reasonable be converted to a conforming use. (Ord. 2555, 7-21-1997)"

Per City Code 10-11-1 thru 8:

Required improvements may include arterial access, arterial and site landscaping, lighting, parking, striping, trash enclosure, hard-surfacing, drainage, storm water, etc... These required

improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

This is a change from a health gym to a retail store with a storage area. Traffic impacts will have the most effect on adjoining properties and Pole Line Road East. The narrative states they anticipate their customer ratio to be 3-20 people at any one time with 1-2 deliveries (type of delivery trucks was not described) a week containing 5-8 pallets of goods coming in with those deliveries. It is anticipated the retail customers will use the parking to the south along Pole Line Road, thus the noise and traffic impacts will be limited to those areas. As part of the traffic impacts of a retail store a condition requiring portions of Pole Line Road to be constructed with this conversion would be appropriate. These operating measures and conditions should mitigate the most imposing impacts to the surrounding area.

Planner I O'Conner stated upon conclusion should the Commission grant this request as presented staff recommends approval be subject to the following recommended 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 required site improvements being completed prior to occupancy.
3. Subject to the reconstruction of Pole Line Rd frontage, installation date, width and/or number of lanes to be determined by City Engineer.

PZ/Questions & Comments:

- Assistant City Engineer Vitek explained plats develop differently than building permits. The City can ask for right-of-way and road widening when platting. He explained that this is not possible if the only thing required for development is a building permit. This approach located along the southwest end of the property is the only approach to the property. The applicants have been asked to widen Pole Line Road East which is a total width of five lanes (a center turn lane & two each way). Upon development of the adjoining property to the west, the city would require that this existing approach to be closed and diverted onto the planned public road on the western property boundary.
- Commissioner Frank asked if the business would have delivery trucks and if outside storage would be part of their business plan.
- Mr. Kelsey explained the only delivery trucks will be there to drop off and pick-up; as for storage the building is sufficient to store everything inside.
- Commissioner Munoz asked about the hours of operation and delivery times.
- Mr. Kelsey explained the will operate during normal business hours and deliveries will occur during the day.

Public Hearing: Opened

- David Thiebault, representing the Rio Vista Development, they wanted to go on record that they do have concerns with the width of Pole Line Road East and they would like to avoid having the road jog in an out. The Rio Vista Development has been annexed into City Limits and discussion about how this property will be serviced which could be important to the Rio Vista Development. The property in question is zoned SUI which does not allow for

commercial uses, the only reason this was permitted as a legal non-conforming use is because it was in place before the zoning. They would like the commission to consider that zoning designation and its limitation. The code states..."that a legal non-conforming use can be granted if the applicant can show that the existing building cannot be converted to a conforming use. " For all of the property that is Rio Vista many steps were taken to develop a ZDA Agreement and to extend city services to the area. This property could be brought into conformance if it were annexed and rezoned for commercial use, and this should be considered by this board before a decision is made.

- John Lezamiz, 847 Canyon Springs Road, one of the owners of the Rio Vista Development explained that in the event that this request is approved, there are two conditions that need to be addressed. One condition regarding the roads has been addressed, however, the second condition is related to providing city services to the property in question. He feels annexation of this property is a more appropriate. Without annexation the property can continue to operate on their septic system which he feels is inappropriate. The plan was for this entire area to be served by one pump station. He would like a condition added to the approval that at such time that the pump station is built that the applicants be required to hook into the station and payback their portion.

Public Hearing: Closed

Closing Statement:

- Mr. Kelsey explained he thinks these concerns are reasonable, but he would be curious to know what the timeframe is for the pump station to be complete.
- Assistant City Engineer Vitek explained he is not able to predict a timeframe for completion, however there is an Improvement Reimbursement Committee that approves payback requests for improvement. Once the pump station is constructed the City will take over maintenance, and if the applicant or any other property owners choose to attach to the pump station they would be required to pay the amount approved by the Committee back to the developer. The septic system is governed by the South Central Health District and their regulations would allow the applicant to use it until it fails, at which time if the property is with 100' of city services the property would have to be annexed and attach to city services. This property is adjacent to city services currently and if the applicant would be allowed to connect to this trunk line.
- Mr. Kelsey explained the also understands the concern with widening the road however it would make more sense to do this work at the same time as the other development so that the road is not jogging in and out along that 135' of frontage. They are ready to begin operating, and timing is essential. At the time the septic system fails they would make the determination as to what is more cost effective connecting to services at Pole Line Road East or running a line north to connect into the pump station if it is available.
- Assistant City Engineer Vitek explained this property is down grade and the City would not want the City line to collapse and run into the applicants building, that being the City would not require the applicant to connect to the pump station if the applicant chose to install some type of ejection pump station on his line. As for the timing of the roadway, the

applicant is required to widen the roadway, however an application can be submitted to the City Council to ask for a deferral. City Council would then be able to determine if a deferral is appropriate.

Deliberations Followed:

- Commissioner Grey asked if annexation of this property was discussed.
- Planner I O'Connor explained there was conversation about annexation, however this process is allowed and are not required to annex. They will be required to annex and hook up to city services if their septic system fails.
- Commissioner Munoz asked if the applicant had chosen to operate this facility as a gym would a Special Use Permit be required.
- Planner I O'Conner explained no it was an established use.
- Commissioner Woods explained that the annexation and service concerns will be taken care of when necessary but does not have to be addressed now.
- Commissioner Munoz explained even though this is a change of use, he thinks it will have less of an impact to the area than a gym. He also understands the concerns with the road and city services; however, the City has never been in the business of forcing annexation. There are also ordinances in place regarding reimbursement if the applicant has to connect to the pump station. He feels the concerns are addressed with the conditions and the regulations.

Motion:

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

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 required site improvements being completed prior to occupancy.
3. Subject to the reconstruction of Pole Line Rd frontage, installation date, width and/or number of lanes to be determined by City Engineer.
4. Upon development of property to the west access from Pole Line Road East shall be closed and diverted onto the planned public road on the western property boundary.

- c) Request for a **Special Use Permit** to construct and operate a hand crafted furniture manufacturing business with an indoor paint booth on property located at 2387 Eldridge Avenue. c/o Joe Silvey dba Superior Woodworking, LLC (app. 2880)

Applicant Presentation:

Jo Silvey, the applicant explained that he lives here in Twin Falls and has operated Superior Woodworking for 20 years. This would be the second woodworking shop he has built and it is time for more space. They are located in a manufacturing area and are here tonight because of the plans to have a paint booth.

Staff Presentation:

Planner I O'Conner reviewed the request on the overhead and stated this Property is lot 1, Block 3 of the Ripley Subdivision, recorded July 1994. It has been vacant since the agricultural use ceased. The zoning was likely set with Ordinance 2012, which established the zoning codes we utilize today.

This is a request to allow a paint/spray booth in-conjunction with a cabinet and woodworking shop on property located at 2387 Eldridge Ave. The site is an undeveloped 1 +/- acre lot zoned M-2; Heavy Industrial. In the M-2 Zone, making Handcrafted Furniture or Cabinets is an allowed use. However, the applicant wishes to operate a paint/spray booth. A SUP is required for any inside commercial painting in any zone, which allows a commercial operation. The applicant stated they have run out of space and need to expand their operation. The M-2 zone is an appropriate zone for this type of operation.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Industrial." Industrial is defined as appropriate for warehousing, general manufacturing including food processing, and office or corporate type campuses. Staff has determined this request complies with the 2016 comprehensive plan.

Per City Code 10-7-18:

Any commercial painting conducted inside a building requires a Special Use Permit.

Per City Code 10-11-1 thru 8:

Required improvements may include landscaping, parking, trash enclosure, access, drainage, storm water, etc... 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 impacts to the surrounding properties, if operated as presented and in compliance with all applicable regulations.

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 site improvements being completed prior to occupancy.

PZ/Questions & Comments:

- Commissioner Grey asked if it is just the trash enclosure that is fenced or is the entire property fenced.
- Planner I O'Connor explained this will be reviewed upon submittal for a building permit.

Public Hearing: Opened & Closed Without Concerns

Discussion Followed: Without Concerns

Motion:

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

- d) Request for a **Special Use Permit** to establish a residence hall, residence hotel or rooming house on property located at 640 Filer Avenue West. c/o Gerald & Millie McNabb dba Early Days, LLC (app. 2881)

Applicant Presentation:

Gerald McNabb, explained he is here to request a Special Use Permit to establish a residence hall, residence hotel or rooming house for property located at 640 Filer Avenue West. They have no plans to change the building, they will be adding additional parking at the corner of Filer Avenue West and Wendell. The gravel parking lot will be paved and will have access via Hazeldel Drive. The exterior changes will be to provide for additional parking and make the sidewalks ADA accessible. They have been in the rental business for over 10 years.

Staff Presentation:

Planner I O'Conner reviewed the request on the overhead and stated the Skyview Manor Assisted Living was established in the early 1960's and operated until recent years when it closed its operation. The applicant purchased the property in March of this year and started the process to prepare the property and facility to convert to a boarding house. The Zoning was likely set in 1981 with the adoption of Ordinance 2012, and SUP # 66 was granted to expand the nursing home in April 1981.

This is a request to establish a Boarding Home facility on property located at 650 Filer Ave W. The site consists of 4.4 +/- acres and is zoned R-6. A Special Use Permit is required to operate a Residence Hall, Residence Hotel or Rooming House within the R-6 Zoning District. The narrative states there could be a total of 90 units, allowing one (1) resident per room, and 2 full-time employees to operate the facility. This is a decrease in use from 140 nursing home residents with 30+ employees. At this time it is difficult to determine if the decreased amount of residents and employees will result in a decrease in impacts. As with many assisted living operations, many residents are not able to transport themselves and therefore did not own or operate vehicles. However, the newly requested use is on the other end of the spectrum, in that many residents will be independently mobile and will likely make normal daily trips in and out to work, school, shopping, etc. There are many variables when considering these impacts but the potential is there.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Town Neighborhood." Town Neighborhood is primarily utilized for residential and many uses which support residential use such as parks, schools, and other limited civic functions. A boarding house will provide residential housing within a Zone and area that has existing infrastructure,

thus fitting in the Town Neighborhood designation and other goals listed in the Comprehensive Plan. Staff has determined this request complies with the 2016 comprehensive plan.

Per City Code 10-4-6:

A Boarding House requires a Special Use Permit before being established.

Per City Code 10-11-1 thru 8:

Required improvements may include landscaping, parking, striping, trash enclosure, surfacing, lighting, access, drainage, storm water, etc.... These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

This request, though it reduces the amount of potential individuals living at this location on a regular basis, could increase both noise and vehicular traffic due to the anticipated increase in number and mobility of the new residents. At full capacity, 90 residents could produce vehicular traffic above the amounts witnessed for the previous land use. It is not anticipated the change in Land Use will degrade the road network in the area below acceptable levels.

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 site improvements being completed prior to occupancy or upon approval of a deferral agreement.
3. Subject to dedication of any additional right-of-way as may be required.

PZ/Questions & Comments:

- Commissioner Musser asked what a boarding house is vs an apartment.
- Planner I O'Connor explained they would have sanitary and sleeping quarters but not cooking facilities; they would have a communal kitchen.
- Mr. McNabb explained each room would have a fridge and a microwave, the rooms will either be a studio or one bedroom. The tenants could be students, elderly and would be single unrelated individuals. Their price range would be around 400.00 per month. They have a cross section of tenants in their facility near Idaho State University. Some of their tenants have a limited income, and this provides a safe and comfortable facility for people to live. They have some tenants who get assistance through Idaho Housing.
- Commissioner Frank asked how they handle tenants that may be causing problems for the surrounding neighbors or neighborhood.
- Mr. McNabb explained if they have a tenant causing a problem they have no issue with evicting the tenant.
- Commissioner Grey asked if there is an office manager on site.
- Mr. McNabb stated they don't have someone on site but their daughter lives within five minutes of the property and she plans to be the manager of the property.
- Commissioner Grey asked if there are plans to have a communal kitchen and gathering spaces for the tenants or are the tenants all on their own.

- Mr. McNabb explained that remains to be seen, initially they are trying to get the units ready to rent and eventually there may be a few gathering areas but that is to be determined. They will manage the grounds and the tenant will manage their own space.
- Commissioner Woods asked if there could be some clarification between a rooming house, resident hotel, and a motel. In the R-6 motel and transient hotels are not allowed but residence halls and rooming houses are allowed.
- Planner I O'Connor explained the main difference is related to the length of stay. Hotels are temporary and the applicant's goal is to have more long-term tenants.
- Colby Ricks, Architect, explained an apartment has a kitchen in each living space. This facility has a commercial kitchen and a dining area for the tenants but there will not be cooking facilities in any of the room.
- Mr. McNabb explained the tenants will not have access to the kitchen and they will not be providing meals. Their rental agreements are month to month, each tenant has to pay a deposit and depending on their length of stay, they may or may not get that deposit back upon termination of the agreement. Many of their tenants are there for several years and it would be a life change that makes them move away.

Public Hearing: Opened

- Irene Haney, 838 Filer Ave W, stated she is not against a rooming house, but the location for this project is a concern. The research she has done, indicates they tend to be places for felons, people that are trying to adapt to life and get off of drugs, even prostitution. This facility is half a block from two schools and it is next door to two retirement centers. This could be setting up some of the communities most vulnerable individuals for a bad situation. The increase in traffic is another concern because the children walk this way to and from school.
- George Haney, 838 Filer Ave W, explained the presentation is over simplified but a good presentation. The concerns are not the physical facilities, they are concerned about the types of tenants. Some statistics would be nice, about the quality of tenants they plan to have. The type of people they rent to is a concern and he would like to know more about their screening process.
- Jim Campbell, 833 Arrowwood Court, he understands the discrimination laws and if there are 10 empty units, and there are 10 refugees to fill the room, and they can't refuse to rent to them. He would like to see a lot more about the screening of residence before he can be supportive of the request.
- Rosalee Orton, 867 Filer Ave W, her concern is the facility being open 24 hours a day. Traffic impacts will be significant; they live in a residential area not a commercial area.
- Deana Steel, 447 Bracken St N, she stated she is a property manager of 30 units around town. She is looking at the space, parking allowances, crime, fire access for trucks, water retention, and locations for people to travel to get food.
- LaMar Orton, 867 Filer Ave W, explained he has lived at this address for approximately 40 years and they feel that to go from a nursing home to a rooming/boarding house is a substantial change that would have significant impacts to the neighborhood. He would like to see a layout of the parking spaces. The traffic impacts from this use could be substantial. As they have watched the motel along Addison Avenue change to longer-term rentals the

motels consistently, go downhill, which is another concern. Once the parking spaces are added where the residents are going to go for open space to be outside. It seems like there is no plan for managing the facility on site, and yet they are open 24 hours a day without someone on site.

- Brad Breland, 405 Bracken St N, explained his concern is the traffic impacts.
- Joe Auth, 850 Filer Ave W, stated he has live at his address for over 30 years and he has concerns that this will become a flop house, like the motel along Addison Avenue and Kimberly Road. He doesn't think this is an appropriate use for this property.
- Taryn Piersol, 802 Arrowood Ct, she sees the need for low income property, but they tend to attract problems, and refugees. There is no way to screen for the type of problems they can create.

Public Hearing: Closed

Closing Statement:

- Mr. McNabb explained he has over 10 years of experience dealing with tenants. They have an application they have people complete. They do not rent to felons, people with drug related issues and they have no tolerance for drug use. They have a low crime rate for their facilities they manage. As for traffic, the cars will be coming and going at different times because of the diversity of their tenants lives. They have never had a complaint from the tenants or the neighbors of their current properties. The application is online, which requires some skills, they check backgrounds and social media. They tenants have to have previous rental history and experience references. They contact the references and verify their rental history. They have had to evict tenants in the past and have done so with a sex offender, they are not a protected class. There are many people that do not have a large income but that are quality people. They are looking for quality tenants. As for open space they exceed the requirements for open space and he showed on the overhead a plan for the additional parking spaces needed to meet code. There are sidewalks along Wendell and Filer Avenue for the children to use for walking to and from school. They will have a commercial company to cut the lawn and they will water the grass. They want to provide a safe environment for the tenants.
- Commissioner Munoz asked about screening tenants.
- Mr. McNabb explained they do a combination of things. They have an application process, they use the Idaho Repository, and they check references and check social media. If there are questionable backgrounds they won't rent to the person. They are not anxious about vacant spaces, they will wait to rent to the correct person. They have a good product; they have had years of experience and their tenants tend to be long term.
- Commissioner Woods asked about the largest property they manage.
- Mr. McNabb explained if this is approved this will be the largest property they have managed, the next largest is 40 units; a mobile home park on approximately 4 acres in size. They have several apartment units.
- Commissioner Musser asked about enforcement of the screening process.
- Planner I O'Connor explained that is not something that could be enforced by the City.

Discussion Followed:

- Commissioner Grey asked about fire code and parking requirements.
- Planner I O'Connor explained parking code requires 1 space per unit and this will be evaluated at the building permit stage. If they don't meet the code requirement they don't get their Certificate of Occupancy.
- Commissioner Frank asked about storm water requirements.
- Assistant City Engineer Vitek explained that if any additional paving is required they will have to incorporate that into the building permit requirements. As for a traffic signal, they are installed once they are warranted. A traffic count could be done, however he would suspect that there would be high counts in the morning and afternoon for approximately 15 minutes but that would not be enough to warrant a traffic signal.
- Commissioner Frank asked about fire truck access.
- Assistant City Engineer Vitek explained the Fire Marshall has looked at this and did not see anything that caused concern. This will be looked at again during the building permit process.
- Planner I O'Connor explained also that the Commission can require more parking.
- Commissioner Musser asked about parking requirements if this were to be converted to apartments.
- Planner I O'Connor explained the requirement is two parking stalls per unit and up by 1.5 if over two units. This is not meant for a family where there would be a need for two or three cars.
- Commissioner Frank asked for clarification on the number of tenants per space.
- Mr. McNabb explained they would advertise a unit as a studio with a single bed. This use would not allow for a couple. You could have two people unrelated using the room, but generally that is not what happens. As for the parking, most of the required parking is there. They are however adding a few more spaces to reach 100 spaces. They are going to pave the gravel area that has historically been used for parking.
- Planner I O'Connor explained a re-evaluation period condition can be placed on the permit.
- Commissioner Frank explained that in the past that type of condition was placed on permits because of "what if situations" and they never came to pass. He understands this is going to be different from what has been there, however he has not heard anything that definitively says this is going to be bad. He explained when he first moved to Twin Falls, he was the type of person that could have rented such a space, he had a low paying job and needed a place to help him get acclimated before purchasing a property. With all of the CSI student, and expansion of our companies in the area, there is a lot of pressure for single people to find a place to live.
- Commissioner Munoz explained with students the applicant stated people without a rental history would be excluded, which would exclude students. As for the background check, the Idaho Repository only covers Idaho and doesn't cover people coming from other states or other countries. He thinks that this use will change the essential character of the area.
- Commissioner Grey explained he understands the concerns and that this will change the dynamics of the neighborhood slightly. His greatest concern is onsite maintenance and hiring someone to maintain the property and inspect it regularly; there are a number of

apartment complexes that don't have onsite management/maintenance and are probably not very well maintained. He thinks this is a good fit and if an issue arises, the neighbors have a process to request revocation.

- Commissioner Munoz explained revocation could only be pursued if the conditions listed on the permit are violated.
- Commissioner Woods explained that he has difficulty distinguishing the difference between this use and a motel that is not permitted. He is extremely concerned that the applicant has not managed this size of facility before, and a 90 person facility is a concern. He is concerned with the reference made by the residence in this area regarding the degradation of the areas along Addison Avenue West once they became rooming houses. Those facilities even have a representative on site 24/7, this facility will not have onsite management and that bother him when this area is surrounded by residential homes. He cannot support this request.
- Commissioner Musser explained he agrees, that there is a need for this type of facility, however he is not convinced that this is the right location, and the size of the facility is concern.
- Commissioner Frank explained he understands the concerns about the size of the facility but you cannot get experience managing more without managing more. He has not heard any facts about the use that cause him concern and he thinks the positives outweigh the fear of the negatives. There is a mechanism for revocation if there are issues.
- Commissioner Munoz stated he still thinks this will change the character of the neighborhood and does not meet all of the conditions the Commission has to consider when approving a Special Use Permit.

Motion:

Commissioner Hawkins made a motion to approve the request, as presented, with staff recommendations. Commissioner Grey seconded the motion. Members Frank, Grey and Hawkins voted in favor of the motion and members Munoz, Musser and Woods voted against the motion.

Motion Failed 3-3.

d) General Public Input

- Zoning & Development Manager Carraway-Johnson explained Council would be moving their meeting from August 21, 2017 to August 23, 2017 due to the solar eclipse.

6) Upcoming Meeting(s)

- a) July 25, 2017 Public Hearing
August 2, 2017 Work Session

7) Adjournment

Lisa A. Strickland, Administrative Assistant