



Twin Falls Planning & Zoning Commission Minutes

Tuesday, June 11, 2019, 6:00 PM

203 Main Ave East
Twin Falls, ID 83301

AMENDED

Item 4B and 4D withdrawn from Agenda

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Craig Hawkins; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 6:00 PM
A quorum was present.

Members Present: Titus, Kelley, Detweiler, Higley, Bolton, Musser, Perez

Staff Present: Spendlove, Ebersole, O'Connor, Cherry, Steel, Nope

2) Consent Calendar

Commissioner Bolton made a motion to approve the consent calendar, as presented. Commissioner Kelley seconded the motion.

Unanimously Approved

a) Approval of Minutes from the following meeting: May 14, 2019

b) Approval of Findings of Fact and Conclusions of Law:

- Java Espress Eastland Dr SUP
- Java Espress Blue Lakes Blvd. N SUP

3) Items of Consideration

None

4) Public Hearings

a) Request for a Non-Conforming Building Expansion Permit on property located at 533 4th Ave West c/o Ray Perron. (PZ19-0038)

Staff Presentation:

City Planner Cherry presented the request for a Non-Conforming Building Expansion Permit on property located at 533 4th Ave West c/o Ray Perron. (PZ19-0038)

Prior to granting a non-conforming building expansion permit, at least one public hearing shall be held before the planning and zoning commission.

The commission may impose special conditions designed to lessen the impact of the proposed expansion on the surrounding neighborhood and in order to make the proposed expansion more compatible with the same. Violation of such special conditions, when made a part of the terms under which the nonconforming building expansion permit is granted, shall be deemed a violation of this title.

A nonconforming building expansion permit shall not be considered as establishing a binding precedent to grant other nonconforming building expansion permits.

Upon granting or denying an application, the commission shall specify:

- (1) The regulations and standards used in evaluating the application.
- (2) The reasons for approval or denial.
- (3) The actions, if any, that the applicant could take to obtain a permit.

The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the council, provided a written appeal is submitted to the council within fifteen (15) days from the commission's action.

Per County records, the primary residence (approx. 1143 SF) on the subject property was built in 1920. The detached accessory building initially built as a garage (approx. 572 SF) was constructed in 1940.

On April 2nd 2019, after receiving notification that the detached accessory building in question was being substantially altered, the Twin Falls City Building Department discovered that the applicant had engaged in substantial building alterations to the building.

After cooperating with both Twin Falls City Planning and Building Departments the applicant agreed to submit a Nonconforming Building Expansion Permit for the work that has already been completed, and to encompass the changes they planned to make to the building.

This is a request for the issuance of a Nonconforming Building Expansion Permit for the subject property located at 533 4th Avenue West.

The applicant wishes to install a new roof on the detached accessory building located at the rear of the subject property. The detached accessory building does not meet current setback standards therefore making the building "legal nonconforming".

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

PZ Questions:

- Commissioner Higley asked for clarification on the definitions: building or dwelling.
- City Planner Cherry stated that an accessory dwelling is not allowed in the city and the plan submitted by the applicant does not show the 3 elements to make it a dwelling (bedroom, bathroom, kitchen), therefore it is considered an accessory building.
- Commissioner Bolton asked if the work was done without permits.
- City Planner Cherry stated the building will be permitted after the NCBE process.
- Chairperson Titus asked what happens if the commission does not approve the NCBE.

- PZ Director Spendlove stated this process is the first step in this process. If denied, there is a process for appeal or remedy with the Planning and Zoning and Building Safety departments.
- Commissioner Higley stated that the proposed plan has two of the three dwelling elements. What is keeping applicant from adding a kitchen?
- PZ Director Spendlove stated the building permit would have to be approved and the plans would not be accepted with a kitchen. The changes made to the property are significant enough to come to this body. He stressed the focus of this request is the non-conforming expansion of the roof three feet from the alley and its impact to the properties nearby. The expansion area is the covered porch area where the roof line was extended.
- Commissioner Higley asked to see a picture of the original building.
- PZ Director Spendlove displayed a picture from Google Maps from 2012.
- Commissioner Bolton asked if the detached accessory building was always there.
- PZ Director Spendlove stated yes, and the trusses have been modified on the building. The foundation is approximately same size, with extended porch.
- Commissioner Kelley asked for the history of the surrounding properties. Is there another building using the same easement?
- City Planner Cherry stated there is a mix of commercial and residential in the area and he believes the surrounding properties were built at same time.
- PZ Director Spendlove stated there may be a few buildings in the same easement because the setback requirement was not in place when the buildings were originally built.
- Commissioner Musser asked if this building is for residential use.
- Commissioner Cherry stated the plan is for the building to be used as residential.

Applicant Presentation:

Applicant Ray Perron gave his presentation for the Non Conforming Building Expansion request. He stated that the original flat roof was in poor condition and needed to be replaced. The new trusses expanded the footprint of building and that the covered patio is the expansion. He stated they are not changing the size of the building.

PZ/Questions & Comments:

- Commissioner Higley asked if there is a plan to add a kitchen.
- Applicant Perron stated the property is ideal for his son right now. There is no plan at this time to add a kitchen.

Public Hearing: Opened and Closed without input

Discussions Followed:

- Commissioner Higley asked if an attached duplex would be permitted on this property.
- PZ Director Spendlove stated he would have to check code for that specific location.
- Commissioner Bolton asked for clarification if it is a stove makes it a dwelling unit, but if people reside in it, does that not make it a dwelling?
- City Planner Cherry stated that through the building permit process, staff would be able to determine if the unit is being used as a dwelling. Also, if staff receives a complaint, an investigation would be started. He believes the applicant will abide by code.
- Chairperson Titus reminded the commission of the focus of this request is the roof line expansion. She believes this is an improvement to the property.

MOTION:

Commissioner Kelley made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Detweiler seconded the motion.

Unanimously approved

- b) Request for a Special Use Permit to allow a drive-through and extended hours on property located at 2716 Addison Avenue East c/o EHM Engineers on behalf of Forrest LeBaron. (PZ19-0040) - **WITHDRAWN BY APPLICANT ON 6/7/2019**
- c) Request to vacate platted easements and dedicated right of way within lots, 5, 6, 7, 9, and 10, Block 14 in the Canyon Trails Subdivision No. 5 located at 1725 Park View Drive c/o EHM Engineers, on behalf of Canyon Properties, LLC. (PZ19-0042)

Staff Presentation:

City Planner O'Connor presented the request for a recommendation to City Council to vacate platted easements and dedicated right of way within lots, 5, 6, 7, 9, and 10, Block 14 in the Canyon Trails Subdivision No. 5 located at 1725 Park View Drive c/o EHM Engineers, on behalf of Canyon Properties, LLC. (PZ19-0042)

All procedures will follow the process as described in TF City Code: 10-16-1

Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning & Zoning Commission will make a recommendation to the City Council that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

The Canyon Trails No. 5 subdivision was recorded in September 2006, and the subject property was granted a SUP for a car dealership in January of this year.

This is a request to vacate two sections of vehicular access and utility easements in the Canyon Trails Subdivision #5. The purpose is to facilitate the construction of an Auto Dealership which the commission approved a SUP for in January. The vacated easements will be replaced by another access and utility easement as shown in Attachment #3.

The applicant has provided approval letters from all appropriate utility providers, with no objections.

Should the Commission recommend approval to the City Council as presented, staff recommends approval be subject to the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented the request to vacate the easements allows a record of survey as one parcel to house approved development. They have verified that utilities are still able to reach site.

PZ/Questions & Comments:

- Commissioner Detweiler asked if this is an expansion of the property.
- Tim Vawser stated yes, and they plat with density because they can always get rid of lot lines, but cannot add lot lines without going through platting process again.

Public Hearing: Opened and Closed without input

Discussions Followed:

- Commissioner Perez asked if this will affect future development to the west.
- City Planner O'Connor explained the new easement as a cross connection.

MOTION:

Commissioner Bolton made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Higley seconded the motion.

Unanimously approved

- d) Request for a Special Use Permit to allow an indoor recreation facility with extended hours of operation on property located at 241 Main Ave West c/o Alex Castaneda. (PZ19-0043) **-WITHDRAWN BY APPLICANT ON 6/11/19**
- e) Request for a Special Use Permit to allow storage unit rentals on property located at 2570 Kimberly Road c/o Sky Homes, LLC (PZ19-0044)

Staff Presentation:

City Planner Cherry presented the request for a Special Use Permit to allow storage unit rentals on property located at 2570 Kimberly Road c/o Sky Homes, LLC (PZ19-0044)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Per City and County records, the subject property is undeveloped/vacant at this time. This is a request to allow storage unit rentals on property located at 2570 Kimberly Road. The subject property is located within the Commercial Highway (C-1) Zoning District.

The proposed storage unit rental facility will be comprised of approximately 300 – 320 storage units. The facility will employ two (2) to four (4) employees.

The storage facility's office hours are intended to be Monday through Friday from 10:00AM to 5:30PM, Saturdays from 9:00AM to 3:00PM, and will be closed Sundays. Facility gate hours will be from 7:00AM to 9:00PM seven (7) days a week.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to the completion of required improvements on the site including curb, gutter, and sidewalk as determined by the City Engineer.
3. Subject to site water retention occurring on the subject property.
4. Subject to the dedication of twenty-five (25') feet of right of way from the centerline of Dover Lane.

Applicant Presentation:

Rex Harding, TD&H Engineering, representing applicant, presented the request for the SUP to allow storage unit rentals at 2570 Kimberly Rd. The applicant does not have any issues with the required improvements.

PZ/Questions & Comments:

- Commissioner Musser asked if there is a limit of public accesses on Kimberly Road.
- City Planner Cherry stated the rule is for a single public access, especially on arterial roadways. Per the site plan, there is one access off of Kimberly Road with Dover Lane facilitates access for the properties off of that road.
- Commissioner Higley asked if people are allowed to turn left onto Kimberly Road.
- Mr. Harding stated there is a painted left turn lane and median down Kimberly Road.
- Commissioner Detweiler asked if there is public access to get onto Dover Lane.
- Mr. Harding stated yes, there is an gated access to be used as an emergency access.
- Chairperson Titus asked for clarification on the paving condition.
- Engineer Steel stated the request is to pave up to the farthest approach they would access to the property to be determined when the site plan is presented with the building permit.
- Commissioner Higley asked if Dover Lane is a public street.
- City Planner Cherry stated that Dover Lane is a public street.

Public Hearing: Opened and Closed without input

Discussions Followed: without concerns

MOTION:

Commissioner Higley made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Musser seconded the motion.

Unanimously Approved

5) Upcoming Meeting(s)

- a) Tuesday, June 25, 2019 at 6:00 pm
No worksession in early July.

6) Adjournment

The meeting adjourned at 6:49 pm.

Kelli Ebersole, Administrative Assistant