



Twin Falls Planning & Zoning Commission Minutes

Tuesday, June 13, 2017, 6:00 PM

City Council Chambers
305 3rd Ave E
Twin Falls, ID 83301

Members -

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Darren Hall, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

2) Consent Calendar

- a) Approval of minutes for the following meeting: **May 23, 2017 PH**
- b) Findings of Fact Conclusions of Law:
 - Morning Sun Subd No. 10 (Pre-Plat 05-23-17)
 - Acorn Learning Center (SUP 05-23-17)
 - Port, Angie (SUP 05-23-17)

Motion:

Commissioner Dawson made a motion to approve the consent calendar, as presented.
Commissioner Higley seconded the motion.

Unanimously Approved

3) Items of Consideration

- a) Request for consideration of the Ricki Lezamiz Commercial Subdivision **Preliminary Plat** consisting of 1.58 (+/-) acres and 2 lots located at the NW corner of Kimberly Road and Aspenwood Drive. c/o Sid Lezamiz on behalf of Ricki Lezamiz

Applicant Presentation:

Sid Lezamiz, the applicant stated he is here to request approval of a preliminary plat that is located at 2441 Kimberly Road. The intent is to create two lots. By platting this property it will allow each lot to be sold separately.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated this request is part of the Phillips Commercial Subdivision recorded in 1994. Before 1994, it was used agriculturally according to historical aerial imagery. Mueller Auto received multiple SUP's to establish a Car Dealership and display pads – there was no auto repair onsite. In April 2016, an SUP was granted to Sid Lezamiz to allow Auto Service/Repair on the northern portion of this lot, subject to conditions, see attached exhibit. The SUP has expired, however, as per Title 10; Chapter 13;

Section 2.2(l) the applicant may ask the Commission to “re-establish” Special Use Permit #1391, as approved.

This is a request for preliminary plat of the Ricki Lezamiz Commercial Subdivision, a 1.567 +/- acre 2 lot commercial subdivision. The property is zoned C-1; Commercial. This request is to re-subdivide Lot 1 Block 2 of the Phillips Commercial Subdivision into two lots. This allows the ability to sell one or both of the lots to separate owners.

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.

The plat is consistent with other subdivision development criteria in the area and is in conformance with the Comprehensive Plan, which designates this area as “Commercial.” Light to intense commercial uses are appropriate for this future land use designation.

Planner I O’Connor stated upon conclusion should the Commission approve the preliminary plat of the Ricki Lezamiz Commercial Subdivision, 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.

PZ Questions/Comments:

- Commissioner Woods asked about the previous Special Use Permit for the lot and if the conditions apply to the plat. He wants to make sure the neighbors are still protected.
- Planner I O’Connor explained the Special Use Permit is expired, if the applicant or someone else wants to construct the same building in the future on this lot for the same purpose they would have to come back through to re-activate the Special Use Permit.

Public Hearing: Opened & Closed

Deliberations Followed:

- Commissioner Woods asked for more clarification.
- Commissioner Frank explained the previous request for a different applicant for a specific use. This is a different application to plat the

property. If this goes through and a use comes up on the property that requires a Special Use Permit the person will have to come back through for the Commission to review.

- Commissioner Woods asked what the use was that came through for the Special Use Permit.
- Planner I O'Connor explained that the SUP has expired and it was to construct an automobile service and repair business. It is currently inactive and if someone wants to operate an automobile service and repair at this location they will have to come back through for re-activation of the Special Use Permit and those conditions will have to be met.

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.
- b) Request for consideration of the TF Caswell Subdivision **Preliminary Plat** consisting of .97 (+/-) acres and 2 lots located at 687 Blue Lakes Boulevard North c/o HLE, Inc.
- WITHDRAWN-RESCHEDULED FOR JUNE 27, 2016 P&Z PH**

4) Public Hearings

- a) Request for the **Commission's recommendation on the Zoning Designation** for approximately 10.07 (+/-) acres proposed to be **Annexed** with a zoning designation of R-6 CRO; Residential; Multi Household District with a portion within the Canyon Rim Overlay District, currently zoned R-1 VAR CRO; Residential; Single Household District, on property located east of Harrison Street and north of Canyon Falls Drive extended aka 647 Pole Line Road East. c/o Rob Struthers on behalf of Susan & Katherine Breckenridge (app. 2865)

Applicant Presentation:

Katie Breckenridge, the applicant, stated they are here on behalf of her sister Susan Breckenridge to ask for an annexation and zoning change. This property has been farmed since 1905 by her family. A large portion of the farm was gifted to CSI many years ago and the property shown on the overhead is what is left of the original farmland. She provided a reviewed a copy of the easement and access agreement between the City of Twin Falls, Twin Falls Canal Company, Idaho Department of Transportation and herself. She displayed on the overhead a legal description of the bike path. The entrances were to be completed by the Idaho Department of Transportation. They have completed a conveyance plat to divide the property shown on the overhead and he sister wants to annex her portion so that she can sale it. Her sister lives in Santa Fe, New Mexico and does not want to return to Twin Falls. They are

asking during the annexation process that the property be rezoned to R-6.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated the Commission hearing shall not consider comments on annexation and shall be limited to the proposed development plan and zoning changes. Currently Parcel 1; 9.75 (+/-) acre lot, is zoned R-1 VAR CRO which is an area that could be served by City water and sewer services.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Mixed Use." Mixed Use is a very broad category and encompasses an extensive list of land uses. However, Mixed Use areas are characteristically, pedestrian friendly, in that they provide that range of use while keeping the scale of development, human friendly. The requested rezone to R-6 fits the mixed-use designation since it encourages a more dense residential development, usually 10-20 dwelling units/acre, while surrounded by commercial zoning. Staff has determined the rezone request complies with the 2016 comprehensive plan.

Currently there are not any development plans for this property. The property is a conveyance plat which means that not development can occur until the property has been platted. There is also a portion on the north end of the property that is located within the Canyon Rim Overlay which would require a Zoning Development Agreement (ZDA). With both a preliminary plat and a potential ZDA process required for development of this property there will be multiple public meetings and opportunities for the Commission as well as the public to see what the plans are for development.

Senior Planner Spendlove stated upon conclusion should the Commission find the R-6 CRO Zoning Designation appropriate, as presented, they should forward a positive recommendation to the City Council.

PZ Questions/Comments:

- Commissioner Higley asked for clarification on the density.
- Senior Planner Spendlove explained the R-6 zone would allow for apartments 5 units or more but without a proposed development plan it is very difficult to give an exact number of units allowed. The Comprehensive Plan recommends usually 10-20 dwelling units per acre. He reviewed the allowed density for R-6 and R-4 on the overhead.
- Zoning & Development Manager Carraway-Johnson explained a lot of communities have in their code the density per acre. The City of Twin Falls does not because we allow review by development, which allows for versatility in design.
- Senior Planner Spendlove explained the minimum lots sizes for both zoning districts for single family, duplex, up to four-plex and multi-family.
- Commissioner Higley stated that he is struggling with changing from R-1 VAR to the R-6 density especially with the access issues.
- Commissioner Musser asked if the R-6 is how the property has to be developed or could it be developed using the R-4 or R-2 standards.

- Senior Planner Spendlove explained that is correct.

Public Hearing: Opened

- Senior Planner Spendlove read into the record a letter submitted by a citizen that has been filed in the application packet.
- Tom Tucker, 822 Canyon Park Avenue, stated he would like for the area to be developed like the Breckenridge Estates development. He used to live in Salt Lake City and had to monitor traffic reports to travel in that area, he was happy to move to Twin Falls to get away from the traffic issues. He asks that the area remain as it is.
- Jim Stevens, 1881 Canyon Park Ct, representing the HOA for Breckenridge Estates No. 3, provided several petitions against this request. When he purchased his home he read the zoning designation for this property and had he known it was going to be rezoned to R-6 he wouldn't have purchased in this location. The R-6 zone is about apartments, he understands this area is designated as a mixed use on the Comprehensive Plan. The plan says that apartments can go in a mixed use area but it doesn't require that type of development. They love where they live, it is quiet, has minimal traffic except at certain times of the day. The two exits shown on this property is going to create a traffic congestion and noise issue. Please do not devastate the area by allowing for R-6 zoning designation.
- Cindy Collins, 231 Riverview Dr, she stated that if you put all of the homes within Twin Falls between the size of 1400 and 4000 sq. ft. the same age as the homes in Breckenridge Estates sold for approximately \$111.83 per sq. ft. The homes in Breckenridge Estates sell for around \$133.46 per sq. ft. These prices are because of the quality of life this neighborhood provides, if the cost per sq. ft. is reduced to \$111.83 per sq. ft. that will have a \$4 million dollar impact on their area. She thinks a plan needs to be provided and the R-6 density is too high.
- Annette Tucker, 822 Canyon Park Ave, provided petitions from neighbors against this request.
- Gerald Martens, property owner in Breckenridge Estates and Concept 91, explained this property needs to be developed, will be developed and should be developed. The concern is created by the unknown. The Breckenridge development required a master development plan, and that is what is lacking in this case. At an absolute minimum he thinks a ZDA should be required prior to a preliminary plat being submitted. Residential is an appropriate use because of the access available. A master development plan would answer a lot of questions.

Public Hearing: Closed

Deliberations Followed:

Ms. Breckenridge explained that she understands quality of life and she knows what this area looked like before all of the development. She also explained she has an obligation to her sister and at the same time wants to help the neighbors maintain a quality of life but she is not sure how to do both. She is willing to work with everyone to come up with an amicable solution.

Discussion Followed:

- Commissioner Woods explained he would feel more comfortable with a plan.
- Commissioner Higley explained he agrees, changing zoning density is a big deal an R-4 zoning is fairly dense and the lots in Breckenridge Estates are built on larger lots.
- Commissioner Musser stated that without knowing who is going to buy it and develop the property it seems too early to ask for a plan. He also agreed the R-6 is probably too dense for this location.
- Commissioner Frank asked for clarification on the recommendation process.
- Senior Planner Spendlove explained the Commission is making a recommendation on the zoning designation.
- City Attorney Wonderlich explained the Commission's responsibility is to make a recommendation on the zoning designation if it is annexed. The applicant can still proceed with their request, as presented. The City Council makes the final decision.
- Commissioner Woods asked if the Commission can recommended a varied zoning designation as it moves from east to west or to ask for a ZDA
- City Attorney Wonderlich explained he would not recommend that approach, and a ZDA requires a plan, without a plan there is no ZDA.
- Commissioner Hall asked about the zoning designation for the Breckenridge Estates.
- City Attorney Wonderlich explained the zoning for Breckenridge Estates is R-4.
- Commissioner Higley explained it is zoned R-4 but was not built at that density.
- Planner I O'Connor explained that the property in the CRO has to come through the ZDA process.
- Senior Planner Spendlove explained the northern portion of the property would have to come through the ZDA process and if it is platted that will be seen by the Commission as well.
- Commissioner Frank explained that he would suggest an R-4 and the does believe it will be developed at some point.
- Commissioner Dawson agreed the R-4 matches it more.

Motion:

Commissioner Dawson made a motion to recommend an R-4 zoning designation to the City Council. Commissioner Musser seconded the motion. All members present voted in favor of the motion.

Recommended for Approval to City Council with an R-4 Zoning Designation

- b) Request for a **Special Use Permit** to construct a 4800 sq. ft. (+/-) detached accessory building on property located at 248 Pheasant Road. c/o EHM Engineers, Inc on behalf of Jon Zernickow (app. 2868)

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc. representing the applicant explained that he is here to request a Special Use Permit to construct a detached accessory building east of the existing

residence. The building will be used for personal storage and is larger than 1500 sq. ft.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated this lot has been in agricultural use since at least 1950. Records indicate the s/f residence was built in 1959. The Residential developments to the South and East are part of the Golden Eagle Subdivision, which was recorded in the mid 2000's. The applicant purchased the property in November 2016.

On April 11th, this Commission forwarded a positive recommended to City Council for annexation of this 30 acre parcel with a zoning designation of R-4. City Council approved the annexation with the R-4 designation of the 30 +/- acres on May 8th. The ordinance has yet to be approved and published.

This is a request for a 4800 sf detached accessory building. The site is 30 +/- acres, zoned R-4 and is located at 248 Pheasant Road within the Area of Impact. Within the R-4 Zone a Special Use permit is required for any residential detached accessory building exceeding 1,000 sq. ft. in size. The applicant has stated this building will be used to store his RV's and other personal vehicles. Staff was also informed that the applicant is in the process of moving here, to oversee the construction of the proposed subdivision, which is in the preliminary review process, on the agricultural land surrounding this homestead. Staff has received an application to Plat the entire 30 acres. The "homestead" is shown on the proposed plat to remain a 2 +/- acre lot. However, as this plat is in the preliminary review process this request is shown on the entire 30 acre parcel.

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Town Neighborhood." Staff has determined this request complies with the 2016 comprehensive plan. The request is for personal residential use in a residential zone, and does not change the primary land use.

Per City Code 10-4-5.2(B)6a:

A Special Use Permit is required for a residential detached accessory building larger than 1,000 sq. ft. in the R-4 Zone.

Per City Code 10-11-1 thru 8:

Required improvements may include access, hard surfacing of parking and maneuvering areas, 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.

The applicant does not believe there will be any additional impacts from this request as it will be for personal use, and it does not change the residential nature of the land. Staff does not anticipate an increase of negative impacts to this area with the approval of this request. Detached accessory buildings/garages are a common structure throughout the city, and though this request is for a larger sized building, if used as stated in the applicant's narrative, it will

keep the applicant's personal RV's and other vehicles out of public view.

This detached accessory building is currently being constructed on 30 acres, however, this property is in the preliminary states of review for platting the 30 acre parcel into a residential subdivision. It does not appear the proposed location of the detached accessory building will cause detrimental impacts to current surrounding residences. Additionally, any future plat will not be approved which creates non-conforming buildings or structures.

Planner I O'Connor stated upon conclusion should the Commission grant this request as presented, staff recommends approval be subject to the following conditions: 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.

1. Subject to personal residential use by the occupants of the home – no residential occupancy, business or commercial use within the detached accessory structure.
2. Subject to the materials and construction of the structure being similar to the submitted elevations and site plan.

PZ Questions/Comments: None

Public Hearing: Opened & Closed

Deliberations Followed: Without Concerns

Motion:

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

Approved, As Presented, With The Following Conditions

1. Subject to personal residential use by the occupants of the home – no residential occupancy, business or commercial use within the detached accessory structure.
 2. Subject to the materials and construction of the structure being similar to the submitted elevations and site plan.
- c) Request for a **Special Use Permit** to construct at 2520 sq. ft. (+/-) detached accessory building on property located at 4050 Canyon Ridge Drive. c/o EHM Engineers, Inc on behalf of Dan Willie (app. 2869)

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc. representing the applicant explained that he is here to request a Special Use Permit to construct a detached accessory building. The building will be used for personal storage and is larger than 1500 sq. ft.

Staff Presentation:

Planner I O'Conner reviewed the request on the overheard and stated the proposed detached accessory building, if approved, will be constructed on a residential property consisting of three (3) parcel from Two (2) different Surveyed Plats, dating back to 1916 and 1977 respectively. The zoning was likely set in 1981 with the passage of Ordinance 2012, which set the zoning districts we currently use today.

This is a request to construct a 2,520 sq. ft. detached accessory building / garage. The site is 7.5 +/- acres, zoned SUI and is located at 4050 Canyon Ridge Dr within the Area of Impact. Within the SUI Zone a Special Use Permit is required for any residential detached accessory building exceeding 1,500 sf in size. The narrative states the applicant plans to use the building for RV storage with two parking bays and including drive through access, a shop, office space, an exercise room and a bathroom. The proposed detached accessory building, if approved, will be constructed on a residential property consisting of three (3) parcels from Two (2) different Surveyed Plats, dating back to 1916 and 1977 respectively. The elevations provided are residential in design and are intended to match the existing home. If the SUP is granted this evening, there should be a condition stating this detached accessory building shall remain a part of the existing residential property and may not be sold as a stand-alone structure. Being that large accessory structures are common in this area, this request is appropriate for this zone.

Per City Code 10-4-2.2(B)6a:

A Special Use Permit is required for any accessory structure larger than 1,500 sq. ft. in the SUI Zone.

Per City Code 10-11-1 thru 8:

Required improvements may include access, hard surfacing of parking and maneuvering areas, 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.

The applicant nor staff anticipate any negative impacts to the surrounding properties from this request.

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Rural Residential." Rural Residential is defined as having large lots with lots of open space providing a transition from heavy agriculture to low density residential. Staff has determined this request complies with the 2016 comprehensive plan.

Planner I O'Connor stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject 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 personal residential use by the occupants of the home – no residential occupancy, business or commercial use within the detached accessory structure.
3. Subject to the materials and construction of the structure being similar to the submitted elevations and site plan.
4. Subject to the detached accessory building remaining part of the existing residential property and may not be sold as a stand-alone residential detached accessory building.

PZ Questions/Comments: None

Public Hearing: Opened & Closed

Deliberations Followed: Without Concerns

Motion:

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

Approved, As Presented, With the Following Conditions

1. Subject to site plan amendments, as required, by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
 2. Subject to personal residential use by the occupants of the home-no residential occupancy, business or commercial use within the detached accessory structure.
 3. Subject to the materials and construction of the structure being similar to the submitted elevations and site plan.
 4. Subject to the detached accessory building remaining part of the existing residential property and may not be sold as a stand-alone residential detached accessory building.
- d) Request for a **Special Use Permit** to establish a U-Haul Truck/Trailer rental business on property located at 677 Washington Street North. c/o Dan Chatterton on behalf of Joshua Evans (app. 2870) **WITHDRAWN BY APPLICANT**

5) General Input Public/Commission/Staff

Zoning & Development Manager Carraway-Johnson stated the June 27, 2017 meeting has five special use permits scheduled and 2 preliminary plats.

Assistant City Engineer Vitek spoke to the Commission about what an active shooter incident is and encouraged the Commission to keep in mind where the exits are from the Council Chambers.

6) Upcoming Meeting(s)

- a) June 27, 2017 Public Hearing
July 5, 2017 Work Session

7) Adjournment

Chairman Frank adjourned the meeting at 7:28 pm

Lisa A. Strickland, Administrative Assistant