



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
June 9, 2015, 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

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

AREA OF IMPACT MEMBERS

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

CITY COUNCIL LIAISON(S):

CITY STAFF: Carraway-Johnson, Spendlove, Strickland, Vitek, Wonderlich

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): **May 27, 2015 PH, June 3, 2015 WS**
2. Approval of Findings of Fact and Conclusions of Law:
 - Hoggarth Auto Sales (SUP-Amend 05-27-15)
 - Taco John's (SUP 05-27-15)
 - Body Balance (SUP 05-27-15)
 - McAlister's Deli (SUP 05-27-15)

III. ITEMS OF CONSIDERATION:

1. A Preliminary Presentation for the Commission to consider an amendment to the Fieldstone Professional PUD Agreement #271 to allow by Special Use Permit Nursing Homes and Rest Homes on Lots 1 through 5 Block 1 in the Fieldstone Professional Subdivision, A PUD, which is located at the south east corner of Fieldstream Way, extended and Cheney Drive West, extended. c/o Wills, Inc. (app. 2735)

Motion:

Commissioner Reid made a motion to revise the agenda to have item III-1 to be presented after the public hearing items. Commissioner Woods seconded the motion. All members present voted in favor of the amendment.

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a large Farm Implement Sales & Repair Business on property located at 1775 Eldridge Avenue c/o Gary Slette on behalf of James Annest (app. 2732)

Applicant Presentation:

Gary Slette, representing the applicant, reviewed on the overhead the proposal to obtain a special use permit to sale and operate a large farm implement equipment. The applicant would like to be able to sale equipment and service what they sale. The surrounding uses are industrial and this should be harmonious with these other uses.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated in 1913 the Highland View Tract was recorded as a plat. This parcel is a portion of Lot 23. Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed. Records indicate a warehouse being constructed in 2007. For a time, a company called Bio Diagnostics West inhabited the building. The building is currently empty.

Per City Code 10-4: Truck Service/Repair requires a special use permit prior to being legally established. Although, this business is not described by the applicant as Truck Service, current City Code does not enumerate Large Farm Machinery as a "Use". As a result, Staff has assigned a "Use" we believe closest resembles the described business.

The impacts of this particular business on the area are anticipated to be minimal. Most properties in the area have been built and used for Industrial practices. There are some Residential homes in the area that should be given the opportunity to be reasonably used and enjoyed without commercial intrusion. However, given the layout and location of this particular business, it is not anticipated that the possible impacts will negate the reasonable enjoyment of existing residential uses in the area.

Per City Codes 10-10 and 10-11-1 thru 8: Required improvements such as parking, screening, landscaping and others are typically enforced at the time of building permit submittal. This is an existing building, it is anticipated that the required improvements were provided at the time of original construction of the site. It is also not anticipated to cause a change of "Use" that will trigger additional required improvements.

The commission may wish to review the current site and require any items it deems appropriate to mitigate potential negative impacts this business may incur to the area.

This type of business will have some traffic and noise impacts. These will be associated with the coming and going of customers, deliveries of supplies, and repairing of machinery. However, the majority of the noise and traffic will occur during normal business hours, and the majority of repairs are detailed to take place within the building. These types of businesses and their associated impacts are common in the M-2 Zone. The surrounding area is shown on the Future Land Use Map to be Industrial.

Planning & Zoning Commission Minutes

June 9, 2015

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 all parts and disassembled equipment being located within the building or within an enclosed screened area.

PZ Questions/Comments:

- Commissioner Grey asked about landscaping requirements.
- Planner I Spendlove explained that staff has looked at the site and does not think additional requirements will need to be met but they will have to keep what is there alive and replace anything that is no able to be revived.
- Commissioner Frank asked about the requirements for drainage of fluids from equipment.
- Assistant City Engineer Vitek explained they will have to have a liquid waste management plan.
- Commissioner Reid asked about hours of operation.
- Mr. Slette explained that if the hours extend past business hours it will most likely be due to the repair portion of the business and that type of work will occur in the building. This use is not a-typical for the area and he feels the impacts will be minimal.

Public Hearing: [Opened and Closed Without Comments](#)

Motion:

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

[Approved, As Presented, With Staff Recommendations](#)

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 all parts and disassembled equipment being located within the building or within an enclosed screened area.
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2. Request for a Special Use Permit to operate at 24 Hour Commercial Childcare Facility on property located at 870 Eastland Drive [c/o Stephanie Ford](#) (app. 2733)

Applicant Presentation:

Stephanie Ford, the applicant stated she is here to request a Special Use Permit to operate a 24 hour childcare center at 870 Eastland Drive which is located across from Light House Christian School. They would be good neighbors, they would play during school hours, and they will have no night time outdoor activities and maintain a controlled environment. They don't have any bells or noise that would impact the surrounding area. They will try to maintain the home like feeling of the property.

Planning & Zoning Commission Minutes

June 9, 2015

Planner I Spendlove reviewed the request on the overhead and stated in 2000 the Eastland Heights Subdivision was recorded creating Lot 6. In 2003, the owner requested and received a Re-Zone from R-2 to R-6 PRO in order to pursue the possibility of a small nursing facility on the site.

Records indicate an addition/remodel and sup of a residence to a nursing facility taking place in 2003-2004. In 2013, a plat was approved and recorded subdividing Lot 6 into 2 lots. This was done in anticipation of a new larger nursing facility being built. Those plans were abandoned one year later.

The property is located at 870 Eastland Drive and is zoned R-6 PRO. The applicant is wishing to operate a 24 hour child care facility. They plan to offer care for kids 0-13 yrs old. Part of their business model is an afterschool program for older kids to help them with homework. Another part is providing care for children 24 hours a day. This is a key part of their business model due to many businesses in the area operating on extended hours, including Glanbia, Chobani, St Luke's Hospital, and others.

The applicant explains the hours of operation in detail. They will have limited drop off and pick up times of 5 am to 10 pm. This will help keep the ambient noise of the residential neighborhood lower at an acceptable level during the night time hours of 10 pm to 5 am.

Per City Code 10-4-18: Commercial Day Care Service requires a special use permit prior to being legally established. The typical impacts of these types of businesses center on traffic and noise. This particular location sits at the corner of Eastland Drive (Arterial roadway) and 9th Ave East. Light House Christian Church/School also operates on property located directly across 9th Ave East offering K-12 grades during the week and church services in the evening and weekend.

Per City Codes 10-10 and 10-11-1 thru 8: Required improvements such as parking, screening, landscaping and others are typically enforced at the time of building permit submittal. This is an existing building, it is anticipated that the required improvements were provided at the time of original construction of the site. It is also not anticipated the change of "Use" will trigger additional required improvements.

The commission may wish to review the current site and require any items it deems appropriate to mitigate potential negative impacts this business may incur to the area.

This type of business will have some traffic and noise impacts. These will be associated with the coming and going of customers, deliveries of supplies, and children playing outside during daylight hours. The applicant has described a detailed drop off/pickup schedule for the early and late hours. Other times would be during normal business hours and it is safe to assume would create minimal noise to the surrounding area.

Also, the layout of the property has traffic entering the property from Eastland and Exiting onto 9th Ave East. It is again safe to assume the majority of traffic will use Eastland Drive as it is a major roadway, with minimal traffic using 9th Ave East.

**Planning & Zoning Commission Minutes
June 9, 2015**

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 the earliest Drop off/Pick up time being 5:00 AM, and the latest Drop Off/Pick up time being 10:00 PM.

PZ Questions/Comments:

- Commissioner Woods asked what ages they will cater too at this facility.
- Ms. Ford explained they will take care of the infant to thirteen years of age.
- Commissioner Woods asked what type of diaper disposal plan is in place.
- Ms. Ford explained the disposal process and pick-up plan.
- Commissioner Grey asked about the 9th Avenue access and about the fencing for safety.
- Ms. Ford explained they plan to fence the entire property with two separate areas.
- Commissioner Boyd asked how many children they will have at the facility.
- Ms. Ford explained 87 enrolled with an average of 35 per shift.
- Commissioner Frank asked if she operates this business at another location and if they have had any complaints.
- Ms. Ford explained the she has not had any complaints about the business, she use to operate on Kimberly Road 24/7 and has had requests to offer that service again.

Public Hearing: Opened

- Darell Morgan, 879 Holly Ann Court, explained that his concern is the traffic impacts for the intersection at Eastland Drive and 9th Avenue, where the fence will be extended to for the play area, if the front of the property will be used for the children, and if it is necessary for the daycare to operate 24/7.
- Paula Clelland, 1018 Cypress Way, she stated her biggest concern is the traffic at the Eastland Drive and 9th Avenue intersection. She would like for this area to be an official school zone or have something done to force people to slow down through the area because of the children. She is also concerned with traffic backing up on Eastland Drive if the cars headed south are trying to turn into this facilities access.
- Stephanie Ford, stated that the front yard will not be used for child activities. The number of students in the yard is managed by shifts. Infant, pre-school, school age and older children, there will not be 35 children out at one time. The previous facility was located on Addison Avenue and the traffic to the property throughout the day is minimal. There are lot of shift workers in the area and they have a high demand for the 24/7 hours. The more factories and healthcare facilities that come to the community the larger the need. The fence will be approximately 17' from the sidewalk so the children will not be close to the sidewalk. The traffic impact is spread out throughout the day. She does not have a specific drop off and pick up time like school hours. She does see a need for this area to have a school zone or slower speed area, but doesn't know how to address the issue, she can put out slow signs along her property but she is not sure if that would make much of a difference.

Planning & Zoning Commission Minutes

June 9, 2015

- Assistant City Engineer Vitek stated there is a large traffic impact around the schools during the school year, unfortunately there is not enough to warrant a light. There has been some interest in installing turn lanes but nothing has been planned. This business will have minimal impacts to the already busy area. The citizens can contact the engineering department and request that the traffic engineer look at this area, he can possibly do a traffic study to determine if there is a need to move forward with installing turn lanes or consider school zone designations.
- Ms. Ford explained that they want to offer a better facility to their parents, they plan to work well with the neighbors and will try to keep their traffic to a minimum.

Deliberations Follow:

Commissioner Tatum explained that there is a need for the extended hours. Most daycare facilities only operated from approximately 7:00am to 6:00pm. If a parent works a different shift they are tasked with trying to find care for their children elsewhere. She stated that this area is a major school zone area and has considerable traffic congestion during the school year, she would be in support of making changes in the area to slow traffic down.

Motion:

Commissioner Derricott 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 Staff Recommendations

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
 2. Subject to the earliest Drop off/Pick up time being 5:00 AM, and the latest Drop Off/Pick up time being 10:00 PM.
3. Request for a Special Use Permit to operate a Men's Transitional/Shelter Home on property located at 1102 Maurice Street c/o Chad Roehl dba Stepping Stones (app. 2734)

Applicant Presentation:

- Bishop Brown of the Twin Falls 10th Ward, stated there are a lot of issues for homeless men in the community and this facility has been a great resource for him to help these men get jobs, have a place to live and get back on their feet.
- Ray Perron, representing the applicant, stated the reason for the request is for a Special Use Permit for a transitional/shelter home for men. This home serves as a supervised transitional home for homeless men and men released from correctional facilities for minimal charges. The point of the facility is to give the men help so that they can get on their feet. The rent is \$350 per month including utilities. The home is a benefit to law enforcement, probation officers and ensures supervised care. The majority of the tenants do not own a car and so traffic should be minimal, if they do have a car at this facility it is for a limited amount of time because they are moving out on their own.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated in 1917 the Terrace Lawn Subdivision was recorded creating 11 Lots. This proposed use is located on the southern portion of Lot 11.

In 1981 a daycare received a Special Use Permit with the condition to enclose the back yard. Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed. This building and surrounding area to the north and east are currently zoned C-1. The properties to the west and south are zoned R-4 residential. No further Zoning history is known at this time. County records show the house to be built around 1925 with updates taking place in the 1950's. City building records indicate a few minor permits taking place in 2010.

The applicant's narrative describes the transitional/shelter home as a place for up to eighteen (18) male individuals. These individuals require stable living quarters after being released from incarceration for minor offenses such as theft, alcohol, check fraud, and past drug use. The applicant claims sex offenders are not allowed in this type of transitional housing.

Some security measures the applicant highlights include and onsite manager, curfews, video cameras throughout the property, random drug testing, and police dog training.

The applicant also details the social, economic, and positive effects of such a business within the City.

Per City Code 10-4-8: Shelter Homes require a special use permit prior to being legally established.

The typical impacts of these types of businesses center on traffic, noise, increased calls for service, and complaints from neighboring properties. This particular location sits on Maurice Street, somewhat near the intersection with Addison Ave East. Properties to the North and East are zoned C-1, some of which contain Commercial Businesses converted from residential homes, and others were constructed as commercial buildings.

Per City Codes 10-10 and 10-11-1 thru 8: Required improvements such as parking, screening, landscaping and others are typically enforced at the time of building permit submittal. This is an existing residential building. It is anticipated that site improvements will be required with as part of the building permit for a change of use from a residence to a commercial use.

This property will need to go through the change of "Use" for the property and the building. This transition will trigger all the required improvements. Staff has not received a building permit, nor have we conducted an official analysis on the property to determine the extent of these improvements. It is anticipated that all the required improvements will need to be addressed as outlined in current City Code, including but not limited to paved parking and maneuvering area, designated parking, curb, gutter, sidewalk, screening, landscaping, storm water, sewer, water, and others.

Planning & Zoning Commission Minutes

June 9, 2015

This type of business will have some traffic and noise impacts. These will be associated with the coming and going of residents. Although the applicant claims residents do not own cars, there is no Code provision that prohibits ownership of vehicles. With the stated number of residents being presented at up to eighteen (18), the possibility of all residents owning cars is possible.

Noise is another possible impact for this type of business, with that many people living on a lot of this size. Staff does not have quantifiable results for decibel levels and the like. However, it is reasonable to assume that eighteen (18) unrelated individuals living in a space originally designed for a single family residence could result in some excessive noise from within the residence and on the property and may be at all hours of the day/night.

There has been an increase in complaints and calls for service. It is imperative to not point at the use of the property for the reason of the increase in complaints and calls for service, as we do not have data to support that assumption. Staff has accumulated the number of calls placed to dispatch for this property and compared that to neighboring properties. This property generated forty-one (41) calls for service through dispatch over the last five (5) years. A property across the street generated one (1) call over the same period. It is our stance that the increase in calls is a correlation to the number of individuals and their corresponding personal/private space within the residence. Staff receives fewer calls from these types uses when the number of residents closely resembles the amount typically found in a single dwelling unit.

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 the applicant submitting a complete Commercial Building Permit Application to the City within sixteen (16) weeks of the end of the appeal period of this Special Use Permit.
3. Subject to meeting all required improvements within 6 months from the date of approval of the special use permit.
4. Subject to a minimum 6' sight obscuring fence along the northern, eastern and southern borders of the property within 6 months from the date of approval of the special use permit. Fencing material to be approved by P&Z staff.

PZ Questions/Comments:

- Commissioner Woods asked if staff had any clarification of types of calls made to the police department.
- Planner I Spendlove explained that he gathered the numbers but did not look at the logs to see what the situations were that generated the call.
- Commissioner Grey asked for the size of the home, the required improvements.
- Planner I Spendlove explained the code requirements presented will need to be met, however staff has not seen a building plan or site plan to determine specific improvement needs.

Public Hearing: [Opened](#)

Planning & Zoning Commission Minutes

June 9, 2015

- Brett Lower, 320 Main Avenue East #211 stated this facility has helped him get on the right track, it has helped him get a full time job and a place of his own.
- Ellis Taylor, 1102 Maurice Street, he lives in the house and is the onsite house manager, he does house checks at 10:00 pm and 1:00am, there is no alcohol or drugs allowed at the facility. He has also spent time in jail and this home has helped him get back on his feet.
- Larry Robinson, 1102 Maurice Street, has recently been released from ICC with nowhere to go and this facility has helped him get a job and provided him transportation. He will be able to afford living on his own soon.
- Michael Mahen, 1102 Maurice Street, stated he has just been release from ICC and this facility has helped him get his ID, and his driver's license and consider this place home with a family, they give them rides to job interviews, appointments and it is a really positive environment.
- Ken Perron, 1102 Maurice Street, stated he was a little leery about the place at first but has nothing but good things to say about the place it has helped him make positive changes.
- Sione Koba, 1102 Maurice Street, stated he was recently released from prison, he has never been to a transitional house before and this has been a good experience and has helped him tremendously.
- Cary Roehl, 720 Blue Lakes Blvd, stated her husband has worked really hard for this to happen and has done a wonderful job. She thinks what he is doing is a good thing.
- Ray Parren stated in summary there are not any neighbors here to oppose the request, and he hopes the request will be approved.

Deliberations Followed:

- Commissioner Woods asked if the applicant could give an example of some negative things he may have to deal with, operating this type of facility.
- Mr. Roehl explained that some of the calls made to the police department have been generated by him for people not following the rules of the house or their probation, relapse is one of the more difficult things to deal with but they typically get one chance and on the second violation they are evicted from the home.
- Commissioner Frank stated that he is in full support of this request, however he does have some concerns with the improvements that will be required.
- Commissioner Derricott asked if there is some flexibility for the applicant regarding the improvement requirements.
- Planner I Spendlove explained there are codes within the zoning section that staff can work with the applicant on, however the building code requirements are not as negotiable because of life safety issues.
- Commissioner Reid asked if parking could be reviewed by Council.
- Planner I Spendlove explained staff does have some flexibility for some of the zoning code requirements and the applicant does have the ability to plead their case to City Council. Some codes however are not as flexible.
- Commissioner Frank stated he is all for approving this request, but expressed his concern with the applicant not being able to make the required improvements and not being able to continue operating.

**Planning & Zoning Commission Minutes
June 9, 2015**

Motion:

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

Approved, As Presented, With Staff Recommendations

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the applicant submitting a complete Commercial Building Permit Application to the City within sixteen (16) weeks of the end of the appeal period of this Special Use Permit.
3. Subject to meeting all required improvements within 6 months from the date of approval of the special use permit.
4. Subject to a minimum 6' sight obscuring fence along the northern, eastern and southern borders of the property within 6 months from the date of approval of the special use permit. Fencing material to be approved by P&Z staff.

III. Items of Consideration:

1. A Preliminary Presentation for the Commission to consider an amendment to the Fieldstone Professional PUD Agreement #271 to allow by Special Use Permit Nursing Homes and Rest Homes on Lots 1 through 5 Block 1 in the Fieldstone Professional Subdivision, A PUD, which is located at the south east corner of Fieldstream Way, extended and Cheney Drive West, extended. c/o Wills, Inc. (app. 2735)

Applicant Presentation:

Brad Wills, explained they have sent out 210 letters for the public hearing scheduled for June 23, 2015. He stated that the R-4; Zone does not allow for nursing homes or rest homes. The R-6 zone does allow for this type of use but also allows for a higher density, which is not what he wants to see happened on this property. He would like to add the use of Nursing Homes or Rest Homes to the PUD with an approved Special Use Permit.

Staff Presentation:

Planner I Spendlove stated this is a request to amend the Fieldstone Professional PUD Agreement #271 to allow by Special Use Permit Nursing Homes and Rest Homes on Lots 1 through 5 Block 1 in the Fieldstone Professional Subdivision, A PUD . He reviewed on the overhead the location of the property and the specific lots for which this request would apply. He explained tonight is a preliminary presentation only and there will not be a staff analysis presented or recommendations. The public hearing for this item is scheduled for June 23, 2015.

Public Hearing: Opened

- Joyce Burkett, 1380 Silver Creek Way, stated she has concerns about maintain the quiet neighborhood once this area gets developed, they were under the impression this would all be single family homes and now it has changed, she would like some more information on the plans for this area.

Planning & Zoning Commission Minutes

June 9, 2015

- Mr. Wills explained that one of the biggest changes related to this development is that the street that she currently lives on will dead end into a cul-de-sac reducing traffic through the neighborhood. He stated he would be willing to meet with the citizen to discuss the plans for this area.

Public Hearing: Closed

[Planning & Zoning Commission Public Hearing](#)

[Scheduled for June 23, 2015](#)

V. GENERAL PUBLIC INPUT: None

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

Assistant City Engineer updated the Commission on the Waste Water Treatment plant and explained that Phase 1 should be complete on approximately July 23, 2015 and at that point the City will be able to begin releasing will serves.

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

1. Public Hearing-**June 23, 2015**
2. Comprehensive Plan Update Kick Off-tentative - **June 24, 2015**
3. Work Session- **July 1, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:39 p.m.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department