



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
August 26, 2014 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

<u>Present</u>	<u>Absent</u>
Derricott	Boyd
Frank	
Grey	
Munoz	
Reid	
Tatum	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
Higley	
Woods	

CITY COUNCIL LIAISON(S):

CITY STAFF: Carraway, Spendlove, Strickland

I. CALL MEETING TO ORDER:

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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following public meeting(s): [July 22, 2014](#), [August 6, 2014](#), [August 12, 2014](#)
2. Approval of Findings of Fact and Conclusions of Law:
 - Buttars Family Limited (SUP 07-22-14)
 - Higley (SUP 08-12-14)
 - Johnson (SUP 08-12-14)

III. GENERAL PUBLIC INPUT: NONE

IV. ITEMS OF CONSIDERATION: NONE

V. PUBLIC HEARINGS:

1. Requests the Commission's recommendation for the **Zoning Designation** for property being requested for **Annexation with Zoning District Change and Zoning Map Amendment** from R-1 VAR to C-1 PUD for 40 (+/-) acres to allow a mixed use development compatible with Urban Village/Urban Infill designation on property located at the southwest corner of Pole Line Road East and Eastland Drive North. Northeast Investments, LLC c/o Gerald Martens, EHM Engineers. (app. 2644) **TO BE RESCHEDULED**

Staff Presentation:

- Planner I Spendlove explained that at the preliminary presentation there were some requests made from the public and the Zoning Commission to bring more information back for the public hearing. Some of the items have been addressed but there are a few more that need to be submitted and reviewed prior to scheduling. The notice for the public hearing sign location will be addressed prior to the posting of the next hearing. There is a way to be notified of public hearing via the City website and the people that signed in or spoke at the last meeting on this item will be notified with a letter if directed to do so by the Commission.
 - Commissioner Frank gave staff the directive to notify the appropriate people and to speak with the applicant about sign placement for the request.
2. Request for a **Special Use Permit** to replace a legal non-conforming use with another legal non-conforming use of an alternative therapy office and including associated retail, on property located at 276 Eastland Drive North. c/o J. Dee May on behalf of Andrew and Lisa Mix (app 2665)

Applicant Presentation:

J. Dee May, representing the applicants, this property is located at 276 Eastland Drive North. The current use is an alternative therapy and limited retail under a special use permit. The only difference from what is currently operating at the location and this proposal is that the applicant wants to operate a physical therapy office, there is not a lot of retail but if there is it is associated with the treatment plan. The service is provided by appointment there is very little traffic with a maximum of 20 cars per day. Very few employees 3 part time possibly 1 full time so there should not be any impacts to the surrounding area. There are 15 parking spaces, possibly a maximum of 8 spaces would be used at one time. This would provide an opportunity for the building to continue to be used. The property is located on a main arterial and this area is evolving and the use will be truly compatible with the area. He asked that the Commission approve the request as presented.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead and stated the purpose of this request is to replace a current non-conforming use with a different non-conforming use through the Special Use Permit process. If granted, it would allow the operation of a Physical Therapy Office and associated Retail Business to operate at the described location. We do not have a description by the applicant of what the types of retail merchandise will be sold or the percentage of the business/building will operate as the retail vs the physical therapy office.

This property is zoned R-2, a residential single-family or duplex zoning district. The property operated a legal non-conforming commercial daycare facility from 1998 to May 2009. In Sept 2009 a request to allow a professional therapy business to operate at this location was submitted for consideration. As the property was operating a legal nonconforming use, City Code 10-3-4(A)1e allows for consideration of replacement of the legal nonconforming use of a commercial daycare use with another legal non-conforming use by special use permit IF said legal nonconforming use has not been discontinued for more than five (5) years AND if it can be shown that the building cannot reasonably be converted to a conforming use. The request was to allow the property to be used to operate a professional office for alternative therapies. The use was determined by the Commission to cause very little traffic as appointments were staggered to not overlap. The request was approved subject to eight (8) conditions. One of those conditions was the permit would expire in one (1) year. On Feb 8, 2011 the Commission granted another special use permit to allow the same applicants to operate their alternative therapy business in the same manner. The office has operated for approximately two (2) years and there have not been any complaints or concerns that the City is aware of. The professional office for alternative therapies continued to operate at this location until recently.

The property is screened from surrounding properties which is surrounded by residences to the north, east and south. Eastland Drive North is to the west separating the facility from another residential neighborhood. Within 500' of this property there are two (2) non-residential uses, the Church of the Ascension across Eastland to the west and the Eastside Southern Baptist Church to the south.

The property is a developed 20,000 +/- sq ft lot with an existing 3100 sq ft building. The potential new owner intends to operate a Physical Therapy office, and associated retail business within the entire building. The narrative indicates there will only be a single practitioner, Andrew Mix, the applicant operating at this location at any one time. Hours are anticipated to be 8-5 M thru Thurs and 8-12 Fri. serving 8-12 customers a day.

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It is undetermined at this point if a complete review by the Engineering, Planning & Zoning and Building Inspection Departments will be required. If a building permit is required for the prospective owner to operate in the manner they desire, staff will ensure compliance with City Codes such as landscaping, storm water retention, lighting, parking, etc. at the time of building permit submittal.

The Comprehensive Plan - Future Land Use Map designates the Eastland Drive corridor -- from the Eastside Southern Baptist Church to the corner of Falls Avenue East -- as a residential corridor. The potential impacts of this type of use may be minimal to the immediate area. However, the continued use of a commercial/retail business in this area could be intrusive to the character of the existing residential neighborhoods in the vicinity.

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

1. Site plan amendments as required by Building, Fire, Engineering, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. The Special Use Permit to be limited to a Physical Therapy Office and associated retail business, as presented.
3. The Special Use Permit is restricted to Andrew and Lisa Mix, Property Owners, at this location. A change of ownership or tenants shall require a new Special Use Permit.

PZ Questions/Comments:

- Commissioner Frank asked if there will be any use outside of normal business hours.
- Mr. May stated no use of the building or the equipment is done by appointment only during business hours.

Public Hearing: [Opened & Close Without Concerns](#)

Closing Statement:

Andrew Mix, the applicant, introduced himself and stated he is excited to have the opportunity to operate his own practice. He has been doing physical therapy for years and thinks that this will be a great place to operate.

Deliberations Followed: [Without Concerns](#)

Motion:

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

Approved, As Presented, With The Following Conditions

1. Site plan amendments as required by Building, Fire, Engineering, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. The Special Use Permit to be limited to a Physical Therapy Office and associated retail business, as presented.
3. The Special Use Permit is restricted to Andrew and Lisa Mix, Property Owners, at this location. A change of ownership or tenants shall require a new Special Use Permit.

VI. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway gave an update regarding the request for a Comprehensive Plan Amendment at Falls Avenue and 3300 East and stated the applicant has withdrawn the request. The property along Eastland Drive North may be another area to consider during the Comprehensive Plan review process. She gave an update of a few items that will be scheduled soon.

VII. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber unless otherwise posted)

1. Work Session-September 3, 2014
2. Public Hearing-September 9, 2014

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 06:30 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department