



**NOTICE OF AGENDA
PUBLIC MEETING**
Twin Falls City Planning & Zoning Commission
December 10, 2013
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 Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISONS:

Suzanne Hawkins Rebecca Mills Sojka

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): **October 22, 2013**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

III. ITEMS OF CONSIDERATION:

1. Request for the Commission's consideration of the Preliminary Plat of Cedarpark #10 Subdivision, A PUD, consisting of 3.96 (+/-) acres with seven (7) commercial lots on property located at the southwest corner of Carriage Lane North and Chuck Wagon Place. c/o EHM Engineers, Inc. on behalf of Gary N Nelson & Co.

IV. PUBLIC HEARINGS:

1. Requests the Commission's recommendation for a Zoning Title Amendment to amend Twin Falls City Code Title 10; Chapter 7; Section 6(A), to reduce the front yard building setback to 52' from centerline on Bridgeview Boulevard from Blue Lakes Boulevard North to Pole Line Road East. c/o EHM Engineers, Inc. on behalf of Bridgeview Estates (app. 2576)
2. Requests the Commission's recommendation for a Zoning Title Amendment to amend Twin Falls City Code Title 10; Chapter 9; Section 9(k) to allow temporary real estate open house signs within public right of way under specific conditions. c/o Nan Gandy on behalf of Greater Twin Falls Association of Realtors (app. 2602)
3. Requests a Special Use Permit to replace a legal non-conforming use with another non-conforming use by allowing an assembly business consisting of electrical components on property located at 580 Addison Avenue West.. c/o Dan Thiel / ProWest Engineering on behalf of Western Enclosure (app. 2607)
4. Requests a Special Use Permit to construct a new convenience store and gas station operating twenty-four (24) hours a day, seven (7) days a week, on property located at 1662 Park View Drive. Kyle Castle dba Castle Corner Corp (app. 2609)

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- **Thursday, December 26, 2013** 6:00 pm
2. Work Session- **Thursday, December 5, 2013** 12:00 pm

VII. ADJOURN MEETING:

Si desea esta información en español, llame Leila Sanches al (208) 735-7287
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, December 10, 2013**

To: Planning & Zoning Commission

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

AGENDA ITEM III-1

Request: Request for the Commission's consideration of the Preliminary Plat of Cedarpark #10 Subdivision, A PUD, consisting of 3.96 (+/-) acres with seven (7) commercial lots on property located at the southwest corner of Carriage Lane North and Chuck Wagon Place. c/o EHM Engineers, Inc. on behalf of Gary N Nelson & Co.

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff's presentation may be up to five (5) minutes.

Background:

Applicant:	Status: Property Owner	Size: 3.96(+/-) acres
Gary N Nelson & Co ATTN: Gary N Nelson P.O. Box 6004 Twin Falls, ID 83303 736-8400	Current Zoning: C-1 PUD	Requested Zoning: Approval of a preliminary plat
	Comprehensive Plan: Commercial/Retail	Lot Count: 7 lots for commercial development
	Existing Land Use: undeveloped	Proposed Land Use: Commercial/Retail, Storage Units
Representative:	Zoning Designations & Surrounding Land Use(s)	
EHM Engineers Inc. c/o Tim Vawser 621 N. College Rd, Ste 100 Twin Falls, Idaho 83301 208-734-4888 tvawser@ehminc.com	North: R-4 PUD; Chuck Wagon Place, residential	East: C-1 PUD; Carriage Lane North, site is undeveloped commercial land being farmed
	South: C-1 PUD; site is undeveloped commercial land being farmed	West: C-1; undeveloped commercial land
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-12-2.3, Cedar Park PUD	

Approval Process:

As per Twin Falls City Code 10-12-2.3 Action on Preliminary Plat:

The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the preliminary plat to the Council for its information and record.

Budget Impact:

As the request is for a Preliminary Plat, approval of this request will have negligible impact on the City budget.

Regulatory Impact:

After a public hearing and upon approval of the preliminary plat from the Planning and Zoning Commission will allow the applicant to proceed to the City Council with a request for approval of the final plat that shall be in conformance with the approved preliminary plat and any conditions placed on the approval.

History:

On July 1, 1996, Ordinance #2531 was approved to rezone 132.5 acres from RR and R-2 to R-2, R-4, R-4 PRO and C-1 PUD. The Cedar Park PUD Agreement was approved on June 2, 1997.

Analysis:

This Preliminary Plat for the Cedarpark #10 Subdivision, A PUD, includes 3.96 (+/-) acres and is zoned C-1 PUD (Commercial Highway District) PUD (Planned Unit Development) zone. The request is to plat seven (7) lots for commercial development. The site is located at the southwest corner of Carriage Lane North and Chuck Wagon Place.

The property is currently undeveloped and being farmed. The parcels are being subdivided into seven (7) commercial lots. The lot area in the C-1 zone shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. The proposed development is for commercial subdivision and will be required to meet the minimum code standards and comply with the Cedar Park PUD Agreement.

The proposed subdivision is planned to be developed in two (2) phases. Lot one (1) will be the northern 2.11 acres of the parcel. It is proposed to be developed as mini-storages. A SUP was granted on Sept. 10, 2013 to allow construction of storage units on this lot, subject to conditions. The PUD states there is to be a landscape buffer between residential and commercial lots. The developer of the mini-storages has agreed to contact to owner of the property to the north and establish a maintenance agreement regarding the existing landscape buffer in exchange of having to construct additional landscaping on the northern boundary of his property. The Commission may want to place a condition on the preliminary plat that the maintenance agreement shall be in place and the City has a copy for our files before recordation of the final plat.

The original route for sewer service to this subdivision has been found deficient via the sewer modeling process. In order to adequately serve this subdivision, multiple alternative routes have been proposed. At this time an alternative route has not been agreed upon between the developer and the City Engineering Department. It would be acceptable to require a condition on the plat approval for an adequate sewer service plan to be agreed upon between the developer and the City Engineering Department, prior to recordation of the plat.

A full review of required improvements will be made by the Building, Planning, Fire and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits.

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 in the area, city code criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail.

Conclusion:

Staff recommends the Commission approve the preliminary plat of the Cedarpark #10 Subdivision, A PUD, as presented, subject to the following conditions:

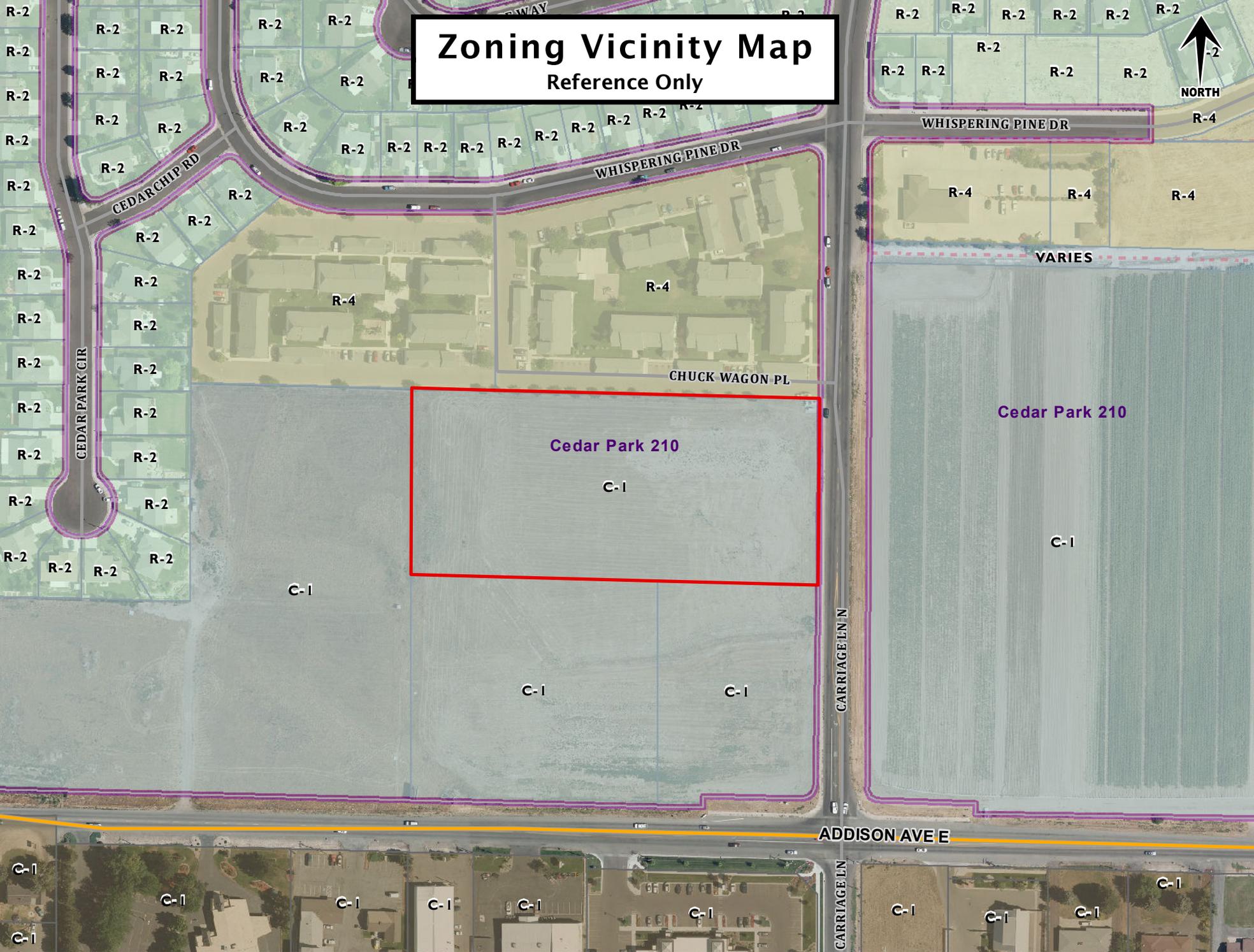
1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with the Cedar Park PUD Agreement.
3. Subject to Landscaping Buffer Maintenance Agreement between Cedarpark #10, Lot 1, Block 1 and Cedarpark #1, Lot 37, Block 4, being executed and a copy given to the City prior to recordation of the final plat.
4. Subject to an adequate sewer service plan agreement between the developer and the City Engineering Department prior to recordation of the final plat.

Attachments:

1. Zoning Vicinity Map
2. Aerial Map
3. Cedarpark Subdivision No. 10, a PUD - Preliminary Plat Exhibit
4. Cedarpark Subdivision #1, a PUD
5. Cedar Park PUD - Master Development Plan
6. Special Use Permit #1305
7. Pictures (x)

Zoning Vicinity Map

Reference Only



Aerial Image Map

Reference Only



2456 CEDAR

WHISPERING PINE DR

2628 WHISP

SURREY CT

221 CARRIA

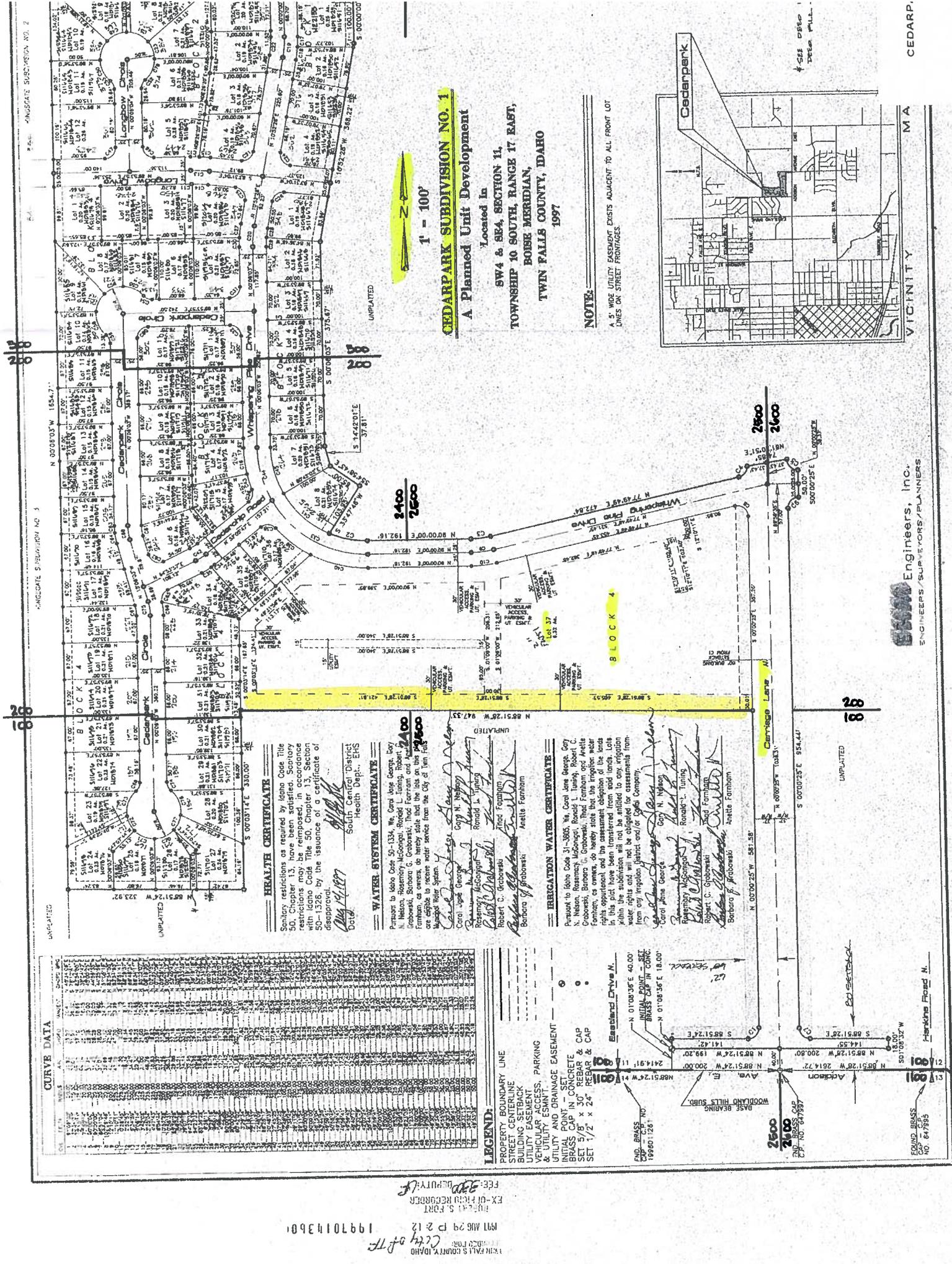
CHUCK WAGON PL

2469 ADDIS

2695 ADDIS

CARRIAGE LN N

ADDISON AVE E



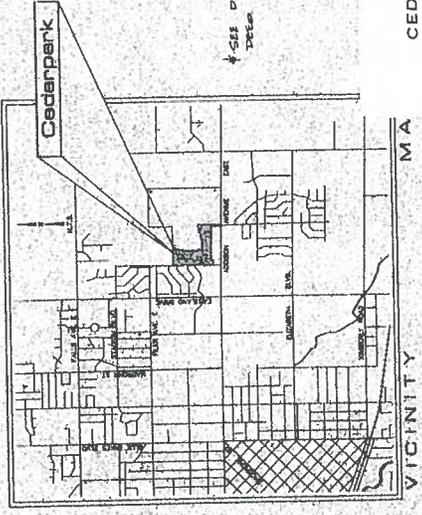
1 - 100'

CEADARPARK SUBDIVISION NO. 1

A Planned Unit Development

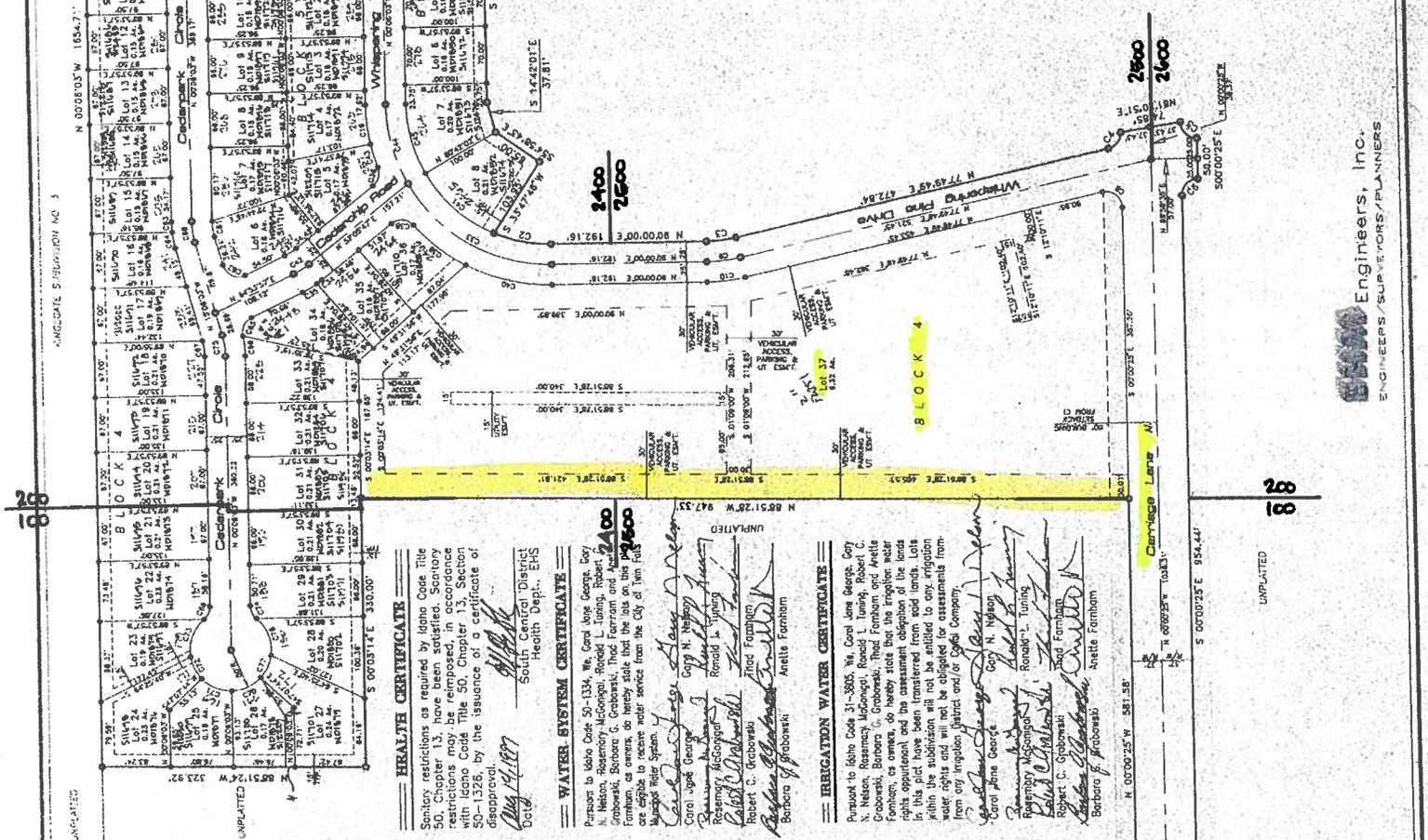
Located in
 SW4 & SE4, SECTION 11,
 TOWNSHIP 10 SOUTH, RANGE 17 EAST,
 BOISE MERIDIAN,
 TWIN FALLS COUNTY, IDAHO
 1997

NOTE:
 A 5' WIDE UTILITY EASEMENT EXISTS ADJACENT TO ALL FRONT LOT LINES ON STREET FRONTS.



VICINITY

CEADARPARK



CURVE DATA

STATION	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE
1+00.00	N 88°51'28" W 2614.72'	2614.72'	111°00'00"	2614.72'
1+00.00	S 88°51'28" E 2614.72'	2614.72'	68°59'59"	2614.72'
1+00.00	N 01°08'36" E 1800.00'	1800.00'	88°51'28"	1800.00'
1+00.00	S 88°51'28" W 200.00'	200.00'	111°00'00"	200.00'
1+00.00	N 88°51'28" W 200.00'	200.00'	68°59'59"	200.00'
1+00.00	S 01°08'36" E 1800.00'	1800.00'	88°51'28"	1800.00'

LEGEND:

- PROPERTY BOUNDARY LINE
- STREET CENTERLINE
- BUILDING SETBACK
- UTILITY EASEMENT
- UTILITY EGRESS
- UTILITY ESMNT. & PARKING
- UTILITY AND DRAINAGE EASEMENT
- INITIAL POINT - SET BRASS CAP IN CONC.
- SET 5' 8" x 30" REBAR & CAP
- SET 1/2" x 24" REBAR & CAP

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, are hereby imposed in accordance with Idaho Code Title 50, Chapter 13, Section 50-1325, by the issuance of a certificate of disapproval.

Date: July 14, 1997

South Central District Health Dept., EHS

WATER SYSTEM CERTIFICATE

Pursuant to Idaho Code 50-1334, the Carol Jane George, Cory N. Nelson, Rosemary Kuczbowski, Ronald L. Tuning, Robert C. Grabowski, Barbara F. Grabowski, and Anette Farnham do hereby state that the lots on this plat are eligible to receive water service from the City of Twin Falls Managed Water System.

Carol Jane George, Cory N. Nelson, Rosemary Kuczbowski, Ronald L. Tuning, Robert C. Grabowski, Barbara F. Grabowski, and Anette Farnham.

IRRIGATION WATER CERTIFICATE

Pursuant to Idaho Code 31-1805, the Carol Jane George, Cory N. Nelson, Rosemary Kuczbowski, Ronald L. Tuning, Robert C. Grabowski, Barbara F. Grabowski, and Anette Farnham do hereby state that the irrigation water rights appurtenant and the easement obligation of the lands within this subdivision will not be antithetical to any irrigation water rights and will not be obligated for assessments from any irrigation district and/or water company.

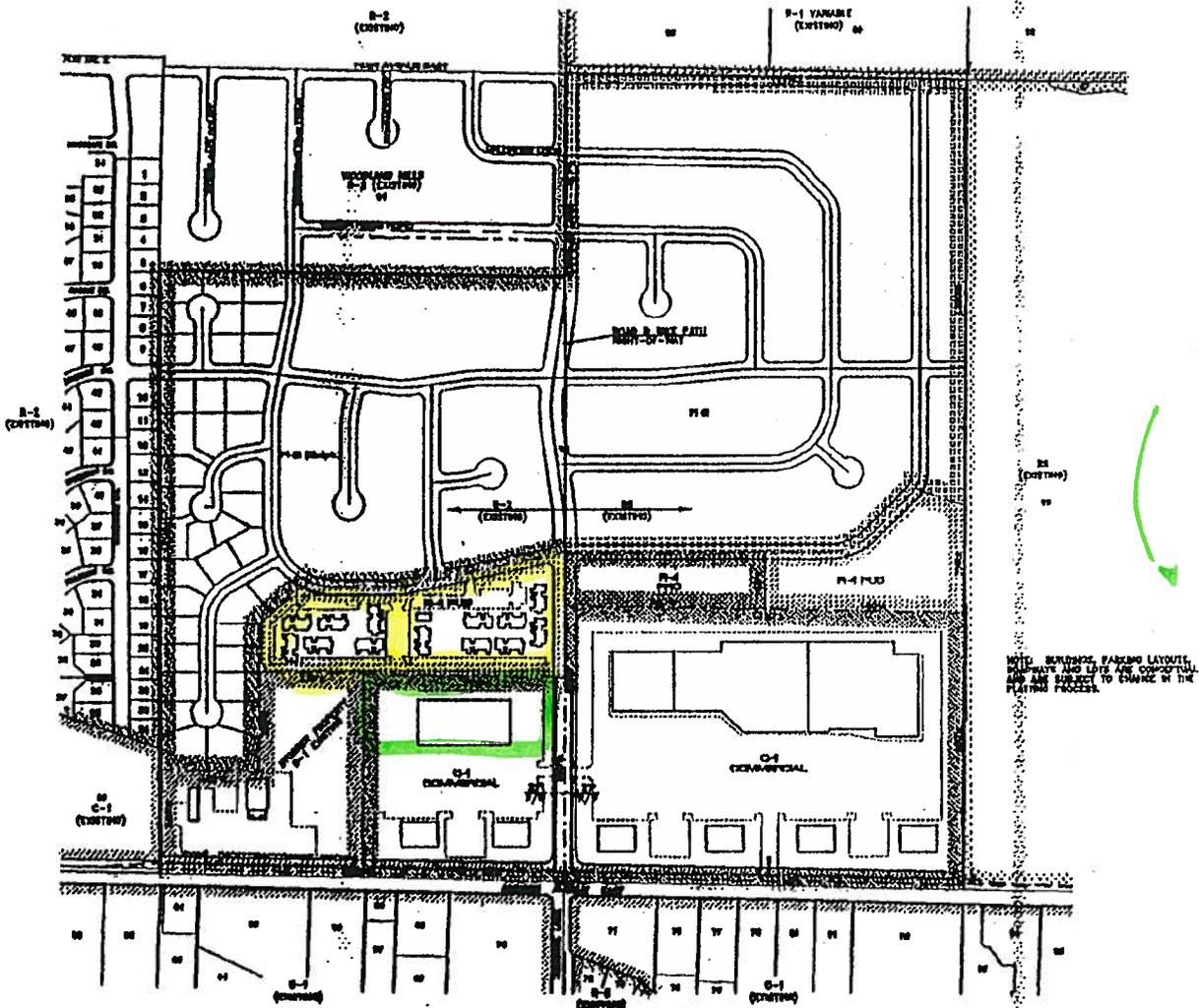
Carol Jane George, Cory N. Nelson, Rosemary Kuczbowski, Ronald L. Tuning, Robert C. Grabowski, Barbara F. Grabowski, and Anette Farnham.

ENGINEERS/SURVEYORS/PLANNERS

Engineers, Inc.

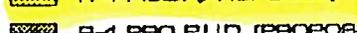
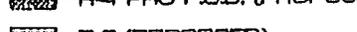
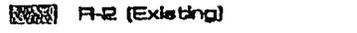
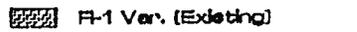
PUD-210

EXHIBIT C



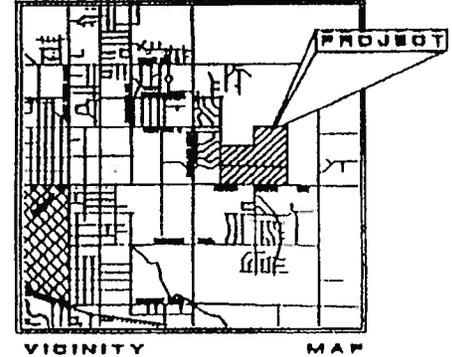
CEDAR PARK P.U.D.

Located in
 NE NE4 SW4, NE4 SW4, & W8 SW4,
 SECTION 11,
 TOWNSHIP 10 SOUTH, RANGE 17 EAST,
 BOISE MERIDIAN,
 TWIN FALLS COUNTY, IDAHO
 1988

-  D-1 P.U.D. (PROPOSED)
-  R-4 P.U.D. (PROPOSED)
-  R-4 PRO P.U.D. (PROPOSED)
-  R-2 (PROPOSED)
-  C-1 (Existing)
-  R-2 (Existing)
-  R-1 Var. (Existing)
-  RR (Existing)

OWNER/DEVELOPER: CEDAR PARK COMPANY
 1225 JENNIFER AVE. E. SUITE 212
 TWIN FALLS, IDAHO 83403
 PHONE: (208) 737-8300

DESIGNER: BOYD BROTHERS, INC.
 1010 W. 10TH ST. SUITE 100
 TWIN FALLS, IDAHO 83403



RECORDING INFORMATION

PLAT NO. _____

BOOK NO. _____

PAGE NO. _____

DATE OF RECORDING _____

OFFICE OF THE COUNTY CLERK

TWIN FALLS, IDAHO

Boyd Brothers, Inc.
 ENGINEERS/SURVEYORS/PLANNERS

Zoning Exhibit For
CEDAR PARK P.U.D.
 Twin Falls, Idaho

T. C. WRIGHT
 APRIL 14, 1988
 67-11



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

SPECIAL USE PERMIT

Permit No.1305

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on September 10, 2013 to Forrest LeBaron whose address is 246 9th Avenue North Twin Falls, ID 83301 for the purpose of building a mini storage unit facility on a 2 acre (+/-) portion of undeveloped land located south of 221 Carriage Lane North and legally described as Twin Falls Acres Inside Tax#1827, Exc Cedarpark Sub No. 7 in SW SE (11-10-17)

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

This permit corresponds to Zoning Application No.2599

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 recordation of the Final Plat.
3. Subject to all requirements of the Cedar Park PUD being met.



CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

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.

cc: Building Inspection



North East Corner of Property

12/03/2013 10:36 AM



East Side of the Property

12/03/2013 10:36 AM



South East Corner of Property

12/03/2013 10:36 AM



Public Hearing: **TUESDAY, December 10, 2013**

To: Planning & Zoning Commission

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

AGENDA ITEM IV-1

Request: Request for the Commission's recommendation for a Zoning Title Amendment to amend Twin Falls City Code Title 10; Chapter 7; Section 6(a), to reduce the front yard building setback to 52' from centerline on Bridgeview Boulevard from Blue Lakes Boulevard North to Pole Line road East, c/o EHM Engineers, Inc. on behalf of Bridgeview Estates. (app. 2576)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: N/A	Size: N/A
Bridgeview Estates 1828 Bridgeview Blvd Twin Falls, ID 83301 208-736-3933	Current Zoning: N/A	Requested Zoning: N/A
	Comprehensive Plan:	Lot Count: N/A
	Existing Land Use: N/A	Proposed Land Use: N/A
Representative:	Zoning Designations & Surrounding Land Use(s)	
Hailey Barnes EHM Engineers Inc. 621 N College Rd, Suite A 208-734-4888 hbarnes@ehminc.com	North: N/A	East: N/A
	South: N/A	West: N/A
	Applicable Regulations: 10-1-4, 10-1-5, 10-7-6, 10-14-1 through 9	

Approval Process:

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to the Council.

After the Council receives a recommendation from the Commission, a public hearing shall be scheduled where the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the Council shall specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

Budget Impact:

It is not anticipated that approval of this request will have significant impacts on the City budget.

Regulatory Impact:

Approval of this request will change the front yard setback along the specific section of Bridgeview Blvd which could lead to building expansions or remodels being allowed up to fifty two feet (52') from the center-line of the roadway.

History:

City Code §10-7-6 references "Front Yard Setbacks" and was established in the City Code in 1990 with Ord. 2323. This section lists arterial, collector, and other major roadway sections and establishes a building setback from the centerline of the named road section. As roadways have been added to the City the section has been amended to reflect new construction and changes to roadway width standards. Amendments were made in 1999 with Ord. 2620, in 2002 with Ord. 2662, in 2003 with Ord. 2773, and in 2006 with Ord. 2850. The adoption of the Master Transportation Plan also affects these standards.

Analysis:

This request is for a Zoning Title Amendment to City Code Title 10; Chapter 7; Section 6 to change the centerline building setback for Bridgeview Blvd from Blue Lakes Blvd North to Pole Line Road East. Bridgeview Boulevard currently is classified as a major collector street and is located between BLBN and Locust St N. The current building setback requires 62' from centerline of Bridgeview Boulevard. The request to reduce this centerline setback to 52' from BLBN to Pole Line Rd E, leaving the building setback between Pole Line Rd E to Locust St N at 62' from centerline.

Currently, City Code requires building setback distances from property lines or from adjacent street centerlines, whichever is the greater. Property line setbacks are based on the zoning district classification. Street centerline setbacks are based on the roadway classifications. Current, or future arterial roads have the largest centerline setbacks, residential roadways typically do not have centerline setbacks. Two intended purposes of centerline setbacks are to provide adequate area for future right-of-way should the road need expansion, as well as visibility corridors for vehicular traffic safety.

This amendment would decrease the amount of available space for future right-of-way on this section of Bridgeview Boulevard. However, Bridgeview Blvd is not the designated heavy traffic route for the area, and if future traffic needs warranted an expansion of the roadway in this particular section, a five (5) lane arterial roadway could still be designed within the land available through the proposed reduced centerline setback of fifty two feet (52').

Staff does not feel the visibility corridor for vehicular traffic safety would be greatly compromised by decreasing the street centerline setback in this section of Bridgeview Boulevard as it is mostly developed. If additions or remodels to existing buildings were to extend to the fifty-two foot (52') setback, the visibility corridor would still be reasonably large enough for vehicular traffic safety concerns.

Upon a recommendation by the Commission of this request, *as presented*, the request could be noticed for public hearing before the City Council.

Conclusion:

Staff feels that the amendment to City Code 10-7-6, as presented, would satisfy the needs of the city in the future while maintaining the safe visibility corridors of vehicles that use the roadway.

Attachments:

1. Narrative
2. Aerial of proposed area under consideration
3. Proposed Amendment §10-7-6
4. Current City Code §10-7-6
5. Site Photos (2)

Items B.1 and B.2

10-7-6 (A)

(A) Arterials And Collectors: Setbacks from street centerline for arterials and collectors are as follows: (Ord. 2662, 8-7-2000)

Bridgeview Boulevard	Entire Length	62 feet 52 feet
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Item B.3

Reason for Request:

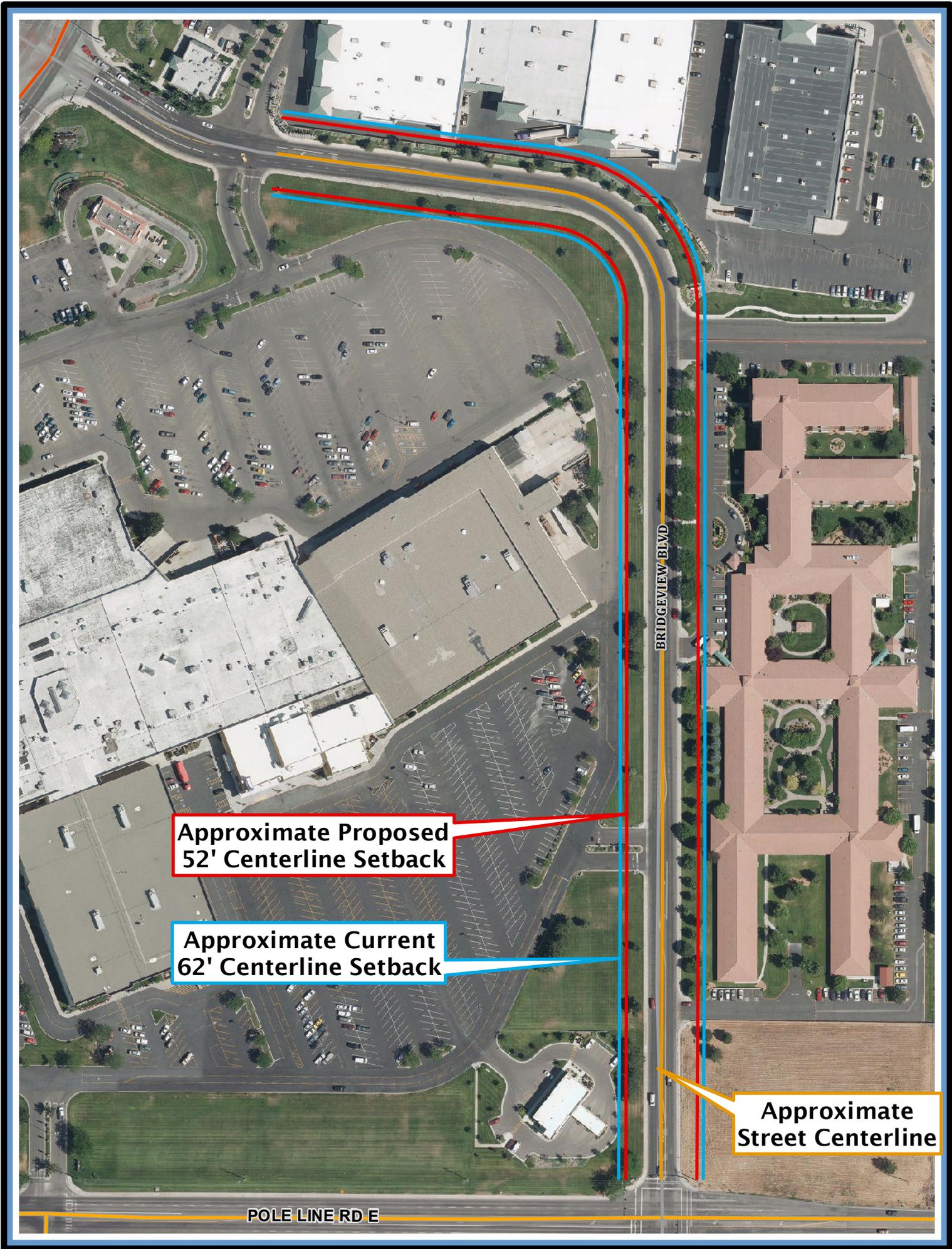
Bridgeview Estates desires to extend their current entrance to include a porte-cochere to safely transfer residents and guests from their vehicles to the building out of harm's way and inclement weather. The current 62 foot setback does not allow for the construction of this desired expansion.

DRAFT – Code Amendment

10-7-6: Front Yard Setbacks

(A) Arterials and collectors: Setbacks from street centerline for arterials and collectors are as follows: (Ord. 2662, 8-7-2000)

<u>Street</u>	<u>Limits</u>	<u>Front Yard Setback</u>
...
Bridgeview Boulevard	Blue Lakes Blvd N to Pole Line Road East	52 Feet
Bridgeview Boulevard	Pole Line Road East to Locust St North	62 Feet
...



**Approximate Proposed
52' Centerline Setback**

**Approximate Current
62' Centerline Setback**

**Approximate
Street Centerline**

BRIDGEVIEW BLVD

POLE LINE RD E



Public Hearing: **TUESDAY, December 10, 2013**
 To: Planning & Zoning Commission
 From: Rene'e V. Carraway, Community Development Dept.

AGENDA ITEM IV-2

Request: Request for the Commissions' recommendation for a Zoning Title Amendment to amend Twin Falls City Code 10-9-9(K) Real Estate Signs to allow temporary real estate open house signs in the public right-of-way under specific conditions. (App 2602) Greater Twin Falls Association of REALTORS c/o Nan Gandy

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	
Greater Twin Falls Association of REALTORS 1162 Eastland Dr. North, Suite 1 Twin Falls, Idaho 83301 (208) 733-6421 office (208) 734-5707 fax	Requested Zoning: Amendment to Twin Falls City Code – Title 10; Chapter 9; Section 9(K); Real Estate Signs
Representative:	
Nan Gandy & Nancy Glaesemann Prudential Idaho Homes 1411 Falls Ave E, Suite 215 Twin Falls, ID 83301 208-733-6421 nancy@twinfallsrealtors.com nan@prudentialidahohomes.com	Applicable Regulations: 9-9-16 (sight obstruction), 10-2-1, 10-9-1 thru 5, 10-9-9(K), 10-14-1 through 7,

Approval Process:

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to the Council.

After the Council receives a recommendation from the Commission, a public hearing shall be scheduled where the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the Council shall specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

Budget Impact:

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

Regulatory Impact:

A recommendation from the Planning and Zoning Commission on the proposed Zoning Title Amendment will allow the request to proceed to the City Council.

History:

The City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - Title 10; Zoning & Subdivision Regulations in its entirety.

In December 2008, Ordinance 2957 was approved by the City Council. This ordinance replaced Twin Falls City Code - Title 10; Chapter 9: Sign Regulations in its entirety.

Ordinance 3005 was approved in June 2011 which made changes to references in Twin Falls City Code - Title 10; Chapter 4: Zoning Designations, as well as various definitions in Title 10; Chapter 2: Definitions.

Analysis:

This is a request submitted by the Greater Twin Falls Association of REALTORS asking for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-9-9(K) Real Estate Signs. The proposed amendment is requesting to allow Real Estate Open House Signs to be located on any public right-of-way subject to: a) limited hours not to exceed five (5) total hours in any one day, b) access of public right of way to remain open including wheelchair access, and c) signs to be removed from the right-of-way within one hour after completion of open house.

The Greater Twin Falls Association of REALTORS making this request state in their narrative that placing signs on the public right-of-way, although not allowed, has been common practice and the sign ordinance as currently written often effectively eliminates licensed REALTORS from holding Open House Events within the City limits. The narrative further states that placing signs on private property can be problematic in residential and commercial areas due to many obstacles; homeowners not being home very often or not agreeing to allow the signs on their property, not able to get permission from businesses who are either closed on weekends or do not wish to have signs on their property during normal open house hours. These circumstances leave REALTORS feeling that they have few options. This leads them to use the only space available, the public right-of-way.

The current Twin Falls Comprehensive Plan was updated in 2009. Within that plan, a section was devoted to the design of streetscapes and possible enhancements to road right-of-ways and surrounding corridors. The comprehensive plan does not address commercial signage within the streetscape design guidelines, or

its associated streetscape enhancements. Commercial signage within right-of-way is not addressed in the goals or objectives of the Current Comprehensive Plan Community Design Concept Section.

The Commission shall ensure that any favorable recommendations for amendments are in accordance with the established goals and objectives of the current Twin Falls Comprehensive Plan.

Possible Impacts: If approved this Code amendment would not change the regulation of signs being prohibited within sight triangles located at intersections of streets, alleys and driveways, as per Title 9; Chapter 9; Section 16. The sight triangle is an industry standard that is focused on providing for and maintaining safety. It is designed to allow clear visibility for all types of traffic (pedestrian, bicycle, and vehicle) at intersections. Signs over three feet (3') tall would still not be allowed in this triangle.

The current City Code prohibits all signs from being placed in the public right-of-way. City Code also prohibits off-premise commercial signage, with the one exception being off-premise Real Estate direction signs. The only rule for off-premise Real Estate direction signs is that they are to be placed on private property. It is reasonable to assume that the level of advertising wishing to be accomplished by this code amendment could be accomplished within the existing regulations outlined in current City Code.

Staff feels that this amendment to the City Code would cause confusion, and possibly an increase in violations by other individuals and entities that will see this as a precedent to allow all types of signs within the public right-of-way.

Conclusion:

The Commission may recommend to the City Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested (will require another public hearing before the Commission), or it may recommend that the amendment be denied.

Attachments:

1. Letter of Request
2. Proposed Amendment
3. Photos of prior posting of real estate open house signs
4. Citizen Letters(7)

B. REQUEST INFORMATION – Item 3

Ordinance No. 2957

ADDITION TO SECTION 10-9-9: ALLOWABLE SIGNS THAT DO NOT REQUIRE THE ISSUANCE OF A SIGN PERMIT – REASON FOR THE REQUEST:

Holding an open house as part of a marketing plan is a long standing practice of real estate professionals and of home owners selling their property without employing a real estate professional. Homeowners expect open houses as a part of the service provided by real estate firms. Real estate professionals belonging to the Greater Twin Falls Association of REALTORS® have traditionally provided this service for many years. Placing signs on the public right-of-way has been a common practice.

The sign ordinance as currently written often effectively eliminates licensed REALTORS® from holding open houses within the City limits. Open houses usually require a number of open house signs directing the general public to the home that is being offered for sale. Most open houses occur on weekends. Frequently, adjacent homeowners are away during weekends and are away during week days working and caring for personal business. This prevents REALTORS® from being able to make direct contact with them and to request permission to place a sign on their private property.

In addition, some homeowners do not agree to have open house signs placed on their property. This can prevent REALTORS® or home owners from being able to adequately place signs to direct the public to the home being marketed.

Another problem frequently encountered in areas near commercial properties is that the businesses are not open on weekends to allow REALTORS® to ask for permission to place open house signs. Many commercial properties, especially in the downtown area have no space other than the public right of way in front of the business to place signs.

REALTORS® generally hold open houses for between 2 and 4 hours. This means that it is a very limited time that the signs would be on the public right of way. There is no reason signs should be left after the conclusion of the scheduled open house.

The members of the Greater Twin Falls Association of REALTORS® are asking for a modification of the existing ordinance to allow the temporary placement of open house signs on the public right of way for short periods of time only in a manner that will not prohibit passage by the public including the passage of walkers, wheel chairs and motorized chairs used by the physically impaired.

PROPOSED AMENDMENT

10-9-9: ALLOWABLE SIGNS THAT DO NOT REQUIRE THE ISSUANCE OF A SIGN PERMIT:

(K) Real Estate Signs:

1. Definition: A "real estate sign" is a temporary stake sign that advertises a home, building, or property for sale or lease. This definition includes off premises real estate signs for directional purposes.
2. Real Estate Signs Permissible: Real estate signs, both on premises and off premises, are permissible subject to the following conditions:
 - a. Time: No restrictions.
 - b. Place:
 - (1) Real estate signs shall not be located within any public right of way. In general, a real estate sign shall be erected no closer than ten feet (10') from the street pavement.
 - (2) An on premises real estate sign shall be erected on the lot on which the home or property is for sale or lease.
 - (3) An off premises real estate sign shall be erected only on private real property, and only with the consent of the property owner. No more than three (3) off premises real estate signs may be located on any single lot or property.
 - c. Manner:
 - (1) A maximum of one real estate sign per street frontage may be erected on a lot.
 - (2) Residential real estate signs shall not exceed nine (9) square feet in area.
 - (3) Real estate signs on property zoned for nonresidential uses shall not exceed thirty two (32) square feet in area.
 - (4) Real estate signs on agricultural properties shall not exceed thirty two (32) square feet in area. Only properties that are larger than forty (40) acres and that currently produce agricultural products shall be considered to be agricultural properties.
 - (5) All real estate signs shall be located in conformance with the provisions of section [10-9-5](#) of this chapter.

3. Open House Real Estate Signs Permissible: Real estate signs, both on premises and off premises, are permissible subject to the following conditions:

a. Time:

- (1) Open house signs may only be permitted on the public right of way one (1) hour before and one (1) hour after a scheduled open house. The total time an open house sign will be permitted on the public right of way shall not exceed five (5) hours in any one (1) day.***
- (2) No open house sign shall block the access of any public right of way so as to prevent passage by the general public including wheelchair access.***
- (3) All open house signs are to be removed from the public right of way within one (1) hour after the completion of the open house.***

b. Manner:

- (1) Real estate open house signs placed on a sidewalk shall have a pedestrian or wheelchair passageway of a minimum of 36"***
- (2) Real estate open house signs shall not exceed nine (9) sf in area***
- (3) Real estate open house signs shall not be placed in a manner that would obstruct an ADA sidewalk ramp.***
- (4) Real estate open house signs placed in the right of way will not exceed 36" in height.***







Jonathan Spendlove

From: Donna Hall <dannahallrealtor@gmail.com>
Sent: Monday, October 07, 2013 2:15 PM
To: Renee Carraway
Subject: Sign Ordinance

Good day Renee.

My name is Donna Hall with Canyonside Irwin Realty. It is very important to my business that the sign ordinance is changes to allow us to do open houses.

I am hoping to attend the meeting tomorrow evening. In the event I can not this is my voice being heard.

Sincerely,

Donna

--

Donna Hall
Realtor,SFR
Canyonside Irwin Realty
208-404-6639

Jonathan Spendlove

From: Elaine Wright <elainewright@tfrealtors.com>
Sent: Monday, October 07, 2013 12:52 PM
To: Renee Carraway
Subject: Sign Ordinance

Please allow realtors to place "Open House" signs in the public right-of-way. This helps not only the realtor but the seller and any potential buyers to locate the property, and the local economy.

Thank you for your consideration!!

Elaine

--

Elaine Wright
Gateway Real Estate
208-420-4129 (cell)
208 733-5606 (fax)

Jonathan Spendlove

From: Erin Callen <erin@westerra.cc>
Sent: Monday, October 07, 2013 1:31 PM
To: Renee Carraway
Subject: Open House Signs

Renee,

I am writing this letter in support of the proposed sign ordinance modification. We as Realtors have a duty to our clients to advertise our open house efforts in order to gain exposure for the sale of their properties. Open Houses offer the chance for buyers to feel comfortable in a casual setting and are a successful tool in our business. In turn Open House signs need to be posted where potentials buyers can see them in order to know which direction to turn. The signs are temporary in nature and shouldn't be picked up by the City. They are put up before and taken down an Open House. The existing ordinance hinders our ability to do our jobs well thus affecting income source. Please take this into consideration when you make the choice of whether or not to allow such signs in public rights of way.

Thank you,

Erin Callen

Teton Trucking, LLC

Muni Storage

Westerra Real Estate Group

Mobile (208) 308-1310

Fax: (208) 734-9493

Jonathan Spendlove

From: jamieabd@gmail.com on behalf of Jamie McDowell <jamie@gemstaterealty.com>
Sent: Monday, October 07, 2013 4:07 PM
To: Renee Carraway
Subject: Sign Ordinance Proposal

Hi Renee,

I am writing in support of the proposed sign ordinance that is going before the committee tomorrow night (Oct., 8 2013).

As an active, licensed Realtor in Twin Falls, I am compelled to voice my opinion in favor of the new ordinance. I, personally, have had my open house signs removed twice during an open house event. I cannot express to you how frustrating it is to comply with the current ordinance by placing an open house sign 10' from a public right away. It's nearly impossible!! And if you are lucky enough to meet that strict criteria, good luck with anyone even seeing the sign! I have actually stopped using them because they have to be placed in such an area (to abide by current requirements) that no one even sees them anyway. The last time I had a sign picked up by whomever is in charge of enforcing the code, I looked down the block and saw 3 yard sale signs prominently in the middle of the sidewalk and displayed in such a manner that any motorists could surely take a swipe at them. **But, they weren't picked up! ??**

Please, please consider changing this ordinance to accommodate Realtors. Not only will you be allowing us to do our job and market properties efficiently, but the sign themselves are out and about for such a very short period of time (usually only 2-3 hours on a Saturday), that it really seems to me they can't possibly be the hazard that the city thinks they are? Especially when there are so many other signs from yard sales and such that are displayed so dangerously and inappropriately.

Your consideration is very much appreciated. I know you have to do what's best for the city, and all we are asking for is just a few minor changes that will enable us to hold open houses for effectively, thus improving our livelihood as Realtors.

Thank you,
I sincerely appreciate your time.

--

Jamie McDowell
Realtor

[Gem State Realty](#)

1411 Falls Avenue East Suite 1000 A
Twin Falls, ID 83301
Cell: 208-320-2233

Office Toll Free: 800-455-1180
Fax: 208-733-6112

Jonathan Spendlove

From: Judy McCurdy <judymccurdy@ciragent.com>
Sent: Monday, October 07, 2013 2:36 PM
To: Renee Carraway
Subject: signs

Renee, please let me go on record in support of this ammendment. We need our signs as they are our best form of advertisement, and particularly the open house signs. We need as much visibility for those as we can get. We appreciate any effort on our behalf to make this possible. Thank you. Judy McCurdy, Canyonside Irwin Realty.

Jonathan Spendlove

From: Sara Bullers <sarabullers@ciragent.com>
Sent: Monday, October 07, 2013 2:20 PM
To: Renee Carraway
Subject: sign ordinance

Hello Renee,

I am sending this email to show my support for the proposed changes to the sign ordinance. It is important to have signage for Open Houses as that is one of our best forms of advertising for the event.

I am not able to attend the meeting so I am casting my yea vote via email.

Sincerely,

Sara Bullers

ABR, CRS, GRI, SFR, SRES, WCR

Canyonside Irwin Realty

Twin Falls, Id. 83301

208-539-6889 (mobile)

sara@sarabullers.com

From: Terry C. McCurdy [<mailto:TerryM@itechinc.com>]
Sent: Monday, October 07, 2013 4:30 PM
To: Renee Carraway
Subject: Proposed Sign Ordinance

Renee,

I encourage you to approve the new Proposed Sign Ordinance No. 2957, which addresses the placement of Open House signs in the public right-of-way during an open house. This proposal is exactly what needs to be approved to allow realtors to hold an Open House and market it in a very short time-frame. In the 15 years I have been doing Open Houses I have never seen a safety issue, however, not endorsing or not approving this proposed ordinance would not eliminate any safety concerns but would cause undue hardship to one of the largest industries in Twin Falls.

My understanding of the Planning and Zoning Commission is to address issues before them, listen to all concerned, and make decisions based on safety and economic factors. In this case, approving this proposal would accomplish this goal. Please encourage approval of this proposed ordinance.

Thank you so much!

Terry C. McCurdy
Canyonside Irwin Realty
208-308-2455



Public Hearing: **Tuesday, December 10, 2013**

To: Planning & Zoning Commission

From: Rene'e Carraway, Community Development

AGENDA ITEM IV-3

Request: Request for a Special Use Permit to replace a legal non-conforming use with another non-conforming use by allowing an assembly business consisting of electrical components on property located at 580 Addison Avenue West. c/o Dan Thiel / ProWest Engineering on behalf of Western Enclosure (App 2607)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner	Size: 1.15 Acres; 4,800 Sq Ft Bldg
ProWest Engineering on behalf of Western Enclosure 598 Addison Ave W Twin Falls, ID 208-733-2101	Current Zoning: C-1 & R-6 PRO	Requested Zoning: Special Use Permit
	Comprehensive Plan: Commercial/Retail	Lot Count: 1 Lot
	Existing Land Use: legal non-conforming use - County Mechanic Shop/Storage Bldg	Proposed Land Use: Replacement of a non-conforming use
Representative:	Zoning Designations & Surrounding Land Use(s)	
Dan Thiel 451 Eastland Ste 7 Twin Falls, ID 208-969-0668 mtsun@ymail.com	North: R-6 PRO, Residential Apts	East: C-1, Commercial
	South: C-1, Office Buildings/Addison Avenue West	West: Martin Street; C-1, County Offices
	Applicable Regulations: 10-1-4, 10-1-5, 10-3-4(A)1e, 10-7-6, 10-7-18, 10-10, 10-11-1 thru 8, 10-13-2.2	

Approval Process:

Replacement of a non-conforming use requires a special use permit. The Special Use Permit process requires a public hearing to be held in which interested persons have the opportunity to be heard with regards to the application.

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval.

If an applicant or interested party appeals the decision of the Commission, the 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.

Budget Impact:

Approval of this request will have marginal impact on the City budget however, with the change of ownership from the County to private ownership and a private retail use; there will be increased taxes.

Regulatory Impact:

Approval of this request will allow the applicant to operate an electrical cabinet/enclosure assembly business.

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:

In July 1986 a Special Use Permit was granted to Roger Powell to operate an Auction House. At that time the building had been used as a warehouse. Since that time, it is believed the building changed hands multiple times at one time or another Norco used it for storage, Magic Valley Medical Center also used it for some purpose, and most recently Twin Falls County had been using it as a mechanic shop and storage facility.

ProWest Engineering purchased the property from the County in May 2012. Since that time they have been using it to assemble electrical components into various sizes of cabinets and as a temporary storage facility for the assembled cabinets and larger cabinets/storage trailer/units. This assembly & storage facility will be used in conjunction with their primary office located on the corner of Martin Street and Addison Ave West.

Analysis:

The applicant has supplied a narrative detailing some of the general operations of the business. Hours of operation are stated to be 8am – 5pm- not sure which days of the week they plan to operate. Traffic generation would be minimal, with 2-5 employees and deliveries of components via UPS/FedEx. Occasionally larger components will be delivered on large trucks. The parking area & pick-up/delivery areas are shown on the site plan. As per City Code 10-10-2(B)- Backing a vehicle from an off street parking space directly into a public trafficway creates a traffic hazard..... and shall not be approved by the city engineer”. Upon operation of this business as proposed there appears to be minimal impacts to the surrounding areas via noise, glare, and odor.

ProWest is the electrical engineering firm that designs electrical systems for very specific uses in agricultural, mining, and industrial uses. Western Enclosure will be the subsidiary company that will assemble the various electrical components into finished “cabinets”, “enclosures” or “shipping containers”. These enclosures vary quite a bit in size from 2’x3’ up to large metal shipping containers. (Sample photos are found in this packet)

The existing building stands within a lot which is zoned both C-1 and R-6 PRO. The Official Zoning Districts Map has the boundary line bisecting the building itself into two (2) differing zones. The use of the

property, and the building, when Twin Falls County used it was deemed a legal non-conforming use due to the establishment of the R-6 Zone on part of the property.

Per City Code 10-3-4(A)-1e: “A legal nonconforming use involving a building may be resumed or replaced by another nonconforming use by special permit if said legal nonconforming use has not been discontinued for more than five (5) years. In addition to the general standards applicable to special uses, the applicant must show that the existing building cannot be reasonably converted to a conforming use.”

It has been determined that the county’s use of the property as a mechanic shop continued the legal nonconforming use established prior to when the Zoning Map changed. The non-conforming uses have continued as such up until the sale of the property to ProWest in May 2012. The proposed use of the property as an electrical cabinet/enclose assembly business would be considered another nonconforming use as neither the R-6 PRO or the C-1 zoning designations list “retail assembly” as an allowed use.

The building was constructed as a warehouse, and has been modified into a mechanic shop/storage building over the years. The uses that could be conforming are primarily residential due to the R-6 PRO zoning designation. Since the building was not designed for residential it may be unreasonable to attempt to convert this building into a conforming use.

Per City Code 10-7-6: Martin Street is classified as a collector street and has a building setback of 62’ from the centerline of Martin Street. This setback is currently being met by the existing building.

Per City Code 10-10: Off Street Parking is required for this business at a rate of one (1) space to four hundred (400) square feet of floor area. The site plan furnished by the applicant shows this parking requirement being met and exceeded. In addition, the owners have cross use parking agreements with their main office (598 Addison Ave West), as well as the Vendor Blendor located at 588 Addison Ave West. Despite these cross use agreements, there appears to be adequate parking for all three businesses.

Per city Code 10-11-1 thru 8: Required improvements are required when there is a “Change of Use”. These required improvements include landscaping, screening, parking, parking & maneuvering areas, streets, drainage and storm water. The landscaping, screening, parking, and streets are pre-existing, and they were accepted by the City at an earlier time. Since there is no increase to impervious surface there is no current requirement to increase storm water drainage or storage capacity.

Possible Impacts: The use of the property as outlined in the narrative provided by the applicant does not match up precisely with any definitions currently existing in our zoning code. The general impacts this business will have on surrounding properties should be focused on the delivery methods, general operation of the business, as well as the future paint booth that will be associated with the electrical cabinet assembly and delivery.

It is reasonable to assume that the traffic generated by employee's and deliveries via UPS/FedEx are acceptable in the C-1 Zoned areas. The occasional large delivery truck may also be acceptable as long as these trucks do not back onto major roadways before, during, or after their deliveries.

It is not believed the general operation of the assembly shop will cause unreasonable levels of noise, odor, or glare. There will be some minor noise due to the nature of assembling the various components and cabinets. This activity should and will be located fully within the existing building thus greatly reducing the possible impact of noise on neighboring property owners.

Conclusion:

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 this Special Use Permit being limited to ProWest Engineering/Western Enclosure only.
3. Subject to limiting the number of large metal shipping container sized enclosures to a maximum of two (2) on the property at one time and to be located inside the building at all times.
4. No outside storage of materials or finished product at any time.

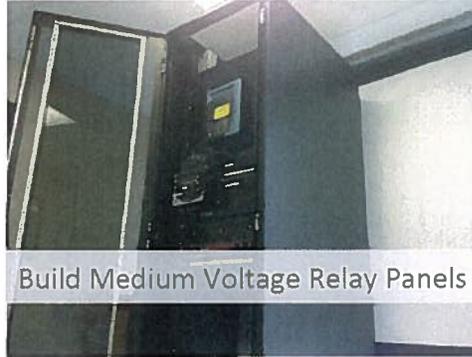
Attachments:

1. Applicant Narrative
2. Submitted Information (3)
3. Zoning Vicinity Map
4. Aerial Map
5. Applicant Submitted Site Plan
6. Site Photos(2)

What we do.



Wire Electronic Components



Build Medium Voltage Relay Panels



Assemble Panels

What we do.



Fit and fasten panels inside protective enclosure.

What we do.

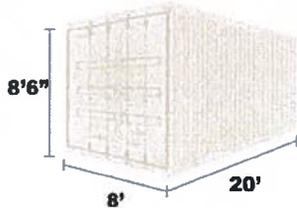


Fit and fasten instrumentation inside protective enclosure along with process equipment.

What we do to make our products.

- Light assembly of parts provided by our vendors
- Functional Test-out of our electrical cabinets
- Modification to electrical cabinets to make sure all parts fit properly
- We DO NOT manufacture our containers or panels, we assemble components into panels we purchase from our vendors.

Enclosure Shipment



When larger enclosures are finished, we deliver them to customers using a trailer or roll-back truck. Enclosures are sized to international shipping standards so they can be easily transported. To minimize impact and conform to C-1 classification, all of this can be done with light duty trucks inside our building.

Low Impact.



We are a low-impact low-noise operation running between 8am and 5pm

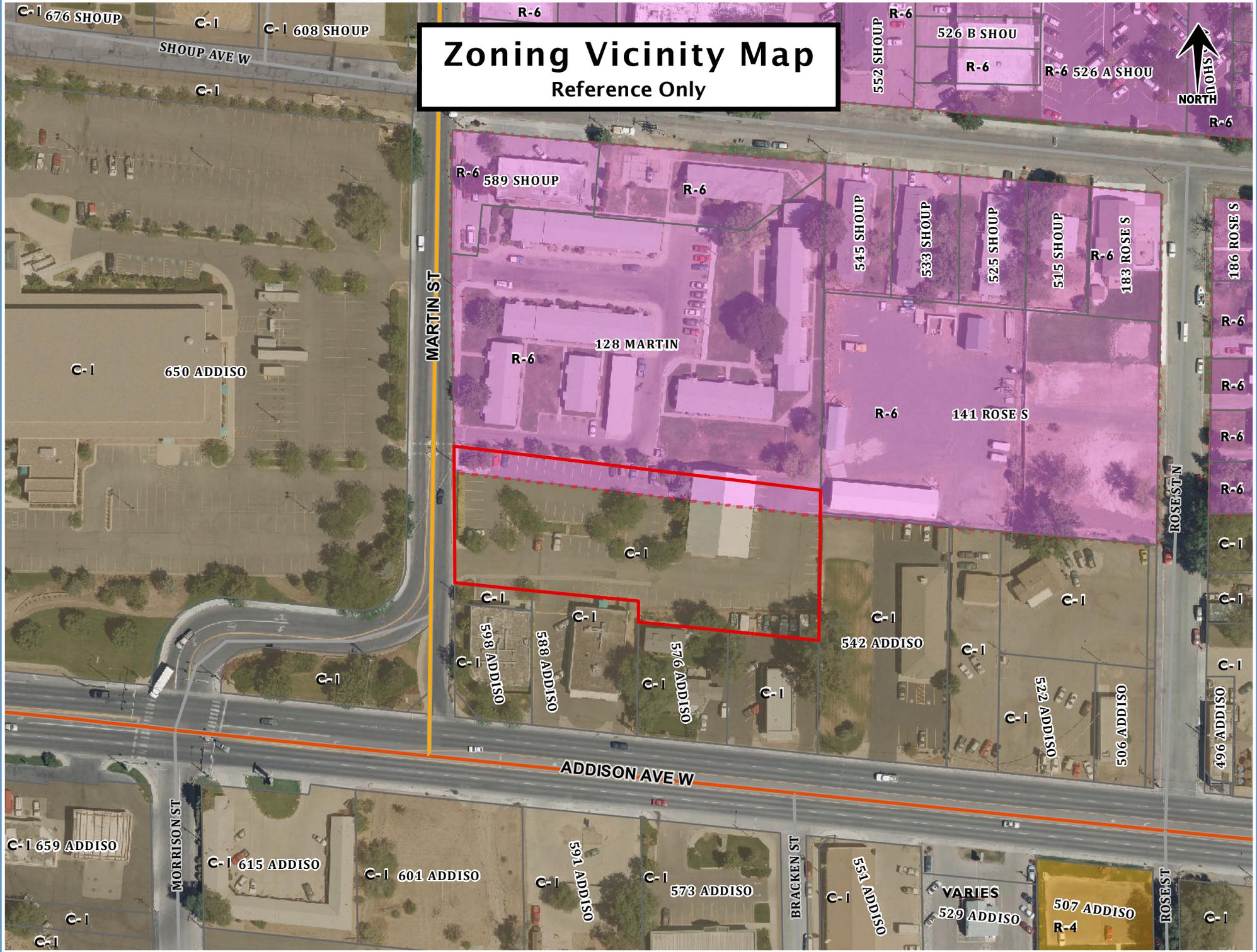
We have minimal deliveries that are generally made by courier (FedEx, UPS etc.) Most of the traffic through this parking lot area is the county trailers and equipment stored behind the shop.

We have near zero traffic or infrequent outdoor activities

We will limit our activities to no more than (2) ISO containers located inside the shop at any given time.

Zoning Vicinity Map

Reference Only



Aerial Image Map

Reference Only



128 MARTIN
R-6

R-6 141 ROSE S

C-1 650 ADDISO

MARTIN ST

C-1

MORRISON ST

C-1

C-1 542 ADDISO

C-1 598 ADDISO

C-1 588 ADDISO

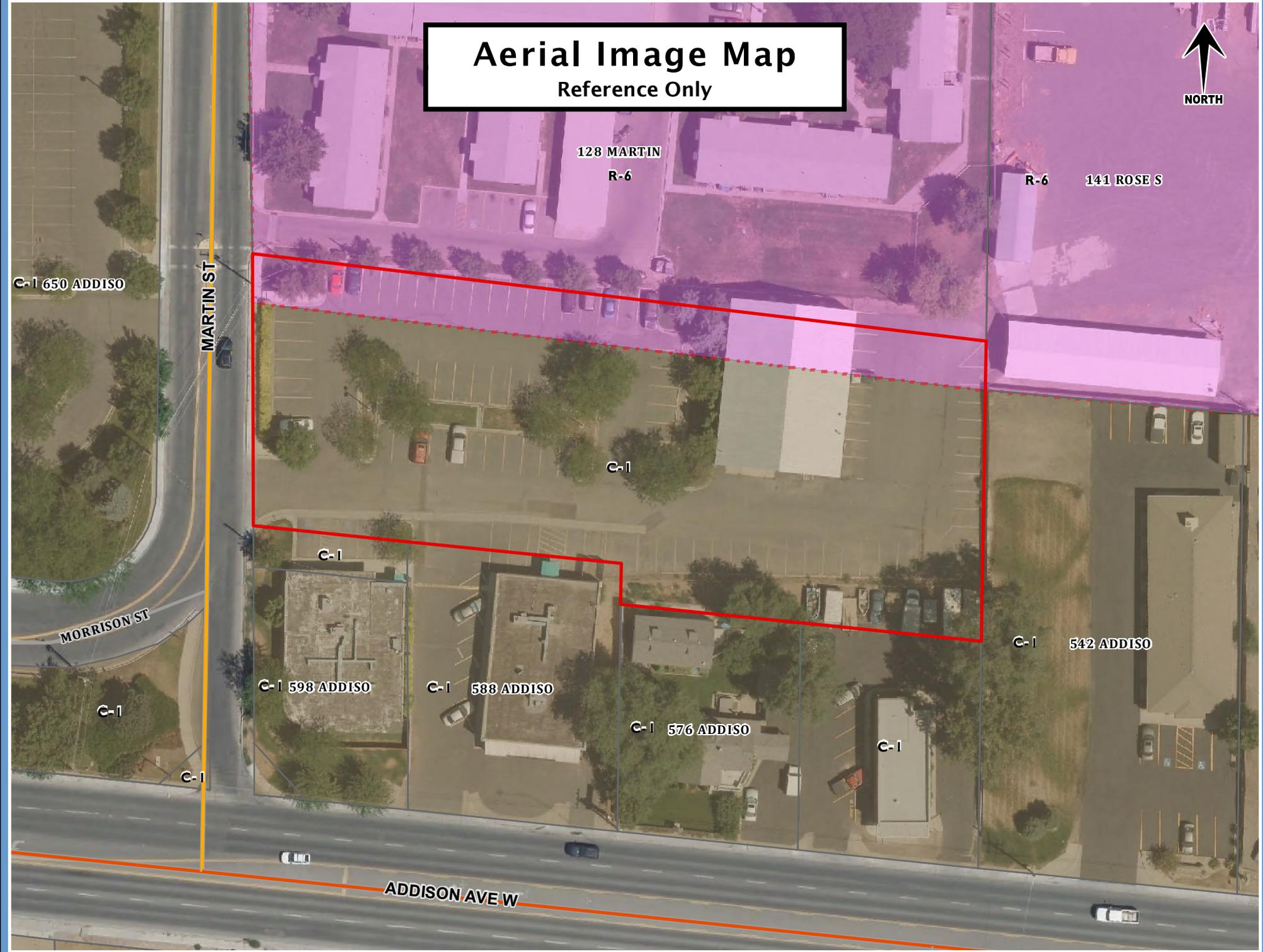
C-1 576 ADDISO

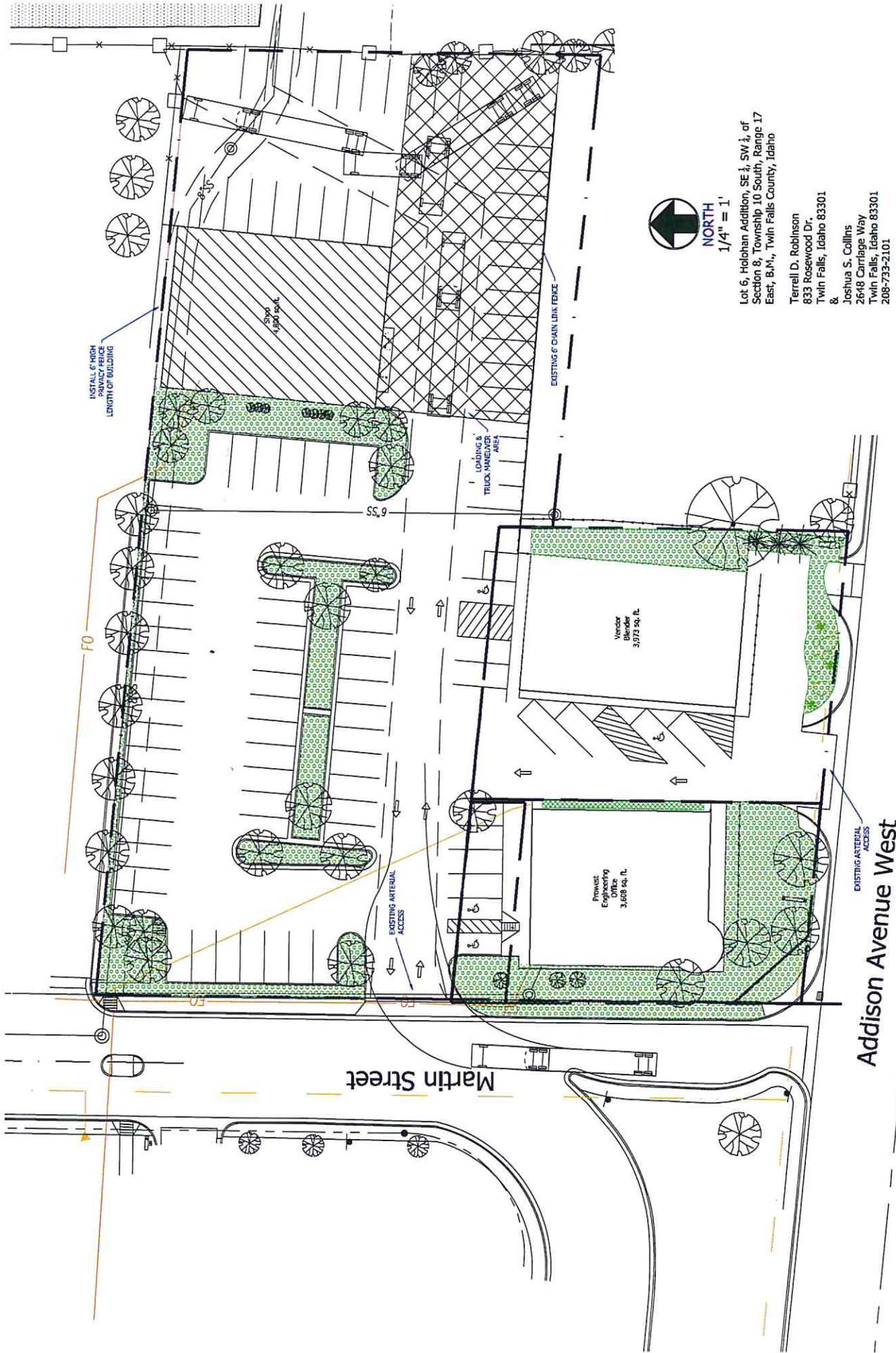
C-1

C-1

C-1

ADDISON AVE W





Lot 6, Holohan Addition, SE 1/4, SW 1/4, of Section 8, Township 10 South, Range 17 East, B.M., Twin Falls County, Idaho

Terrell D. Robinson
833 Rosewood Dr.
Twin Falls, Idaho 83301

Joshua S. Collins
2648 Carriage Way
Twin Falls, Idaho 83301
208-733-2101

Total Landscape Area: 11,039.167 sq. ft.
Shop Landscape Area: 4,917.917 sq. ft.

105 PARKING SPACES
4 HANDICAP SPACES

11/05/2013 03:54 PM





South/West Side of the Building

11/05/2013 03:45 PM



South/East Side of the Building

11/05/2013 03:46 PM



Inside of Bldg. currently used for storage

11/05/2013 03:50 PM



Example of Large electrical unit.

11/05/2013 03:50 PM



Electrical and other components inside the unit.

11/05/2013 03:49 PM



12/03/2013 10:59 AM



Public Hearing: **Tuesday December 10, 2013**

To: Planning & Zoning Commission

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

AGENDA ITEM IV-4

Request: Request for a Special Use Permit to construct a new convenience store and gas station operating twenty-four (24) hours a day, seven (7) days a week, on property located at 1662 Park View Drive. c/o Kyle Castle dba Castle's Corner Corp. (app. 2609)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner	Size: 1.08 (+/-) acres lot. To construct a 5395 (+/-) sf Building
Castle's Corner Corp Kyle Castle P.O. Box 98 Carey, ID 83320 208-823-4360 208-309-1547 (c)	Current Zoning: C-1 PUD	Requested Zoning: Special Use Permit to allow extended retail hours
	Comprehensive Plan: Commercial/Retail	Lot Count: 1 Lot
	Existing Land Use: Undeveloped	Proposed Land Use: Convenience Store and Gas Station operating with extended hours
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: C-1 PUD; Pole Line Rd W., undeveloped	East: C-1 PUD; undeveloped
	South: C-1 PUD; undeveloped	West: C-1 PUD; Park View Dr., undeveloped
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8.2(B)10j, 10-10, 10-11-1 thru 8, 10-13-2-2, North Haven Business Park C-1 PUD Agreement	

Approval Process:

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

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval.

Budget Impact:

Approval of this request will have no impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to operate a retail business twenty-four (24) hours a day, seven (7) days a week, which is outside permitted retail hours of operation of 7:00 am to 10:00 pm as outlined in City Code.

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:

Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed. The site zoned as North Haven Business Park C-1 PUD was annexed on June 14, 2004. A Preliminary Plat was approved on July 13, 2004, for a ten (10) lot subdivision. The Final Plat was approved on November 1, 2004. On January 24, 2005, the North Haven Business Park C-1 PUD Agreement was approved and recorded.

The Plat was amended to include more lots and so it was resubmitted and the amended Preliminary Plat was approved by the Planning and Zoning Commission on April 25, 2006. The amended Final Plat was approved September 11, 2006. On March 27, 2007 the Planning and Zoning Commission approved a PUD Modification to allow for a tire and lube shop with closed doors, a drive-through facility for a pharmacy, a drive-through facility for a garden center, 24-hour retail operations and signage modifications subject to the Wal-Mart site/building only. The Council approved the PUD modification on April 23, 2007. The Final Plat for the North Haven Business Park Subdivision, A PUD- Phase 2 was recorded on December 17, 2009.

Analysis:

The property is zoned C-1 PUD. The request is to construct and operate a new convenience store/gas station at the SE corner of Pole Line Rd West and Park View Drive twenty-four (24) hours a day, seven (7) days a week. The C-1 zone requires a gas station to have a special use permit however, the North Haven Business Park C-1 PUD Agreement outright permits a fuel/gas station at this site. The North Haven Business Park C-1 PUD Agreement does not waive the special use permit process for extended retail hours of operation.

The applicant/Kyle Castle dba Castle's Corner submitted a request for an SUP to allow extended business hours of twenty-four (24) hours a day, seven (7) days a week. The site where the Castle's Corner convenience store/gas station will be located is at 1662 Park View Drive. The North Haven Business Park C-1 PUD Agreement does not waive the special use permit process for extended retail hours of operation. The applicant's narrative states they anticipate traffic to be steady during the daytime hours and tapering off in the evening hours. They state there will be up to five (5) employees on-site during the peak hours. The applicant does not anticipate any significant impacts to neighboring businesses.

Per City Code 10-4-8.2: Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) AM to ten o'clock (10:00) PM require a special use permit in the Commercial Highway District (C-1). The C-1 Zone is intended to provide commercial activities of various sizes from large retail stores to small specialty shops with residential opportunities for persons wishing to work and live in a unified environment. The C-1 Business Park PUD Agreement does not waive the special use permit process for extended retail hours of operation.

Per City Code 10-4-8.3: There are no rear and side yard building setbacks and required landscaping is equal to ten percent (10%) of the total parking area or three percent (3%) of the total site, whichever is greater. The North Haven Business Park C-1 PUD Amended Agreement states that there shall be a 35 foot wide landscape buffer from back of curb along Pole Line Road West and a 20 foot wide landscape buffer from back of curb along Park View Drive in addition to required landscaping. Each lot shall comply with City Code to include adjacent landscape buffers in addition to site improvements as shown on the approved Master Development Plan, whichever is greater.

Per City Code 10-10: Off Street Parking is required for this business at a rate of one space for each two hundred fifty (1:250) square feet of floor area. This results in a parking requirement of twenty-three (23) parking spaces. The North Haven Business Park Subdivision, A PUD, has a cross use agreement for all property owners within the subdivision. Parking appears to be satisfied with that agreement. There will be a complete review with the building permit.

Possible Impacts: The neighboring properties are currently undeveloped. There is currently St. Luke's Magic Valley Regional Medical Center and Wal-Mart in the area that operate twenty-four (24) hours a day. Other uses within the area are medical facilities, retail, and a bank. These various businesses may not be greatly impacted by these proposed extended hours.

The applicant's submitted site plan indicates a left turn off Park View Drive into the proposed convenience store/gas station. There is a note on the recorded final plat that states;...." a six (6") inch high minimum six (6") inch wide continuous ribbon concrete curb may be constructed at a future date at the discretion of the City Engineer in a location determined by the City Engineer between North Haven Drive and Pole Line Road (West)." Development is a major consideration in determining when the ribbon curb shall be constructed.

The applicant has been informed by the City Engineer that there will be a ribbon curb constructed on Park View Drive in the near future. Left turns into the proposed facility will not be allowed when the construction of the curbing occurs. The ingress/egress allowed on Park View Drive will be a right-in/right out only.

Conclusion:

Should the Commission grant this request, as presented; city staff would recommend 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 the ingress/egress on Park View Drive being signed as right in/right out only.
3. Subject to compliance with the North Haven Business Park C-1 PUD.

Attachments:

1. Narrative
2. Zoning Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. Applicant Submitted Building Elevations
6. North Haven Subdivision No. 2 final plat
7. Site Photos (x)

Zoning Vicinity Map

Reference Only



Canyon Properties 229

North Haven 245

C-1 St Lukes 246

POLE LINE RD W

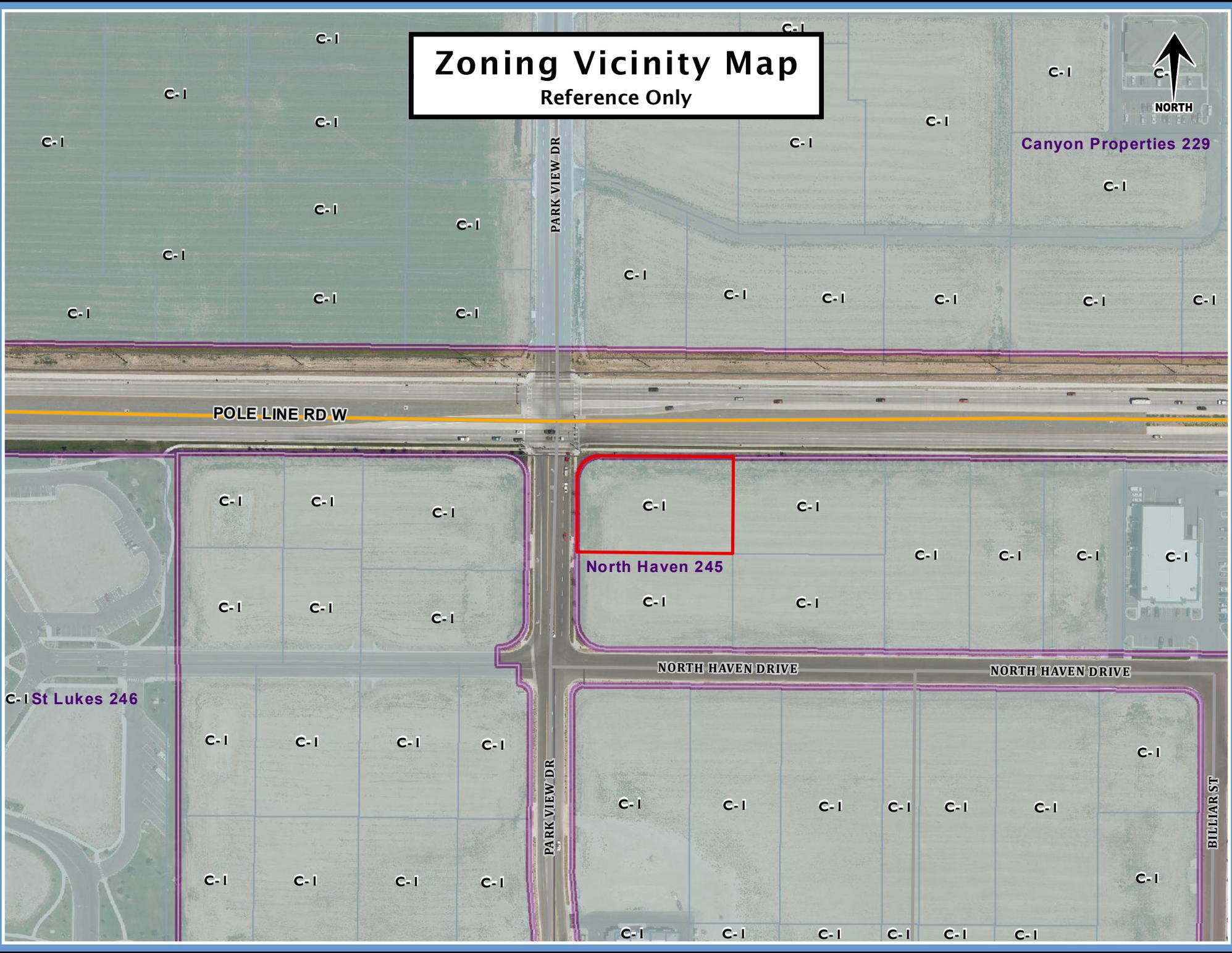
PARK VIEW DR

NORTH HAVEN DRIVE

NORTH HAVEN DRIVE

PARK VIEW DR

BILLIAR ST



Aerial Image Map

Reference Only



1723 PARK

1721 PARK

1730 PARK

1742 PARK

PARK VIEW DR

POLE LINE RD W

1662 PARK

440 NORTH

390 NORTH

PARK VIEW DR

468 NORTH

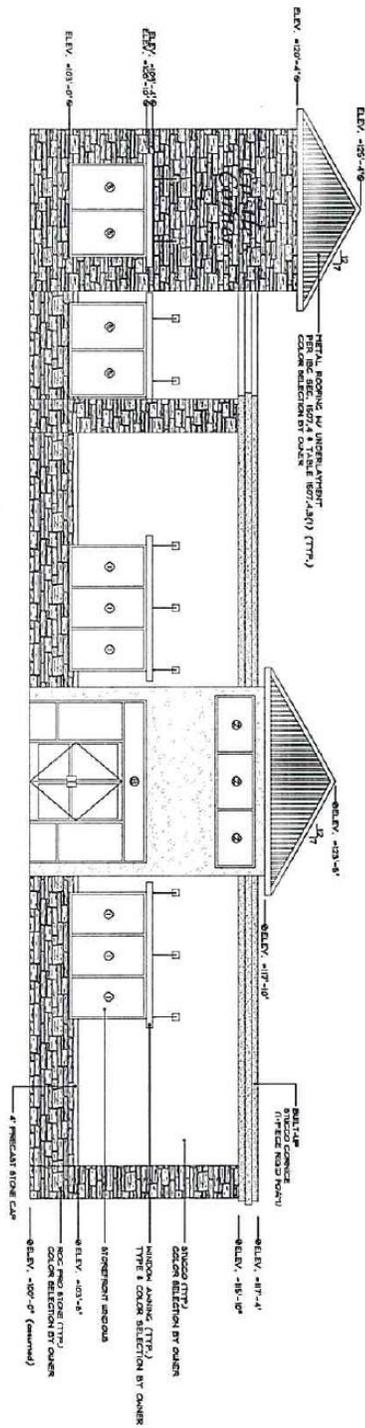
434 NORTH

NORTH HAVEN DRIVE

477 NORTH

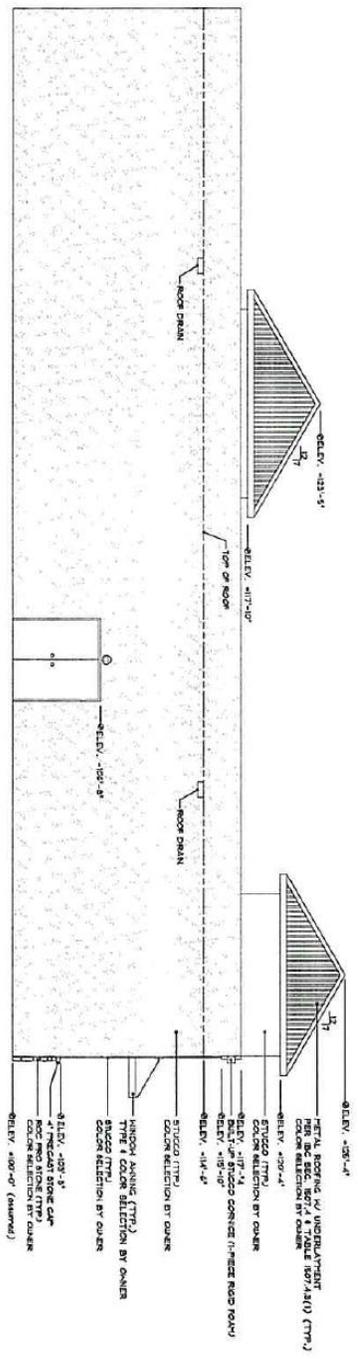
453 NORTH

429 NORTH



WEST ELEVATION

SCALE 1/2" = 1'-0"



EAST ELEVATION

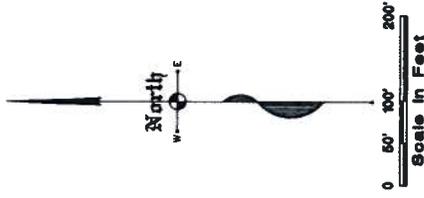
SCALE 1/4" = 1'-0"

<p>CONSTRUCTION PLANS for CASTLE'S CORNER CONVENIENCE STORE Twin Falls, Idaho</p>		<p>EHM Engineers, Inc. ENGINEERS/SURVYORS/PLANNERS 621 NORTH COLLEGE ROAD, SUITE 100, TWIN FALLS, IDAHO 83301 PHONE: (208) 734-4833 FAX: (208) 734-6049 E-MAIL: ehm@ehm-inc.com</p>
<p>DO NOT SCALE DRAWINGS CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL BUILDING CODE (IBC) AND THE 2018 INTERNATIONAL PLUMBING CODE (IPC) UNLESS OTHERWISE SPECIFIED BY THE CONTRACTOR. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED BY THE CONTRACTOR.</p>		
<p>DATE: 01/11/2018</p>	<p>BY: [Signature]</p>	<p>SHEET 11 OF 18</p>

North Haven Subdivision No. 2

Located in
Gov't. Lot 2

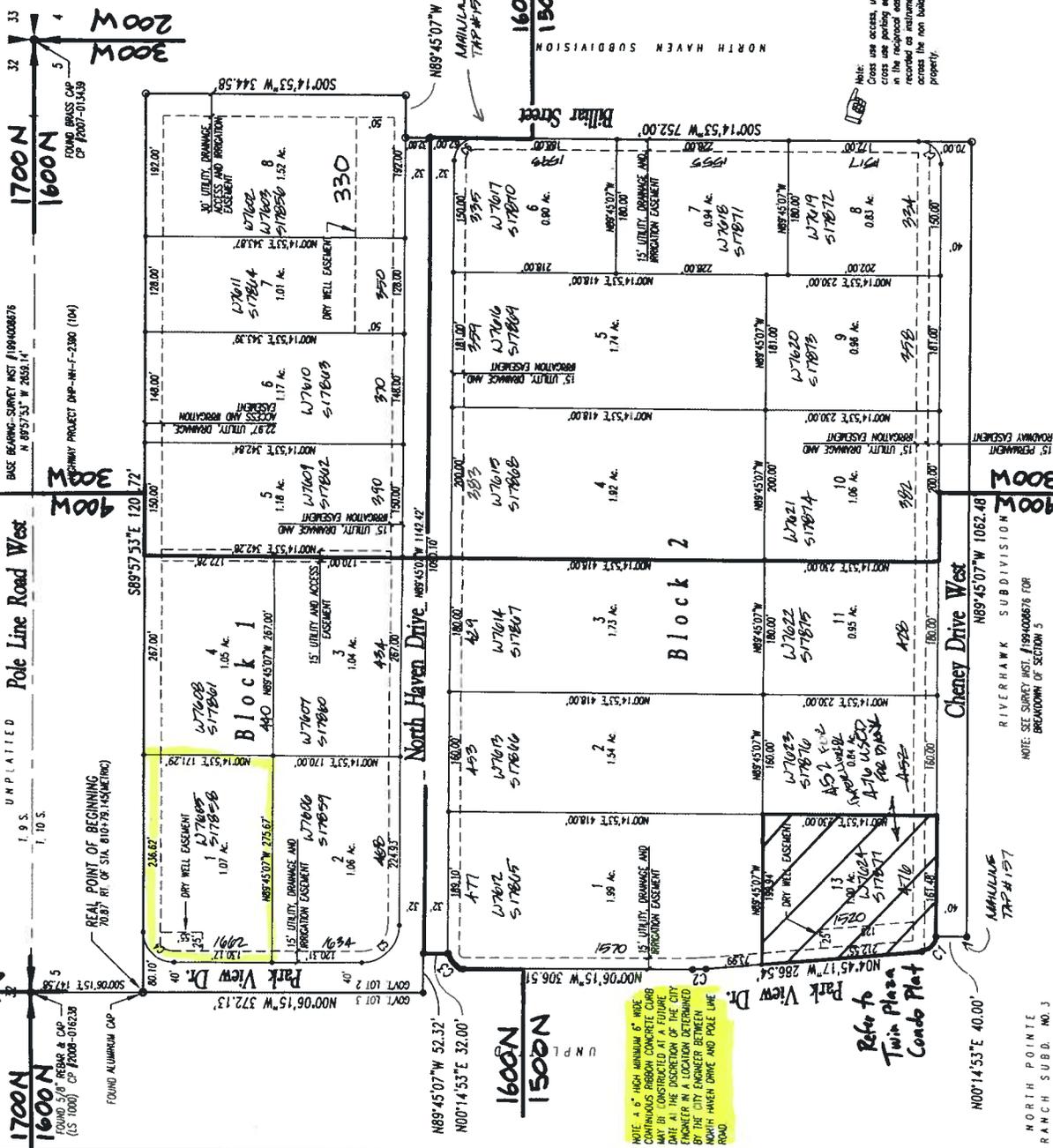
In
Section 5,
T. 10 S., R. 17 E., B.M.
Twin Falls County, Idaho
2009



- LEGEND**
- Subdivision Boundary Line
 - Lot Line
 - Roadway Center Line
 - Easement Line
 - Found 5/8" Rebar & Cap (LS1000)
 - Found 5/8"x24" Rebar & Cap (LS1000)
 - Set 1/2"x24" Rebar & Cap (LS1000)
 - Found Monument as Noted



Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS
TWIN FALLS, IDAHO
North Haven #2
SHEET 1 OF 3 - 063-DP01-162



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Note: Cross use access, utility, drainage, and cross use parking easements are set forth in the reciprocal easement agreement recorded as instrument #2009-027541 across the non-bubble portions of the property.

CURVE	DELTA	LENGTH	RADIUS	TANGENT	CHORD	CHORD BRG.
C1	84.59.51"	28.67	20.00	18.33	27.02	M47.15.72W
C2	4.32.02"	17.89	218.00	8.85	17.89	M62.23.46W
C3	89.71.99"	31.54	20.00	20.17	28.37	M45.04.19E
C4	80.08.72"	62.82	40.00	40.10	56.64	M44.57.58E
C5	89.28.54"	78.23	50.00	48.69	70.49	M44.55.41W
C6	80.00.00"	47.12	30.00	30.00	42.43	M44.50.77W
C7	80.00.00"	47.12	30.00	30.00	42.43	S45.14.52W

NOTE: SEE SURVEY INSTR. #1994008676 FOR BREAKDOWN OF SECTION 5

Health Certificate

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13 have been satisfied based on the 800 approved of the design plans and specifications and the conditions imposed on the developer for continued installation of sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water or sewer/septic facilities were constructed. Building construction can be allowed with appropriate building permits if drinking water or sewer/septic facilities have since been constructed or if the developer is currently constructing drinking water or sewer/septic facilities. Sanitary restrictions may be imposed at the discretion of the health officer if deemed necessary. If approved, and no construction of any building or other requiring drinking water or sewer/septic facilities shall be allowed.

District Health Department, EMS

DATE: 02/29/2009

UNPLATTED
1 TO 5
REAL POINT OF BEGINNING
70.87' RT. OF SIX 60'x135'x100' (AREA)

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West Side of the Property

12/03/2013 10:50 AM



North West Corner of Property

12/03/2013 10:51 AM



South West Corner of Property

12/03/2013 10:52 AM