



**NOTICE OF AGENDA
PUBLIC MEETING**
Twin Falls City Planning & Zoning Commission
January 8, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301
AMENDED

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Tom Frank Jason Derricott Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods
Vice-Chairman

CITY COUNCIL LIAISONS:

Rebecca Mills Sojka
Suzanne Hawkins

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **November 27, 2012**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

III. ITEMS OF CONSIDERATION: NONE

1. Request for reactivation of Special Use Permit # 667, granted on June 13, 2000 to G&R Sturgill, LLC for the purpose of constructing and operating a professional office on real property located at 1035 and 1039 Eastland Drive. c/o City of Twin Falls

IV. PUBLIC HEARINGS:

1. Request for the vacation of a 45' x 362' public utility easement for property located at 1964 Bridgeview Boulevard., aka Lot 2 Block 1 Canyon Park East Subdivision-a PUD. c/o Gerald Martens on behalf of Canyon Park 1, LLC (app. 2538)

WITHDRAWN BY APPLICANT TO BE RESCHEDULED AT A LATER DATE

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

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

1. Public Hearing – **Wednesday, January 23, 2013** 6:00 pm
2. Work Session – **Wednesday, February 6, 2013** 12:00 pm – 1:00 pm

VII. ADJOURN MEETING:

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

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

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

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



Public Hearing: **TUESDAY, FEBRUARY 8, 2011**

To: Planning & Zoning Commission

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

AGENDA ITEM III-1

Request: Reactivation of Special Use Permit #0667, granted on June 13, 2000 to G & R Sturgill c/o Rob Sturgill for the purpose of constructing and operating a professional office on property located at 1035 Eastland Drive, c/o Rob Sturgill (app#1454)

Time Estimate:

Staff presentation will be approximately five (5) minutes.

Background:

| | | |
|---|--|--|
| Applicant: | Status: Owner | Size: 0.317 (+/-) acres |
| Rob Sturgill 1031 Eastland Drive Twin Falls, ID 83301 | Current Zoning: R-2 | Requested Zoning: reinstatement of Special Use Permit #0667 |
| | Comprehensive Plan: Residential Business | Lot Count: 1 lot |
| | Existing Land Use: Vacant lot | Proposed Land Use: Business Office |
| Representative: | Zoning Designations & Surrounding Land Use(s) | |
| | North: R-2; Office Building via SUP | East: C-1; Eastland Drive/ K-Mart |
| | South: R-2; Office Building via SUP | West: R-2 ; Residential Homes |
| | Applicable Regulations: 10-1-4, 10-1-5, 10-4-4, 10-13-2.2 | |

Approval Process:

As per TF City Code: 10-13-2.2 (I) – Special Use Permit:

- (I) **Transfer, Review And Discontinuance Of Special Use Permits:** A special use permit is not transferable from one parcel of land to another, but may be transferable from one owner to another, provided all conditions of the special use permit continue to be met except special use permits issued for in-home daycare services and for home occupations which are not transferable from one owner to another.

Special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the Commission to determine if the facts and circumstances have changed; the Commission may call for a new special use permit application.

A special use which has been discontinued for a period of one year shall not be reestablished without a new special use permit. (Ord. 2620, 8-2-1999)

Budget Impact:

Approval of this request will have negligible impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the process for construction and operation of a business office as approved.

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

History:

On June 13, 2000, G&R Sturgill, LLC c/o Rob Sturgill was issued a special use permit to construct and operate a professional office on property located at 1035 & 1039 Eastland Drive. On December 9, 2003, the original SUP #0667 was reactivated due to the one year expiration. The original SUP did not contain any conditions.

Currently, the Property located at 1035 Eastland Drive has not been developed. Mr. Sturgill recently inquired about submitting a building permit to begin construction of a professional office at that location. For this purpose, Mr. Sturgill has asked that the original SUP be reactivated.

Analysis:

The approved Special Use Permit is considered void as the use on the property located at 1035 Eastland Drive was not established within a year of approval, or subsequent reactivations.

City Code Section 10-13-2.2(I) states "...special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the commission to determine if the facts and circumstances have changed." If the commission determines there has been substantial changes they may call for a new special use permit application. If the commission determines that the surrounding area and/or facts and circumstances have not changed since the special use permit was approved, they may reactivate the expired special use permit by motion and a majority vote, subject to the same conditions of approval.

The Sturgill's are in the process of submitting building plans to continue with the construction of a professional office facility at this site. They would like to have the permit reinstated so they can implement the use in the upcoming year. The surrounding area has not had any substantial changes that would be affected by the approval of this project, and there have not been any substantial changes, proposed or actual, to any of the surrounding land uses.

The recorded plat for the property has requirements for a cross-use and maintenance reciprocal agreement, as well as landscaping requirements. These are still in force and will be reviewed with any building plans.

When building permit plans are submitted there will be a full review of the site plan and conformance of the project with applicable City Code requirements and standards.

Conclusion:

Staff recommends the Commission reactivate Special Use Permit #0667, as presented.

Attachments:

1. Special Use Permit #0667
2. Area Zoning Map
3. Aerial of the Project Site
4. Current Pictures of Property



P.O. Box 1907 • 321 Second Avenue East • Twin Falls, Idaho 83303-1907 • Fax: (208) 736-2296

SPECIAL USE PERMIT

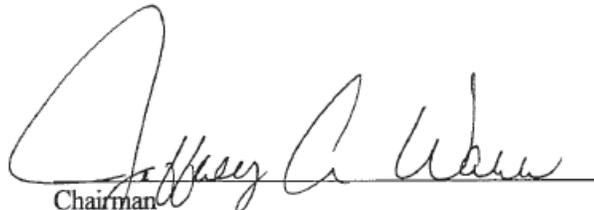
Permit No. 0667

Granted by the Twin Falls City Planning and Zoning Commission on June 13, 2000, to G & R Sturgill, L.L.C. c/o Rob Sturgill whose address is 1031 Eastland Drive, for the purpose of constructing and operating a professional office on real property located at 1035 and 1039 Eastland Drive and legally described as A portion of the E½ of Lot 1 Hill Tract No 1.

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

- 1) None



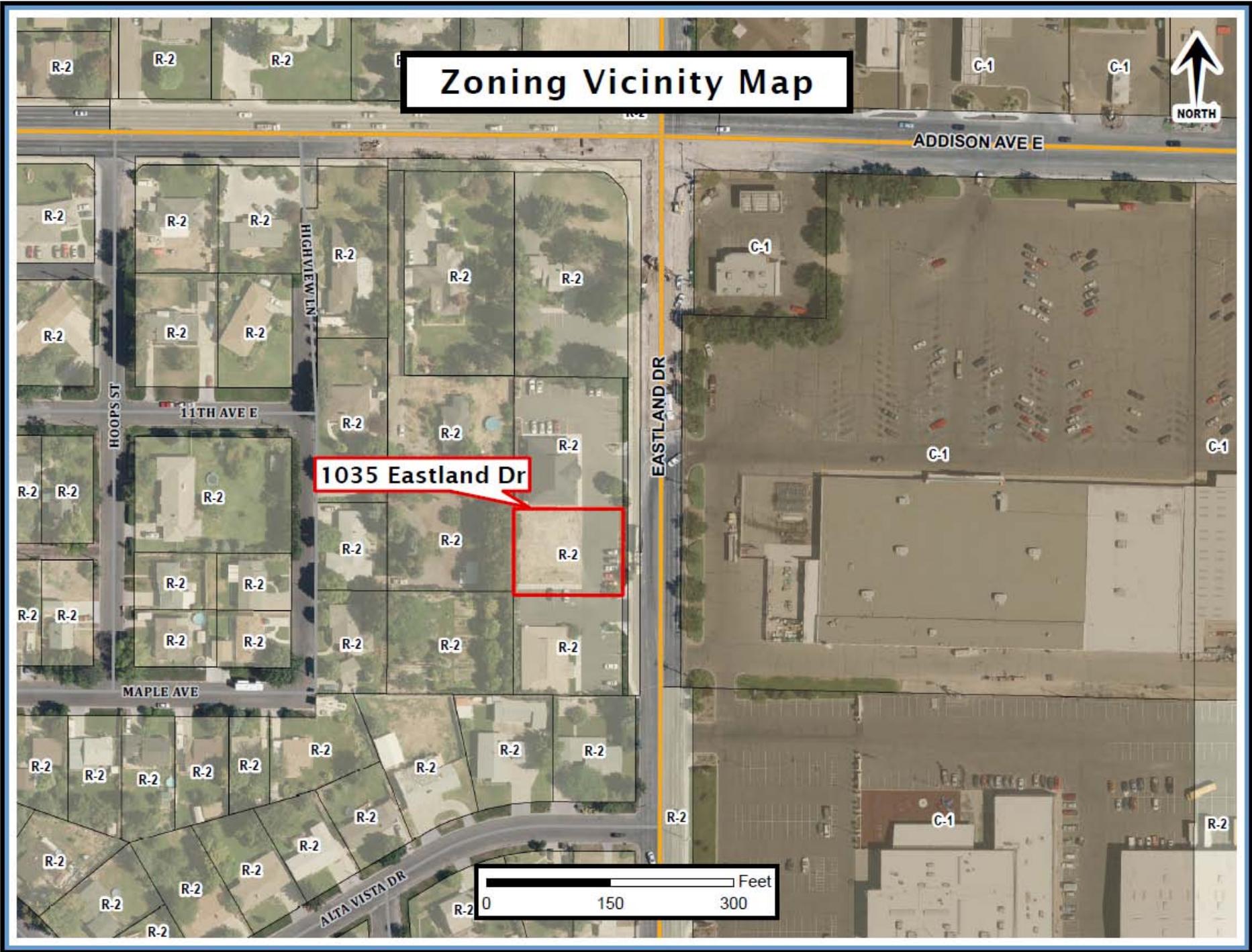

Chairman

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

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

This permit corresponds to Application No. 1454

cc: Building Inspection



Site Map



1035 Eastland Dr.

EASTLAND DR

