

Staff Presentation:

Zoning & Development Manager Carraway-Johnson reviewed the request on the overhead and stated the request is for approval of the Canyon Village Subdivision #3. The site is zoned Urban Village/Urban Infill C-1 PUD, includes 9.12 acres and consists of 7 Commercial Lots. The Preliminary Plat we have received satisfies requirements outlined in City Code 10-12: General Subdivision Provisions however there is an undecided issue required of the Canyon Village PUD #270.

As part of the zoning public hearings the City Council required a pedestrian path be installed by the developer connecting this development with the canyon rim trail on the north side of Pole Line Rd E at the intersection of Meadow View Lane. This phase is the last opportunity to ensure this condition is met.

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. This request is in conformance with the Comprehensive Plan and the requirements found in Twin Falls City Code.

Zoning & Development Manager Carraway-Johnson stated upon conclusion staff recommends the Commission approve the preliminary plat of the Canyon Village Subdivision No. 3, a PUD, as presented, and subject to 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 development of the pedestrian pathway from Mountain View Drive to the north side of Pole Line Rd E, as approved by the City Engineer.

PZ Questions/Comments:

- Commissioner Woods asked about traffic safety at the north end of the development along Pole Line Road East and Mountain View Drive.
- Assistant City Engineer Vitek explained the thought process behind the design of the intersection and explained that with this development and the planned development to the north staff in predicting that there may be a traffic signal at this location in the future so the plan was to make this a safe intersection prior to a light being installed.
- Commissioner Munoz asked if this is a City or Highway road
- Assistant City Engineer Vitek stated this is City road but there may be a small section of Pole Line Road East that is still state highway.
- Commissioner Grey asked about the sidewalk shown.
- Assistant City Engineer Vitek explained that with the plans for a future light at this intersection staff felt this would be the best location for the sidewalk and there will be extra lighting for the people crossing the intersection to make it more visible for vehicles.
- Commissioner Grey asked about the volume of traffic along this road and where it is ranked.
- Assistant City Engineer Vitek explained that the streets are rank A-F A being that it is easily traveled with minimal issues and F being the worst. This road would rank between a B and C.
- Commissioner Musser asked if Lot 6 could be subdivided again.
- Mr. Thibault stated in the future it could be divided into smaller lots however they are not anticipating that to happen at this time.

Public Hearing: **Opened & Closed Without Comments**

Deliberations Followed: **Without Concerns**

Motion:

Commissioner Woods 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.

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 development of the pedestrian pathway from Mountain View Drive to the north side of Pole Line Road East, as approved by the City Engineer.

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to add a private school, offering Pre-School through 5th Grade, to an existing religious facility on property located at 209 5th Avenue North. c/o NBW Architects, P.A. and the First Presbyterian Church on behalf of Acorn Learning Center (app. 2811)

Applicant Presentation:

James Wyatt, NBW Architects, representing the applicant, stated he is representing the First Presbyterian Church, who is requesting a Special Use Permit to allow Acorn Learning Center to operate a private school for pre-school through 5th Grade. They have worked out parking arrangements with the county offices. The church is an old church in the downtown area where there is not a lot of parking available so they will share parking across the street. They have spoken to staff about building requirements for the school to operate at the church. The request is asking for a maximum of 100 students but currently there are approximately 50 students with staggered schedules.

Staff Presentation:

Zoning & Development Manager Carraway-Johnson reviewed the request on the overhead and stated the Church has owned portions of this property since 1916 and 1923 as shown on the deeds provided with this application. County records indicate the current buildings were constructed in 1940. City records do not indicate any further building permits or expansions. The Church has operated in this location with Sunday Services, some weekday and evening services and other various outreach programs. The request is to add the operation of a private school in conjunction with a religious facility. The property is zoned R-6 PRO. The applicant has supplied a narrative outlining the proposed operation of the Private School which will be run by the Acorn Learning Center. They have anticipated +/- 65 Students, 6-8 Employees and operate within similar times of all other schools (7:00 AM – 4:00 PM). If the special use permit is granted this evening as presented a substantial increase in students could create impacts to the neighborhood. This has been a common concern with other special use permits granted for schools. The commission could consider a maximum attendance before a new special use permit would be required.

Per City Code 10-4-6, 10-4-18: The R-6 PRO is a multi-family Residential Zoning District with a professional office overlay. The R-6 section lists Private Schools under the Special Use Permit section requiring a Public Hearing prior to being legally established.

Per City Code 10-10: The change of use to a school triggers the required parking spaces to be provided. Per City Code 12 parking spaces for teachers/staff and an off street loading/unloading zone.

These requirements have been met through a signed/recorded Parking Agreement with the County. We have received a copy of this agreement and can attest to its validity. As part of that agreement, part of the parking area across 5th Ave will be restriped.

Per City Code 10-11-1 thru 8: Required improvements include access, drainage, storm water, and other items. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal if applicable.

The most typical impacts of new a school will be increased traffic and noise to the immediate area. Drop-off and Pick-up times create a narrow window for students to attend school and these times do create a micro-traffic jam twice a day. However, the Church has operated at this location for a number of years. It is also located in close proximity to numerous County Offices and Judicial Buildings which generates its own volume of traffic. Additionally, the small number of students will also limit the traffic impact to the neighboring property owners/tenants. A condition could be appropriate requiring an additional Special Use Permit if the enrollment number increases beyond an acceptable number.

The increase in noise will occur due to a change in the operation of the property from mostly weekend and night usage to a daily usage by younger children. The site plan did not indicate any exterior play area. It is unknown at this point whether the students will be released for play-time outside or if they will have primarily indoor play time, this should be addressed by the school representatives this evening.

The site plan shows a midblock pedestrian crossing on 5th Ave N from the church property to the County parking lot. The Engineering Department has reviewed this request and has made one comment regarding the proposed midblock pedestrian crossing. They request the pedestrian crossing to take place at the nearest intersection in order to follow the currently adopted policies and best practices. The crossing should be striped and identified. The Commission should review all impacts this business may incur and address them with appropriate conditions.

Zoning & Development Manager Carraway-Johnson 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 maximum student enrollment being 100 students. Additional students would require a new Special Use Permit.
3. Subject to the Pedestrian Crosswalk being striped and relocated to the intersection of 5th Ave N and Gooding St N per City Engineer approval.

PZ Questions/Comments:

- Commissioner Woods asked about the current location of the Acorn facility and if there have been any complaints about that operation.
- Heidi Campbell, Chairman of the Board, Acorn Learning Center stated that their current location is at 1306 Filer Avenue East and they have been at this location for approximately 28 years without any complaints.

- Commissioner Woods asked about the different levels of education and the staggered schedule includes just Tuesday or Tuesday and Thursday.
 - Ms. Campbell stated Tuesday and Thursday.
 - Commissioner Munoz asked if an occupancy number was determined when the fire sprinkler system was discussed.
 - Mr. Wyatt stated no that was not part of the discussion, the sprinkler system requirement was based on the size of the space being used for the school.
 - Commissioner Munoz asked about the staggered schedule and what the traffic impacts may be.
 - Mr. Wyatt reviewed the schedule.
 - Commissioner Grey asked about the approximate number of students enrolled currently.
 - Ms. Campbell explained that their busiest days will be Monday, Wednesday and Friday in the morning hours with approximately 50 students being their highest occupancy during the week. This is a high number for recent years usually there would be around 25-30. The reason for the move is because the current facility has been sold and they are looking for a new location. This will make use of a space and provide revenue for the church. The motivation is not growth.
 - Commissioner Munoz asked if the condition for maximum of 100 students sounds restrictive.
 - Ms. Campbell explained that 100 sounds high the intent behind the Acorn Learning Center is to provide smaller class sizes with more individual attention for the students.
 - Commissioner Grey asked about play areas for the children.
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- Ms. Campbell explained there is an outside strip that they thought they may able to use for play structures, there is a multi-use indoor area and indoor gym in the church and the City Park is not very far away.

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

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Woods 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 motions.

[Approves, As Presented, With the Following Conditions](#)

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
 2. Subject to the maximum student enrollment being 100 students. Additional students would require a new Special Use Permit.
 3. Subject to the Pedestrian Crosswalk being striped and relocated to the intersection of 5th Ave N and Gooding St N per City Engineer approval.
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2. Request for a [Special Use Permit](#) to operate an equipment rental business including warehouse for storage on property located at 231 Eastland Drive. c/o Kim Mason & Darci Miller-Mason dba Party Center, LLC (app. 2816)

Applicant Presentation:

Darci Miller-Mason, the applicant stated they have operated the Party Center for six years on Kimberly Road, and have just moved to a larger location at 231 Eastland Drive. The Special Use Permit from Kimberly Road is non-transferable so they are applying for a new permit. They needed a little more warehouse space and more retail space, which is why they have chosen this location.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated county parcel records show a 1.2 +/- acre parcel with a building at 231 Eastland Dr. which was established in 1961 in the Twin Falls Acres Subdivision. The previous tenant, Standard Plumbing, had been occupying the property as early as 1962. It has been zoned C-1 since at least 1980 when the C-1 zone was established. There is a 2nd building on this parcel to the south; 215 Eastland Drive currently operating a furniture store.

The request is to operate an equipment rental and storage business; aka Party Center at 231 Eastland Drive on a 1.2 +/- acre parcel. There is a 2nd building on this parcel; 215 Eastland Drive this is currently leased and operating a furniture store. The site is currently zoned C-1 and thus a special use permit is required for any "Equipment Rental" per City Code 10-4-8-2. B. The Party Center currently operates in a C-1 zone off Kimberly Rd. The City has not received complaints at their current location. The applicant indicated there will be no change to the operation of the business and the change of locations is because they need more space for their equipment. The applicant submitted a signed Lease Agreement that contains a cross-use between the 2 buildings/businesses.

Per City Code 10-4-8 (C-1 Zone): A Special Use Permit shall be obtained before operating an equipment rental and storage business in a C-1 zoned property.

Per City Code 10-10: During the pre-application review process it was determined that the angle parking adjacent to the south east side of the building was encroaching into the ingress/egress area. This area will need to be blocked off and all parking will need to be on the west side of the building. A parking analysis will be completed prior to operation of the business.

Per City Code 10-11-1 thru 8: Required improvements include access, landscaping, 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 if applicable or is no building permit is required the plan will be reviewed prior to occupancy/operation of the business.

The surrounding area is conducive to this type of operation and will likely not have any negative impacts to adjoining neighbors. During the application process it was determined that the parking to the south of the building was in the ingress area, and therefore would need to be blocked off and all parking will need to be in the rear of the building. Also the landscaping is required to meet the Gateway Arterial Landscaping requirements as this is a change of use from a wholesale category to a service/retail. A minimum 10' landscape strip fronting Eastland Dr. is required. The area shown on the site plan is approximately 2,200+ sq. ft. An evaluation will be completed to determine if this meets the minimum landscape requirements to meet the gateway arterial and the minimum of 3% of site or 10% parking and maneuvering areas.

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 removing the parking area south and east of the Building and close to Eastland Drive.

PZ Questions/Comments:

- Commissioner Munoz asked for clarification on the required improvements.
- Planner I O'Conner explained the site already meets all of the required improvement standards.
- Commissioner Grey asked for clarification on the location of the parking that staff has requested be removed.
- Planner I O'Conner explained on the overhead the location of the parking spot and stated the maneuvering area for these spaces overlaps into the ingress/egress for the property.
- Commissioner Grey confirmed with the applicant that they understand these spaces need to be blocked off or removed.
- Ms. Miller-Mason explained she understands the condition and will take care of the issue.

Public Hearing: [Opened & Closed Without Comment](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Dawson 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.

[Approves, 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 removing the parking area south and east of the Building and close to Eastland Drive.
3. Request for [Vacation](#) a 15 x 185.13' (2,777 sf) utility, irrigation and drainage easement on Lot 10 of the Wild Rose Estates Subdivision No. 1 on property located at 4042 North 3320 East in the Area of Impact. [c/o Jennifer & Ken Ashley \(app. 2815\)](#)

Applicant Presentation:

Jennifer Ashley, the applicant, stated prior to purchasing her property the property line along Lot 10 and Lot 11 was moved, and there is an easement on her property she is trying to vacate so that she can build a shop. She understands that the recommendation is move the drainage easement to the newly adjusted boundary line.

Staff Presentation:

Zoning & Development Manager Carraway-Johnson reviewed the request on the overhead and stated this easement was dedicated as part of the Wild Rose Estates Subdivision #1 Plat in 2003. The house was constructed on the property in 2006. In 2015, the current owners purchased the property. As part of the purchase, a 30' x 185' x 49' triangle piece adjacent to the adjoining property. This created a large open area to the East of the Residence which could be used for some other purpose.

This vacation request is being brought forward by the owner due to the desire to build an accessory building on the East side of the property. In order to facilitate the construction of the building, the easement would need to be vacated as the easement would run down the middle of the structure.

During the public notice phase of this item there were a few comments and questions from nearby residents. No concerns were raised or logged after some basic information was conveyed to them regarding this item.

We also received an inquiry from the Twin Falls Highway District. Their concern stems from the vacation of the "Drainage" portion of the platted easement. They are concerned with the prospect of no viable way for water to drain from the south properties to the barrow ditch on the north side of the property and then to the natural drainage of the canal. If this request is granted staff would suggest a condition for the protection of a portion of the platted easement and the recordation of a new Drainage, Irrigation, Utility Easement on the recorded eastern property line to facilitate a continuous drainage easement for adjoining properties prior to the issuance of a building permit. This is a public utility/drainage easement the property is located within the area of impact and so there is another interested party in this besides the utility companies. There was a letter submitted today who has jurisdiction for the roadways in the Area of Impact. The letter states that they would approve the request for vacation with the condition that a new utility easement will be made available to the east at the adjusted property line for future development. Although all the utility companies had no issue with vacating the current easement, the Twin Falls Canal Company would like to maintain a drainage easement and the Twin Falls Highway District would like to maintain a utility easement. Therefore, the easement would need to be moved and retained.

Staff does not foresee unreasonable impacts with the vacation of the platted easement. Due to timing of events it is common practice to place a condition on the vacation which requires the recording of the new easement.

TF City Code: 10-16-1 & 2; Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning Commission will make a recommendation to the City Council whether the vacation should be granted, denied or there be a modification to the vacation request.

As this property is within the Area of Impact therefore the City Council will conduct a public hearing and forward a recommendation of approval, modification or denial of the vacation to the County Commissioners for final decision.

Zoning & Development Manager Carraway-Johnson stated upon conclusion should the Commission recommend approval of the request to the City Council, staff recommends the following condition(s):

1. Subject to a new fifteen foot (15') Drainage, Irrigation, Utility Easement being recorded on the Eastern Property Line prior to issuance of a building permit.
2. Subject to the new easement language receiving City Engineer approval prior to the City Council Public Hearing.
3. Subject to the new Drainage, Irrigation, Utility Easement being recorded prior to adoption of the Vacation Ordinance by the County Commissioners.

PZ Questions/Comments:

- Commissioner Higley asked for clarification on storm water retention with regards to the drainage easement.
- Zoning & Development Manager Carraway-Johnson explained storm water retention is different.
- Assistant City Engineer Vitek explained that water is allowed to be drained where it has historically flowed. In this case this has been called out as a drainage easement, and moving it meets the

needs for the Canal Company and will still allow the applicant to construct their accessory building.

- Ms. Ashley asked for clarification on the drainage easement because the canal company sent a letter relinquishing their right to the easement.
- Zoning & Development Manager Carraway-Johnson explained the Twin Falls Canal Company regulates the drainage system and the Twin Falls Highway District regulates the roadway and they submitted a letter saying they want to maintain the utility easement and that moving the easement to the adjusted boundary line would meet that requirement.
- Ms. Ashley asked what will be the purpose of the easement.
- Zoning & Development Manager Carraway-Johnson explained this will remain an easement it will just need to be relocated as requested.
- Commissioner Munoz explained this can't be developed and it doesn't matter what the easement is retained for.
- Ms. Ashley stated she understood that she could build all the way up to the easement.
- Zoning & Development Manager Carraway-Johnson confirmed that is correct, the easement will be the same size that it is now, it will just be moved.
- Ms. Ashley so can anyone build in this easement.
- Commissioner Grey explained the new location of the easement area shown on the overhead will not ever be built on because you can't build on an easement.
- Ms. Ashley asked if nothing can be constructed in this easement does that mean that she will need to move her fence because it crosses over the easement, because she was told nothing could be built in the easement and that a full vacation would be the best course of action.
- City Attorney Wonderlich explained that no one is asking that the fence be moved it can remain where it is located nothing can be constructed on the easement.

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

Deliberations Followed:

Commissioner Grey clarified that if for some reason some future utilities need to be in this easement some modification to the fence may need to be done for that to happen.

Motion:

Commissioner Dawson recommended approval of the request, as presented, to City Council with staff recommendations. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

[Recommended for Approval, As Presented, With The Following Conditions to The City Council](#)

1. Subject to a new fifteen foot (15') Drainage, Irrigation, Utility Easement being recorded on the Eastern Property Line prior to issuance of a building permit.
2. Subject to the new easement language receiving City Engineer approval prior to the City Council Public Hearing.
3. Subject to the new Drainage, Irrigation, Utility Easement being recorded prior to adoption of the Vacation Ordinance by the County Commissioners.

City Council Public Hearing Scheduled November 7, 2016

V. GENERAL PUBLIC INPUT: **None**

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

Zoning & Development Manager Carraway-Johnson reminded the Commission that public hearing for Comprehensive Plan Amendment is scheduled for the City Council meeting October 24, 2016 and encouraged all of the Commission to attend.

Commissioner Grey asked about standards for private roads and sidewalks.

Assistant City Engineer Vitek stated that a requirement for an alternate access to a property be provided other than just a drive-up access. A sidewalk will now need to be contiguous to the site. This requirement is new and just recently been enforced because of ADA access requirements. Connectivity is a big deal for the City Council and the citizens. The goal is to keep people out of the traffic area.

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

1. Public Hearing: **October 25, 2016**
2. Work Session: **November 2, 2016**

VIII. ADJOURN MEETING:

Vice Chairman Grey adjourned the meeting at 7:21 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department

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