



**NOTICE OF AGENDA**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**WEDNESDAY, May 27, 2015 6:00 PM**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

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

**AREA OF IMPACT:**

Ryan Higley   Steve Woods

**City Council Liaison**

Rebecca Mills Sojka

**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): **May 12, 2015 PH**
  - Approval of Findings of Fact and Conclusions of Law: Lamborn (SUP 05-12-15)

**III. ITEMS OF CONSIDERATION:     None**

**IV. PUBLIC HEARINGS:**

1. Request for an **Amendment to Special Use Permit #1360**, granted March 31, 2015, to include the sales of sporting vehicles in addition to automobiles on the North side of 500 block of 2<sup>nd</sup> Avenue South c/o Tony Hoggarth dba Hoggarth Auto Sales (app. 2718)
2. Requests a **Special Use Permit** to construct a restaurant with a drive through window and to operate during the hours of 6:00 am to 10:00 pm on property located at 1643 Washington Street North. c/o EHM Engineers Inc. on behalf of David Dickerson/Taco John's (app. 2724)
3. Request for a **Special Use Permit** to operate a medical office providing physical therapy on property located at 1053 Eastland Drive c/o David B Hutchinson on behalf of Body Balance (app. 2726)
4. Request for a **Zoning District Change and Zoning Map Amendment** from R-4 to C-1 for 2.4 (+/-) acres located at 1629 Locust Street North c/o Walt Hess on behalf of Christy J. Williams (app. 2727)
5. Recommendation on the **zoning designation for a request to Annex** 53.38 (+/-) acres located at the SE corner of 2700 East Road aka Sunway Drive North and North College Road West, extended. c/o Bradford J Wills on behalf of the Twin Falls School District (app. 2730)
6. Request for a **Special Use Permit** to construct and operate a restaurant with a drive-through window on property located at 1720 Pole Line Road East c/o EHM Engineers, Inc on behalf of J2 Real Property Group, LLC/David Johnson – McAlister's (app. 2731)
7. Request the **Vacation** of 15' x 249.5' platted sewer easement on Lot 7 Block 1 of the Canyon Park West Amended Subdivision, A PUD aka 2015 Blue Lakes Boulevard North c/o EHM Engineers, Inc. on behalf of Base Jumper Two, LLC (app. 2729)
8. Request the **Vacation** of a 20 x 182' platted sewer easement located on Lot 4 Block 1 of the Canyon Park Amended Subdivision aka 1843 Blue Lakes Boulevard North c/o EHM Engineers, Inc. on behalf of Geronimo, LLC (app. 2728)

**V. GENERAL PUBLIC INPUT:**

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

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

1. Work Session- **June 3, 2015**
2. Public Hearing- **June 9, 2015**

**VIII. ADJOURN MEETING:**

Si desea esta información en español, llame Leila Sanchez 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: **WEDNESDAY, May 27, 2015**

To: Planning & Zoning Commission

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

## AGENDA ITEM IV-1

**Request:** Request for an **Amendment to Special Use Permit #1360**, granted March 31, 2015, to include the sales of sporting vehicles in addition to automobiles on the North side of 500 block of 2<sup>nd</sup> Avenue South c/o Tony Hoggarth dba Hoggarth Auto Sales (app. 2718)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 1.15 Acres, <b>648 sf Office Bldg</b>
Hoggarth Auto Sales, LLC. 734 Main Ave S Twin Falls, ID 83301 208-280-2740 <a href="mailto:tonyhoggarth@yahoo.com">tonyhoggarth@yahoo.com</a>	<b>Current Zoning:</b> CB P-2 Parking Overlay	<b>Requested Zoning:</b> SUP, Retail Car & Sporting Vehicles Sales Business
	<b>Comprehensive Plan:</b> Townsite	<b>Lot Count:</b> 8 lots
	<b>Existing Land Use:</b> Vacant	<b>Proposed Land Use:</b> Retail Car and Sporting Vehicle Sales Business
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
Tony Hoggarth 2522 E 3707 N Twin falls ID, 83301 208-280-2740 <a href="mailto:tonyhoggarth@yahoo.com">tonyhoggarth@yahoo.com</a>	<b>North:</b> CB P-1 Parking Overlay; alley/Multiple Residences and businesses	<b>East:</b> CB P-2 Parking Overlay; Liberty Street South; Commercial Business
	<b>South:</b> CB P-2 Parking Overlay; Hwy 30-2 <sup>nd</sup> Ave S – MT Commercial Business	<b>West:</b> CB P-1 Parking Overlay; Ketchum Street South; Commercial Business
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-2-, 10-4-7,-10-7-6, 10-10, 10-11-1 thru 8, 10-13-2.2	

**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.

If an applicant or interested party appeals the decision of the Commission, the Administrator shall set a public hearing date before the City Council to consider 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 with the change of the property to a commercial use, and increased sales tax.

## Regulatory Impact:

Approval of this request will allow the applicant to operate automobile and sporting vehicle retail business on specific property within Twin Falls.

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:

It is unknown when this particular lot was first used for Vehicle Sales. The Polk Directories list Bob Reese Motors being established in 1951-1952, on property listed as 516 2<sup>nd</sup> Ave South – this would be property across the street. In 1982 the Latham Motors Dealership was established at this location. It is thought this site was later used by Latham Motors for the storage and display of overflow of vehicles from the main sales lot. Latham Motors vacated the premises in the early 2000's. Since that time, properties, on both the north and south side of 2<sup>nd</sup> Ave S have been vacant.

## Analysis:

On March 31, 2015, the Commission unanimously approved a Special Use Permit to Tony Hoggarth to establish an automobile sales lot at this location. The permit was granted to sell automobiles, as presented, and subject to the following five (5) 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 compliance with storm water retention requirements.*
3. *Subject to placement of a trash receptacle enclosure in compliance with 10-11-6.*
4. *Subject to moving or closing the approaches on Ketchum St South and Liberty St South in accordance with Engineering Codes and Standards, as presented on Attachment 3b.*
5. *Subject to the midblock or main entrance remaining as the only approach on 2nd Ave South, all others to be removed, or otherwise made inoperative per Engineering Codes and Standards, as presented on Attachment 3b..*

The permit was granted specific to allow an automobile sales business to operate from this site. The applicant wishes to amend the original Special Use Permit #1360 to include the sale of Sporting Vehicles

Title 10; Chapter 2 defines "Sporting Vehicles" as follows:

*Travel and tent trailers not over eight feet (8') wide or thirty two feet (32') long and capable of being towed with safety behind a passenger vehicle, campers designed to be mounted on a pickup truck, boats and accessories, recreational type snow machines required to be licensed under the laws of the state of Idaho and having a maximum seating capacity for three (3) persons and motorcycles and related items designed to be used off the highway system.*

**Per City Code 10-4-7:** The CB zone requires Automobile and Truck sales and/or rentals to acquire a Special Use Permit prior to being legally established. The CB zone also requires Sporting Vehicle and Motorcycle sales and/or rentals to acquire a Special Use Permit prior to being legally established. Mr. Hoggarth's special use permit was granted specific to his request which was to establish a retail sales business for automobiles only at this site. In order for him to be able to sell ATV's, cargo trailers, small RV's, etc..he is required to acquire a special use permit.

*The code requires a special use permit for each of these types of retail uses. The City has required businesses which desire to sell sporting types of vehicles and other accessory uses, such as; atv's, small rv's, motorcycles, boats, cargo trailers, boat trailers, etc. to include them in the Special Use Permit request. Special Use Permit #1360, granted to Mr. Hoggarth on March 31, 2015, did not include these types of vehicles and therefore he is requesting the commission grant this request to add "sporting vehicle and motorcycle sales" to Special Use Permit #1360.*

**Per City Code 10-10:** *The applicant is not seeking to change the conditions of the previous approval in regards to the parking requirements, standards, or conditions.*

**Per City Code 10-11-1 thru 9:** *The applicant is not seeking to change the conditions of the previous approval in regards to the required improvements.*

**Possible Impacts:** Staff does not foresee a significant increase in negative impacts to the surrounding properties with the establishment of an automobile and sporting vehicle sales business as presented. This site was used as an accessory overflow storage area only for vehicles and pick-ups for the previous auto dealer across the street. All sales business was conducted within the buildings/offices across the street. The commission may wish to clarify that a building with a certificate of occupancy will be required as part of this special use permit to operate the business on this site. The applicant's site plan clearly identifies a permanent building onsite as the sales office. As of today it appears there is a temporary travel trailer being used to operate the business from. The previous location of the applicants business is on Main Ave S. If the commission grants this request this evening staff recommends a condition that there be a building with a certificate of occupancy onsite prior to any further business operating from this site.

#### **Conclusion:**

Should the Commission approve this request, as presented, staff recommends 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 compliance with all state licensing requirements prior to operation from this site.
3. Subject to compliance with original five (5) conditions placed on Special Use Permit #1360.
4. Subject to a building receiving a certificate of occupancy prior to operating from this site.

#### **Attachments:**

1. Letter of Request
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. Site Photos
6. Portion of the March 31, 2015 P&Z minutes
7. SUP #1360

The reason for the request for special use permit is to not only sell used cars and trucks, but to also be able to sell New Trailers, used RV's, ATV's, UTV's, Boats, Motorcycles, Camp trailers and Motorhomes.

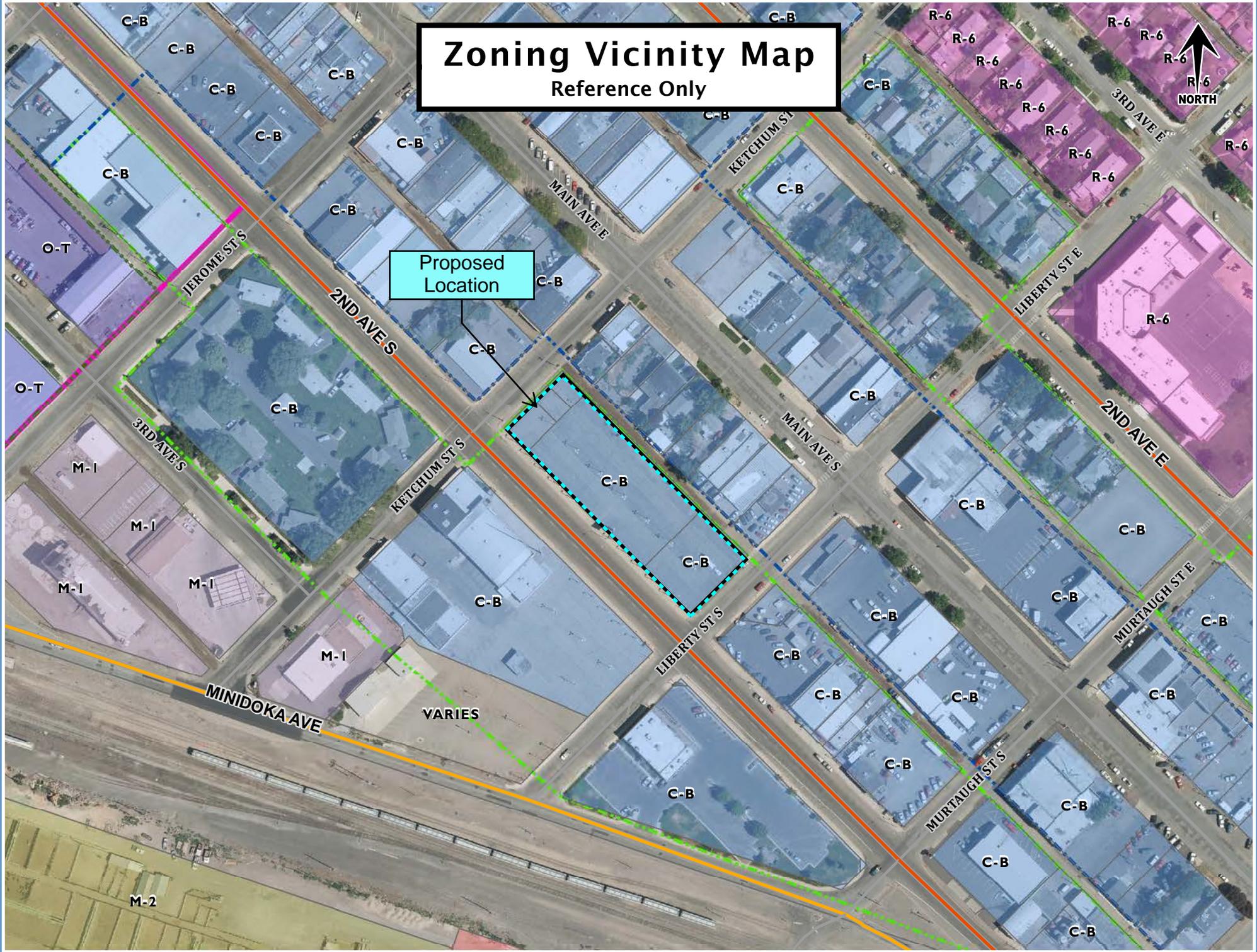
Hoggarth Auto Sales will be open from 9:00 am to 6:00 pm Monday through Saturday. We have 2 employees and hope to have 3 by the end of July.

# Zoning Vicinity Map

Reference Only



Proposed Location



# Aerial Photo Map

Reference Only



445 2ND AV

461 2ND AV

KETCHUM ST S

139 KETCHU

131 KETCHU

125 KETCHU

2ND AVE S

510 2ND AV

441 KETCHU

512 MAIN A

520 MAIN A

530 MAIN A

536 MAIN A

544 MAIN A

560 MAIN A

564 MAIN A

LIBERTY ST S

604 MAIN A

628 MAIN A

609 2ND AV

MAIN AVE S

MAIN AVE E

529 MAIN A

537 MAIN A

541 MAIN A

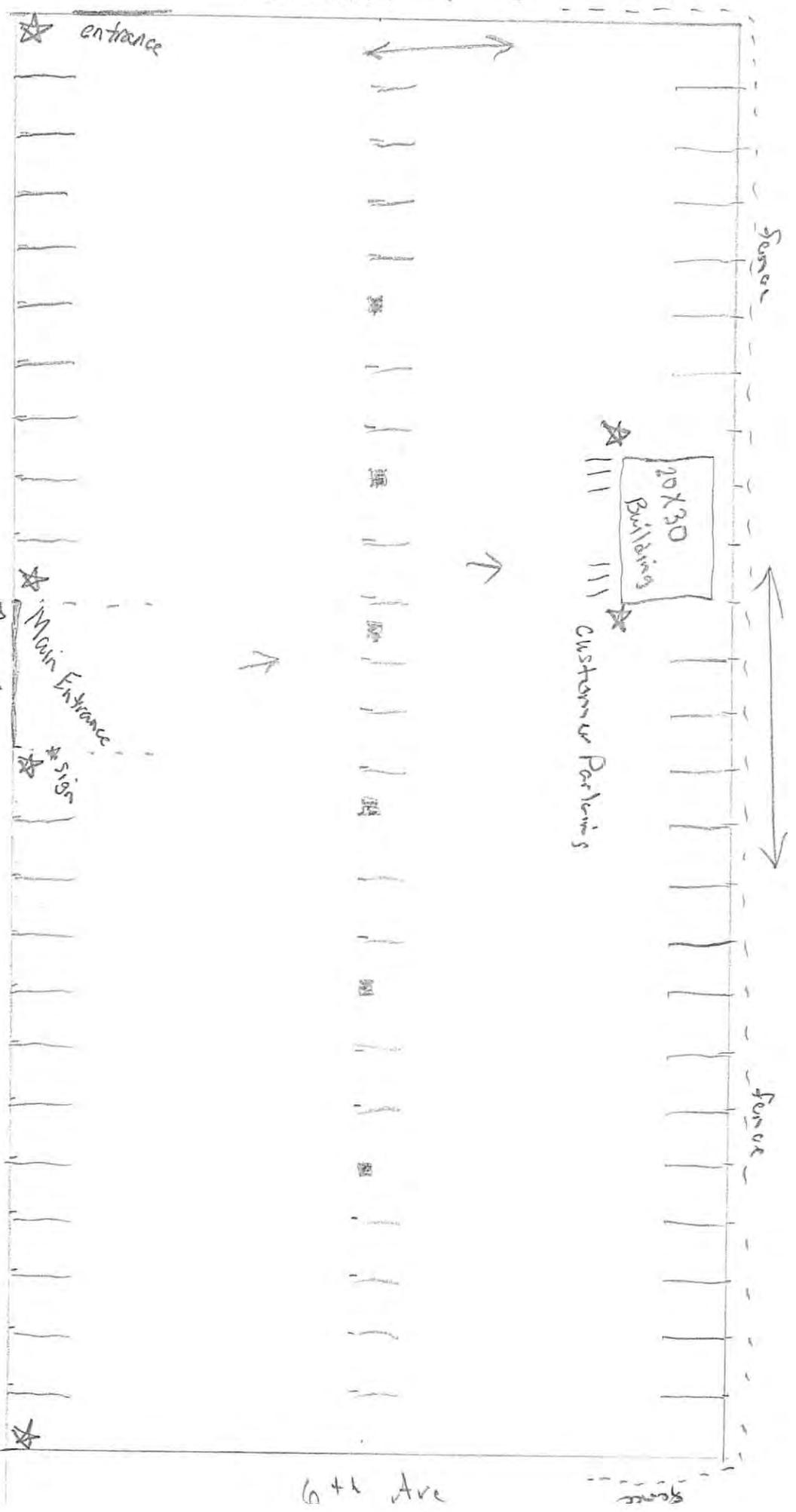
561 MAIN A

North  
↑

139 Ketchum St Twin Falls ID  
Lots 9-16 of Block 107 Twin Falls Townsite

■ = 1' squares  
40' = 1" →  
25' = 1" ⇕  
★ = Planters/Landscape

Ketchum St S Fence



★ entrance

Fence

★  
20x30  
Building  
★

Customer Parking

Fence

★ Main Entrance

★ Sign

2nd Ave S

6th Ave



MAY 19 2015

19 1:23 PM

2ND AVE S  
KETCHUM STS  
ONE WAY



MAY 19 2015

19 1:20 PM



**HOGGARTH** Auto Sales  
736-1787  
Dealer #1159

NOTICE TO PUBLIC

HOGGARTH

6-1787

MAY 19 2015

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HOGGARTH

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MAY 19 2015

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2. Request for a Special Use Permit to operate an automobile retail business on the North side of the 500 Block of 2<sup>nd</sup> Avenue South c/o Tony Hoggarth dba Hoggarth Auto Sales, LLC (app, 2716)

**Applicant Presentation:**

Mr. Hoggarth stated he is here to request a Special Use Permit to operate an automobile retail business on this property. This will allow him to expand his existing business and in the future he would like to place a building on the lot in the near future.

**Staff Analysis:**

Planner I Spendlove reviewed the request and stated it is unknown when this particular lot was first used for Vehicle Sales. The Polk Directories list Bob Reese Motors being established in 1951-1952, on property listed as 516 2<sup>nd</sup> Ave South. In 1982 the Latham Motors Dealership was established at this location. It is thought this site was later expanded for use by Latham Motors. Latham Motors vacated the premises in the early 2000's. Since that time, these lots have been vacant. No further pertinent zoning history is known at this time.

**Analysis:**

The applicant has supplied a narrative describing their request. The applicant wishes to move his current business location from 734 Main Ave South in order to have expanded visibility and space. They currently employ 2 people, with the anticipation of adding a 3<sup>rd</sup> by August of this year. The business will be open from 9:00 AM to 6:00 PM.

The location is a very large parking area that was across the street from the old Latham Dealership, 510 2<sup>nd</sup> Ave S. This property was developed for the purpose of displaying vehicles for sale only. The attached photos of the site show a large asphalt parking lot with multiple light poles on the premises. It is completely void of any landscaping and has multiple approaches onto adjacent streets that could potentially be a safety hazard.

**Per City Code 10-4-7:** The CB zone requires Automobile and Truck sales and/or rentals to acquire a Special Use Permit prior to being legally established.

*The typical impacts from an automobile retail sales lot include noise from PA systems, increased traffic, and overcrowding of vehicles onto adjacent streets or lots.*

*The City has addressed the issue with noise from PA systems. Current City Code does not outright permit PA systems to be used. IF one is desired, it must be included in the application for a Special Use Permit. This application did not include that particular use, therefore it would not be permitted at this time.*

*An increase in traffic will occur around this property. Any property that was previously vacant will see an increase when a new business starts operations. However, this location is located on 2<sup>nd</sup> Ave South, which is designated a State Highway, and is adequate to handle any increase in traffic that may occur.*

*Overcrowding of vehicle sales lots does occur on occasion. Usually the overcrowding only affects to property on which the lot is located. There are rare instances where this overcrowding can*

**Planning & Zoning Commission Minutes  
March 31, 2015 (Special Meeting)**

*impact adjacent properties and streets. City code does have a mechanism to address any issues with extended parking on streets. Issues with adjoining property owners can be mitigated through the possible revocation of this Special Use Permit if needed. However, with the size of this particular lot, it is not anticipated that we will see a significant issue with overcrowding onto streets and adjoining lot.*

**Per City Code 10-10:** The parking requirement is one (1) space for each 500 square feet of a structure. The applicant is proposing a building of 600 square feet, which equals two (2) required parking spaces. This location is also in the P-2 Parking overlay, which reduces the required amount by 30%. However, since we cannot have a portion of a parking space, per city code, the requirement for customer parking will be rounded up two (2) spaces.

**Per City Code 10-11-1 thru 9:** Required improvements for this site will include the maintaining of the parking lot asphalt. Landscaping requirements include 5% of the required parking area. Other improvements include drainage, access, screening and sanitation facilities.

*The lot is currently developed with an asphalt surface and light poles. The landscaping is tied to the parking requirement, the amount the applicant has supplied will satisfy the required amount unless the Commission wishes to require additional landscaping to enhance the area. Drainage is an item the applicant will need to work with the Engineering Department to satisfy their requirements for the area. Screening and sanitation facilities will also need to be addressed. It would be reasonable to address these items in a separate condition that will satisfy the need to bring this property up to current code standards due to the Special Use Permit.*

*The Engineering Department has expressed a concern about the multiple approaches located on the property. Engineering would like to place a condition on this special use permit to move the approaches on Liberty and Ketchum further north in order to meet current code. Also, Staff would recommend to permanently close two (2) approaches on 2<sup>nd</sup> Ave South, leaving the large main entrance as it is.*

Staff does not foresee a significant increase in negative impacts to the surrounding properties with the establishment of this business as presented.

Planner I Spendlove stated should the Commission approve this request, as presented, staff recommends 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 compliance with storm water retention requirements.
3. Subject to placement of a trash receptacle enclosure in compliance with 10-11-6.
4. Subject to moving or closing the approaches on Ketchum St South and Liberty St South in accordance with Engineering Codes and Standards, as presented on Attachment 3b.
5. Subject to the midblock or main entrance remaining as the only approach on 2nd Ave South, all others to be removed, or otherwise made inoperative per Engineering Codes and Standards, as presented on Attachment 3b..

**Planning & Zoning Commission Minutes  
March 31, 2015 (Special Meeting)**

**PZ Questions/Comments:**

- Commissioner Grey asked for clarification that the applicant understood the conditions and was willing to work with staff.
- Mr. Hoggarth explained there are light poles in front of two of the accesses and there are some barriers at one end to prevent it from being used but he sees no reason he can't meet the requirements.
- Commissioner Grey asked if the photos provided in the packet are samples of the building that he is proposing for the new site.
- Mr. Hoggarth explained the building will look more like a commercial building and will look nice.
- Commissioner Frank stated his only concern is water retention requirements.
- Commissioner Boyd asked if he had plans for trees to be put in the planter boxes and how he plans to get water to the planter boxes.
- Mr. Hoggarth explained he was planning to put plants in the box and he would just use a hose to water the plants.
- Commissioner Munoz asked if the applicant had plans to set up a portable office on-site.
- Mr. Hoggarth explained that he has to do something with his current property before he can move forward with his plans for the new lot.

**Public hearing:**

Connie Rippel, 542 Main Ave South, stated she is in support of the request and is glad to see something being done with this property. They have never had any issues with this property.

**Deliberations Followed:**

- Commissioner Munoz stated his concern would be that a temp building would become permanent but there are permits that have to be obtained.
- Commissioner Frank stated he thinks this is a good use for this property.

**Motion:**

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

**Approved, As Presented, With the Following Conditions**

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to compliance with storm water retention requirements.
3. Subject to placement of a trash receptacle enclosure in compliance with 10-11-6.
4. Subject to moving or closing the approaches on Ketchum St South and Liberty St South in accordance with Engineering Codes and Standards, as presented on Attachment 3b.
5. Subject to the midblock or main entrance remaining as the only approach on 2nd Ave South, all others to be removed, or otherwise made inoperative per Engineering Codes and Standards, as presented on Attachment 3b..



**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. 1360**

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on March 31, 2015 to Hoggarth Auto Sales whose address is 2522 E 3707 N Twin Falls, ID 83301 for the purpose of operating an automobile retail business on the North side of the 500 Block of 2<sup>nd</sup> Avenue South and legally described as Lots 9-16 of Block 17 Twin Falls Townsite

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.2718**

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 compliance with storm water retention requirements.
3. Subject to placement of a trash receptacle enclosure in compliance with 10-11-6.
4. Subject to moving or closing the approaches on Ketchum St South and Liberty St South in accordance with Engineering Codes and Standards, as presented on Attachment 3b.
5. Subject to the midblock or main entrance remaining as the only approach on 2nd Ave South, all others to be removed, or otherwise made inoperative per Engineering Codes and Standards, as presented on Attachment 3b..



  
\_\_\_\_\_  
CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

2/14/15  
\_\_\_\_\_  
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



Public Hearing: **WEDNESDAY, May 27, 2015**

To: Planning & Zoning Commission

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

## AGENDA ITEM IV-2

**Request:** Requests a **Special Use Permit** to construct a restaurant with a drive through window and to operate during the hours of 6:00 am to 10:00 pm on property located at 1643 Washington Street North c/o EHM Engineers Inc. on behalf of David Dickerson/Taco John's (app. 2724)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 2100 sf Building; 1.61 Acres
Dave Dickerson 2029 Mountain View Cir. Twin Falls, ID 83301 208-420-1618 <a href="mailto:Dave4huskers@hotmail.com">Dave4huskers@hotmail.com</a>	<b>Current Zoning:</b> C-1 PUD	<b>Requested Zoning:</b> Special Use Permit – restaurant with a drive thru window and extended hours of operation
	<b>Comprehensive Plan:</b> Commercial/Retail	<b>Lot Count:</b> 1 Lot
	<b>Existing Land Use:</b> Platted Undeveloped	<b>Proposed Land Use:</b> Restaurant w/drive thru, and extended hours of operation.
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
Tim Vawser EHM Engineers 621 North College Rd Suite #100 <a href="mailto:Tvawser@ehminc.com">Tvawser@ehminc.com</a> 208-734-4888	<b>North:</b> C-1 PUD; Retail Business, Panda Express	<b>East:</b> C-1; Washington St North; Undeveloped Commercial Acreage
	<b>South:</b> C-1 PUD, Proposed Walmart Fuel Station	<b>West:</b> C-1 PUD; Wal-Mart Super Center
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8.2(B), 10-10, 10-11-1 thru 8, 10-13-2-2, North Haven PUD #245	

**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.

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 minimal impact on the City budget.

## Regulatory Impact:

Approval of this request will allow the applicant to operate a drive thru window in conjunction with a restaurant. Additionally, extended hours of operation area also being sought.

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. Many new zoning designations were assigned at that time, or when areas were annexed. In 2004, the area around Wal-Mart was annexed and zoned North Haven C-1 Business Park and included the PUD Agreement #235. In 2007, the owners of the property were granted an amendment to the North Haven PUD Agreement #235. This amendment created a new North Haven C-1 Business Park PUD Agreement #245 that superseded the original #235. The amendment to the PUD allowed for 3 major changes: a-24 Hour operation specific to the Walmart Store, b-it allowed a drive-up pharmacy specific to the Walmart Store and c-it allowed a tire shop by special use permit. The PUD does not address Drive-Thru windows. As there is no verbiage within the PUD regarding drive-through facilities this request would be as per current city code requirements.

## Analysis:

The request is to allow the operation of a drive thru window in conjunction with a restaurant operating with extended hours of operation. The applicant has supplied a narrative and supporting documents outlining the details of the proposed operation and use of the property. The restaurant will be owned and operated by Taco John's. The requested hours of operation are from 6:00 am – 10:00 pm (permitted hours are 7 am to 10 pm). The applicant anticipates traffic counts between 200 to 250 vehicles, and anticipates 20 total employees. The applicant does not anticipate an unmanageable increase of noise, glare, odors, fumes, or vibrations to surrounding property owners due to the proximity of this project to other established businesses which are commercial in nature.

**Per City Code 10-4-8.2:** Drive-thru windows require a special use permit. Additionally, retail establishments wishing to legally operate outside the permitted retail hours of operation of 7:00 am to 10:00 pm are also required to acquire a special use permit.

*The impacts of this particular project operating a drive thru and extended hours of 6:00 AM – 10:00 PM would generally revolve around traffic and light intrusion onto neighboring properties. The Wal-Mart store to the west currently operates 24 hours. Staff does not anticipate the traffic increase to be detrimental to the area due to its proximity to a major arterial (Washington Street North), and the current development pattern in the area. Light from this operation is not anticipated to increase dramatically from what is currently in the area.*

**Per City Code 10-10:** Off Street Parking is required for this business at a rate of one (1) space per one hundred (100) square feet of floor area. The result is twenty one (21) parking spaces required. The site plan provided shows the required minimum number of spaces being met. Further review will occur at the time of building permit submittal.

**Per City Code 10-11-1 thru 8:** All the required improvements will be reviewed for compliance with current city code at the time of building permit submittal. Some of these improvements include screening, access, parking surface, streets, storm water retention, utilities, and others.

**Possible Impacts:** It is important to note that the base operation of a restaurant is an outright permitted use in this zoning district. The immediate properties surrounding this project are zoned C-1 (Commercial) PUD. The property to the west is the Wal-Mart store that operates 24 hours. A restaurant is located to the North and a proposed Fuel Station will be located to the South. With arterial roadways to the North and immediately to the East, this property was intended to become a commercial corridor. The typical affects to adjoining property owners will be negligible due to the nature of the overall development being commercial. The impact on the greater area should be considered. As this area continues to develop, it is acceptable to assume more traffic will be generated. However, this development is positioned at the intersection of two major arterial roadways which have been identified as commercial corridors in the current Comprehensive Plan and Future Land Use Map. The access to the restaurant is internal from the Wal-Mart site.

**Conclusion:**

Should the Commission grant this request as presented; city staff recommends approval be subject to the following condition:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

**Attachments:**

1. Narrative
2. Zoning Vicinity Map
3. Aerial Map
4. Site Plan
5. Building Elevations
6. Site Photos

## **Taco John's Special Use Permit**

The reason for application of a special use permit is to allow a Taco John's restaurant to be constructed on Lot 8, Block 1 of the North Haven Subdivision. The facility will have a drive-thru and the request is to have extended hours of operation.

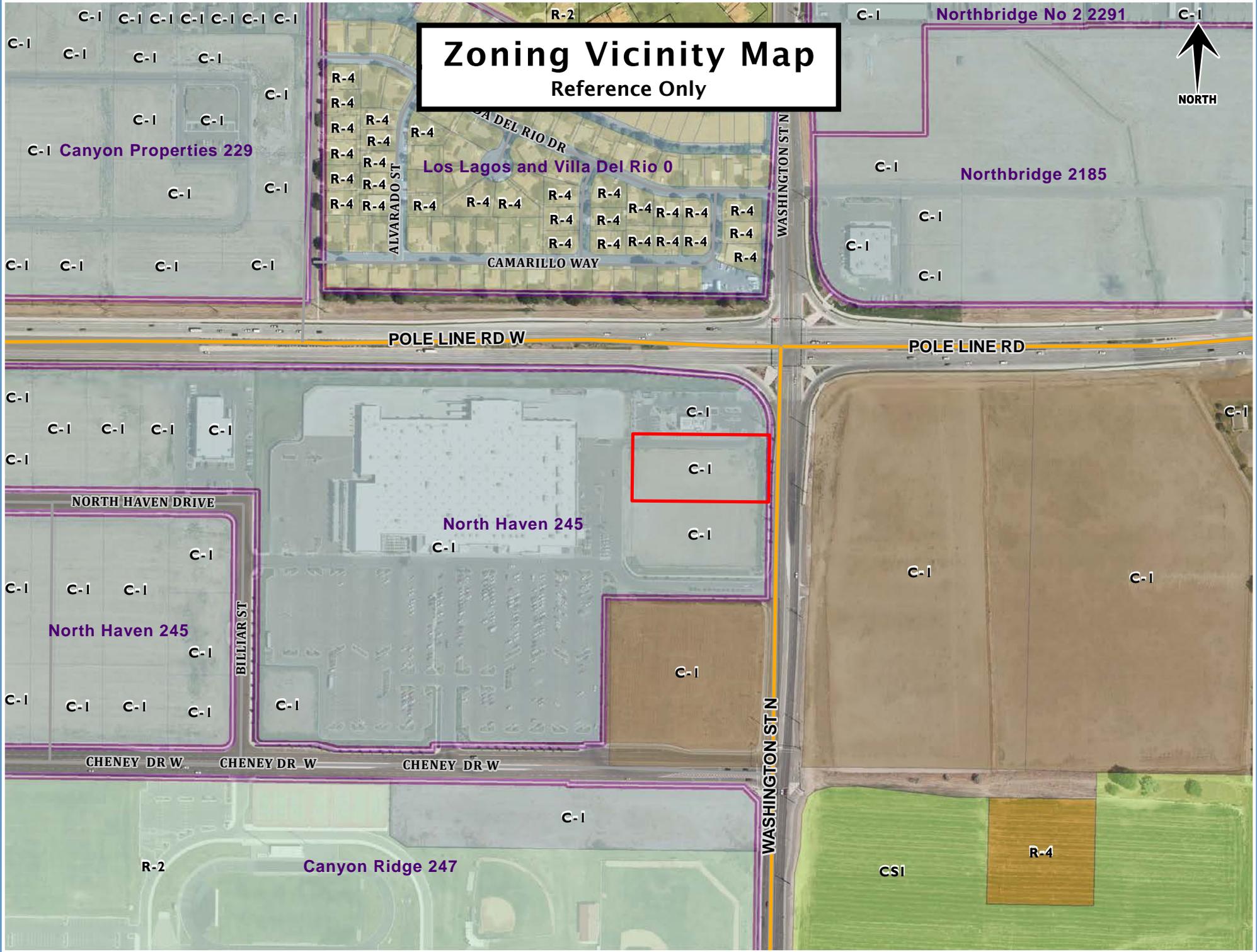
The hours of operation will be 6:00 a.m. to 10:00 p.m. Traffic is anticipated to be 200 to 250 vehicles per day and the number of employees is anticipated to be a total of 20 full and part time employees.

The proposed restaurant is located on the east side of Walmart fronting Washington Street in a commercial corridor so additional noise and glare are anticipated to be minimum. Odor, fumes, and vibration as well are not anticipated to be an issue.

The lot was developed for this type of business and the facility is compatible with the adjacent properties and uses in the district. Walmart exists to the West, Panda Express to the north, and a new fuel station was recently approved to the south. The property east of Washington Street is also zoned for commercial uses.

# Zoning Vicinity Map

Reference Only



# Aerial Photo Map

Reference Only



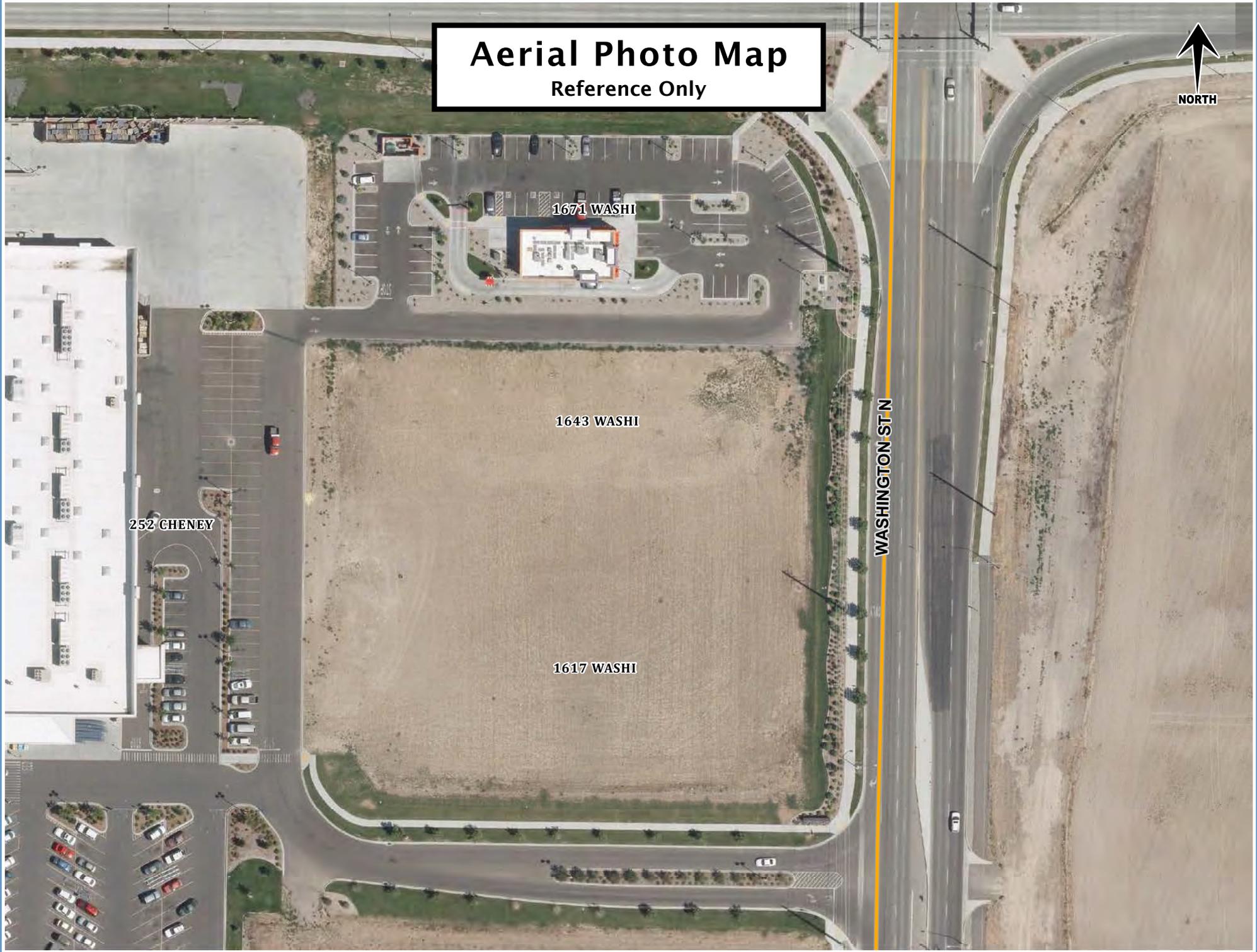
1671 WASHI

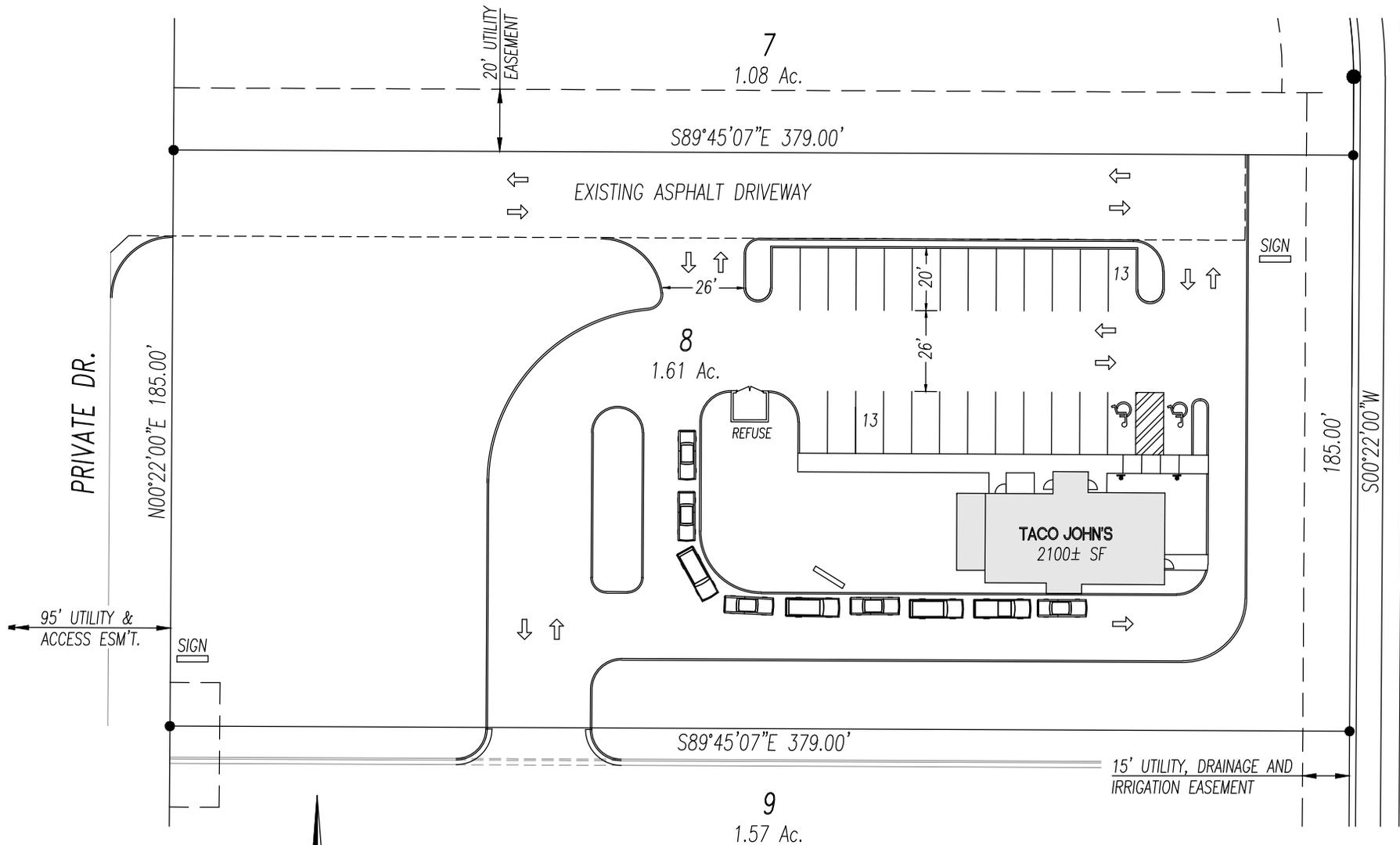
1643 WASHI

1617 WASHI

252 CHENEY

WASHINGTON ST N



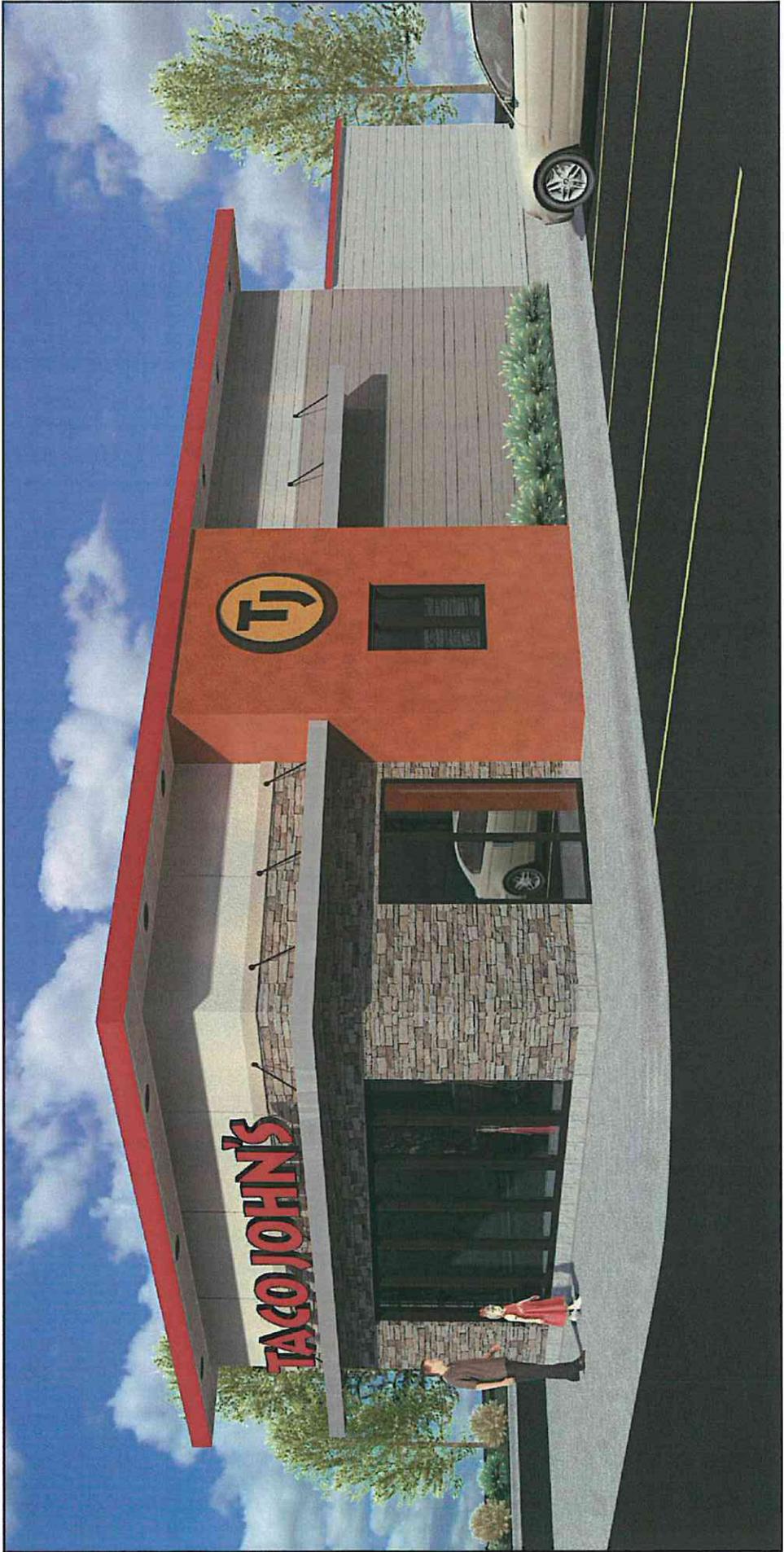


S.U.P. SITE PLAN FOR  
TACO JOHN'S

Scale:  
1" = 50'

Lot 8, Block 1, North Haven Subdivision  
 Future Owner (Per Purchase Agreement)  
 Dave Dickerson: Phone: 420-1618  
 2029 Mountain View Circle, Twin Falls, ID 83301

Parking Required: 21 (1 per 100 s.f.)  
 Parking Provided: 24 Std. / 2 Accessible  
 Landscaping Required: 2,105 SF (3% Total)







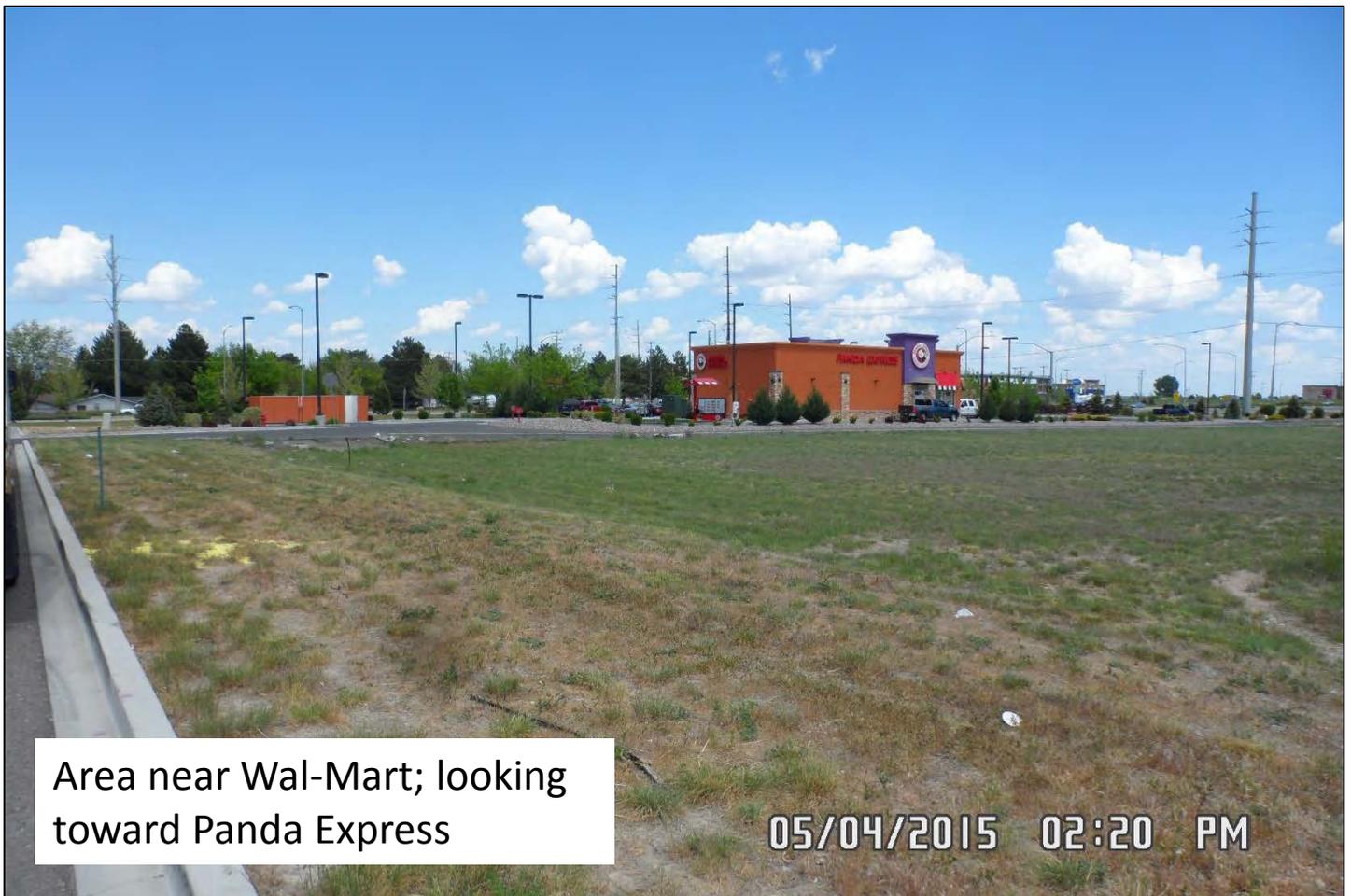
Frontage along Washington St  
North Looking South

05/04/2015 02:21 PM



Frontage along Washington St North  
Looking West toward Wal-Mart

05/04/2015 02:21 PM



Area near Wal-Mart; looking toward Panda Express

05/04/2015 02:20 PM



Area near Wal-Mart; looking toward Washington St North

05/04/2015 02:20 PM



Public Hearing: **WEDNESDAY, May 27, 2015**

To: Planning & Zoning Commission

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

## AGENDA ITEM IV-3

**Request:** Request for a **Special Use Permit** to operate a medical office providing physical therapy on property located at 1053 Eastland Drive c/o David B Hutchinson on behalf of Body Balance (app. 2726)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 5500 sf new shell bldg (4000 main and 1500 basement), 0.32 Acre Lot
Body Balance Physical Therapy David Hutchinson 1896 Candleridge Dr. Twin Falls, ID 83301 208-734-6172 <a href="mailto:david@bodybalancept.com">david@bodybalancept.com</a>	<b>Current Zoning:</b> R-2 PRO ,	<b>Requested Zoning:</b> SUP, Medical Office to include Physical Therapy
	<b>Comprehensive Plan:</b> Residential Business	<b>Lot Count:</b> 1 lots
	<b>Existing Land Use:</b> MT Shell Building	<b>Proposed Land Use:</b> Medical Office to include Physical Therapy
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
	<b>North:</b> R-2 PRO, medical office- The Eye Clinic w/SUP	<b>East:</b> Eastland Drive; C-1, Commercial Retail Business/K-Mart
	<b>South:</b> R-2 PRO, Professional Services Multi-Tenant Office via SUP	<b>West:</b> R-2, Residential Homes
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-4, 10-4-18, 10-10, 10-13-2.2	

**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.

If an applicant or interested party appeals the decision of the Commission, the Administrator shall set a public hearing date before the City Council to consider 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 with the change of the property to a commercial use, and increased sales tax.

### **Regulatory Impact:**

Approval of this request will allow the applicant to operate a medical office on specific property within Twin Falls.

**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:**

This site contained 3 separate undeveloped parcels. In 1999 SUP #0620 was granted to G&R Sturgill, LLC c/o Rob Sturgill to construct a professional office at 1031 Eastland Drive. The building was constructed in 2000 with 3 internal offices. On June 13, 2000, G&R Sturgill, LLC c/o Rob Sturgill was issued SUP #0667 to construct and operate two separate professional offices on the other two parcels. These parcels were incorrectly identified as 1035 & 1039 Eastland Drive on the SUP #0667. Due to inactivity SUP 0667 expired. On December 9, 2003, the commission reactivated SUP #0667 to allow 2 professional offices. Again no activity occurred. In 2009 the Eastland Professional Subdivision was recorded. This plat established 3 lots addressed as 1031, 1053 & 1067 Eastland Dr. In August 2009 SUP #1156 was granted to G&R Sturgill, LLC c/o Rob Sturgill to construct a medical office/ optometrist's office at 1067 Eastland Dr. The building was constructed in 2010 and is operating as Dr. Walker's Eye Clinic. In 2013, the original SUP #0667 was again reactivated in order to construct a shell building on the remaining undeveloped lot; 1053 Eastland Dr. The original SUP did not contain any conditions, and the reactivation did not enact any further conditions. In March 2013 a shell building was constructed and under the current SUP would allow a professional office to operate.

### **Analysis:**

The applicant is seeking approval of a special use permit to operate a physical therapy business as a medical office within this shell building. This site is zoned R-2 PRO. The original SUP granted in 2000 and subsequently reactivated two (2) times, portrayed the building to operate as a general professional services office. Medical Offices and Professional Offices are located in different "Use" categories within the Zoning Code and therefore an SUP for one is not approval for the operation of the other.

**Per City Code 10-4-18:** The PRO Zone requires a medical office to acquire a Special Use Permit prior to being legally established.

*Since this is a change of "Use Category" a new SUP is required. This is due to the difference in potential impacts that can occur between the different uses. A medical / physical therapy office can turn into a more involved business than other types of medical offices. It may be prudent to issue this Special Use Permit to this particular owner/operator, in order to ensure it remains operating in the fashion described.*

**Per City Code 10-10:** A Medical Office has a parking requirement of one (1) space for every two hundred fifty (250) square feet of floor area.

*This requirement is the same requirement placed on general office buildings as well. It is not anticipated that a change of use will dramatically increase or impact the parking plan of the development. This building was constructed Marcy Of 2013. There is a 4,000 sf main level and a 1,500 sf basement. The applicant should*

*clarify the intended use of the entire building to determine the required parking. A cross-use parking agreement was provided with the shell building permit. Conformance with parking will be completed prior to issuance of a certificate of occupancy – to include a parking evaluation of all three lots.*

**Per City Code 10-11-1 thru 9:** the required improvements do not change between the uses of property. However, if the commission feels this particular use creates an unusual or increased impact, a condition could be placed on this permit to mitigate that impact.

**Possible Impacts:** Staff does not foresee a significant increase in negative impacts to the surrounding properties with the establishment of this business as presented.

**Conclusion:**

Should the Commission approve this request, as presented, staff recommends 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 issued to Body Balance Physical Therapy c/o David Hutchinson and the business to operate as presented.

**Attachments:**

1. Narrative
2. Zoning Vicinity Map
3. Aerial Map
4. Site Plan
5. SUP #667
6. Site Photos



(208) 934-9011  
Fax: (208) 934-9014  
423 Idaho St., Suite A  
Gooding, ID 83330

(208) 736-9011  
Fax: (208) 934-9014  
657 Blue Lakes Blvd. N.  
Twin Falls, ID 83301

bodybalancephysicaltherapy.com



April 14, 2015

City of Twin Falls Planning and Zoning  
324 Hansen St. E.  
P.O. Box 1907  
Twin Falls, ID 83303

Dear Planning and Zoning,

My name is David Hutchinson and I am requesting a special use permit for a physical therapy clinic. I became a private practice business owner in November 2002 when I opened a Body Balance Physical Therapy in Gooding Idaho. My business philosophy and business model is to provide high quality care in a small setting. Most recently, in August 2013, I opened a second physical therapy clinic in Twin Falls. We are a healthcare professional business which would compliment Vision Source another medical professional business in the same business complex.

We will be opened Monday thru Friday from 7:30 a.m. to 5:30 p.m. We currently employ 4 full-time employees in the Twin Falls clinic. At this current level, we can expect on average 4 patient's an hour – 25 to 35 patients a day. Monday, Wednesday, and Friday are our more busy days and Tuesday and Thursday are less busy. We anticipate growing to include 4 additional visits an hour with an added 4 employees. Our specialty is manual orthopedics (i.e. a hands-on technique approach that focuses on back, shoulder and joint injuries or pain), vestibular (exercise-base treatment to improve balance and dizziness-related problems), and women's health physical therapy. Our clinic includes specialized treatment between the physical therapist and the client. We are not a gym or sports clinic where patients come and go without appointments, and we do not have regular specialized workout classes where large group of people come.

Thank you for your time. Should you have any additional questions, feel free to call me on my cell phone at 208-308-1820.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Hutchinson', written over a light blue horizontal line.

David Hutchinson

*Move more, Live more!*



# Aerial Photo Map

Reference Only



2176 ADDIS

1110 HIGHV

2158 ADDIS

1067 EASTL

1054 HIGHV

1053 EASTL

EASTLAND DR

2258 ADDIS

1040 HIGHV

1031 EASTL

2144 MAPLE

2157 ALTA

2183 ALTA

2195 ALTA

960 EASTLA  
Lighthouse Christian 201





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



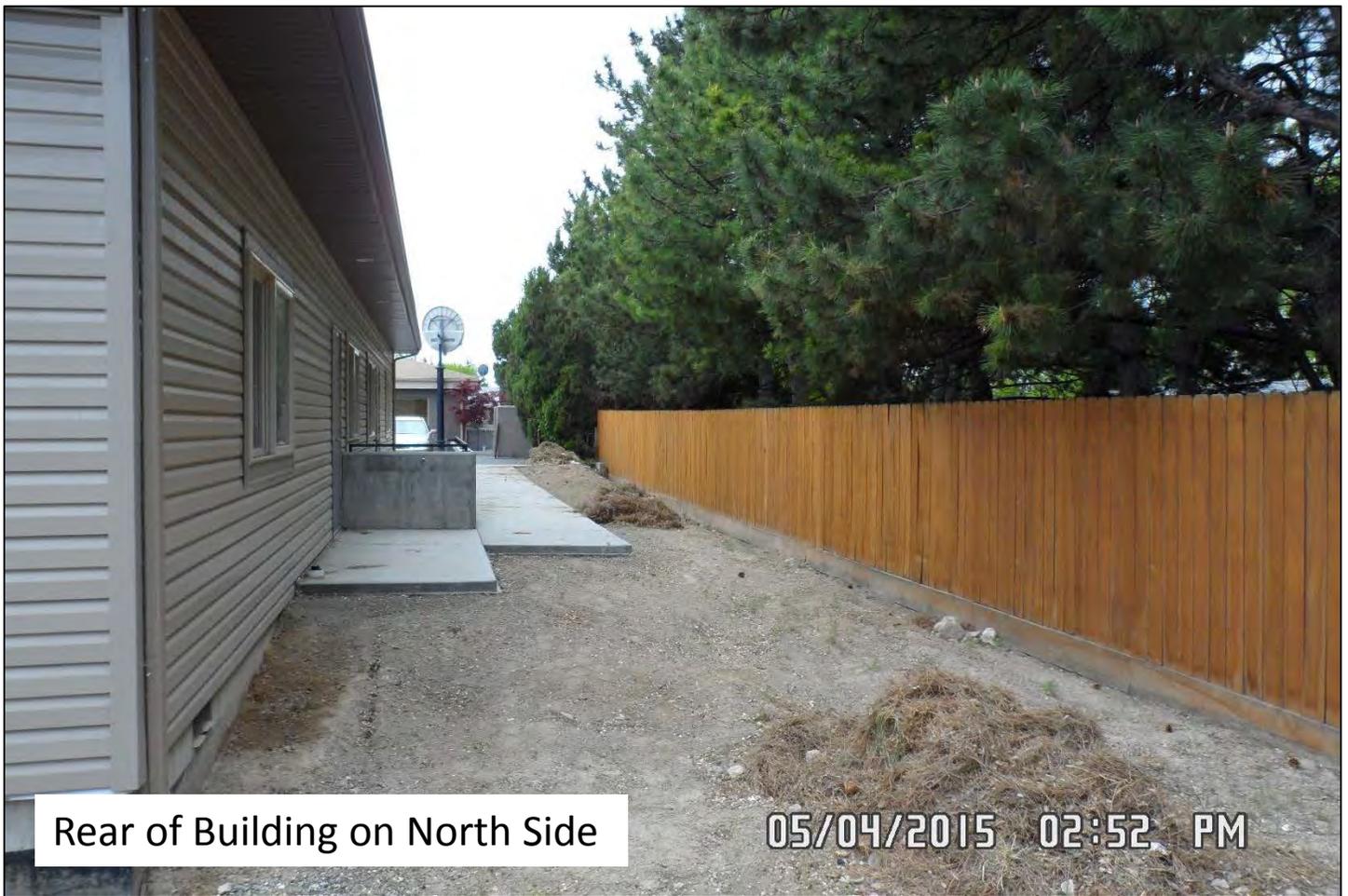
Front of Building along Eastland

05/04/2015 02:51 PM



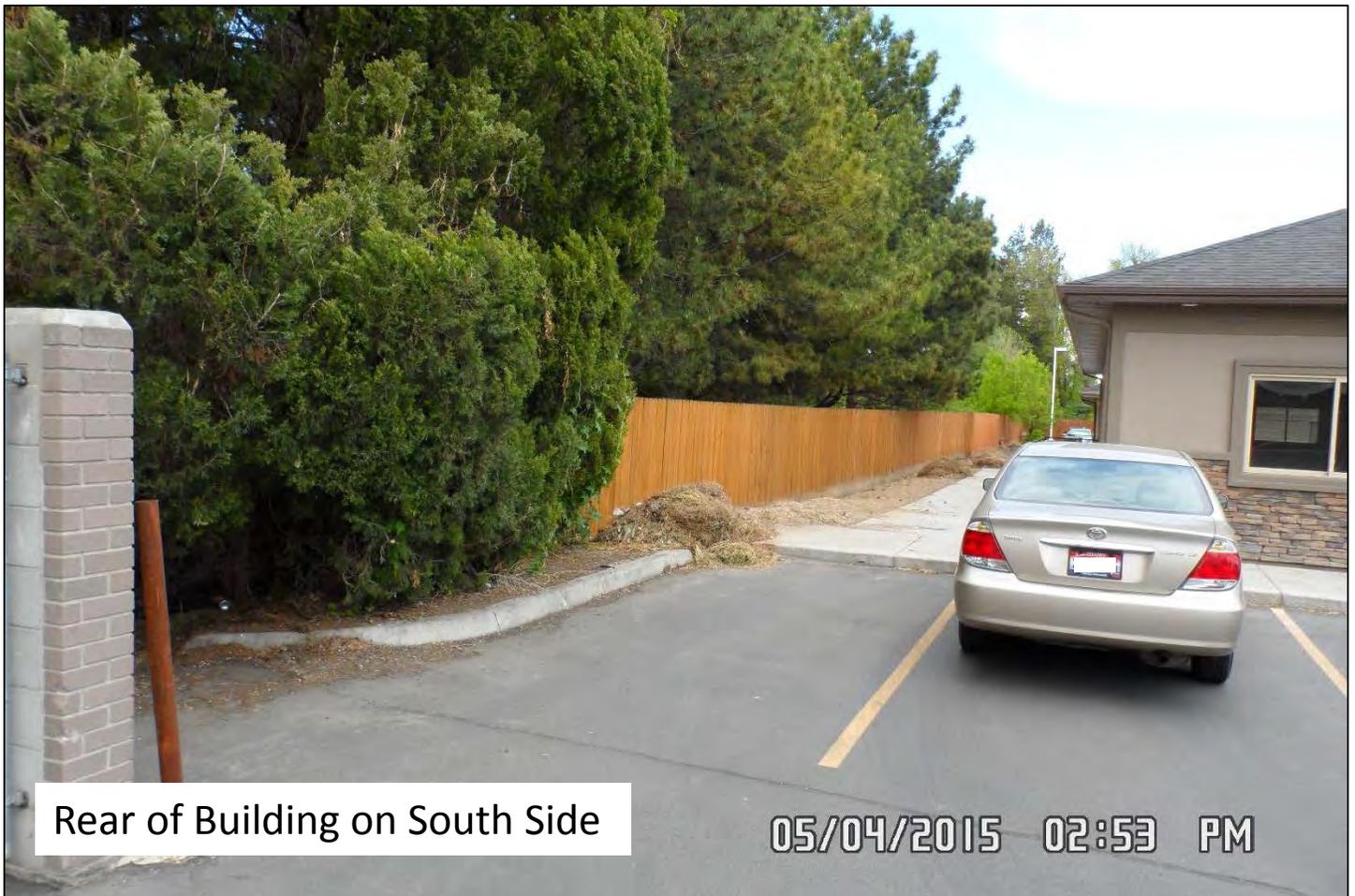
Front of Building, showing neighboring offices.

05/04/2015 02:51 PM



Rear of Building on North Side

05/04/2015 02:52 PM



Rear of Building on South Side

05/04/2015 02:53 PM



Public Hearing: **Wednesday, May 27, 2015**

To: Planning & Zoning Commission

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

## AGENDA ITEM IV-4

**Request:** Request for a **Zoning District Change and Zoning Map Amendment** from R-4 to C-1 for 2.4 (+/-) acres located at 1629 Locust Street North c/o Walt Hess on behalf of Christy J. Williams (app. 2727)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 2.4 Acres
Christy J Williams 1198 Mountain View Dr Twin Falls, ID 83301 208-732-8388 <a href="mailto:Pasttimes4@cablone.net">Pasttimes4@cablone.net</a>	<b>Current Zoning:</b> R-4	<b>Requested Zoning:</b> C-1
	<b>Comprehensive Plan:</b> Commercial/Retail	<b>Lot Count:</b> 1 parcel
	<b>Existing Land Use:</b> Single Family Residential	<b>Proposed Land Use:</b> Commercial/Retail
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
Walt Hess 1411 Falls Ave E Suite 1000A Twin Falls, ID 83301 208-737-3939 <a href="mailto:walthess@gemstarealty.com">walthess@gemstarealty.com</a>	<b>North:</b> Rex TV & Appliance C-1 PUD, Deseret Books and Harbor Freight Hardware Store	<b>East:</b> Locust St North; <b>C-1 under the Eastpark PUD Agreement;</b> Home Depot
	<b>South:</b> C-1, Undeveloped	<b>West:</b> C-1, UPS depot.
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-5, 10-4-18, 10-14-1 through 9	

**Approval Process:**

At the conclusion of this Public Hearing, the Planning Commissioners will be asked to make a recommendation on the requested zoning of the property. The recommendation will be automatically scheduled for a public hearing before the City Council for a decision on this request.

**Budget Impact:**

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

**Regulatory Impact:**

After a public hearing, a recommendation from the Planning and Zoning Commission for the requested change will allow the request to proceed to the City Council for a decision.

**History:**

This parcel is part of the Eoff Tract, which was recorded around 1909. Over the years, surrounding properties and parcels have been rezoned and developed with commercial businesses.

In 1981 Twin Falls City adopted an amended Title 10; Zoning & Subdivision Regulations and amended the Area of Impact and Zoning Districts Map. It is assumed that the current zoning of the property was established at that time.

**Analysis:**

This is a request for a **Zoning District Change and Zoning Map Amendment** to rezone a single parcel from R-4; Residential Medium Density to C-1; Commercial Highway. The parcel, located at 1629 Locust Street North, is 2 +/- acres. There is an existing single family residence on the parcel.

The surrounding properties are all zoned C-1. Properties to the North, East and West are developed with commercial businesses. The property to the south is undeveloped. Locust Street North runs along the eastern boundary of the property as well.

The applicant has expressed in their narrative that the rezone request stems from the desire to market and sell this property for commercial development. Under the current zoning designation of R-4, commercial-retail and/or professional service oriented businesses are not allowed.

The 2009 Comprehensive Plan and Future Land Use Map designated this portion of Locust Street North as appropriate for Commercial/Retail uses.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks: **1-** to determine whether the request is in conformance with the Comprehensive Plan and **2-** to evaluate the request to determine the extent and nature of the amendment requested.

The Comprehensive Plan indicates this corridor as appropriate for commercial/retail uses.

**Conclusion:**

The Commission is asked to make a recommendation on this request which automatically is scheduled for a public hearing before the City Council. The Commission's recommendation may be to deny the request, approve the request as presented or they may table the request and ask that additional information be provided for their review.

To make a positive recommendation to the City Council the Commission must determine that **1-** the request is in conformance with the Comprehensive Plan and **2-** the extent and nature of changing the zoning of this property to C-1 would allow land development that would be compatible with and not detract from the surrounding area.

If the Commission finds that items 1 & 2 listed above have been met, Staff proposes the Commission recommend approval of this request, as presented.

**Attachments:**

- 1. Letter of Request
- 2. Zoning Vicinity
- 3. Aerial Map
- 4. Comprehensive Plan – Future Land Use Map
- 5. Site Photos

CITY OF TWIN FALLS

ZONING DISTRICT CHANGE REQUEST

For  
1629 Locust St. N.  
Twin Falls, ID

We are asking for a zone change so this property will conform with the neighboring properties.

This change will conform with the comprehensive plan.

This change is compatible with the neighbor's since all adjoining properties are already zoned C-1.

We are trying to sell this property. At this time do not have a buyer or user. There is an existing home on this property that a buyer may convert to a commercial use, but the likelihood is that this home will be relocated.

We feel any potential buyer will be asking for this rezone. We feel it will be beneficial to get that accomplished in advance.

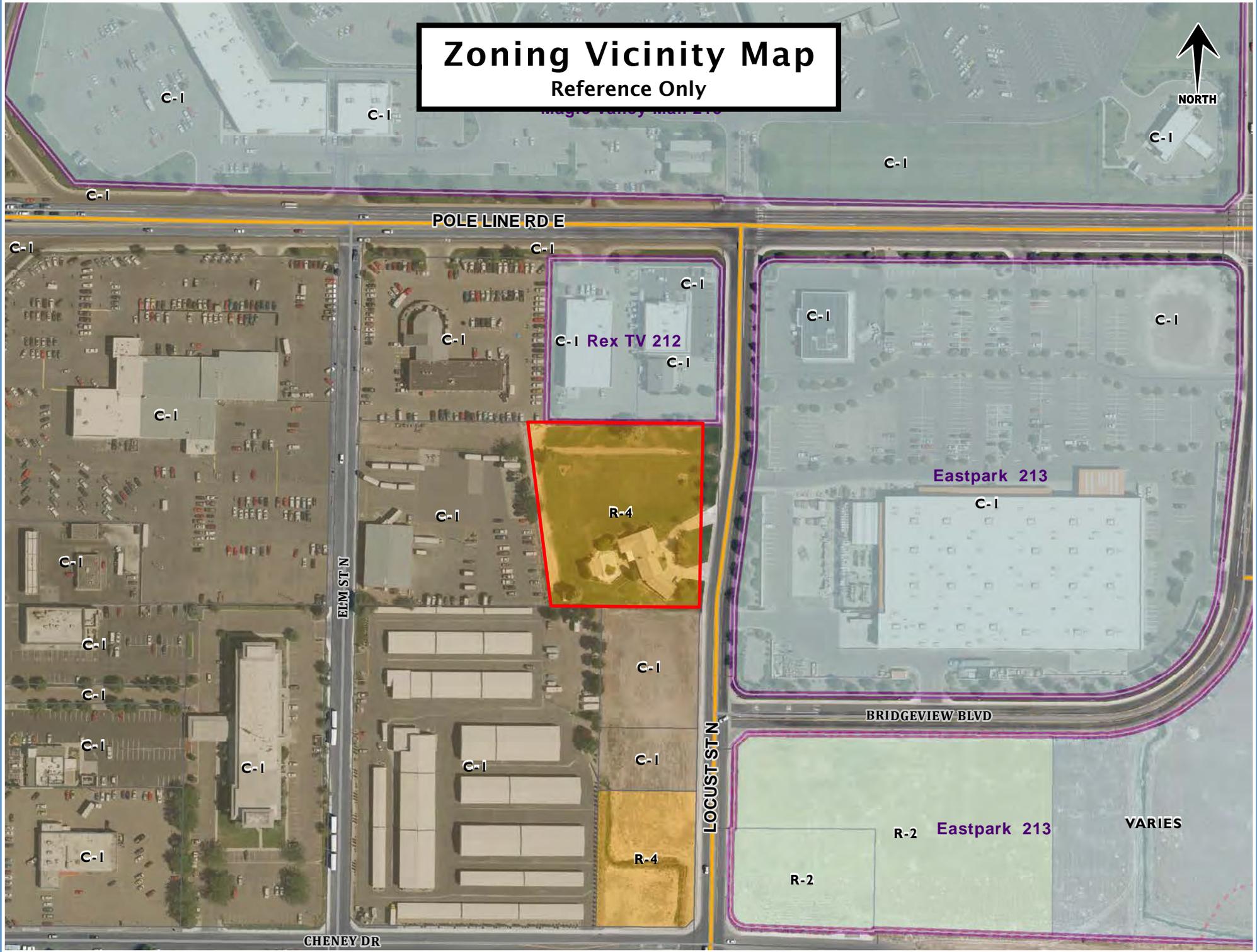
  
\_\_\_\_\_  
PERSONAL REPRESENTATIVE

Christy J. Williams *BY*

Margaret P. Williams aka Margaret L. Williams *ESTATE*

# Zoning Vicinity Map

Reference Only



# Aerial Photo Map

Reference Only



1310 POLE

1667 LOCUS

1649 ELM S

1629 LOCUS

1650 POLE

1592 ELM S

LOCUST ST N



# Future Land Use Map

Reference Only

POLE LINE RD E



**Commercial/Retail Designation**



**Urban Village/Urban Infill Designation**

1654 BLUE

1310 POLE

1414 POLE

1667 LOCUS

1676 LOCUS

ELM ST N

1649 ELM S

1629 LOCUS

1650 POLE

1586 BLUE

1592 ELM S

LOCUST ST N

BRIDGEVIEW BLVD

1502 LOCUS



Frontage along Locust St N

05/04/2015 02:37 PM



Frontage along Locust St N

05/04/2015 02:38 PM



Area to the North of the House

05/04/2015 02:39 PM



Rear of the house. West property line looking north along coulee.

05/04/2015 02:41 PM



South Property line. Looking West toward UPS and storage facility.

05/04/2015 02:42 PM



Undeveloped land to the South.

05/04/2015 02:43 PM



Public Hearing: **Wednesday, May 27, 2015**

To: Planning & Zoning Commission

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

## AGENDA ITEM IV-5

**Request:** Recommendation on the [Zoning Designation for a request to Annex](#) 53.38 (+/-) acres located at the South East corner of 2700 East Road aka Sunway Drive North and North College Road West, extended. c/o Bradford J Wills on behalf of the Twin Falls School District (app. 2730)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b> Twin Falls School District #411 201 Main Ave W Twin falls, ID 83301 208-733-6900	<b>Status:</b> Owner	<b>Size:</b> 53.38 Acres +/-
	<b>Current Zoning:</b> R-1 VAR in Area of Impact	<b>Requested Zoning:</b> Annexation with the R-1 VAR Zoning Designation
	<b>Comprehensive Plan:</b> Agricultural	<b>Lot Count:</b> 2 Lots
	<b>Existing Land Use:</b> Sunway Soccer Fields, City Splash Park under development, Agricultural,	<b>Proposed Land Use:</b> Sunway Soccer Fields, City Splash Park, future Public Elementary School Site, Residential S/F Development
<b>Representative:</b> Bradford J Wills 222 Shoshone St W Twin Falls, ID 83303-0346 208-734-4411 <a href="mailto:Bradwills2007@gmail.com">Bradwills2007@gmail.com</a>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
	<b>North:</b> R-1 VAR Aol; Agricultural	<b>East:</b> R-1 VAR ; Farm/Agricultural – future phase of Sunterra Subdivision
	<b>South:</b> SUI Aol; Rice Subdivision- and Agricultural	<b>West:</b> 2700 East Road aka Sunway Drive North; SUI Aol; Residential & Agricultural uses
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-15	

**Approval Process:**

**§10-15-2: Annexation**

The Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

**Budget Impact:**

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

**Regulatory Impact:**

A recommendation on the zoning of this site will allow the application to be scheduled for the City Council. Approval of this request will allow the applicant to annex the subject property into the City Limits.

## History:

Since this property is in the Area of Impact, the current zoning designation would have been placed on the property with the action taken on the most recent Area of Impact Agreement between the City of Twin Falls and Twin Falls County which occurred in 2004.

On March 9, 2015 the City Council approved the Sunway Conveyance Plat creating a 2 lot subdivision of approximately 93 acres. On March 19, 2015, the Twin Falls County Commissioners approved the same conveyance plat as this property is in the Area of Impact.

## Analysis:

This request is to annex 53 +/- acres with a zoning designation of R-1 VAR and SUI. Currently, the property is being utilized as agricultural farm land, the Sunway Soccer Complex, and First Federal Park. The applicant is requesting the current zoning designations to remain R-1 VAR and SUI as part of the annexation. However, the SUI zone is not appropriate for property within City Limits, and staff will recommend the entire site be zoned R-1 VAR upon annexation. Please see attached maps for current and future zoning designations.

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed.

Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and **shall be limited to the proposed development plan and zoning changes.**" The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published the published ordinance is sent to the State and the official zoning map is officially amended.

Since the School District acquired the property, the property's intended use was for potential expansion of the school district's facilities, including but not limited to a potential new school site. The School District and the City have an agreement to transfer ownership of the Sunway Complex to the City in the near future.

Staff recommends an R-1 VAR zoning designation would be appropriate for the entire 53 +/- acre site. This would be consistent with the zoning districts currently found within City Limits, as well as being closely aligned with the current zoning of the area. It would allow for future residential growth.

## Conclusion:

Should the Commission find the R-1 VAR Zoning designation appropriate, they should forward a positive recommendation to the City Council that the entire 53 +/- acre site have an R-1 VAR zoning designation.

## Attachments:

1. Letter of Request
2. Zoning Vicinity Map

3. Aerial Photo and Boundary Map
4. Future Land Use Map
5. Site Photos

# ***Lot 1 Block 1 Sunway Conveyance Plat Annexation Request***

Applicant: April 27, 2015  
Twin Falls School District # 411  
201 Main St. West  
Twin Falls, Idaho 83301 208-733-6900

Applicants Representative  
Bradford J. Wills  
222 Shoshone St. West  
Twin Falls, Idaho 83303-0346 208-420-0314

Annexation request for Lot 1 Block 1 Sunway Conveyance Plat, County of Twin Falls

The history of the parcel is: On March 9, 2015, the Twin Falls City Council approved the Sunway Conveyance Plat consisting of two lots on 93 Acres +/- . A conveyance plat may be used when subdividing a parcel into two lots but does not constitute approval for development. This parcel is in the Area of Impact therefore the Twin Falls County approved the Conveyance Plat at their March 19, 2015 meeting.

The request is for an annexation into the Twin Falls City Limits of Lot 1 Block 1 Sunway Conveyance Plat at 53.38 acres owned by the Twin Falls School District # 411. This property is designated Open Space in the Comprehensive Plan on the portion under lease by the City of Twin Falls and used as the Sunway Soccer Complex and the remaining portion is designated Medium Density Residential. This request is for annexation with the existing land use designations.

To the south of this property are agricultural land and the Bradshaw Subdivision, to the west and north is agricultural land and to the east are the Perrine Point Subdivision Final Plat and future final phases of Sunterra Subdivision.

Following annexation, the Twin Falls School District will subdivide Lot 1 Block 1 Sunway Conveyance Plat to create a two lot subdivision retaining a 12.49 acre parcel for a future elementary school and transferring ownership of the remaining 40.89 acre parcel to the City of Twin Falls per our earlier agreement.

This annexation is compatible with the development in the surrounding area. The lot is inside the City of Twin Falls Water Boundary.

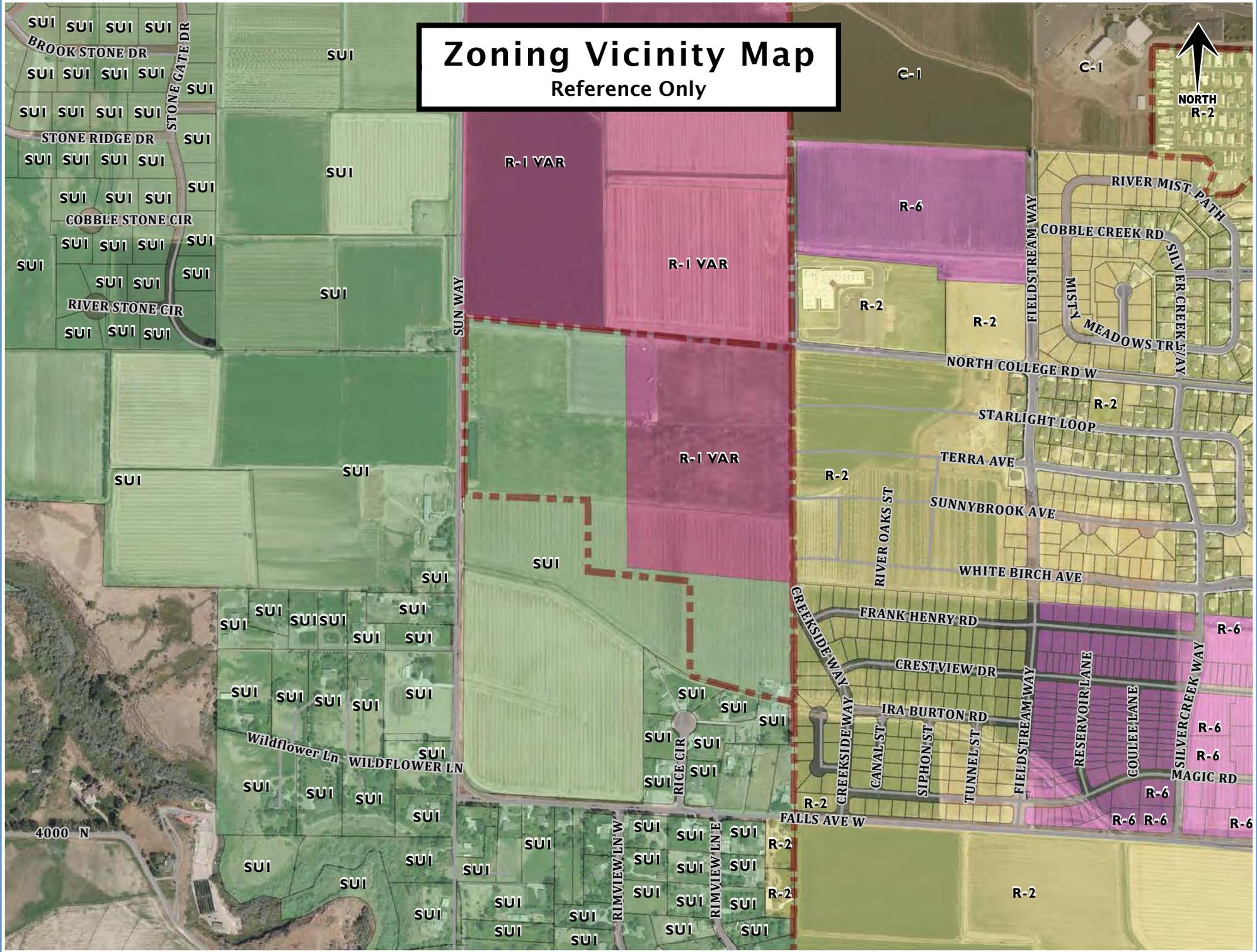
At the intersection of North College Road West and Creekside Way, there is an existing 12" water line, a 6" pressurized irrigation line, and an 8" sewer line terminating to the west and south directions.

This application consists of the following:

- |           |  |
|-----------|--|
| Exhibit A | Application Lot 1 Block 1 Sunway Conveyance Plat Annexation            |
| Exhibit 1 | Copy of the Original Warranty Deed                                     |
| Exhibit 2 | Notification listing of surrounding property owners within 600' radius |
| Exhibit 3 | Copy of the Conveyance Plat showing Lot 1 Block 1 Sunway Conv. Plat    |
| Exhibit 4 | Surrounding Area Information   |
| Exhibit 5 | Water Boundary, City Limits and City Public Utility Services           |
| Exhibit 6 | Comprehensive Plan and Zoning Plan Overlay                             |

# Zoning Vicinity Map

Reference Only



# Aerial Photo Map

Reference Only



SUN WAY

NORTH COLLEGE RD W

STARLIGHT LOOP

TERRA AVE

SUNNYBROOK AVE

WHITE BIRCH AVE

FRANK HENRY RD

CRESTVIEW DR

IRA BURTON RD

MAGIC RD

Wildflower Ln

WILDFLOWER LN

RICE CIR

FALLS AVE W

GREEKSIDWAY

GREEKSIDWAY

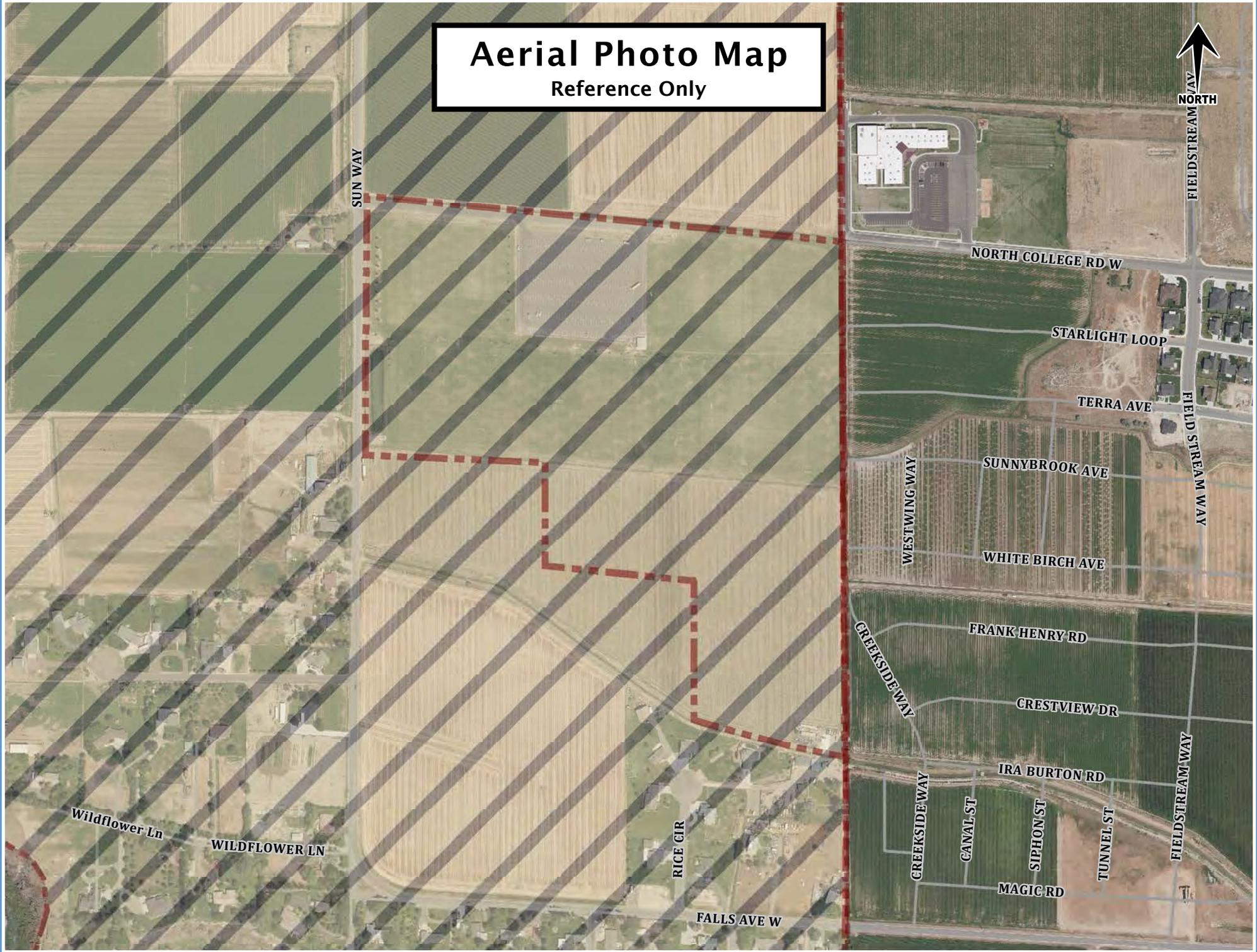
CANAL ST

SIPHON ST

TUNNEL ST

FIELD STREAM WAY

FIELDSTREAM WAY



# Future Land Use Map

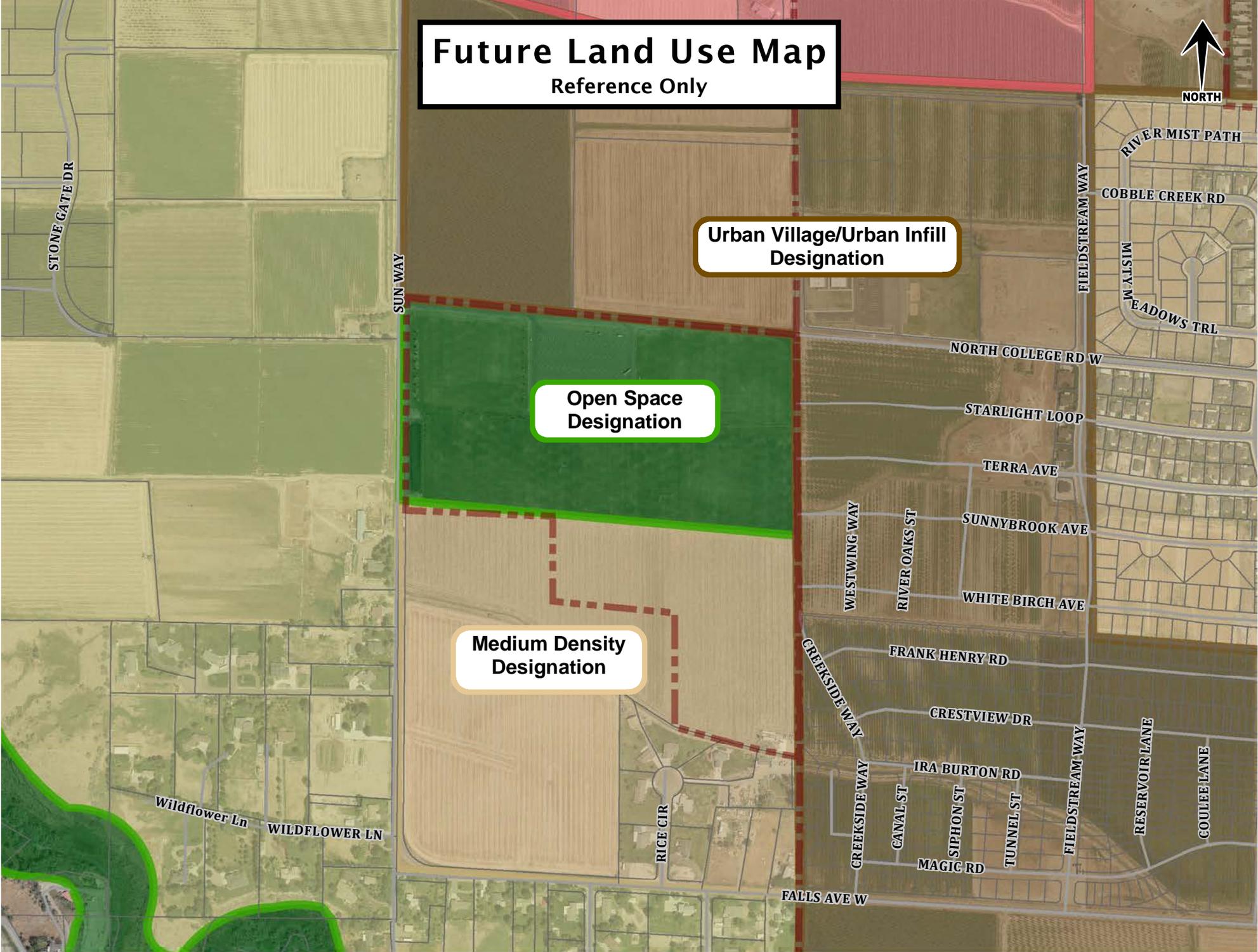
Reference Only



Urban Village/Urban Infill Designation

Open Space Designation

Medium Density Designation



STONE GATE DR

SUN WAY

FIELDSTREAM WAY

RIVER MIST PATH

COBBLE CREEK RD

MISTY MEADOWS TRL

NORTH COLLEGE RD W

STARLIGHT LOOP

TERRA AVE

SUNNYBROOK AVE

WHITE BIRCH AVE

WESTWING WAY

RIVER OAKS ST

FRANK HENRY RD

CRESTVIEW DR

IRA BURTON RD

MAGIC RD

FALLS AVE W

CREEKSIDE WAY

CANAL ST

SIPHON ST

TUNNEL ST

FIELDSTREAM WAY

RESERVOIR LANE

COULÉE LANE

Wildflower Ln

WILDFLOWER LN

RICE CIR



05/04/2015 02:04 PM



From the entrance off  
Sunway Road, looking East.

05/04/2015 02:05 PM



Pedestrian Access in NE Corner of property.  
Looking West along future N. college Alignment

5 02:09 PM



Looking South from NE  
Corner of property.

05/04/2015 02:09 PM



Looking South from East property line. 05/04/2015 02:11 PM



Looking West toward new First Fed Park area. From East property line. 05/04/2015 02:11 PM



Public Hearing: **Wednesday, May 27, 2015**

To: Planning & Zoning Commission

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

## AGENDA ITEM IV-6

**Request:** Request for a **Special Use Permit** to construct and operate a restaurant with a drive-through window on property located at 1720 Pole Line Road East c/o EHM Engineers, Inc on behalf of J2 Real Property Group, LLC/David Johnson – McAlister's (app. 2731)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 3670 sf Building; 1.14 Acres
David Johnson J2 Real Property Group LLC 8111 LBJ Freeway, Suite 800 Dallas, TX 75251 (214) 236-8291	<b>Current Zoning:</b> C-1 under the Eastpark PUD	<b>Requested Zoning:</b> Special Use Permit – restaurant with a drive thru window
	<b>Comprehensive Plan:</b> Commercial/Retail	<b>Lot Count:</b> 1 Lot
	<b>Existing Land Use:</b> Platted Undeveloped	<b>Proposed Land Use:</b> Restaurant w/drive thru
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
Dave Thibault/Bryce Marsh EHM Engineers, Inc. 621 North College Rd Suite #100 <a href="mailto:dthibault@ehminc.com">dthibault@ehminc.com</a> 208-734-4888	<b>North:</b> C-1 PUD; Pole Line Road East; Magic Valley Mall	<b>East:</b> C-1-restricted; Madrona St North; Undeveloped
	<b>South:</b> C-1 Eastpark PUD, Home Depot, Bridgeview Blvd	<b>West:</b> C-1 Eastpark PUD, Home Depot, Pier One Imports, Locust St N
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8.2(B), 10-10, 10-11-1 thru 8, 10-13-2-2, Eastpark PUD #213	

**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.

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 minimal impact on the City budget.

## Regulatory Impact:

Approval of this request will allow the applicant to operate a drive thru window in conjunction with a restaurant.

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 1981 the City of Twin Falls amended Title 10; Zoning & Subdivision Regulations and amended the Area of Impact and Zoning Districts Map. The approval of Ordinance 2012 created the zoning districts we currently use and zoned various properties within City Limits. Many new zoning designations were assigned at that time or when areas were annexed. In 1998, an 80 acre site was zoned under the Eastpark PUD Agreement #213. This 80 acre PUD has several zoning designations from R-1 VAR to C-1. The 20 acre site around Home Depot was zoned C-1. In 1999 the Eastpark Subdivision No. 2, A PUD was approved – creating two lots. According to Building records, The Home Depot store was constructed in 2000 in Lot 1. The location of this request is Lot 2.

## Analysis:

The request is to allow the operation of a drive-through window in conjunction with a restaurant. The applicant has supplied a narrative and supporting documents outlining the details of the proposed operation and use of the property. The applicant anticipates traffic counts similar to other drive thru businesses in the area. There will be approximately 15 employees during the maximum shift, 4-8 during regular hours. The hours of operation are within the permitted hours of 7 am to 10 pm. If extended hours of operation are desired in the future a special use permit will be required prior to implementation. The applicant does not anticipate an unmanageable increase of noise, glare, odors, fumes, or vibrations to surrounding property owners due to the proximity of this project to other established businesses which are commercial in nature.

Per City Code 10-4-8.2: a Business with a Drive-thru window requires a Special Use Permit in order to be legally established.

*The impacts of this particular project operating a drive thru would generally revolve around traffic. Staff does not anticipate the traffic increase to be detrimental to the area due to its proximity to a major arterial (Pole Line Road East), and the current development pattern in the area. Light from this operation is not anticipated to increase dramatically from what is currently in the area.*

Per City Code 10-10: Off Street Parking is required for this business at a rate of one (1) space per one hundred (100) square feet of floor area. The building is presented to be 3,670 sf. The result is a minimum of thirty-seven (37) parking spaces will be required. Staff does have a concern regarding the 10 parking spaces shown along the northern boundary of this lot. Those spaces were developed when Home Depot was constructed. The parking spaces appear to be 9 x 16'. The code requires a minimum of 9'x20'. The site plan will be reviewed for compliance as part of the building permit review.

Per City Code 10-11-1 thru 8: All the required improvements such as; landscaping, screening, access, parking surface, streets, storm water retention, utilities, and others will be reviewed for compliance with current city code and to ensure compliance with the Eastpark PUD Agreement #213 at the time of building permit submittal.. The PUD requires a minimum landscaping strip of 35' from back of curb on Pole Line Road East and 20' on Bridgeview Blvd – the lot appears to meet this requirement.

**Possible Impacts:** It is important to note that the base operation of a restaurant is an outright permitted use in this zoning district. The developed properties surrounding this project are zoned C-1 (Commercial) PUD. The property to the southwest is the Home Depot store. With the current Zoning and PUD Agreement, this property was intended to become a commercial business. The typical affects to adjoining property owners will be negligible due to the nature of the overall development being Commercial. The access to the restaurant is internal from the Home Depot site. Prior to a certificate of occupancy a cross-use agreement shall be provided and/or a review of the parking shall ensure the parking shown on the plan shall meet the minimum required for this lot.

Assurance that development of this site comply with the Eastpark PUD Agreement and /or the minimum required improvements, whichever is greater, shall be completed at the time of building permit review.

**Conclusion:**

Should the Commission grant this request as presented; city staff recommends approval be subject to the following conditions:

1. Subject to 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 compliance with the Eastpark PUD Agreement.

**Attachments:**

1. Narrative
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. Building Elevations
6. Eastpark PUD Agreement
7. Site Photos

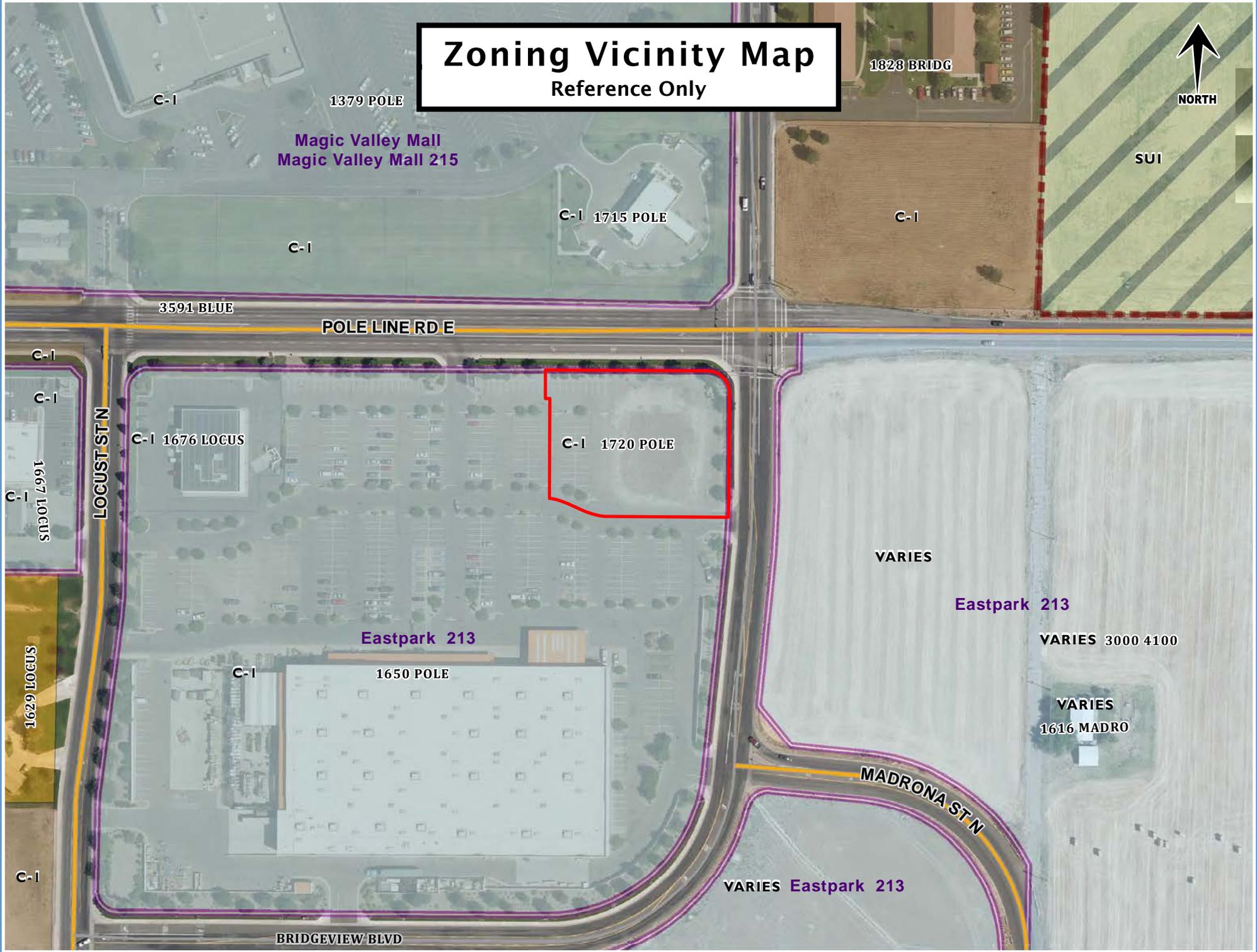
## Special Use Permit Application

### C.4. Additional Information

- a. The reason for the request is for the operation of a drive through deli restaurant/shop in the Eastland Subdivision No. 2, a Planned Unit Development, as part of the Gateway Arterial, and C-1 Zone.
- b. Explanation of project:
  - i. The facility will operate between the hours of 10:30 am – 9:00 pm, Sunday – Thursday, and 10:30 am – 10:00 pm Friday – Saturday. An additional 2 - 3 hours before opening and an hour after closing are typical for preparations and cleanup.
  - ii. Traffic volumes are anticipated to be consistent with other drive-through restaurants in Twin Falls.
  - iii. Typically there will be between 4 - 8 employees during regular hours of operation. The largest shift contains a maximum of 15 employees.
- c. Evaluation of effects on adjoining properties:
  - i. Noise levels will not exceed the expected conditions for a C-1 zone classification.
  - ii. The glare will be minimal due to the signage and interior lighting during the hours of operation.
  - iii. There will be no uncomfortable odors. Dumpsters will be emptied regularly.
  - iv. There will be typical vehicle fumes but no vibrations observed from adjoining properties. Adjoining properties have similar use categories.
  - v. The proposed use is compatible with the adjoining properties and zoning designations. The new deli restaurant/shop will be well accepted with the high commercial traffic along Pole Line Rd. The facilities surrounding the property are all commercial use including the Home Depot, car dealerships, mall, movie theatre, restaurants and all the inbound traffic from the east into Twin Falls.

# Zoning Vicinity Map

Reference Only



C-1

1379 POLE

Magic Valley Mall  
Magic Valley Mall 215

C-1 1715 POLE

1828 BRIDG

SU1

C-1

C-1

3591 BLUE

POLE LINE RD E

C-1

C-1

C-1 1676 LOCUS

C-1 1720 POLE

1667 LOCUS

LOCUST ST N

VARIES

Eastpark 213

VARIES 3000 4100

Eastpark 213

VARIES  
1616 MADRO

1629 LOCUS

C-1

1650 POLE

MADRONA ST N

VARIES Eastpark 213

C-1

BRIDGEVIEW BLVD

# Aerial Photo Map

Reference Only



1379 POLE

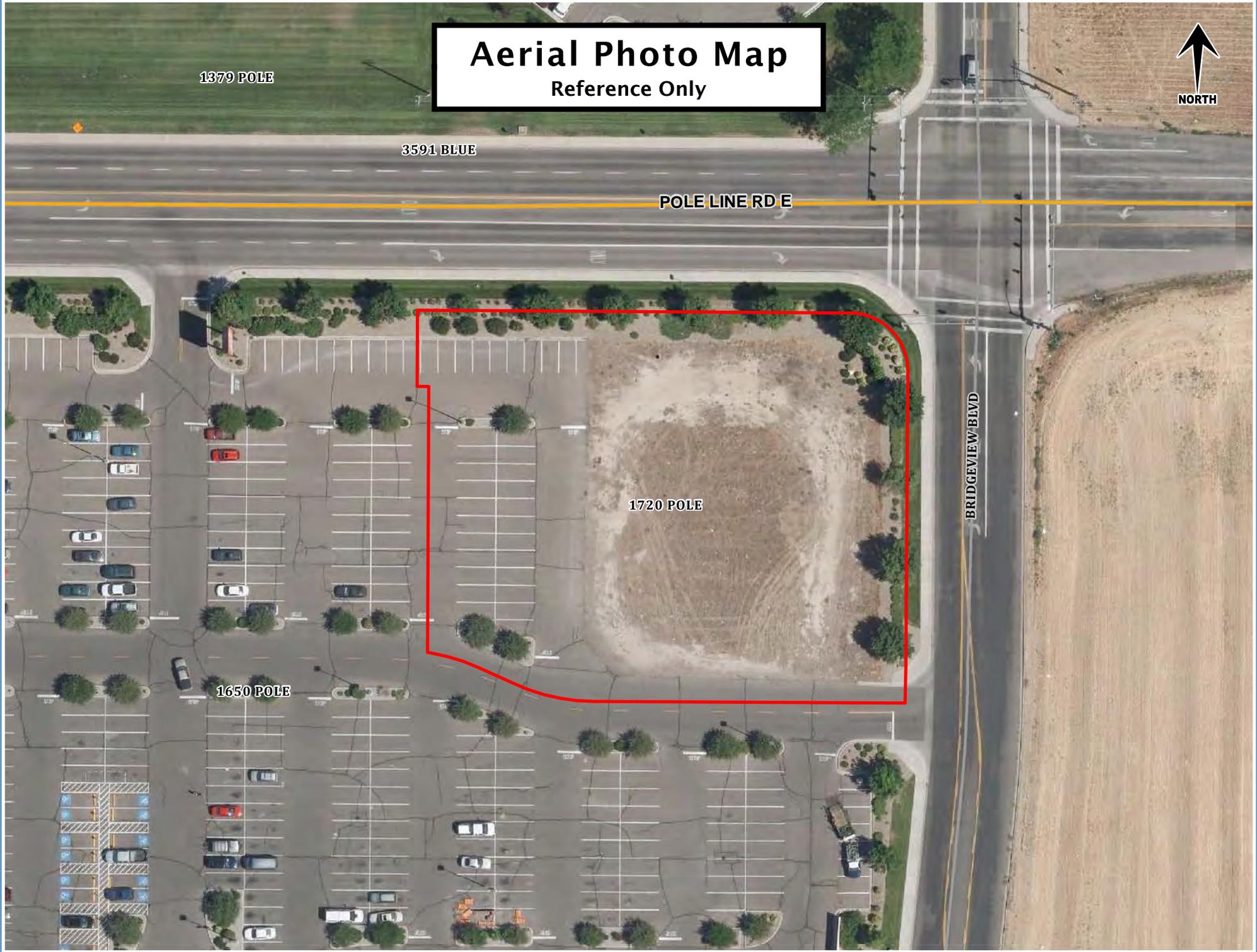
3591 BLUE

POLE LINE RD E

BRIDGEVIEW BLVD

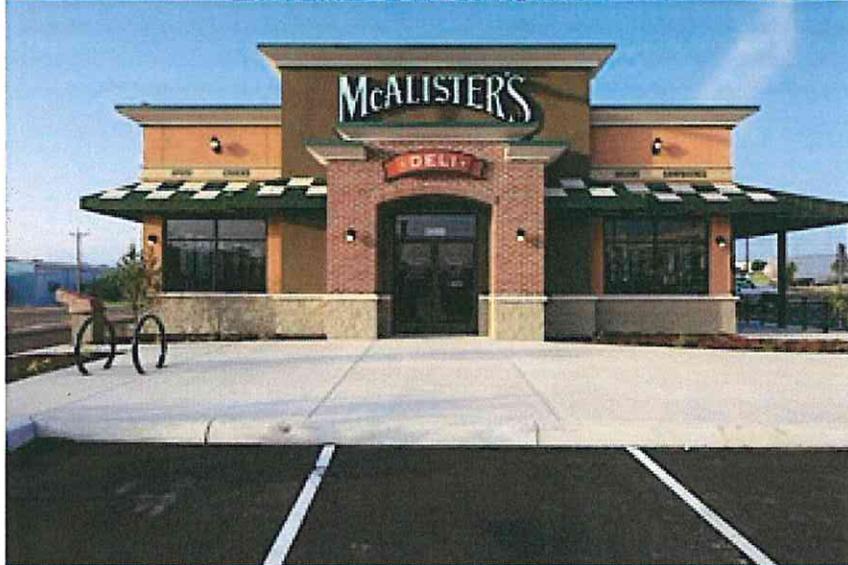
1720 POLE

1650 POLE









# McALISTER'S

• DELI •

SPUDS      COOKIES

SALADS      SANDWICHES

5880









Frontage along Pole Line Rd E

05/04/2015 02:30 PM



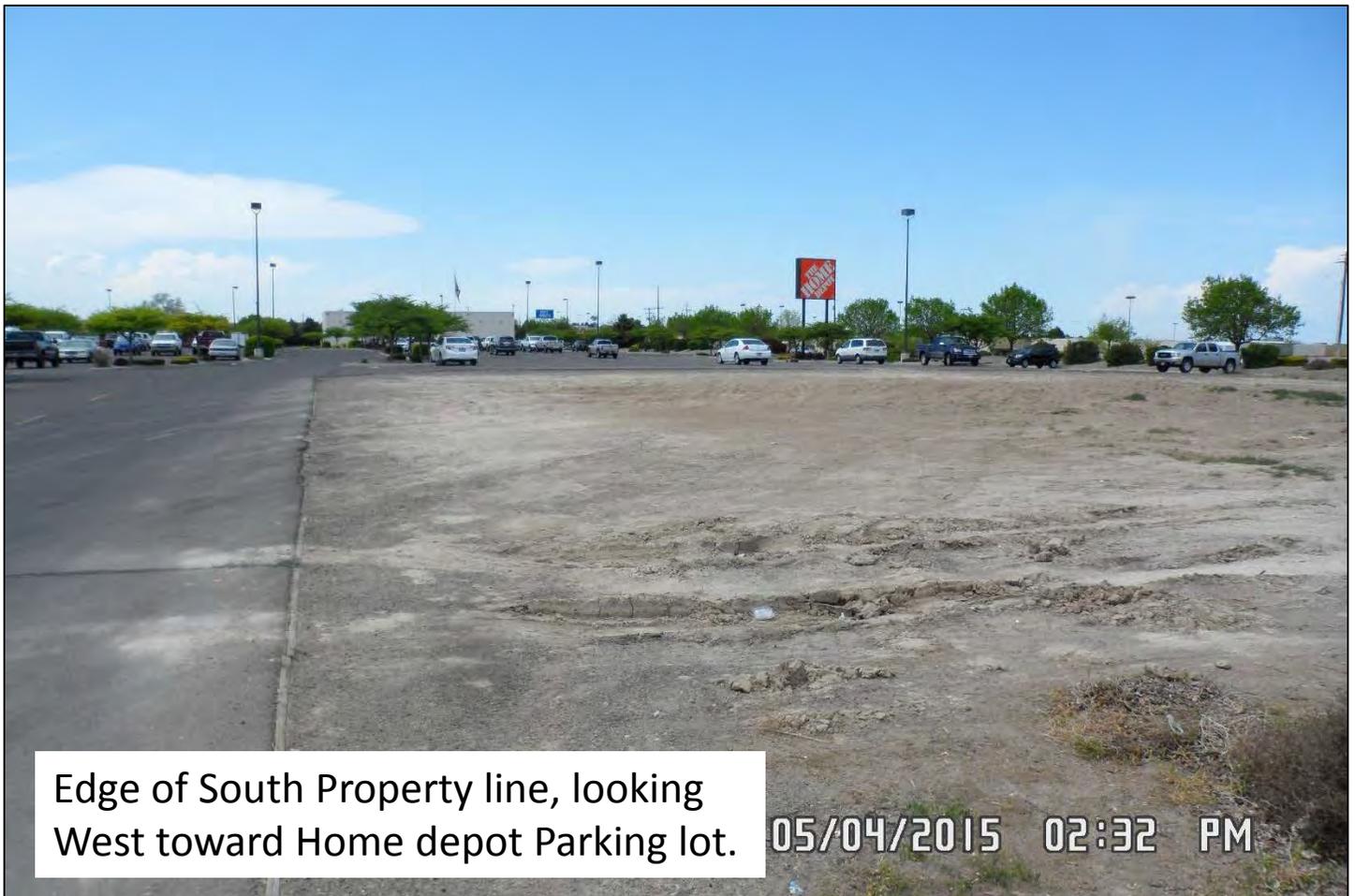
Western line of parking development.  
Looking South toward Home Depot

05/04/2015 02:30 PM



Corner of Madrona and Pole Line E. Looking South.

05/04/2015 02:31 PM



Edge of South Property line, looking West toward Home depot Parking lot.

05/04/2015 02:32 PM



**Public Hearing: Wednesday, May 27, 2015**

To: Planning & Zoning Commission

From: Rene'e V. Carraway-Johnson, Zoning & Development Manager

## AGENDA ITEM IV-7

**Request:** Request the **Vacation** of 15' x 249.5 platted sewer easement on Lot 7 Block 1 of the Canyon Park Amended Subdivision, A PUD aka 2015 Blue Lakes Boulevard North c/o EHM Engineers, Inc. on behalf of Base Jumper Two, LLC (app. 2729)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 3742 sf easement
Base Jumper Two, LLC 2733 East Parleys Way Suite 300 Salt Lake City, UT 84109	<b>Current Zoning:</b> Sewer Easement within a platted Commercial Subdivision	<b>Requested Zoning:</b> vacation of exclusive sewer easement
	<b>Comprehensive Plan:</b> Commercial/Retail	<b>Lot Count:</b> 1 Lot
	<b>Existing Land Use:</b> Commercial Development under construction	<b>Proposed Land Use:</b> Commercial/Retail
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
EHM Engineers, Inc. c/o Gerald Martens 621 North College Rd, St 100 Twin Falls, ID 83301 208-734-4888 <a href="mailto:gmartens@ehminc.com">gmartens@ehminc.com</a>	<b>North:</b> OS, Visitors Center	<b>East:</b> Blue Lakes Blvd N; C-1 PUD, Commercial
	<b>South:</b> C-1 PUD, Commercial	<b>West:</b> C-1 PUD, Commercial
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-12-1 through 4, 10-16-1 & 2	

**Approval Process:**

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 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 Council will conduct a public hearing and approve, modify or deny the vacation. Whenever public rights of way or lands are vacated, the Council shall provide adjacent property owners with a Quit Claim Deed for the vacated rights or way.

**Budget Impact:**

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

**Regulatory Impact:**

Approval of this request will allow the applicant to proceed to the City Council with their request. Approval of this request will allow Base Jumper Two, LLC to vacate the undeveloped 3742 sf exclusive sewer easement.

**History:**

In 1999, the owner of the above stated property recorded an exclusive Sewer Easement to the City of Twin Falls. During the platting and development of Canyon Park Amended Subdivision in 2012-2013, the sewer line was re-routed and installed within a separate sewer easement.

**Analysis:**

This is a request to vacate an exclusive sewer easement located in Lot 7, Canyon Park Amended Subdivision. The easement was originally granted in 1999 for the City sewer system to service various lots within the original Canyon Park West Subdivision development. Since then, a new development has taken shape. Along with the new development plan, a new alignment for the sewer has been approved and constructed in a separate easement on the lot. Therefore, this recorded easement is redundant and is no longer needed.

The owners of said property are looking to develop this lot and are requesting the recorded easement to be vacated in order to pursue building permits that will take place.

The Engineering Department has reviewed this request and is supportive of the vacation.

The vacation process requires a public hearing before the Planning and Zoning Commission. After receiving a recommendation from the Commission, the City Council holds an additional public hearing and if the request is approved an ordinance is adopted and published.

**CONCLUSION:**

Should the Commission recommend approval of the request to the City Council, staff makes no recommendation on this request.

**Attachments:**

1. Vacation request
2. Vacation Exhibit
3. Development Map with Easements and Sewer lines

Canyon Park Amended Subdivision – Lot 7, Block 1  
Easement Vacation Statement

- A. 1. See Application
- 2. See Application
- B. 1. Per attached description.
- 2. Commercial Property
- 3. A portion of an existing public easement that is 15'x249.49' = 3742 S.F.
- 4. Property to be vacated was planned to have a sewer line within the easement. The sewer was installed on Lot 7 but has been re-routed within a new easement. A new easement has been provided for the re-routed sewer alignment.
- 5. See Application
- C. 1. Included with Application
- 2. Included with Application
- 3. Included with Application
- 4. The reason for the vacation request is to remove the easement to create a clean lot. A new easement has been provided for the re-routed sewer alignment.

This request will not have any effects on adjoining properties. As mentioned previously, the sewer line is being re-located to an alternate easement.

- 5. The applicant is the owner of Lot 7.

No utility companies have an interest in the easement. It was granted as a sewer easement only.



NARRATIVE  
FOR  
EASEMENT VACATION

LOT 7, BLOCK 1, CANYON PARK AMENDED SUBDIVISION

This easement was platted with the amended plat specifically to the City of Twin Falls in 1999 to provide a sewer main to accommodate the Canyon Park West Subdivision. The document is recorded as instrument number 1999-011113 (attached) and was specifically for the purpose of a sanitary sewer main. With the development of the Canyon Park Amended Subdivision, the line was relocated within the boundary of Lot 7, Block 1. The use of this easement was limited to a City of Twin Falls sewer main.

510-14

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • [208] 734-4888 • Fax [208] 734-6049

IN THE FIELDS OF:  
PLANNING • SURVEYING • HIGHWAYS • WATER • SEWAGE • STRUCTURAL • SUBDIVISIONS • BRIDGES • ENVIRONMENTAL • QUALITY CONTROL • CONSTRUCTION MGMT.



EXISTING / RE-ROUTED SANITARY SEWER

EXISTING SEWER EASEMENT TO BE VACATED 249.49'x15'



U.S. HIGHWAY 83 - BLUE  
LAKES BOULEVARD NORTH



JOB NO:	510-14
SCALE:	AS SHOWN
DRAWN:	DJS
DATE:	12-11-14

PUBLIC EASEMENT VACATION (PORTION)  
LOCATED IN CANYON PARK AMENDED SUBDIVISION, LOT 7, BLOCK 1  
SECTION 34, T. 9 S., R. 17 E., B.M.  
TWIN FALLS, ID, 83301

**EHM Engineers, Inc.**  
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE

Engineers / Surveyors / Planners  
621 North College Road, Suite 100 Twin Falls, Idaho 83301  
p (208)-734-4888 fax (208)-734-6049 web: ehm-inc.com

**EXHIBIT MAP**  
**CANYON PARK AMENDED SUBDIVISION**  
**A PLANNED UNIT DEVELOPMENT**  
 A PORTION OF  
 CANYON PARK NORTH SUBDIVISION  
 AND A PORTION OF  
 CANYON PARK WEST NO. 1 SUBDIVISION  
 LOCATED IN  
 A PORTION OF SW 4 SW 4, AND GOVT. LOT 3  
 SECTION 34,  
 TOWNSHIP 8 SOUTH, RANGE 17 EAST,  
 BOISE MERIDIAN,  
 TWIN FALLS COUNTY, IDAHO  
 2018

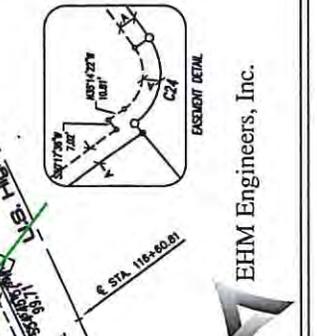
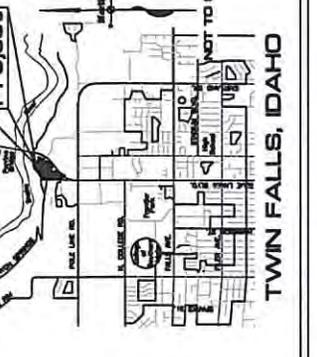
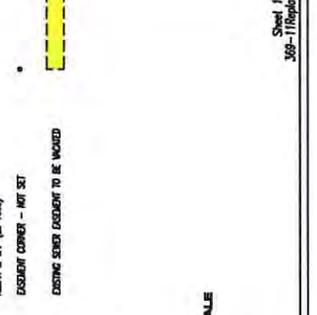
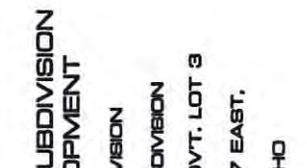
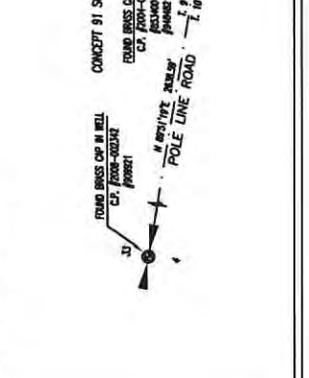


**CURVE DATA**

CURVE	DATA	CHORD BEG.	CHORD END.
1	245°33'	432.00	104.17
2	245°32'	308.00	158.73
3	62°28'03"	30.00	48.94
4	19°19'02"	1080.92	364.43
5	04°07'16"	262.00	87.10
6	163°10'	30.00	38.85
7	53°23'	30.00	38.85
8	07°50'09"	432.00	104.17
9	04°10'19"	99.50	67.77
10	09°16'37"	60.50	122.71
11	56°31'11"	35.00	54.98
12	11°07'54"	1080.92	364.43
13	08°07'00"	211.50	208.76
14	63°19'14"	583.00	193.54
15	20°00'06"	193.54	208.76
16	43°54'00"	20.00	28.72
17	29°29'13"	543.00	288.56
18	04°05'54"	418.50	29.84
19	04°42'10"	363.00	29.79
20	49°26'41"	80.50	56.82

**EASEMENT LEGEND**

- A. 10' WIDE LANDSCAPE, UTILITY, ACCESS, SIDEWALK AND DRAINAGE EASEMENT
- B. LANDSCAPE, UTILITY, SIDEWALK AND DRAINAGE EASEMENT
- C. 25' WIDE LANDSCAPE, UTILITY, ACCESS, PEDESTRIAN, BIKE PATH AND DRAINAGE EASEMENT
- D. 55.5' WIDE UTILITY EASEMENT
- E. 15' WIDE LANDSCAPE, UTILITY, ACCESS, SIDEWALK AND DRAINAGE EASEMENT
- F. 34' WIDE TWIN FALLS CANAL COMPANY EASEMENT
- G. 74' WIDE UTILITY EASEMENT
- H. SEWER EASEMENT WITH WAKES
- I. 15' WIDE SEWER EASEMENT



TRACT A IS A NEW BUILDING LOT RESERVED FOR LANDSCAPE, UTILITY, SIDEWALK AND DRAINAGE. MAINTENANCE SHALL BE IN ACCORDANCE WITH COMMON AREA REQUIREMENTS AS OUTLINED IN DECLARATION OF COMMONS. CONDITIONS, RESTRICTIONS AND EASEMENTS AT CANYON PARK IN WELL. (2012-01123).

TRACT B IS RESERVED FOR LANDSCAPE, UTILITY, ACCESS, DRAINAGE, PEDESTRIAN, BIKE PATH, STORM WATER RETENTION, PUBLIC TRAIL & VISTOR CENTER FACILITIES.

EHM Engineers, Inc.



05/19/2015 08:03 PM



05/19/2015 08:05 PM



05/19/2015 08:07 PM



05/19/2015 08:08 PM



**Public Hearing: Wednesday, May 27, 2015**

To: Planning & Zoning Commission

From: Rene'e V. Carraway-Johnson, Zoning & Development Manager

## AGENDA ITEM IV-8

**Request:** Request the **Vacation** of a 20 x 182' platted sewer easement located on Lot 4 Block 1 of the Canyon Park Amended Subdivision, A PUD aka 1843 Blue Lakes Boulevard North c/o EHM Engineers, Inc. on behalf of Geronimo, LLC (app. 2731)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 3640 sf easement
Geronimo, LLC 2733 East Parleys Way Suite 300 Salt Lake City, UT 84109	<b>Current Zoning:</b> Sewer Easement within a platted Commercial Subdivision	<b>Requested Zoning:</b> vacation of exclusive sewer easement
	<b>Comprehensive Plan:</b> Commercial/Retail	<b>Lot Count:</b> 1 Lot
	<b>Existing Land Use:</b> Commercial Development under construction	<b>Proposed Land Use:</b> Commercial/Retail
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
EHM Engineers, Inc. c/o Gerald Martens 621 North College Rd, St 100 Twin Falls, ID 83301 208-734-4888 <a href="mailto:gmartens@ehminc.com">gmartens@ehminc.com</a>	<b>North:</b> C-1 PUD, Commercial	<b>East:</b> C-1 PUD, Commercial
	<b>South:</b> Blue Lakes Blvd N; C-1 PUD, Commercial	<b>West:</b> C-1 PUD, Commercial
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-12-1 through 4, 10-16-1 & 2	

**Approval Process:**

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 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 Council will conduct a public hearing and approve, modify or deny the vacation. Whenever public rights of way or lands are vacated, the Council shall provide adjacent property owners with a Quit Claim Deed for the vacated rights or way.

**Budget Impact:**

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

**Regulatory Impact:**

Approval of this request will allow the applicant to proceed to the City Council with their request. Approval of this request will allow Geronimo, LLC to vacate the undeveloped 3640 sf exclusive sewer easement.

**History:**

In 1986, the owner of the above stated property recorded an exclusive Sewer Easement to the City of Twin Falls. During the platting and development of Canyon Park Amended Subdivision in 2012-2013, the sewer line was re-routed and installed within a separate sewer easement.

**Analysis:**

This is a request to vacate an exclusive sewer easement located in Lot 4, Canyon Park Amended Subdivision. The easement was originally granted in 1986 for the City sewer system. Since then, a new development has taken shape. Along with that new development plan, a new alignment for the sewer has been approved and constructed in a separate easement on the lot. Therefore, this recorded easement is redundant and is no longer needed.

The Engineering Department has reviewed this request and is supportive of the vacation.

The vacation process requires a public hearing before the Planning and Zoning Commission. After receiving a recommendation from the Commission, the City Council holds an additional public hearing and if the request is approved an ordinance is adopted and published.

**CONCLUSION:**

Should the Commission recommend approval of the request to the City Council, staff makes no recommendation on this request.

**Attachments:**

1. Vacation request
2. Vacation Exhibit
3. Development Map with Easements and Sewer lines

Canyon Park Amended Subdivision – Lot 4, Block 1  
Easement Vacation Statement

- A. 1. See Application
- 2. See Application
- B. 1. Per attached description.
- 2. Commercial Property
- 3. A portion of an existing public easement that is 20'x182' = 3640 S.F.
- 4. Property to be vacated was planned to have a sewer line within the easement. The sewer was installed on Lot 4 but has been re-routed within a new easement. A new easement has been provided for the re-routed sewer alignment.
- 5. See Application
- C. 1. Included with Application
- 2. Included with Application
- 3. Included with Application
- 4. The reason for the vacation request is to remove the easement to create a clean lot. A new easement has been provided for the re-routed sewer alignment.

This request will not have any effects on adjoining properties. As mentioned previously, the sewer line is being re-located to an alternate easement.

- 5. The applicant is the owner of Lot 4.

No utility companies have an interest in the easement. It was granted as a sewer easement only.



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NARRATIVE  
FOR  
EASEMENT VACATION

LOT 4, BLOCK 1, CANYON PARK AMENDED SUBDIVISION

This easement was granted to the City of Twin Falls in 1986 to provide a sewer main from US 93 to Canyon Springs Road. No other utilities were served by this easement. This platted easement depicts a "sewer" easement dedicated by instrument number 902677 (attached) granted at the time of sewer main installation. Subsequent to this dedication, the sewer main was relocated and the existing sewer main pipe has been abandoned.

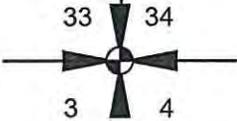
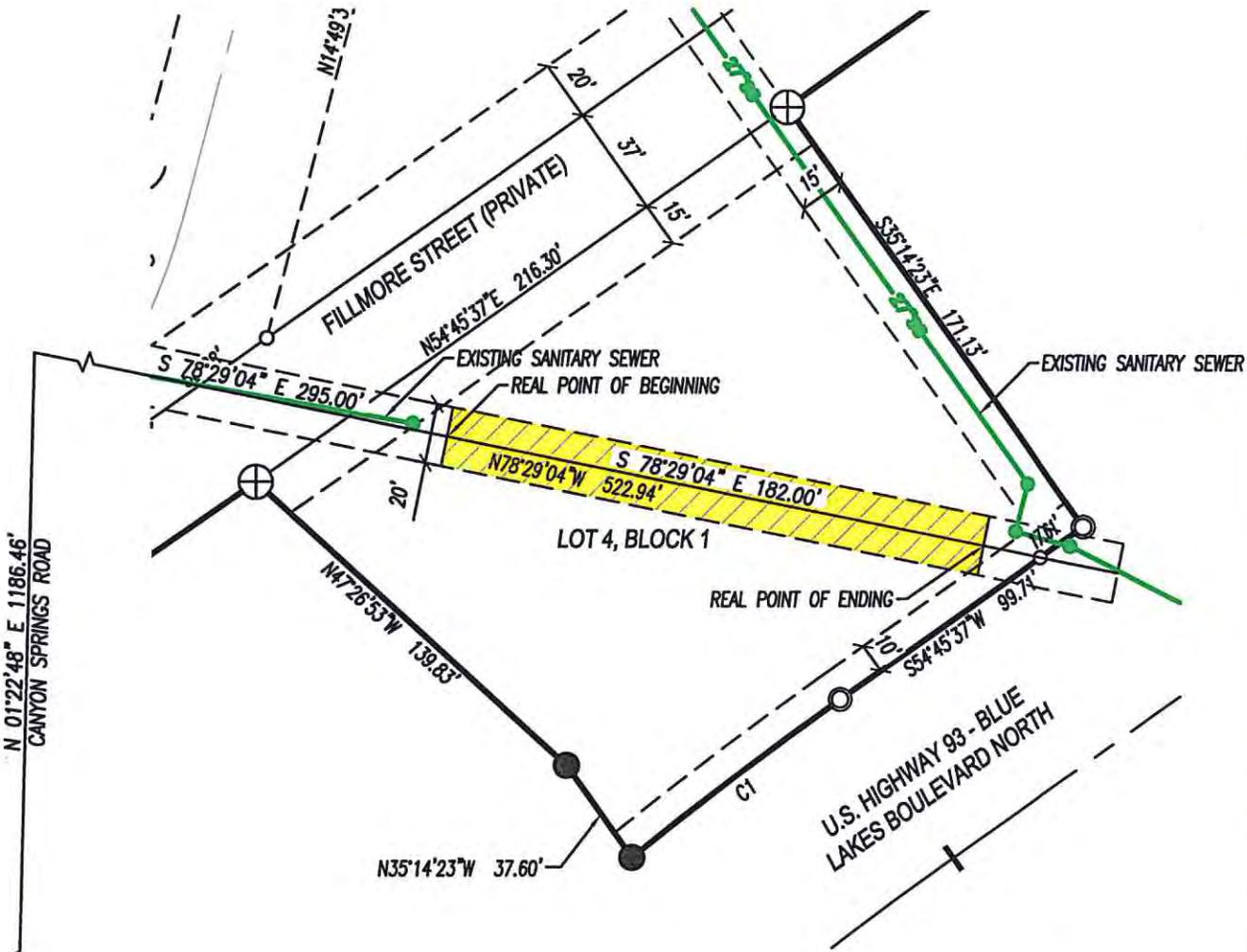
094-14

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NORTH



EXISTING / RE-ROUTED SANITARY SEWER



EXISTING SEWER EASEMENT TO BE VACATED 182'x20'



SCALE IN FEET

JOB NO:	094-14
SCALE:	N.T.S.
DRAWN:	VAS
DATE:	4-03-15

1

PUBLIC EASEMENT VACATION (PORTION)  
 LOCATED IN CANYON PARK AMENDED SUBDIVISION, LOT 4, BLOCK 1  
 SECTION 34, T. 9 S., R. 17 E., B.M.  
 TWIN FALLS, ID, 83301

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