



**NOTICE OF AGENDA
PUBLIC MEETING**
Twin Falls City Planning & Zoning Commission
July 23, 2013-6:00 PM
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 Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods
Vice-Chairman

CITY COUNCIL LIAISONS:

Suzanne Hawkins Rebecca Mills-Sojka

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **July 9, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 - Powers (SUP-amended 07-09-13)

III. ITEMS OF CONSIDERATION:

1. Request for consideration of reinstatement of Special Use Permit #1052, granted August 14, 2007 for the purpose of constructing an 1890 sq ft detached accessory building on real property located at 1093 Kenyon Road Twin Falls, ID 83301, c/o Chuck Thompson (App 2155)

IV. PUBLIC HEARINGS: NONE

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

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Work Session – **Thursday, August 1, 2013** 12:00 pm – 1:00 pm
(will be held at the City Council Overflow Room, 305 3rd Ave E)
2. Public Hearing – **Tuesday, August 13, 2013** 6:00 pm

VII. ADJOURN MEETING:

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name and address, then commence with their comments. Following their statements, they shall write their name and address on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's presentation should include the following:**
 - **A complete explanation and description of the request.**
 - **Why the request is being made.**
 - **Location of the Property.**
 - **Impacts on the surrounding properties and efforts to mitigate those impacts.**The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.
4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
 - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
 - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
 - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed-**No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

**** Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.**



Public Hearing: **TUESDAY, July 23, 2013**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Department

AGENDA ITEM III-1

Request: Request for consideration of reinstatement of Special Use Permit #1052, granted August 14, 2007 for the purpose of constructing an 1890 sq ft detached accessory building on real property located at 1093 Kenyon Road Twin Falls, ID 83301, c/o Chuck Thompson (App 2155)

Time Estimate:

The applicant's presentation may take up to five (5) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner	Size: 1.25 Acre with existing residence;
Chuck Thompson 1093 Kenyon Rd Twin Falls, ID 208-358-1874	Current Zoning: R-4; Area of Impact	Requested Zoning: Reinstatement of expired Special Use Permit
	Comprehensive Plan: Urban Village/ Urban Infill	Lot Count: 1 Lot
	Existing Land Use: Residence	Proposed Land Use: Residence with detached accessory building
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: R-4 Area of Impact; Residential	East: R-4 Area of Impact; Residential
	South: R-4; Residential; developing Pheasant Meadows Subdivision	West: Kenyon Road; R-4 Area of Impact; Residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-5, 10-8-1, 10-13-2.2(I)	

Approval Process:

When an approved Special Use Permit is not established within one (1) year, it may be reviewed by the Commission to determine if the facts and circumstances have changed; the Commission may reactivate the original SUP or call for a new permit to be applied for.

Budget Impact:

Approval of this request will have no impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to construct a detached accessory building over 1000 sq ft, size specified on the special use permit, on his residential property.

A special use permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

History:

A certificate of occupancy was issued for a new single family residence on a 2.5 (+/-) acre parcel at this site in May 2000. On April 16, 2001, the City Council approved the rezoning of this 2.5 acres parcel from RR to R-1 43,000 due to the applicant wishing to split the land into two lots. The rezone to R-1-43000 was necessary to allow the split. The parcel was subsequently split into two lots with 1.25 (+/-) acres each. In 2004 rezoning of the property occurred as part of a renegotiation between the City and the County Area of Impact Agreement. In August 2007, SUP #1052 was granted to allow an 1890 sf detached accessory building subject to conditions. No activity has occurred on this property.

Analysis:

The impacts of an accessory building this large in a residential area are mainly visual impacts to neighboring property owners, and the potential that the owner uses the shop for a business. These items were addressed during the original hearing process and conditions were placed on the Special Use Permit that mitigated the potential impacts. If the Commission determines to reinstate the special use permit these original conditions will still be in place and enforced.

There have been some changes to the area since the original SUP was granted. On May 25, 2010, SUP #1185 was granted to Jeff Wills to construct a 4800 sq ft accessory building on property located at 1083 Kenyon road, which is located immediately to the east of 1093 Kenyon. Staff is not aware of any complaints due to the construction of this large residential accessory building. The subdivision to the south, Pheasant Meadows Subdivision, has since filled up with single family homes. Although, the homes adjacent to the subject property were pre-existing in 2007, new owners may have moved in that are not aware of the original SUP.

City Code 10-13-2.2(l) states if a special use permit is not established within one year the Commission may, upon finding there are not significant changes to the surrounding area, reinstate the special use permit subject to the original conditions of approval. However if it is determined there have been significant changes the applicant will be required to apply for a new special use permit, which would include notifying all the new surrounding neighbors.

Conclusion:

Staff recommends if the Commission reinstates Special Use Permit #1052, as presented, that it be subject to the original conditions.

Attachments:

1. Letter of Request
 - 1a. Special Use Permit #1052
2. Zoning Vicinity Map
3. Old Aerial Map (Taken in 2007)
4. New Aerial Map (Taken in 2012)
5. Current Site Photos (2pgs)
6. Original Staff Report from 2007 (5pgs)
7. 08-14-2007 Portion P&Z Minutes (2)

CHUCK THOMSON

1093 Kenyon Road
Twin Falls, Idaho 83301
(208) 358-1874
thomsonchuck@ymail.com

RECEIVED

JUL 12 2013

CITY OF TWIN FALLS
BUILDING DEPT.

July 12, 2013

Hand Delivered

City Clerk
City of Twin Falls
321 Second Ave. E
Twin Falls, Idaho 83301

**Re: Special Use Permit No. 1052
1093 Kenyon Road**

Dear City Clerk:

Enclosed please find a Residential Permit Application, together with Permit No. 1052 granted by the Twin Falls City Planning and Zoning Commission to Chris Grata. This Special Use Permit was granted to Mr. Grata on August 14, 2007 for the purpose of constructing a detached garage at 1093 Kenyon Road. Mr. Grata did not start/finish construction of the garage and has since sold the home to me. At this time, I would like to follow through with the Special Use Permit and construct a detached garage on the real property.

Thank you for your assistance. Should you have any questions or need any further information to be provided, please contact me.

Sincerely,



CHUCK THOMSON



CITY OF TWIN FALLS
Planning & Zoning Commission
321 Second Ave E
Twin Falls, ID 83301
PH: 208-735-7267 FAX: 208-736-2641

SPECIAL USE PERMIT

Permit No. 1052

Granted by the Twin Falls City Planning and Zoning Commission on August 14, 2007, to Chris Grata whose address is 1093 Kenyon Road for the purpose of constructing an 1890 sq. ft. detached accessory building on real property located at 1093 Kenyon Road, Twin Falls, ID 83301 and legally described as SEC 29 T 10 R 17 S 149.96 OF W 300 OF NW NE; N 8 OF W 300 OF SW NE

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Application No. 2155

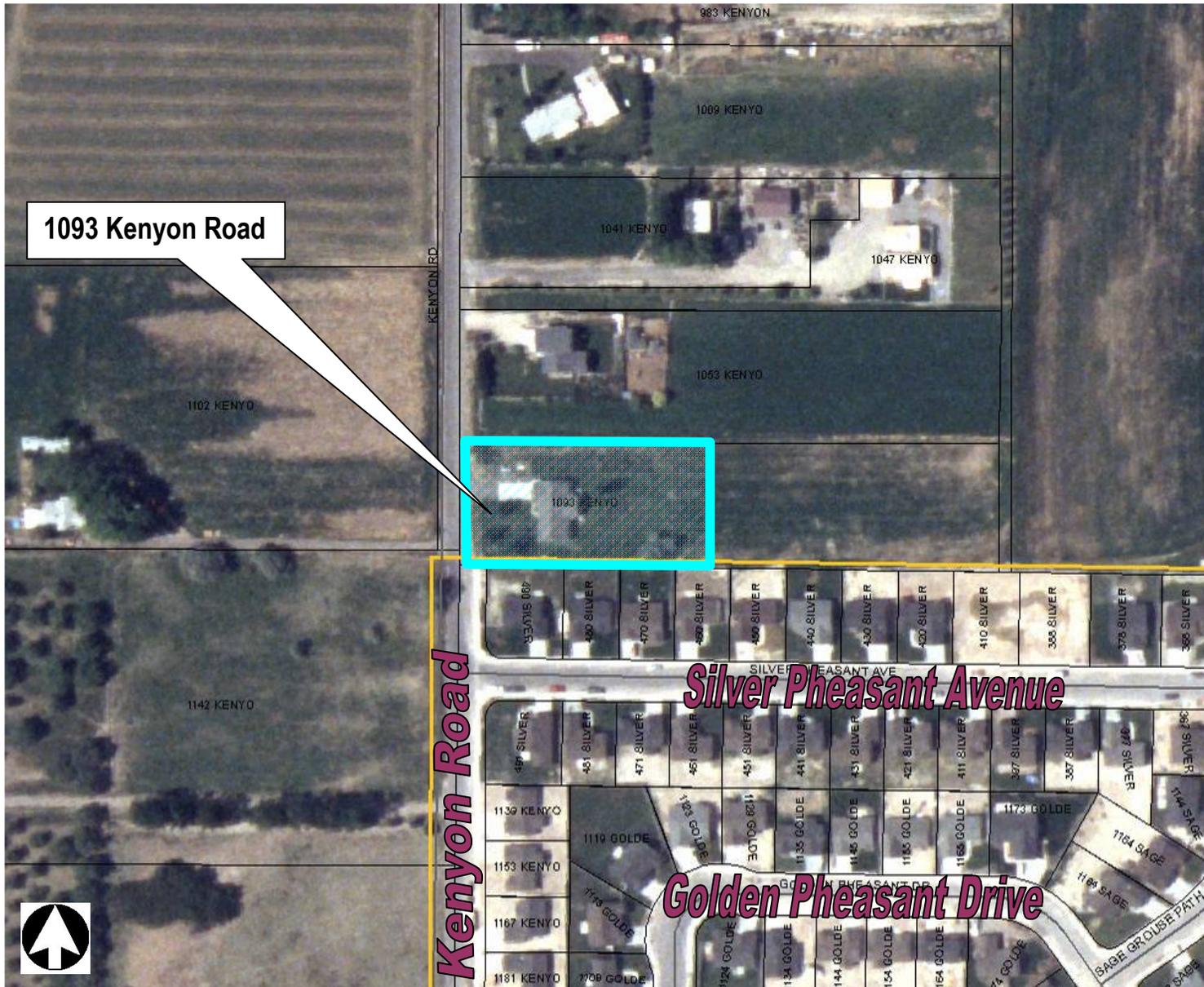
- 1. Subject to accessory building being used for private residential use only.
- 2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
- 3. Subject to a standard deferral agreement for development of curb, gutter and sidewalk on Kenyon Road.
- 4. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable city code requirements and standards.



Chairman 

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.



Zoning & PUD Map

Reference Only



1102 KENYO

1142 KENYO

KENYON RD

3 KENYON

1009 KENYO

1041 KENYO

1047 KENYO

1053 KENYO

1093 KENYO

1083 KENYO

490 SILVER

480 SILVER

470 SILVER

460 SILVER

450 SILVER

440 SILVER

430 SILVER

420 SILVER

410 SILVER

388 SILVER

SILVER PHEASANT AVE

1125 KENYO

481 SILVER

471 SILVER

461 SILVER

451 SILVER

441 SILVER

431 SILVER

421 SILVER

411 SILVER

397 SILVER



1093 Kenyon: Looking South

07/17/2013 03:20 PM



1093 Kenyon: Looking South

07/17/2013 03:20 PM



Looking North

07/17/2013 03:21 PM



Looking North

07/17/2013 03:21 PM



Public Hearing: Tuesday, August 14, 2007

Work Session: Tuesday, August 7, 2007

To: Planning & Zoning Commission

From: Rene'e Carraway, Planning & Zoning Department

AGENDA ITEM IA-4

Request: Request for a Special Use Permit for the purpose of constructing an 1890 sq. ft. detached accessory building on property located at 1093 Kenyon Road, c/o Chris Grata. (app. 2155)

Background:

Applicant: Chris Grata 1093 Kenyon Road Twin Falls, ID 83301 208-731-3809	Status: Owner	Size: approx. 1 (+/-) acre with existing residence. Proposed 42' x 45' (1890 sq. ft.) building
	Zoning: R-4 Area of Impact	Requested Zoning: SUP
	Comprehensive Plan: Rural Residential	Lot Count: 1 lot
	Existing Land Use: Residence	Proposed Land Use: Residence with detached accessory building
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-5, 10-8-1, 10-13-2.2	
Zoning Designation & Surrounding Land Uses	North: R-4 Area of Impact; residential	East: R-4 Area of Impact; residential
	South: R-4; residential	West: R-4 Area of Impact; Kenyon Road, residential and agricultural

History:

A certificate of occupancy was issued for a new single family residence on a 2.5 (+/-) acre parcel at this site in May 2000. On April 16, 2001, the City Council approved the rezoning of this 2.5 acres parcel from RR to R-1 43,000 due to the applicant wishing to split the land into two lots. The rezone to R-1-43000 was necessary to allow the split. The parcel has subsequently been split into two lots with 1.25 (+/-) acres each. The easterly 1.25 acre lot remains undeveloped. In 2004 rezoning of the property occurred due to a renegotiation between the City and the County

Budget Impact:

Approval of this request will not impact the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to construct a detached accessory building over 1,000 sq ft.

A special use permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required.

Analysis:

The property is zoned R-4, Residential Medium Density District in the City's Area of Impact. A Special Use Permit is required to construct a detached accessory building larger than 1000 square feet in this zone.

The property is 1 (+/-) acre and presently has a single family residence. The proposed building is 42' by 45', or 1,890 sq ft. The maximum allowed height for a building in the R-4 zone is thirty-five feet (35'). The applicants would like to construct the building to use for family vehicles and storage for recreational vehicles such as four-wheelers and jet-skis. If the permit is granted the building may only be used for private residential uses only. Site improvements such as curb, gutter, and sidewalk are required but may be deferred with approval of a standard Deferral Agreement. City Code requires all parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material. This requirement may be limited to a minimum length of 50 feet upon review and approval by the City Engineer. A full review of site development requirements/improvements will be completed by the building inspection department as part of the building permit process.

The property is in a residential area and surrounding properties are agricultural and residential. The area to the north, east, and west has larger lots and many of the properties have accessory buildings. The area to the south is part of the Pheasant Meadows subdivision with higher density residential development. The proposed accessory building would be set back thirty-five feet (35') from the Pheasant Meadows area and should have little impact on the surrounding area.

Conclusion:

Should the Commission approve the request, staff recommends the following conditions:

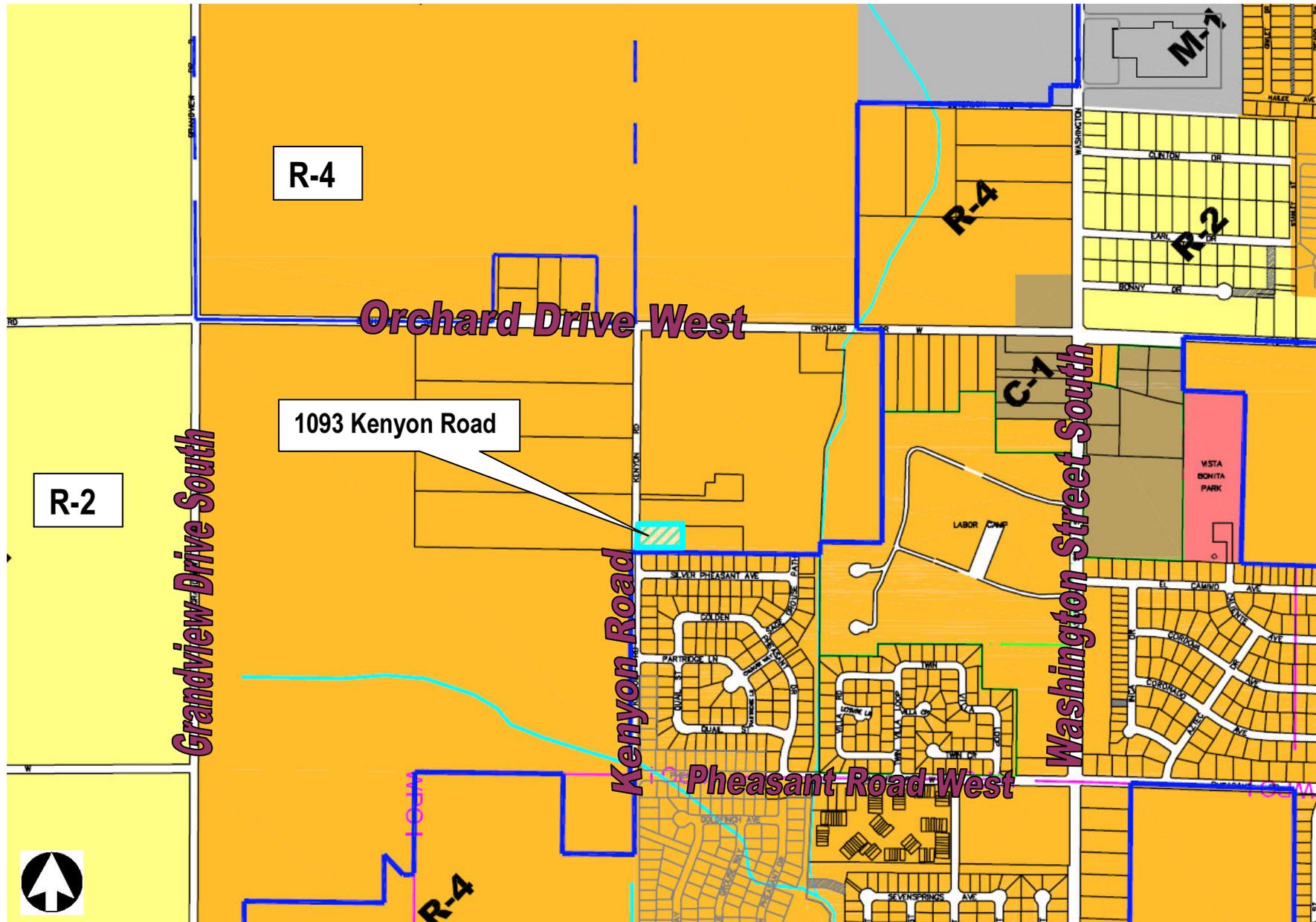
1. Subject to the accessory building being used for private residential use only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to a standard deferral agreement for development of curb, gutter and sidewalk on Kenyon Road.
4. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.

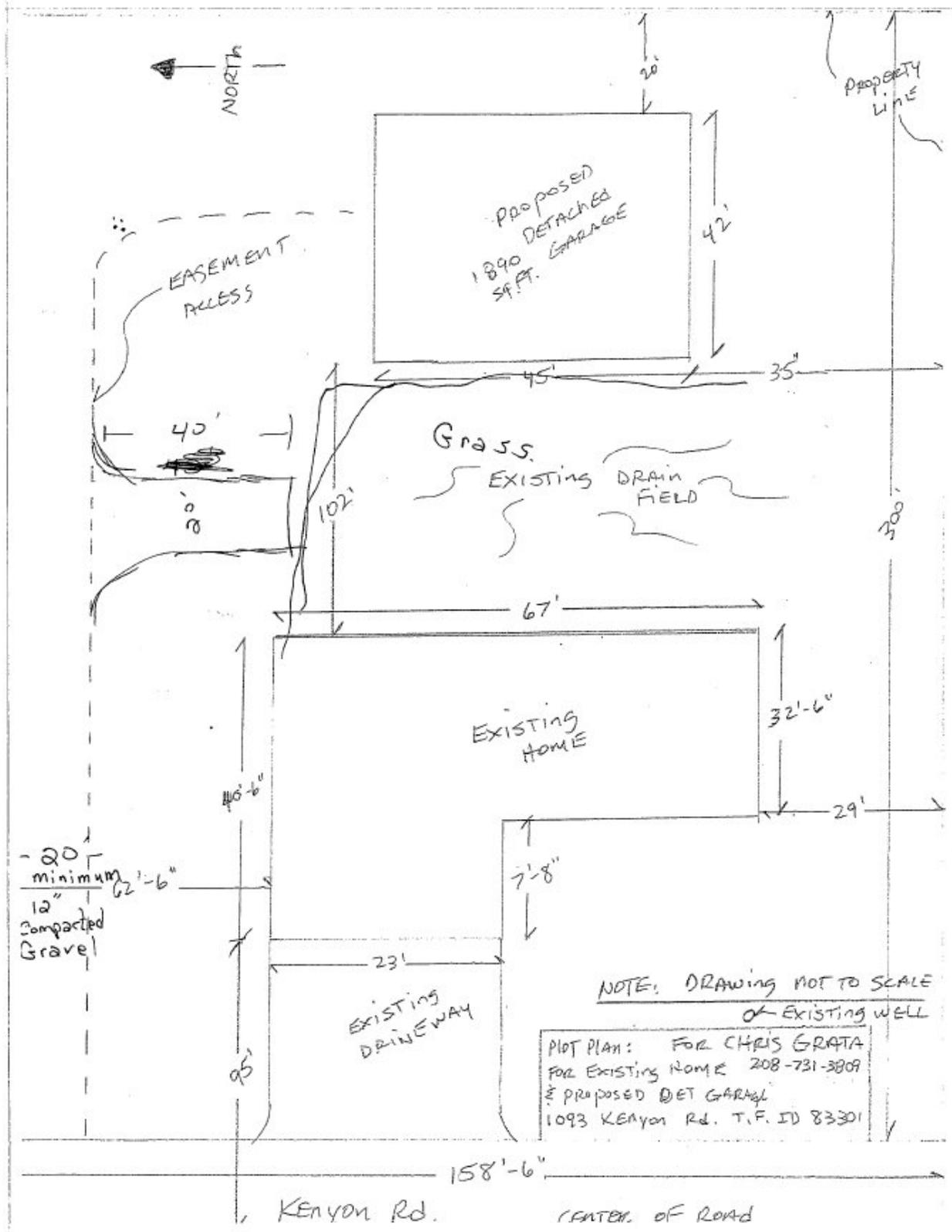
Attachments:

1. Letter of Request
2. Area Zoning Map
3. Aerial of the site
4. Site Plan
5. Site Photos

I AM REQUESTING THIS PERMIT FOR THE PURPOSE
OF BUILDING A DETACHED GARAGE.

THE GARAGE WILL BE USED FOR PARKING THE
FAMILY TRUCK & MISC. RECREATIONAL VEHICLES,
SUCH AS 4-WHEELER, JET SKI'S, ETC.







Deliberation Followed:

- Commissioner Horsley stated this will be compatible with this area and will have low impact.
- Commissioner Warren stated that improvements are already being made to the property and this will be nice.

Motion:

Commissioner Stroder made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed a 7-0 vote with all members present voting in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to a standard deferral agreement for required improvements to include curb, gutter and sidewalk on Falls Avenue East and Elm Street. Improvements to be installed at such time Falls Avenue East is widened.
2. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

Commissioner Tenney returned to his seat

Commissioner Mikesell stepped down

4. Request for a Special Use Permit for the purpose of constructing an 1890 sq. ft. detached accessory building on property located at 1093 Kenyon Road, c/o Chris Grata. (app. 2155)

Applicant Presentation:

Chris Grata stated that he is here tonight to request a Special Use Permit to build an 1890 sq. ft. detached accessory building. He stated this building is going to be used for personal storage and parking family vehicles. He stated that the property is approximately 1 acre and is located along Kenyon Road. He stated the site plan meets all of the setback requirements and that they also have an easement along the north side of the property that has to be there for access to the property behind theirs that is for sale at this time. He stated he will be putting in a gravel road to meet the fire department requirements for access.

Questions/Comments:

- Commissioner Tenney asked where the building is being accessed.
- Mr. Grata stated that there is an easement along the property to the north. He stated his home is 300 feet deep from the center of Kenyon and there is another 1 ¼ acre behind his property that belongs to someone else so the easement is there to allow access to the property east of his home. He stated his plan is to pave a portion of the easement and then gravel the rest so that there is access to both the detached accessory building and the property to the east of his parcel.

Staff Review:

Planning & Zoning Development Manager Carraway stated the property is zoned R-4, residential medium density and is within the City's Area of Impact. The applicant wishes to construct a 1,890 sq ft detached accessory building at this site. A Special Use Permit is required to construct a detached accessory building larger than 1,000 square feet in the R-4 zone. The applicants would like to construct the building to use for family vehicles and storage of their recreational vehicles such as four-wheelers and jet-skis. If the permit is granted the building may only be used for private residential uses only. Site improvements such as curb, gutter, and sidewalk are required whenever there is new construction in the R-4 Zone -- but this may be deferred with approval of a standard deferral agreement. City Code requires all parking and maneuvering areas - including residential driveways - be hard surfaced with portland concrete or asphalt concrete surface material. This requirement may be limited to a minimum length of 50 feet upon review and approval by staff. A full review of site development requirements/improvements will be completed by the Building Inspection Department as part of the building permit process. The property is in a residential area and surrounding properties



are agricultural and residential. The area to the south is part of the Pheasant Meadows Subdivision with higher density residential development. The area to the north, east, and west has larger lots and many of the properties have large accessory buildings. Approval of this request should have minimal impacts on the surrounding area.

Planning & Zoning Development Manager Carraway stated upon conclusion should the commission approve the request, staff recommends the following conditions be placed on this permit:

1. Subject to the accessory building being used for private residential use only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to a standard deferral agreement for development of curb, gutter and sidewalk on Kenyon road.
4. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

Questions/Comments:

- Commissioner Warren asked about the length of the gravel road that will be paved.
- Planning & Zoning Development Manager Carraway stated staff will review this but 50' is a minimum at this time; at such time the property to the east is developed full paving of the area would be required.

Public Hearing: Opened

Jim Eisenhower, 480 Silver Pheasant Avenue, stated he owns land south of this property, asked about the intended height of the building and asked that this be a single story building and not something that towers over the homes in the area. His other concern has been addressed tonight with the staff recommendations that is only be used for residential purposes.

Public Hearing: Closed

Closing Statements:

- Mr. Grata stated that this will be a one story building approximately 16 ft. in height well under the 35 ft. allowance.

Deliberation Followed:

- Commissioner Stroder stated this is common with larger lots and the concerns of the neighbor have been addressed.
- Commissioner Warren asked if this requires approval by the County since the property is in the area of impact.
- Planning & Zoning Development Manager Carraway stated the Commission has the final approval of the Special Use Permit unless it is appealed.

Motion:

Commissioner Tenney made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed a 7-0 vote with all members present voting in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to the accessory building being used for private residential use only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to a standard deferral agreement for development of curb, gutter and sidewalk on Kenyon road.
4. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

Commissioner Mikesell returned to his seat