



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
July 28, 2015, 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo “Tato” Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Derricott
 Frank
 Grey
 Reid

ABSENT

Boyd
 Munoz
 Tatum

AREA OF IMPACT MEMBERS

PRESENT

Higley

ABSENT

Woods

CITY COUNCIL LIAISON(S): Mills Sojka

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

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **07-01-15 WS, 07-14-15 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Golden Eagle #6 (pre-plat)
 - Xrossway Fitness & Life Center (SUP)
 - Noodles & Company (SUP)
 - Rex Lytle (SUP)

MOTION:

Commissioner Grey made a motion to approve the consent calendar, as presented. Commissioner Reid seconded the motion.

Unanimously Approved

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to construct a 1680 sq. ft. detached accessory building on property located at 912 Grandview Drive c/o Lowell Wolters (app. 2741)

Applicant Presentation:

Lowell Wolters, the applicant, state he is here to request a Special Use Permit to build a shop. It will be an oversized garage for projects, storage and personal use.

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Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this home is part of the Thompson Grandview Subdivision, recorded in 1963. According to County records, a single family dwelling was constructed on the property in 1965.

The Applicant has supplied plans showing a 1680 sf detached accessory building being constructed on the West portion of his lot. The applicant described the area as space for recreational vehicles, extra car and a work area. The building elevations show the owner will make every attempt to match the building with the existing home.

Per City Code 10-4-5: Detached accessory buildings within the R-4 Zone greater than 1000 sf are required to obtain a Special Use Permit prior to being legally constructed. The proposed plan is showing a new structure approximately 1680 sf. Within this existing neighborhood this size is not uncommon. There was an SUP issued in recent years for large accessory structures on a property just to the north.

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.

Accessory structures of similar size are common in this area. The design submitted is consistent with the existing neighborhood. Staff does not foresee any impacts related to noise, glare, odor, or fumes being overly imposing to neighboring property owners. The detached accessory building shall be made of materials residential in nature and built to be similar to the existing residence.

Planner I Spendlove stated 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 no business use or residential occupancy within this structure.
3. Subject to acquiring deferral agreement for curb, gutter, and sidewalk per Engineering.
4. Subject to detached accessory building using materials residential in nature and being built to be similar to the existing residence.

PZ Questions/Comments:

- Commissioner Grey asked about access to Morton Street and if that will be an issue and if a deed restriction would be required because the property is shown as two lots and the possibility of the shop being sold off later as a separate lot.
- Planner I Spendlove explained because this lot is in the area of impact the applicant has to have highway district approval for the access to Morton Street it is not a City street therefore the City has no authority to deny the access. He asked if he could explain the two lot concern later in the meeting.

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Public Hearing: [Opened](#)

- Linda Simmons, 924 Morton Drive, stated her concern is traffic along the dead end road. She is opposed to the request.
- Rick Erby 892 Grandview Drive has no problems with the request.

Public Hearing: [Closed](#)

Closing Statements:

Mr. Wolters explained that use of the shop will be tinkering, and as for traffic he may use this access once or twice a day. He understands the neighbors' concerns but he does not plan to run a business from the garage. As for the lots he has no desire to split the lots.

Deliberations Followed:

- Commissioner Grey asked for clarification on the garage with the access off of Morton Street. This allows the lot to have its own access.
- Planner I Spendlove explained if this were its own lot and the applicant did not own it, a single family dwelling could be built on that lot.
- Commissioner Grey explained this is going to be more of a hobby /shop not so much a garage that will be accessed daily.
- Commissioner Frank explained he doesn't think this is going to create a traffic issue, and has no issues with the request.

Motion:

Commissioner Derricott made a motion to approve the request, as presented, with staff recommendations. Commissioner Reid 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 no business use or residential occupancy within this structure.
3. Subject to acquiring deferral agreement for curb, gutter, and sidewalk per Engineering.
4. Subject to detached accessory building using materials residential in nature and being built to be similar to the existing residence.

V. GENERAL PUBLIC INPUT: [NONE](#)

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

- Planner I Spendlove explained the situation with the two lots and the reason for not placing a deed restriction on the Special Use Permit. The applicant owns lots 5 & 6 in the subdivision, and in the past we have had the applicant combine the lots with a deed restriction. Legally because the City is not the beneficiary of the restriction it could be removed at any time. The concern is an accessory building on its own lot would be illegal because it is not an accessory to anything, but the person could not use it for anything. The City cannot stop someone from buying or selling property.
- Commissioner Grey clarified that if someone bought the parcel with the garage on it they could use it as a garage.

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- Planner I Spendlove explained it could only be used as an accessory to the residence. If the lot is large enough there may be the possibility of building a house. The use is defined by the zone.
- Commissioner Higley explained that the septic system is on the second lot so it would not benefit the applicant to sell it off separately.
- Planner I Spendlove agreed and stated there would be setback requirements that would need to be met and those may or may not be possible. To help try and prevent someone from buying something like this thinking they can do what they want with the property the Special Use Permit will be recorded with the deed. If a title search is done the Special Use Permit showing in the file what the purpose and conditions are for the accessory building.

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

1. Work Session-**August 5, 2015**
2. Public Hearing-**August 11, 2015**
3. City Fair-**August 12, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:20 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department