



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
August 12, 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>
Boyd	Derricott
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, 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 meeting(s): **NONE**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

III. GENERAL PUBLIC INPUT: NONE

IV. ITEMS OF CONSIDERATION:

1. **Preliminary PUD Presentation** for the Commission's recommendation 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, c/o Gerald Martens, EHM Engineers on behalf of Northeast Investments, LLC. (app. 2644)

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Applicant Presentation:

Gerald Martens, EHM Engineers, Inc. representing the applicant reviewed the request and stated this project will be called *Canyon Village* in further presentations. The property is located at the southwest corner of Eastland Drive North and Pole Line Road East, just south of the Pillar Falls PUD and north of the LDS Temple. The project being proposed is a mixed use development that will consist of residential, commercial and professional uses. The plan is to have the commercial uses front the two primary roads Pole Line Road East and Eastland Drive North obviously because of the exposure to the passing traffic. None of the businesses will have direct access from either of these roads. All the access will be internal with one north / south public road through the center of the development. The other streets in the development will be private drives that support the rest of the development. The one north / south center road will contain the sewer and water line necessary for the project. In summary the uses along the frontages will be commercial, internally will be professional, and along the southerly and westerly boundaries would be mixed residential, multi-family and zero lot line type development. Much of the infrastructure was completed on this project some years ago. The entire frontage along Eastland Drive North and Pole Line Road East was completed when the road widening was done. The property owners advanced the money at that time to install the water, sewer and road improvements. This property is ready to move forward with minimal development cost, that is the motivating factor of this project and is the desire for the construction of a distribution center for the LDS Church. But in order to permit this project the PUD Agreement document needs to be complete, the preliminary plat needs to be submitted with a final plat of phase one of the project to be approved so that the distribution center could move forward. The rest of the development will most likely not occur until other adequate facilities are available. This is not a public hearing tonight, an official presentation will be made August 26, 2014 and more details will be provided at that time.

Staff Analysis:

Planner I Spendlove stated there is not any real zoning history for this property, other than some of the infrastructure being built there has not been any activity on this property. He displayed on the overhead samples of architectural styles proposed for the development. This request if approved would annex the property into the city limits, change the zoning district and approve a Master Development Plan and a PUD Agreement for the development. The PUD Agreement would allow for a planned mixed use development compatible with the Urban Village/Urban Infill designation consisting of light commercial, professional and mixed residential uses on property located at the corner of Pole Line Road East and Eastland Drive North

City Code requires a preliminary PUD presentation be made to the Commission and the public prior to the public hearing. The purpose of this presentation is to allow both the Commission and the public the opportunity to become familiar with the project and proposed changes prior to the public hearing. The Commission can also give suggestions to the applicant on the project. No action is taken at this preliminary presentation. A public hearing regarding this request will be heard at the regularly scheduled Planning &

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Zoning Commission public meeting on Tuesday, August 26, 2014. Further staff analysis will be given at that time. The Master Development Plan and the Draft PUD Agreement document will be presented, with proposed uses and will be reviewed at that time. Staff makes no recommendations at this time.

PZ Questions/Comments:

- Commissioner Woods asked about the amount of traffic so close to a residential area and only one traffic path in and out. He would like to see more specific types of uses designated and he would like to avoid any 24 hour uses. More detail related to the list of uses allowed with more control or approval of uses.
- Commissioner Munoz asked about the zero lot line and would like to see more detail associated with that part of the proposed development.
- Commissioner Boyd asked for more information about what a LDS distribution center is.
- Mr. Watson, Boise, ID stated the official name of the facility is the LDS Bishop's Storehouse. This facility is a place where food products can be dropped off for individuals in need of assistance. The food products are placed on the shelves in a small retail space that is not open to the public, it is only open to the recipients that have approval from their ecclesiastical leader to visit the center. The hours are 8-5 Monday through Friday and staffed by church volunteers. It will not be open during night hours. He will bring elevations to the public hearing on August 26, 2014, to show the Commission what the facility would look like.

Public Comment:

- Brent Hyatt, 2119 North Temple Drive South, of the proposed PUD, he commended the developers and the Commission for their planning and dedication to the community. He is comfortable with the current developer handling this project however if the property changes hands he would like to know that there are more specific design criteria that has to be followed and a list of proposed uses would be beneficial before he can show support for the project.
- Max Thompson 2679 Pole Line Road East, he asked if he could show where the sewer line is located and where the extension will go in on the development
- Cheri Condie, 2135 Oakland Court, stated she has concerns with internal traffic and residential buildings next to commercial developments. She worries about sidewalks next to the street and asked that the sidewalks be separated from the street to make it safe for pedestrians.
- DeVoe Brown, 3920 N 3400 E, a partner for the Ensign Subdivision stated that commercial development that goes in next to residential is a concern. He stated that he would like to see more details for this project to make sure that it will be compatible with the area.

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Closing Statements:

- Mr. Martens stated this process allows for input but the details will be available at the next meeting. The sewer runs down Pole Line and extends into the property east and works its way south. All of this project will have extensions that will enter through the trunk line. City Code requires all of the sidewalks be meandering internal and not attached to the street. There will be pedestrian paths to allow pedestrians to travel safely through the project. This is a mixed use which allows for an opportunity for people to live, work and have lunch in your own community, so pedestrian pathways are important. More definitive uses are scaled back significantly from the allowed uses in a commercial/professional zone this information will be provided at the next meeting. He stated his office is always open and people are welcome to contact his office with any questions.
- Commissioner Grey stated the more detail that is provided the easier it is to make decisions.
- Commissioner Frank stated he would like to see if there is something that could be done to make it a little safer for pedestrians to cross Pole Line Road East to get to the walking path. He walks this area and would like to see it be safer for pedestrians.
- Mr. Martens stated he can provide a pathway within this development in the first phase of the project that would create a specific place to cross the road but once they cross the road it's out of his control.

V. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to construct a 3817 sq. ft. detached accessory building on property located at 2108 South Temple Drive. c/o Jerry & Sue Higley (App 2660)

Applicant Presentation:

Mr. Higley stated that they have a large family and continue to host events at their home, and to do this they would like to construct a detached accessory building on their property to allow for more room for their family events. The building will match the colors and material of the existing home and they are aware of maintaining the integrity of the subdivision.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead he stated the Ensign Subdivision was preliminary platted in 2005 and the final plat was approved in 2006. A single family residence was constructed in 2007 on this property. The Certificate of Occupancy was issued in October of 2010. In March of 2011 a building permit was issued for a patio cover.

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The applicant has submitted a narrative detailing the proposed project. The applicant wishes to construct a detached accessory building located within the Ensign Point Subdivision. The applicant plans on using the building for personal storage and personal use. The applicant does not believe there will be any adverse effects on adjoining properties including noise, glare, odor, fumes or vibrations.

The location of the proposed building is within a platted subdivision. The lot is zoned R-1 VAR, allowing for Single Family Dwellings and detached accessory buildings. Detached accessory buildings over one thousand (1000) square feet require a Special Use Permit prior to construction in order to mitigate possible adverse effects on adjoining property owners. The proposed building will be approximately 3300 (+/-) square feet on the main level and 500 (+/-) square feet in the basement. The site plan and elevations have been designed to complement the main dwelling in architectural design, materials and size. The Commission may wish to place a condition on the Special Use Permit that the detached accessory building be constructed to complement the main dwelling in architectural design and materials as presented.

The applicant is proposing a large detached accessory building be constructed on the undeveloped lot to the south of the existing residence. City Code 10-2-1 defines as an "accessory to a dwelling" as a building/structure that is an accessory to a dwelling/residence. A shop or garage is not permitted on a residential lot unless it is an accessory to an existing residence. Mr. and Mrs. Higley are in the process of combining two (2) residential lots into one lot by Warranty Deed. The Commission may wish to place a condition on this special use permit to require a "Deed Restriction" be placed upon the new Warranty Deed to ensure the accessory building will not be split off separately. And that process is completed before the building permit is issued. Within the R-1 VAR zone there may only be one (1) residence per residential lot. The Commission may wish to place a condition there may not be used as a residence.

City Staff will conduct a full review of the detached accessory building at the time of building permit for compliance with all applicable City Codes, including but not limited to Building, Fire, Zoning, and Engineering Requirements. The accessory building as shown on the site plan and elevations has been designed to complement the main dwelling in architectural design, materials and size. It is reasonable to assume that the possible impacts to neighboring property owners will be minimal due to the surrounding development pattern. The R-1 VAR zone was designed to provide a low density residential environment to allow the present and future residents to live and play in an area with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities.

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Planner I Spendlove stated upon conclusion should the Commission grant this request, as presented, staff recommends 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 completion of the process to combine Lots 15 and 16, Block 2 of Ensign Point Subdivision onto one warranty deed with a "deed restriction" to prevent any future sell of the detached accessory building without the residence by the end of the building permit process. The Warranty Deed w/deed restriction shall be provided prior to issuance of a building permit.
3. Detached Accessory building shall be for storage of personal property only, no commercial use shall be allowed and no residential occupancy shall be permitted.
4. Detached accessory building shall be constructed to complement the main dwelling in architectural design, color and materials as presented.

Commissioner Questions/Comments:

- Commissioner Frank asked for clarification of materials used on the residence.
- Mrs. Higley explained that the accessory building will have matching brick and stucco material.
- Commissioner Woods asked about parking for access to the accessory building with this being on a cul-de-sac and asked if there is any parking requirement.
- Planner I Spendlove stated there is no code that addresses who can park on the public streets. A person cannot block a driveway, and the only requirement for this type of request is a driveway.
- Commissioner Woods stated he has concerns with lots of events and lots of cars that could impact the neighbors.
- Commissioner Munoz stated the applicant has said this is for storage and family events but is there something in the code that restricts this from being used for events.
- Planner I Spendlove explained that the City Code does not get involved in what residence do in their home, so this can only be used for residential uses.
- Commissioner Boyd stated she has concerns with the parking issue on a cul-de-sac.
- Commissioner Munoz asked if there are any plans to do gatherings and how large the crowd will be.
- Mrs. Higley stated they have 7 children, 5 are married and 15 grandchildren, this would allow them to have a couple family gatherings per year. If everyone shows up there would be six cars. This is a nice place to live and they want to be in a place where the neighbors want to be neighbors.
- Commissioner Higley stated for clarification that he has no direct relationship with the applicant.

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

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Closing Statement:

- Mr. Higley thanked the Commission for taking the time to consider this request.

Deliberations Followed: Without Concerns

Motion:

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

Approved, As Presented, 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 completion of the process to combine Lots 15 and 16, Block 2 of Ensign Point Subdivision onto one warranty deed with a “deed restriction” to prevent any future sell of the detached accessory building without the residence by the end of the building permit process. The Warranty Deed w/deed restriction shall be provided prior to issuance of a building permit.
 3. Detached Accessory building shall be for storage of personal property only, no commercial use shall be allowed and no residential occupancy shall be permitted.
 4. Detached accessory building shall be constructed to complement the main dwelling in architectural design, color and materials as presented.
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2. Request for the Commission’s recommendation on a **Comprehensive Plan Amendment** from Rural Residential to Neighborhood Center specific to the intersection of Falls Avenue East and 3300 East Road aka Champlin Road c/o EHM Engineers on behalf of Ken Stutzman (app. 2661)

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc. representing the applicant stated the request is to amend the Comprehensive Plan to address property located at the northwest corner of Falls Avenue East and 3300 East Road (aka Champlin Road). The amendment is to propose that the Comprehensive Plan allow for a Neighborhood Commercial Center be located on the northwest corner of Falls Avenue East and 3300 East Road on approximately 7 acres. This property if developed as neighborhood commercial it would market to traffic and its needs such as convenience, food, rental facility for bicycles or RV and fuel. The applicant is requesting that this amendment be approved so that the project could move forward when the need arises for such a development. This is a busy corner and will require a large amount of improvements to develop. The neighborhood commercial designation has very specific design criteria and land uses and the applicant is aware of these requirements.

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PZ Questions/Comments:

Commissioner Woods asked if the developer is responsible for all of the improvements and if this property would have city services.

Ken Stutzman, 4123 Hidden Lakes Drive, stated his family has been in this community for approximately 50 years and he is very familiar with the role of the Commissioners. He stated when he sat on this Commission years ago there was an intent to create neighborhood commercial centers to be helpful to the community to provide a service to the community and reduce traffic along the arterials in Twin Falls. He thinks there is a need for this type of development on the east side of town. He would like to make this a nice development for the community and put Twin Falls on the map to help people coming to the community find the street into the Shoshone Falls. He can foresee an area for RV parking, bike rentals, and small kiosks that focus on providing tourists information. This could be a show place for the community and he asked for the Commission's approval. He explained that city services are not available to this property but he has spent time working with the health district and the consciences is that there will be a smaller impact with fewer septic's vs the allowance of a septic system for each 1 acre home. It is not unusual to see this type of establishment have their own sewer and water systems. He asked that the Commission consider his proposal.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead and stated that the current Comprehensive Plan Twin Falls Vision 2030 was approved by the City Council in February 2009. This plan was an entire re-drafting of the Comprehensive Plan and collectively replaced the previous plan dated 1993-1994. He stated the requested change from Rural Residential to Neighborhood Center will be a noticeable shift in possible development for this area. The Comprehensive Plan has very different descriptive paragraphs for Rural Residential and Neighborhood Center designations.

The Comprehensive Plan describes the Rural Residential Designation as designed to provide transitions from agricultural land located on the outskirts of the community to urban areas contained within the Water Service Boundary. Large-lot rural residential is consistent within this designated area.

The Comprehensive Plan describes the Neighborhood Center Designation as designed to support new and existing residential areas of the City. These should provide shopping and other services for the surrounding neighborhoods, including supermarkets, offices, day care centers, copy shops, restaurants, cafes and similar small-scale uses that compliment a neighborhood. Big box retail uses are not supported at Neighborhood Centers, which should be limited to major intersections – suggested area to include one or two corners of designated major intersections. Limiting the total acreage of individual Neighborhood

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Center uses is critical for the creation of an intimate, neighborhood scale place and experience. Neighborhood Centers should be developed as distinct places and destinations rather than nondescript commercial strip developments. They should become important community nodes, where people are encouraged to shop and meet. They should be oriented to the needs of pedestrians, including links with local trail and pathway systems, high-quality plazas and other pedestrian amenities that encourage walking and cycling.

Staff believes that special attention should be paid to the area this request is in. The corner of Falls Avenue and Champlin Road (4000 N and 3300 E) is a major intersection that services thousands of tourists who visit Shoshone Falls on a yearly basis. The Comprehensive Plan identified major intersections as areas that should be encouraged to develop with a mix of commercial type uses that would provide services to the local residential areas.

Planner I Spendlove stated upon conclusion the Commission may recommend approval of this request as presented, recommend changes to the request, or recommend denial of this request. The recommendation of the Commission will then be forwarded to the City Council for their recommendation and then to the County Commissioners for a decision.

Commissioner Frank clarified that this is not a time to discuss usages for the property; it is to discuss a change to the Comprehensive Plan Map.

Public Hearing: [Opened](#)

- Lee Ann Hagen, 3353 E 4050 N, asked if the zoning is changed for this property what is to stop the City from changing the zone on other properties in the area, in turn making this another Addison Avenue or Kimberly Road. The bicycle trail ends in this area and increasing this type of traffic will make it more dangerous.
- Richard Miranda, 3343 E 4050 N, stated his concern is the traffic will increase and there is a huge mule deer population to consider in this area. He would like some of the traffic issues to be addressed now.
- Cheri Condie, 2135 Oakwood Court, the Comprehensive Plan calls for a rural residential development. If the developer takes this away there is no way to replace the rural residential. This will not be a neighborhood commercial because there is not a neighborhood yet, this is not in conformance with the Comprehensive Plan. Allowing for commercial business this far out of the city, will only create sprawl and take moneys from tourists.
- Jenna Johnson 2733 Skyline Drive her older address was within a half mile of this proposed development area. She is on this road at least 5 to 6 times a week. She moved to this area to raise their family in a quiet place and they were looking for a location that would allow for animals. This change will squeeze out the property owners in this area that are in this location for agricultural purposes. Commercial in

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this area would impact the neighbors, the traffic and the deer path through this area. Her last concern is light pollution this type of development brings to the area. She is against this change.

- Randy Muser, 3273 Falls Ave East, stated he is not against development of neighborhood commercial centers, he thinks it is a good idea for areas within a town like Twin Falls. The question he asked is why we are “leapfrogging” so far out from other major intersections that are closer to town, that have been previously denied. They have lived there since 1999 and there have seen numerous accidents in this location and regardless he would hope that a light gets put in at that intersection.
- Rosa Lee Dingwall, 3148 Highlawn Drive, there is a plan in place to help control the urban sprawl and we need to stick with the plan. This area needs to be preserved and kept as a rural area.
- Barry Knoblich, 1174 Skyline Drive, he stated it looks like we have the same question again - “what do we want the community to look like when people go out to this area to see Shoshone Falls”. Development has happened and things have changed in the area, improvements have been made because of public input, we just need to work together as a community to decide how we want things to be developed.
- Bart Zebarth, ½ mile from Falls Avenue going south, we have more traffic trying to avoid the City of Twin Falls to get out to the Perrine Bridge, and there are lots of accidents. He said he is not against development, but he would like to know why the road can’t be widened through this area.
- Jill Skeem, stated she served on the Comprehensive Plan team that created the current plan. She stated the Comprehensive Plan is going to be reviewed soon and if these changes occur now before that process occurs it would be a waste of time. This change should be considered by the entire community not just by one developer making a request in this forum.
- Chadalain Momberger, 4035 N 2330 E she moved to this area because it is rural and she will lose that if this gets approved.
- Darren Hall, 3239 Falls Avenue East stated he has lived in this area for 20 years. He states the traffic is going to go where it is going to go. The deer are going to travel where they travel and they eat thousands of dollars of crops each year. He thinks this proposal is something worth considering.
- CJ Cahoon, 3300 E 3050 N, stated they moved to this area from Washington and he selfishly treasures the family oriented rural area.

Public Hearing: Closed

Closing Statements:

- Mr. Martens stated that neighborhood center does not allow for 24 hour operations. The code only allows one neighborhood commercial center on each side of town, it is limited to 20 acres, it should be located at a major intersection and this area would qualify for this type of designation. Traffic studies would show that traffic will not increase, it might keep someone from driving into town, it won’t encourage or discourage tourist but will assist them. The neighborhood center criterion is restrictive to reduce impacts and the only way to get intersections fixed and widening is through development. There would be detached bike and pedestrian paths and there will be improvements that provide benefits to the community.

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- Mr. Stutzman, stated we have talked about the intent of the Comprehensive Plan and there have been multiple hours put into its development. It is hard to know what the future has in store but there is a need for this in this area of town. If it doesn't happen then, it doesn't happen, he is not surprised at the opposition but it is up to the Commission to decide. The town is growing and he is not sure how else to service this area with the tourist attraction like the Shoshone Falls, and he thinks it could be a benefit to the community.
- Planner I Spendlove stated the minimum land size associated with the NCO is 5 acres and a maximum of 20 acres. This is just a request to amend the Comprehensive Plan Map. As for rezones - the property owner has to request a rezone and go through the public hearing process. This road is outside of the city limits and the Twin Falls Highway District has jurisdiction for this road.

Discussion Followed:

- Commissioner Woods stated that the traffic and lights don't seem to be a major issue for him. Even though the Comprehensive Plan does allow for amendments, it seems this request is a sprawl and doesn't meet the development strategy of Twin Falls. He hates to see the rural area decimated and would like to preserve the rural areas. "Leapfrogging and sprawl" are a major concern for him.
- Commissioner Munoz stated the only thing that is consistent is change and he would love for things to stay the same but change is going to happen. The Comprehensive Plan was designed to be a living document and to help in guiding the vision of Twin Falls. It was a vision made by the entire community, presentations were made everywhere and changes took place in the plan because of the input from the public. He thinks "not in my back yard" is an issue and he can also see the need for Twin Falls to grow. He can't see into the future and this area is still far enough from town he doesn't know how it is going to develop. This is just a recommendation and he is not sure he is ready to look that far ahead.
- Commissioner Grey stated he thinks the neighborhood center is a great idea, but he is not sure this is the right corner or the right time. The vision of the barn motif would be quaint and inviting and could be good for this area, but it sounds like an opportunity to grab tourist dollars. He thinks the Comprehensive Plan review should occur before this type of change is approved.
- Commissioner Frank stated he is for this neighborhood center designation –it is great. They can only be put in certain places and if it is not here where else will it be? The community has said they want neighborhood centers but then when it comes up they don't want it in the locations that are proposed. This document is a living document, he doesn't think it will draw traffic from the interstate and it will follow the intent of pulling commercial from the main drag.
- Commissioner Higley stated we are worried about losing the small town feel and a development like a neighborhood center is a way to reclaim the small community feel. They become a small town feel in a rural neighborhood. We don't want to "leapfrog". There have been proposals east of this intersection that have been denied. There is no way we can make predictions and not make a change. If it is not here where it is

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going to be? He sees the need for this and if this is a way to get the intersection corrected then he is in support of the request.

- Commissioner Woods stated it can't be a neighborhood center if the neighbors are against it. The concept of the Comprehensive Plan should be kept intact. This will not be harmonious to the area, and it should be taken seriously.
- Commissioner Munoz stated he can't say it is not harmonious when he doesn't know what is going to happen in this area.
- Commissioner Boyd stated there is a large church on the corner that is not particularly attractive. She knows the cool towns that have things to do and charming vignettes that are low key and these developments provide local places to sit and visit. The traffic is there, the people are there so why not make it a new version that services the area and the tourist. She thinks this would be a great corner for a neighborhood center.
- Commissioner Reid stated he was not part of the Comprehensive Plan but it was just done in 2009 and he understands it's a living and breathing document, he appreciates the thoughts that were shared. If the people say no during the Comprehensive Plan review and they come tonight and say no it is difficult for him to override their wishes. He is having a hard time saying yes.
- Commissioner Frank stated we are the Planning & Zoning Commission and sometimes we have to make some decisions based on a leap of faith. This is an opportunity to plan.

Motion:

Commissioner Grey made a motion to recommend approval of the request, as presented, to the City Council. Commissioner Boyd seconded the motion.

Commissioners Frank, Higley and Boyd voted in favor of the request while Commissioners Woods, Grey, Tatum, Munoz and Reid voted against the request.

Motion Failed 5-3.

**[Recommended For Denial To City Council](#)
[City Council Public Hearing Scheduled For September 8, 2014](#)**

Chairman Frank asked the applicant, Jenna Johnson, if the presentation for these two items could be made at the same time – with separate motions. She acknowledged in the affirmative.

3. Request for the Commission's recommendation on the **Vacation** of two (2) platted Ditch and Utility Easements – (1) 15' x 465.3' (6979.5 sq. ft.) and (1) 15' x 265.3' (3979.5 sq. ft.) on property located at 2733 Skyline Drive in the Area of Impact c/o Jenna & Blake Johnson (app. 2662)
4. Request for a **Special Use Permit** to allow a detached accessory building larger than 1500 sq. ft. on property located at 2733 Skyline Drive in the Area of Impact c/o Jenna & Blake Johnson (app. 2663)

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Applicant Presentation:

Blake Johnson, the applicant, presented both items (V-3 & V-4) for property located at 2733 Skyline Drive. He is requesting the vacation of two easements; one is on the west boundary of their property and the other is on the southern boundary. There are two easements, one is a ditch and the other is a utility. The other request is to expand an existing accessory building that has been built on top of the easements. They would like to build a structure for livestock and a green house. The old building is very dilapidated and not functional; if approved, this would allow them to improve the existing build as well as expand to make it more functional.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead and stated this lot was created with the Skyline Acres Subdivision in 1963. A single family dwelling was believed to have been constructed on the property in 1972; it is believed the accessory structure was built in this same year or shortly thereafter. The accessory building was constructed on both platted easements; on the West and the South property lines. In early 2003, the Johnsons extensively remodeled the existing single family dwelling into the way it stands today. The accessory building was not part of that permit, and was not evaluated for compliance at that time.

In June 2014, the city received a building permit to remodel an existing accessory structure. During the permit review it was revealed that the existing structure was built on the platted easements. Staff has since worked with the owner to offer solutions and direction to rectify the situation. This is a request to vacate a 15' x 465.3' (6979.5 sf) easement on the West property boundary and a 15'x 265.3' (3979.5 sf) easement on the South Property boundary. These easements are stated on the plat to be for "Ditch and Utility". The intent is to vacate these easements to bring an existing garage into compliance due to it currently being located over a portion of both easements; the extent of the encroachment is unknown at this time.

Vacation of a platted easement requires approval by each of the applicable utility companies. As of today, the city has not received any of the required letters from the applicable utility companies stating their approval of the vacation of the easement. Staff recommends a condition be placed on this proposed vacation requiring letters of approval and any requirements as determined to be necessary from the applicable utility companies shall be submitted to the city, prior to adoption of an ordinance.

Planner I Spendlove stated upon conclusion should the commission recommend approval of the vacation request, as presented, staff recommends 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.

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2. Subject to letters from each of the utility companies granting approval and including any requirements each may require being submitted to the City prior to recordation of the Vacation.

Planner I Spendlove reviewed the second public hearing item being a request for property located at 2733 Skyline Drive, and stated this request is for a detached accessory structure greater than 1500 sf. The applicant has supplied plans showing an approximately 1260 sf addition to the existing 924 sf building for a total of 2184 sf. The applicants described the proposed detached accessory building will contain areas for bicycle storage, boat storage, garage, tack room, greenhouse, and horse stalls. The existing detached accessory building was constructed over a 15' Ditch and Utility Easement platted along the west and southern property lines. There is a request for vacation of the easement being requested on this agenda tonight as well. Approval of the special use permit shall be contingent upon the vacation approval of the easements and recordation of an ordinance.

Per City Code 10-4-2: Detached accessory buildings within the SUI Zone greater than 1500 sf are required to obtain a Special Use Permit prior to being legally constructed. The proposed plan is showing an addition to an existing structure, this addition along with the existing building will create an accessory structure of approximately 2184 sf. Within this existing neighborhood this size is not uncommon.

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

Per the Recorded Skyline Acres Plat: an Easement of 15' is located on the Southern and Western property boundaries of Lot 6. This easement was platted as reserved for the use of "Ditch and Utility". The definition of easement in the code "...prohibits the construction of any permanent building or structure over the easement..." It would be appropriate to place a condition on this permit requiring the approval of the easement vacation prior to obtaining a building permit.

Accessory structures of similar size are common in this area. The subdivision was created in order to accommodate some agricultural activities on a smaller scale. Accessory buildings of this size would be considered part of that overall design for the subdivision. The design submitted is consistent with the developed neighborhood. The Commission may wish to place a condition the detached accessory building shall be constructed consistent with the submitted elevations. Staff does not foresee any impacts related to noise, glare, odor, or fumes being overly imposing to neighboring property owners.

**Planning & Zoning Commission Minutes
August 12, 2014**

Planner I Spendlove stated upon conclusion should the Commission approve the Special Use Permit request, as presented, staff recommends 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 construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to approval and recordation of the easement vacation and its associated conditions prior to issuing of a building permit.

PZ Questions/Comments:

- Zoning & Development Manager Carraway explained that the Vacation request requires a recommendation from the Commission to go to the City Council, because this property is in the City's Area of Impact this request will then move forward to the Twin Falls Board of County Commissioners for a final decision.
- Commissioner Grey asked if the improvements shown would be on the existing easement and what happens to the power line.
- Planner I Spendlove explained the improvements the applicant wants to make would be on the easements. Idaho Power would have to approve the vacation.
- Zoning & Development Manager Carraway explained Idaho Power could grant the vacation if the applicants agree to allow access to the power lines and not hold Idaho Power responsible for any damage that may be caused.
- Commissioner Tatum asked what utility companies would be involved.
- Zoning & Development Manager Carraway explained that the letters would come from the companies that could possibly have utilities located in this area for example cable, phone, gas, canal company or power.
- Commissioner Higley asked why the applicant would not take the building down and build a new structure outside of the easement.
- Mrs. Johnson stated it would cost much more to rebuild. She also explained she has tentative approval from Idaho Power but has not received a letter yet.

Public Hearing: [Opened](#)

Barry Knoblich, 1174 Skyline Drive, the neighbors are very active in this neighborhood and this item has been reviewed by the neighbors and they are in support of this request. There is nothing in the ground it is a strip easement that was platted when they didn't know where the utilities were going to go. This neighborhood is a plat with larger acres and the people live in this area because they want to have their buildings and their animals.

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

**Planning & Zoning Commission Minutes
August 12, 2014**

Motion: Item V-3

Commissioner Tatum made a motion to recommend approval of the Vacation request, as presented, with staff recommendations. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

Recommended For Approval To The City Council, With The Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to letters from each of the utility companies granting approval and including any requirements each may require being submitted to the City prior to recordation of the Vacation.

City Council Public Hearing Scheduled Tuesday, September 2, 2014

Motion: Item V-4

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

Approved, 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 construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to approval and recordation of the easement vacation and its associated conditions prior to issuing of a building permit.

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

Zoning & Development Manger Carraway reminded the Commission of the upcoming public meeting dates.

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

1. Public Hearing-August 26, 2014
2. Work Session-Wednesday, September 3, 2014

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 9:03 PM

Lisa A Strickland
Administrative Assistant
Community Development Department