



**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.**



Preliminary PUD Presentation: **Wednesday, September 9, 2015**

Public Hearing: **Tuesday, September 22, 2015**

To: Planning & Zoning Commission

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

## AGENDA ITEM III-1

**Request:** A **Preliminary Presentation** request for a PUD Amendment to the Canyon Park West PUD #264 to allow a Panera Bread Restaurant on Lot 7 Block 1 with a drive through facility c/o Canyon Park Development, LLC on behalf of Canyon Park I (app. 2748)

**Time Estimate:**

The applicant's presentation may take up to ten (10) minutes. Staff will not give a presentation. There will likely be additional time for questions from the Planning and Zoning Commission.

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 1.0 (+/-) acres
Canyon Park Development, LLC c/o Tina Luper P.O. Box 5478 Twin Falls, ID 83303 208-421-8296 tina.luper@neilsenco.com	<b>Current Zoning:</b> C-1 CRO PUD	<b>Requested Zoning:</b> C-1 CRO PUD
	<b>Comprehensive Plan:</b> Commercial Retail	<b>Lot Count:</b> 1 lot
	<b>Existing Land Use:</b> Commercial	<b>Proposed Land Use:</b> Mixed commercial uses – adding drive thru service for this one lot
<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 208-420-2461 (c)	<b>North:</b> Visitor's Center , Snake River Canyon Rim	<b>East:</b> C-1 CRO PUD; Blue Lakes Blvd N, commercial
	<b>South:</b> C-1 PUD; Blue Lakes Blvd N, Magic Valley Mall	<b>West:</b> C-1 CRO PUD; Commercial
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8, 10-4-19, 10-6-1 through 4, 10-7-6, 10-10-1 through 3, 10-11-1 through 9, 10-14-1 through 6, Canyon Park Amended PUD #264	

**Approval Process:**

As per Twin Falls City Code 10-6-1.4(E) Approval of a PUD Sub-District:

- 1. Preliminary Development Plan.** The petitioner for a planned unit development sub-district may, after pre-application conferences with the planning staff, submit a preliminary development plan to the Commission for review, which development plan shall include the following: a. The proposed site plan, showing building locations and land use areas; b. Proposed traffic circulation, parking areas, pedestrian walks and landscaping; c. Proposed construction sequence for buildings, streets, spaces and landscaped areas; d. Existing zoning district boundaries; e. A survey of the property, including topography, buildings, watercourses, trees over six inches (6") in trunk diameter, streets, utility easements, drainage patterns, right of way and land use; f. Other requirements that the Planning Department, Planning Commission, or legislative body may request.
2. After Commission review, a public hearing shall be held before the Commission and Council for a zoning district and zoning map amendment. (Ord. 2124, 10-15-1984)

**Budget Impact:**

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

**Regulatory Impact:**

The Commission makes no decision at this time. 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:**

The final plat for Canyon Park North Subdivision was approved by Council on February 22, 2000. The final plat was recorded on November 29, 2000.

On January 25, 2007 the Citizen Design Review Committee approved a development plan to allow a 10-story hotel/convention center on the rim within the Canyon Park North project.

The Council later approved a Zoning District Change and Zoning Map Amendment combining both Canyon Park North and Canyon Park West developments and plats into one PUD and one plat. The rezone was for the same zoning but with a different development plan. Rezoned from C-1 PUD and SUI PUD to C-1 CRO PUD.

The Council approved ORD #3043 on April 9, 2012 vacating that portion of Fillmore Street within this development.

The Planning and Zoning Commission approved the Canyon Park Amended – PUD Subdivision on April 10, 2012. The Council approved the final plat on June 4, 2012. The Canyon Park West (Amended) C-1 PUD Agreement was approved and signed by the Council on August 20, 2012. The Canyon Park Amended final plat was recorded on December 23, 2013.

**Analysis:**

This is a request for PUD Amendment, on property described above. The amendment consists of allowing a drive thru restaurant as a permitted use specifically on Lot 7 Block 1 of the Canyon Park Amended Subdivision. (See Attachment #4 for exhibit of the location)

City Code requires that the applicants make a preliminary presentation to the Commission and to the public. This presentation allows the Commission and the public to become familiar with the proposed amendment to the project prior to the actual public hearing. The Commission can also give suggestions to the applicants on the project outside of the hearing process. No action is taken at the presentation meeting.

A public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting [Tuesday, September 22, 2015](#). Further staff analysis will be given at that time.

**Conclusion:**

Staff makes no recommendation at this time.

**Attachments:**

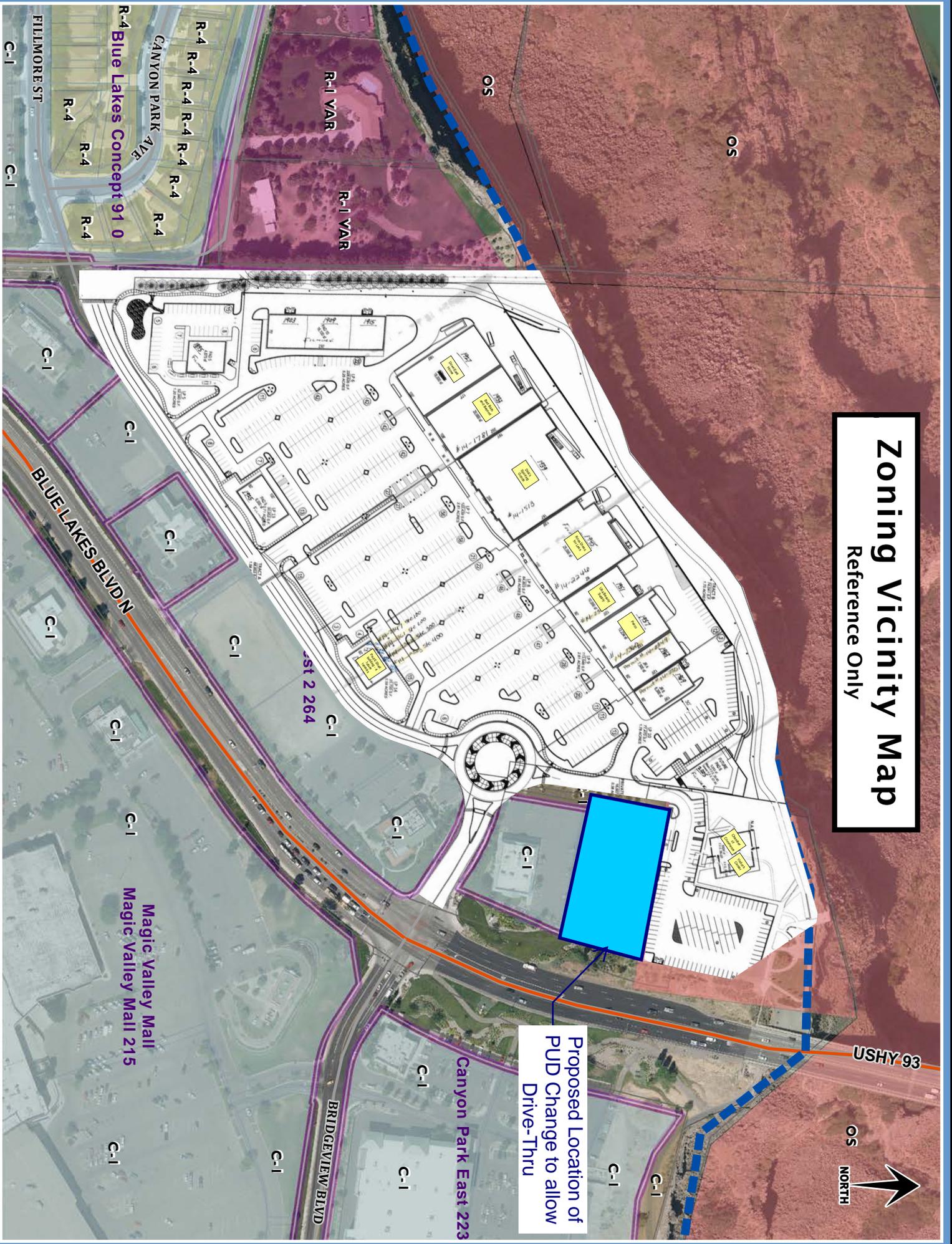
1. Applicants Request
2. Zoning Vicinity Map
3. Proposed PUD Change
4. Overall Development Plan
5. Proposed Site plan – Applicant Submittal
6. Site Photos

## REASON FOR AMENDMENT

The purpose of the requested amendment will be to allow construction of a Panera Bread Restaurant (bakery) facility on Lot 7, Block 1 with drive thru lane. The current PUD allows for the proposed use but the CRO zone precludes the drive thru. The PUD amended as requested would allow the drive thru as depicted on the attached site development plan for the proposed use with the drive thru.

# Zoning Vicinity Map

Reference Only



The following amendment shall be made to the Canyon Park West Amended Planned Unit Development between the City of Twin Falls and Canyon Park I, LLC and Canyon Park Development, LLC dated August 20, 2012.

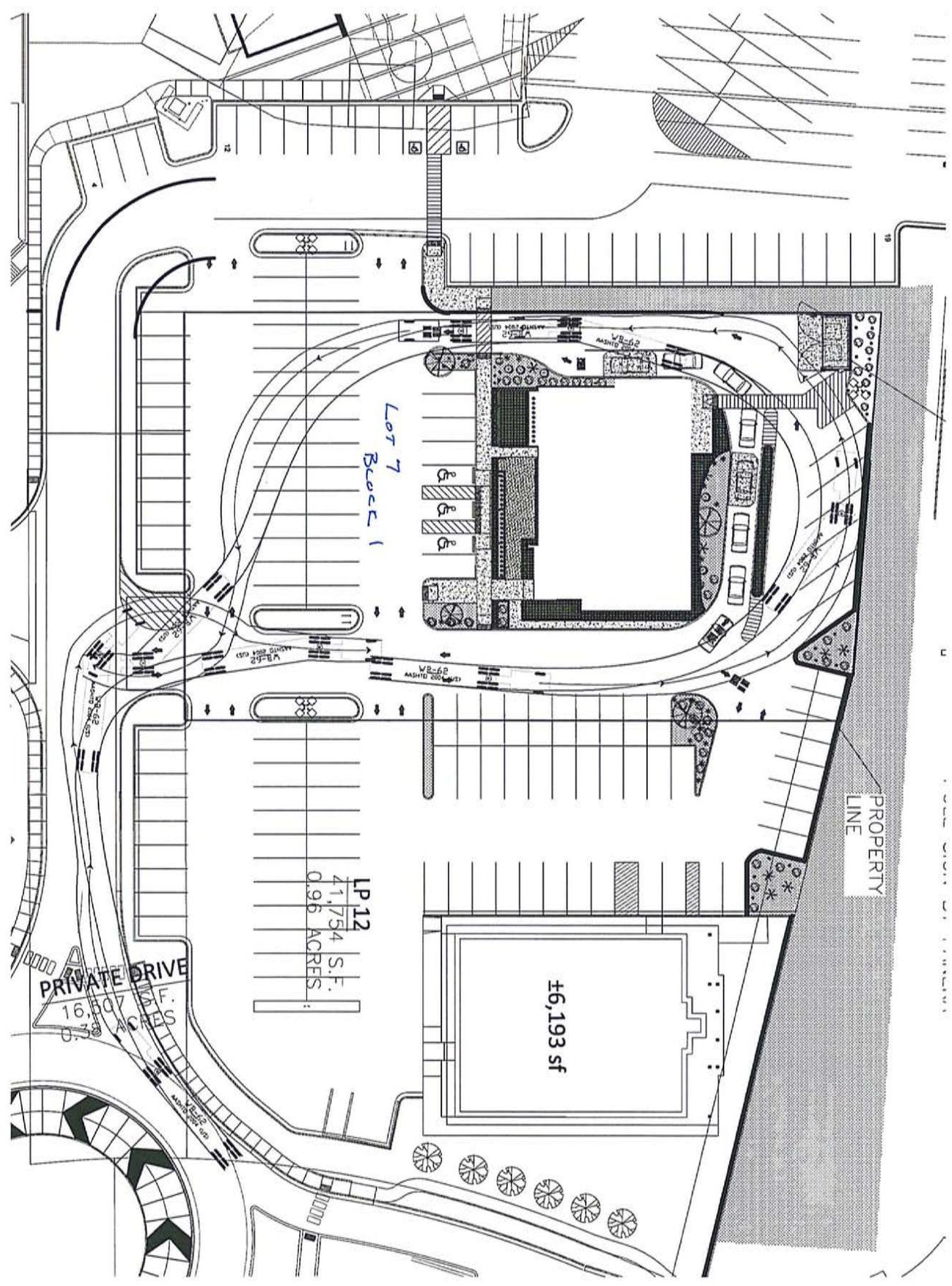
Paragraph 2B shall be amended to read as follows:

USES: The use language of the underlying "C-1 PUD" and "CRO" zones shall apply with regard to permitted uses, special uses, and prohibited uses on the Property or any portion thereof except as specified hereafter.

1. In addition to the foregoing, "Fast Food" uses will be prohibited adjacent to the Canyon Rim Trail. "Fast Food" is defined as those nationally known drive through restaurants such as McDonalds, Burger King and Wendy's.
2. Lot 7 Block 1 may be developed as a restaurant with a drive thru constructed in accordance with the attached site plan attached as Exhibit 1.



EXHIBIT 1





Potential Drive-Thru location. Looking toward Canyon Rim from Blue Lakes Blvd N.



Looking toward Blue Lakes Blvd N. Potential Drive-Thru location in foreground.



Public Meeting: **WEDNESDAY, September 09, 2015**

To: Planning & Zoning Commission

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

## AGENDA ITEM III-2

**Request:** Request for approval of the preliminary plat for the Westpark Commercial Subdivision #9, A PUD consisting of **3.86 (+/-)** acres with 3 lots and 1 tract for commercial development on property located north of Pole Line Road & west Canyon Crest Drive c/o Gerald Martens / EHM Engineers, Inc. on behalf of Westpark Partners, LLC.

**Time Estimate:**

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

**Background:**

<b>Applicant:</b> Westpark Partners, LLC c/o Gerald Martens 621 N. College Rd, Ste 100 Twin Falls, Idaho 83301 208-734-4888 208-420-2461cell <a href="mailto:gmartens@ehminc.com">gmartens@ehminc.com</a>	<b>Status:</b> Property Owner	<b>Size:</b> 3.86(+/-) acres
	<b>Current Zoning:</b> C-1 PUD	<b>Requested Zoning:</b> Approval of a preliminary plat
	<b>Comprehensive Plan:</b> Commercial – Retail	<b>Lot Count:</b> 3 lots and 1 tract
	<b>Existing Land Use:</b> undeveloped	<b>Proposed Land Use:</b> commercial/retail
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
	<b>North:</b> C-1 PUD; undeveloped	<b>East:</b> C-1 PUD; Denny's Restaurant
	<b>South:</b> C-1 PUD; Pole Line Rd, undeveloped	<b>West:</b> C-1 PUD; undeveloped
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8, 10-6-1 through 4, 10-7-6, 10-10-1 through 3, 10-11-1 through 9, 10-12-2.3 and the Northbridge PUD Agreement	

**Approval Process:**

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

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

**Budget Impact:**

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

**Regulatory Impact:**

Upon approval of a preliminary plat a final plat that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

## History:

This area was part of a request for a Comprehensive Plan Map change from residential to commercial and open space and a rezone from R-1-4300 to C-1 PUD and OS, which was reviewed by the Planning and Zoning Commission on February 9, 1993. The Commission recommended approval of the request as a C-1 & R-4 PRO PUD zoning. The request was approved by the City Council on April 19, 1993, with the Commission's recommendations, including the following:

1. Lot 6 at the intersection of Pole Line Road and Washington St N be rezoned R-4 PRO PUD.
2. Accesses to the lots on Pole Line Road to be limited to minimum 660 foot spacing and limited to shared accesses between the lots.
3. Relocate the access between lots 6 & 7 further from Washington St N and access lots 7 through an internal access easement through lot 6.
4. Provide a 44 foot wide public access road along the east side of Lot 1 to serve future development to the north. This is at the 1/2 mile (Harrison St) alignment. Make provisions to delete the approach aligned with the existing Lazy J access upon full development of the Harrison St intersection.
5. Provide a 44 foot wide public north-south access road off Pole Line Road through the C-1 PUD area to the future residential development to the north.
6. Dedicate a 40 foot 1/2 right-of-way on Washington St N and build to a 32 foot wide half arterial section.
7. A landscaped berm required on the west side of Lot 5.
8. Public parking required on Lots 1 & 2 for public access to the Perrine Coulee green belt.

**As per condition #1 The PUD rezoned a 4.5 acre parcel, referenced as "Lot 6", located at the northeast corner of Washington St N and Pole Line Road as R-4 PRO.**

Westpark Commercial Subdivision, No. 3 was recorded in May 2006. The plat consists of 24 (+/-) acres with 3 commercial lots. Lot 6, Block 2 is 2.98 acres and is located at the northeast corner of Pole Line Road and Washington Street North. Lot 6, Block 2, 2.98 acre lot (+/-), was zoned R-4 PRO PUD. The owner wanted to develop a Walgreens and requested a PUD Modification/rezone of this lot from R-4 PRO PUD to C-1 PUD.

The City Council approved an amendment to the Northbridge PUD on September 24, 2007 rezoning Lot 6, Block 2 Westpark Commercial Subdivision #3-a PUD from R-4 PRO to C-1 PUD. At the time the applicants only owned the 3 acre platted lot, leaving the remaining 1.5 acre parcel to the north zoned R-4 PRO. They purchased the remaining 1.5 acre parcel of Lot 6, Block 2 of West Park Commercial Subdivision #3-a PUD and on July 14, 2008 the City Council approved a PUD Modification of the Northbridge PUD rezoning the remaining 1.5 R-4 PRO zoned parcel to C-1 PUD.

On January 8, 2008 the Commission approved a Special Use Permit to operate a retail business outside the permitted hours of operation of 7:00 am to 10:00 pm, to operate a drive-through facility, and to operate a 32 sf message center sign. The sign code has since been modified, allowing a message center sign without a special use permit.

A Certificate of Occupancy was issued for the new Walgreen's store located on the proposed Lot 1, Block 1 of the Magic Valley Marketplace Subdivision on October 1, 2009.

May 16<sup>th</sup>, 1994 Council approved the Northbridge #2 PUD Agreement. August 22<sup>nd</sup>, 2005 the Council approved a PUD modification to the Northbridge #2 PUD to allow a storage unit facility.

On April 23, 2012 there was a Preliminary PUD Presentation on the rezone / PUD request made to the Commission at a public meeting. Westpark Commercial Subdivision, #7 was recorded on July 29, 2013. Westpark Commercial #7 PUD Agreement was recorded on June 28, 2013.

In March 2014 Westpark Commercial Subdivision #8, a 1 lot commercial subdivision, was recorded. Denny's Family Restaurant was constructed and received a Certificate of Occupancy in December 2014.

**On August 25, 2015 the Commission granted a special use permit to operate a drive-through window in conjunction with a restaurant on Lot 1. It was disclosed to be the Popeye's franchise.**

## Analysis:

This Preliminary Plat for the Westpark Commercial Subdivision #9 – a PUD includes 3.86 (+/-) acres and consists of three (3) lots. The proposed subdivision is zoned C-1 PUD. The site is located north of Pole Line Road and west of Canyon Crest Drive. The property is currently vacant. It is the final unplatted portion left fronting Pole Line Road located in Lot 4; Block 2 of the Westpark Commercial Subdivision #3. The proposed lots are covered under the Northbridge PUD. This proposed subdivision will conform to the uses and development standards stated in the Northbridge PUD.

The intended use for Lot 1, Block 1, Westpark Commercial Subdivision #9 – a PUD is to allow the commercial development of a Popeye's restaurant with a drive-through window. The other two lots are unknown commercial uses at this time. There is not a minimum lot square footage requirement in the C-1 zone for commercial uses; the lot is required to be of "sufficient size to provide for the building, the required setbacks, off street parking and landscaping". A full review of required improvements will be made by the Building, Planning, Fire and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

## Conclusion:

Staff recommends the Commission approve the preliminary plat of the Westpark Commercial Subdivision #9-A PUD, as presented, and subject to the following conditions:

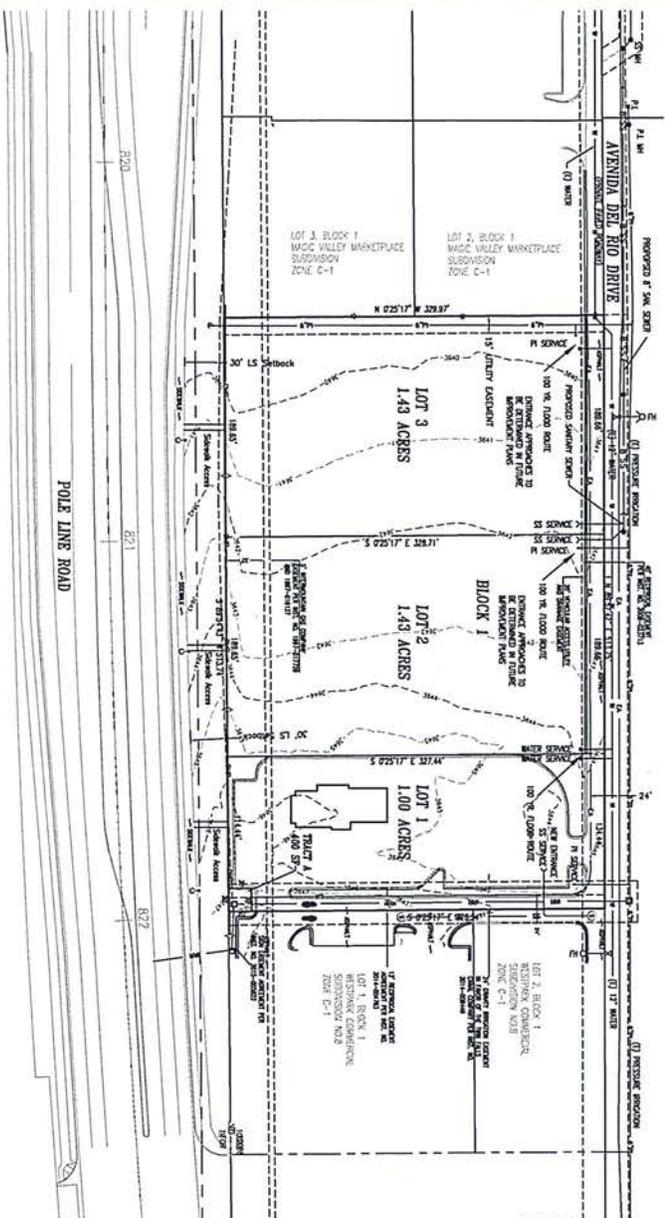
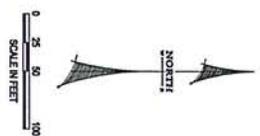
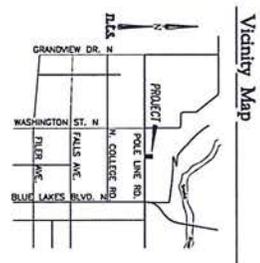
1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with Northbridge PUD.
3. Subject to the deed being revised in Westpark Commercial Subdivision #3, Lot 4 to exclude this subdivision, if approved.

## Attachments:

1. Preliminary Plat Exhibit
2. Zoning Vicinity/Aerial Map
3. Updated Northbridge PUD Master Development Plan

**PRELIMINARY PLAT  
 WESTPARK COMMERCIAL  
 SUBDIVISION NO. 9**

**WESTPARK COMMERCIAL  
 SUBDIVISION NO. 9  
 A PLANNED UNIT DEVELOPMENT**  
 A Re-Subdivision and Re-Numbering of a  
 Portion of  
**Lot 4, Block 2  
 WESTPARK COMMERCIAL  
 SUBDIVISION NO. 3**  
 Located in  
 SW 4 SW 4, Section 33  
 Township 10 South, Range 17 East Boise  
 Meridian  
 Twin Falls County, Idaho  
 2015



**DRAINAGE CALCULATIONS:**

TOTAL AREA 43,336 SF	34,927 SF * 1.6/12 * 0.55 =	4,424 CF
IMPERVIOUS AREA	8,631 SF * 1.6/12 * 0.25 =	288 CF
TOTAL RETENTION REQUIRED		4,711 CF
DESIGN RETENTION PROVIDED	67' * 17' * 0.4 DEEP =	389 CF
ORIENTED	30' * 10' * 3' DEEP * 0.40 =	360 CF
TOTAL RETENTION PROVIDED		649 CF
RETAINMENT REQUIRED	63' * 13' * 2 DEEP =	1,800 CF
DESIGN	69' * 30' * 2 DEEP =	2,310 CF
TOTAL RETENTION PROVIDED		4,110 CF
TOTAL AREA A & B =		4,558 CF

**LANDSCAPE SUMMARY:**

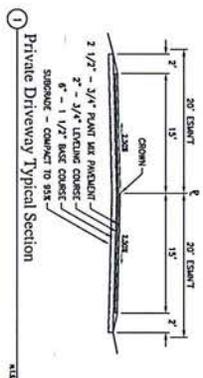
1. 16,800 SF OF PAVING \* 10% = 1,680 SF
2. 4,700 SF OF CONCRETE AREAS \* 10% = 470 SF
3. 1,680 SF OF PAVING \* 10% = 168 SF
4. 1,680 SF OF CONCRETE AREAS \* 10% = 168 SF

**PROJECT BENCHMARK:**

CITY OF TWIN FALLS FIRE HYDRANT BENCH MARK SYSTEM, HYDRANT NUMBER 4102-2927, "B" BOLT ON FIRE HYDRANT ELEVATION = 3846.31, HYDRANT LOCATED ON THE NORTH SIDE OF POLE LINE ROAD 225' WEST OF CANYON CREST DRIVE.

- NOTES:**
1. TRACT A IS HEREBY RESERVED FOR UTILITY, DRAINAGE, LANDSCAPING AND SERVICE

- Survey References**
1. WESTPARK COMMERCIAL SUBDIVISION NO. 8 2/21/11-004197
  2. MACE VALLEY MARKETPLACE SUBDIVISION 2/2010-000491



**DESIGN DATA**

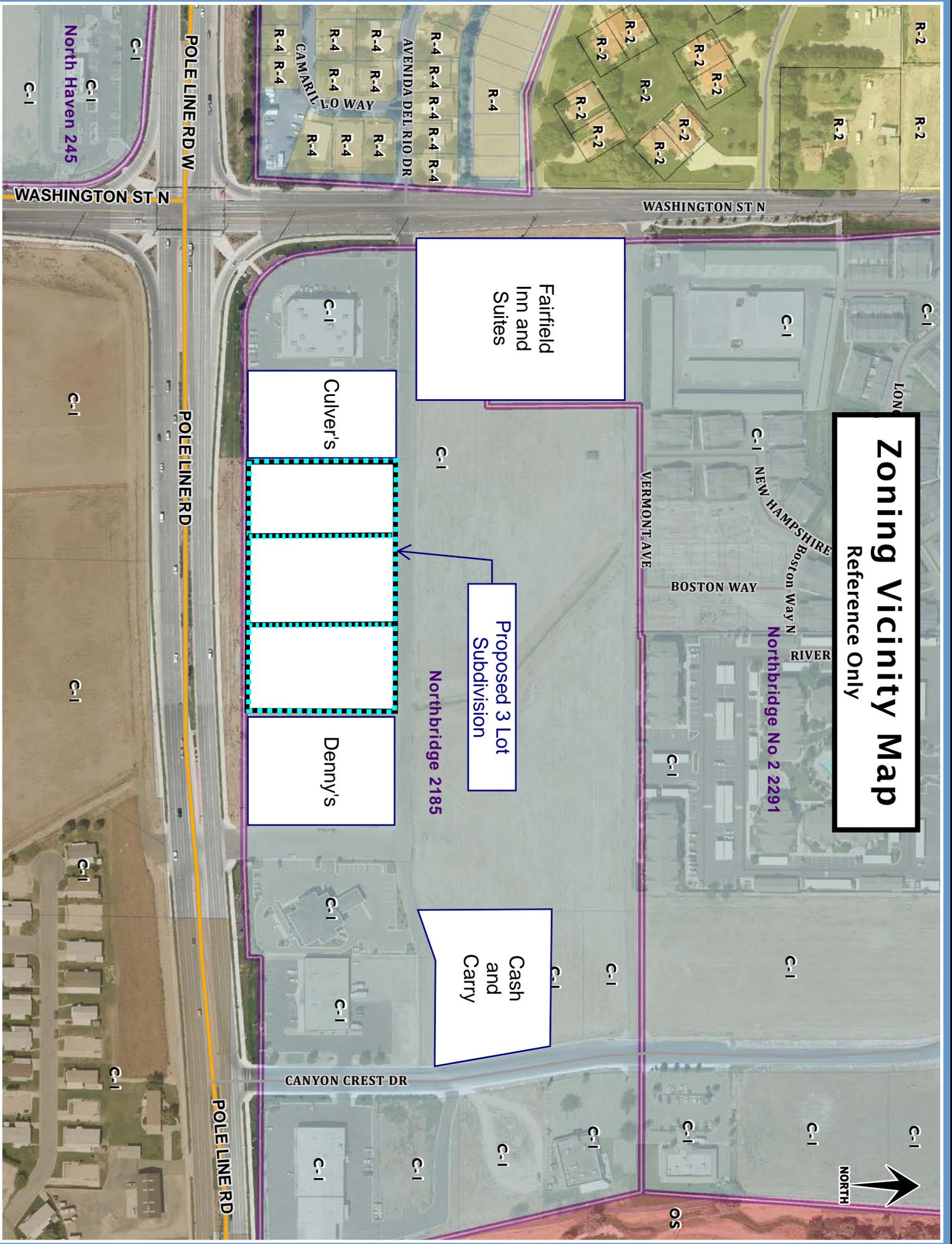
<b>Owner/Developer:</b>	Majority Partners, LLC 821 N. College Rd., Suite 100 Twin Falls, ID 83301	<b>Engineer:</b>	EHM Engineers, Inc. 821 N. College Rd., Suite 100 Twin Falls, ID 83301
<b>Developed Area:</b>	288 Acres (16,800 SF)	<b>Substrate:</b>	Sandy & Water City Sewer and Water
<b>Zone:</b>	C-1 PUD	<b>Utilities:</b>	Underground Power, Gas, TV, and Telephone
<b>Fading Date:</b>	None	<b>Foundation:</b>	As shown
<b>Proposed Use:</b>	Commercial (Retailment) (Lot 1) from Proposed		
<b>Reference:</b>	None		
<b>Dedication:</b>	TRM Map 1218C Zone "C"		

**LEGEND**

PROPERTY BOUNDARY	DESTINY	PROPOSED
LOT LINE	---	---
RIGHT-OF-WAY	---	---
EXISTING DRIVEWAY	---	---
PROPOSED DRIVEWAY	---	---
EXISTING DRIVEWAY, LANDSCAPING, ACCESS & RR. EASEMENT	---	---
STANDARD CORN, GUTTER, & SERVICE	---	---
STEER STRUCK	---	---
WATER MAIN	---	---
STONE DRAIN MAIN	---	---
PRESSURE REGULATION VALVE	---	---
CONCRETE LINE	---	---
STEER STRUCK	---	---
WATER SERVICE	---	---
WATER SERVICE	---	---
WATER VALVE	---	---
PRESSURE REGULATION SERVICE	---	---
MARKET	---	---
CONCRETE BLOCK	---	---
SCAFFOLD	---	---
BOUNDARY DIRECTIONAL ARROW	---	---
STREET LIGHT POLE	---	---
LIGHT POLE	---	---
100 YEAR FLOOD POINT	---	---

# Zoning Vicinity Map

Reference Only



Proposed 3 Lot Subdivision

Northbridge 2185

Fairfield Inn and Suites

Culver's

Denny's

Cash and Carry

POLE LINE RD W

POLE LINE RD

POLE LINE RD N

WASHINGTON ST N

WASHINGTON ST N

VERMONT AVE

BOSTON WAY

C-1 NEW HAMPSHIRE RIVER

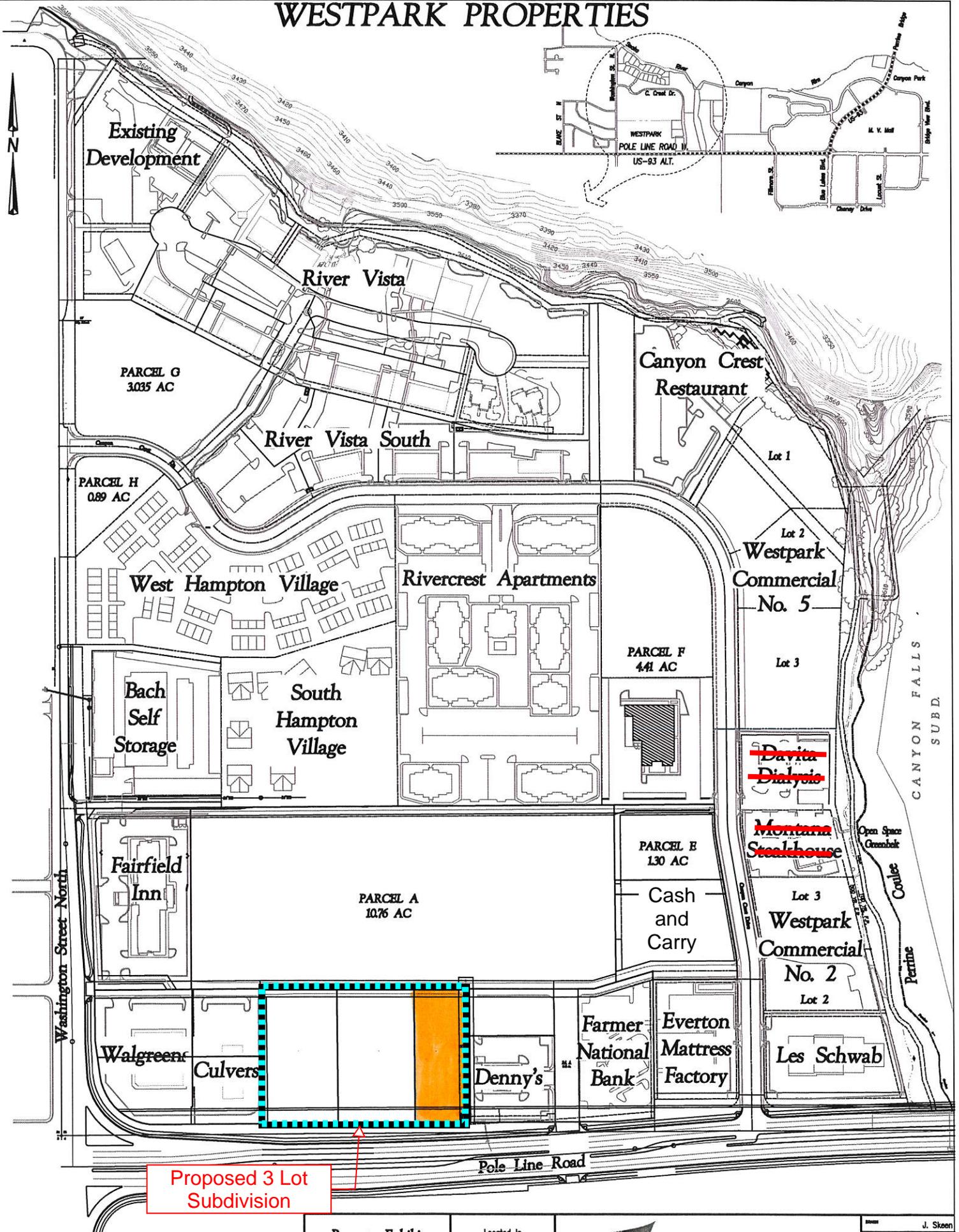
Northbridge No 2 2291

CANYON CREST DR

North Haven 245

OS

# WESTPARK PROPERTIES



**Proposed 3 Lot Subdivision**

NOTE:  
CONTOURS ARE BASED ON ORIGINAL SITE TOPOGRAPHY AND DO NOT REFLECT GRADING OR CONSTRUCTION DONE AFTER 1994.

Property Exhibit  
Of  
Westpark Properties

Located in  
SW4, Section 33  
T. 9 S., R. 17 E., B.M.  
Twin Falls County, Idaho

**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: ehmeinc.com

DATE	J. Skeen
DATE	September 17, 2014
SCALE	NTS
DATE	205-00 Layout 2014
Sheet 1 of 1	



**Public Hearing: Wednesday, September 9, 2015**

To: Planning & Zoning Commission

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

## AGENDA ITEM IV-2

**Request:** Request for **Vacation** of a 15' utility easement along westerly boundary of Lots 1, 2, 3, 4, 5 & 6 Block 1 and a 15' utility easement along easterly boundary of Lots 1, 2, 3, 4 and Tract A Block 2 of the Eldridge Commercial Subdivision located north of the intersection of Eldridge Avenue & Madrin Street c/o The Edmunds Group, LLC & Larry Fairbanks (app. 2747)

**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> Edmunds Group LLC & Larry Fairbanks 961 Wildwood Way Twin Falls, ID 83301 208-539-1692 <a href="mailto:edmunds@cablone.net">edmunds@cablone.net</a>	<b>Status:</b> Owner  <b>Current Zoning:</b> M-2  <b>Comprehensive Plan:</b> Commercial/Retail  <b>Existing Land Use:</b> Commercial Development under construction	<b>Size:</b> Two 15' x 612'(+/-) easements  <b>Requested Zoning:</b> vacation of Utility easements within Eldridge Commercial Subdivision  <b>Lot Count:</b> 10 Lot  <b>Proposed Land Use:</b> Industrial/Commercial/Retail
<b>Representative:</b> Ken Edmunds 961 Wildwood Way Twin Falls, ID 83301 208-539-1692 <a href="mailto:edmunds@cablone.net">edmunds@cablone.net</a>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
	<b>North:</b> M-2, Residential/Madrin St	<b>East:</b> M-2, Commercial Storage
	<b>South:</b> M-2, Eldridge Ave/ Commercial	<b>West:</b> M-2, Undeveloped
	<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 Edmunds Group, LLC and Larry Fairbanks to vacate specific utility easements within the Eldridge Commercial Subdivision.

**History:**

In 2008, the owner of the above stated property went through the public hearing process with the Planning and Zoning Commission, and the City Council to create the Eldridge Commercial Subdivision consisting of 10 lots and 1 tract. The plat was recorded in November 2008.

**Analysis:**

This is a request to vacate portions of a utility easement within the Eldridge Commercial Subdivision. During the platting process in 2008, a utility easement was placed on the plat along the exterior boundary of the subdivision. At the time of platting this was a common practice.

Since the recordation of this plat, the common practice has been changed, no longer requiring utility easements along the exterior boundary. As no structure may be built over a recorded easement it limits the allowable building space within a lot. We have shifted regulations to requiring easements along street frontages to minimize intrusions to private property owners.

Staff received authorization to vacate the identified easement from each of the required utility companies. The described platted easement is potentially redundant and no longer needed.

The owners of said property 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. We have also received letters from all applicable utility companies in support of this 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, as presented, staff recommends approval be subject to the following condition(s):

1. Subject to any and all requirements placed by applicable utility companies being met prior to publication of the Vacation Ordinance.

**Attachments:**

1. Vacation request – Applicant Submittal
2. Vacation Exhibit – Applicant Submittal
3. Zoning Vicinity Map
4. Utility Company Approval Letters
5. Site Pictures

## Eldridge Commercial Subdivision – Easement Vacation Request

### B. 1. – Street Address and Legal Description

Block 1, Lot 1 – 484 Madrin or 2053 Eldridge  
Block 1, Lot 2 – 470 Madrin  
Block 1, Lot 3 – 456 Madrin  
Block 1, Lot 4 – 442 Madrin  
Block 1, Lot 5 – 420 Madrin  
Block 1, Lot 6 – 414 Madrin  
Block 2, Lot 1 – 477 Madrin or 2085 Eldridge  
Block 2, Lot 2 – 449 Madrin  
Block 2, Lot 3 – 437 Madrin  
Block 2, Lot 4 – 421 Madrin

### B. 2. - Present use of all adjoining property:

North – residential  
East - rental storage units  
South - commercial businesses  
West - vacant farm land

### B. 3. - Area of proposed property to be vacated:

See attached drawing.

### B. 4. - Proposed use of property to be vacated:

All permitted uses within current M-2 zoning classification.

### C. 4. - Statement of reason for request and effects on adjoining properties:

- a. Reason for request – At the time of platting the subdivision, we were not aware of the easement requirements of the utility companies and provided easements on all sides of each block. The utilities are now installed and the utility companies have placed all the utilities next to the roadways. By vacation of the easement, the building setbacks can comply with the minimum requirements for fire separation. In addition, an existing building encroaches in the easement and we are not able to renovate this building because a building permit cannot be issued where a conflict exists with an easement.
- b. Effect on adjoining properties - The properties adjoining the area where the easements are being vacated are on the east and west. On the east, the land is fully developed as rental storage units and the easement has no effect on their current use. On the west, when the land is developed or subdivided, it will function the same as the Eldridge Commercial Subdivision and any easements for utilities or other uses will be in roadways. The roadway will not be adjoining Eldridge and therefore no easement will be necessary.

# ELDRIDGE COMMERCIAL SUBDIVISION

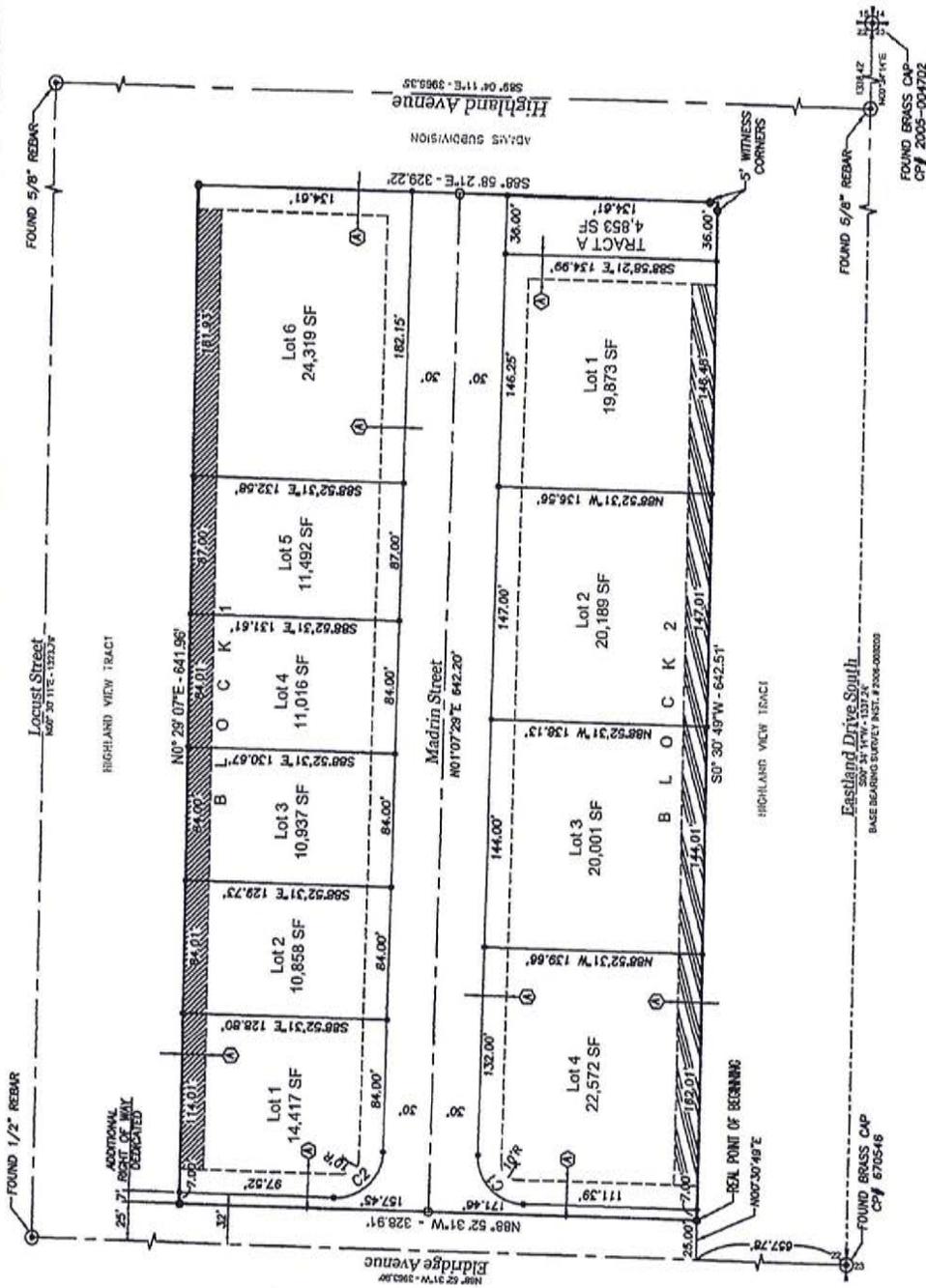
A Resubdivision and Renumbering of Lot 30, Block 1 "Highland View Tract" Located In SE<sup>4</sup>NE<sup>4</sup>, Section 22 Township 10 South, Range 17 East Boise Meridian, Twin Falls County, Idaho 2008



Scale in Feet



VICINITY MAP



**Legend:**  
 Boundary Line  
 Section Line  
 Lot Line  
 Easement Line (See Table)  
 Road Centerline  
 Set 1/2" x 30" Rebar and Cap (LS 1000)  
 Set 5/8" x 30" Rebar and Cap (LS 1000)  
 Found Monument as Noted

**Easement Table**  
 15.00' UTILITY EASEMENT

**Curve Table**

CH	DATA	LENGTH	ROADS	TRACEN	CHORD	CHORD BEG	CHORD END
C1	90.0000'	41.12	30.00	30.00	42.63	N152°23'11"	N152°23'11"
C2	90.0000'	41.12	30.00	30.00	42.63	N152°23'11"	N152°23'11"

**Notes:**  
 TRACT A SHALL BE OWNED AND MAINTAINED BY ALL LOT OWNERS WITHIN THIS SUBDIVISION FOR THE PURPOSE OF SERVING STRAIGHTWAY TRAFFIC.

**Health Certificate**  
 Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on the design plans and specifications and the approval of the design plans and specifications and the approval of the developer for continued satisfaction of the sanitary restrictions. The developer hereby certifies that the sanitary water or sewer facilities are complete. Public health action can be allowed with appropriate building permits if driving water or sewer facilities have since been constructed or if the developer is simultaneously constructing these facilities. If the developer fails to construct facilities or meet the other conditions of DED, then sanitary restrictions may be enforced in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of non-compliance and no construction of any building or shelter requiring drinking water or sewer/sanitary facilities shall be allowed.

Block North Department, BDC

**Engineers, Inc.**  
 ENGINEERS/SURVEYORS/PLANNERS

# Zoning Vicinity Map

Reference Only

HIGHLAND AVE E

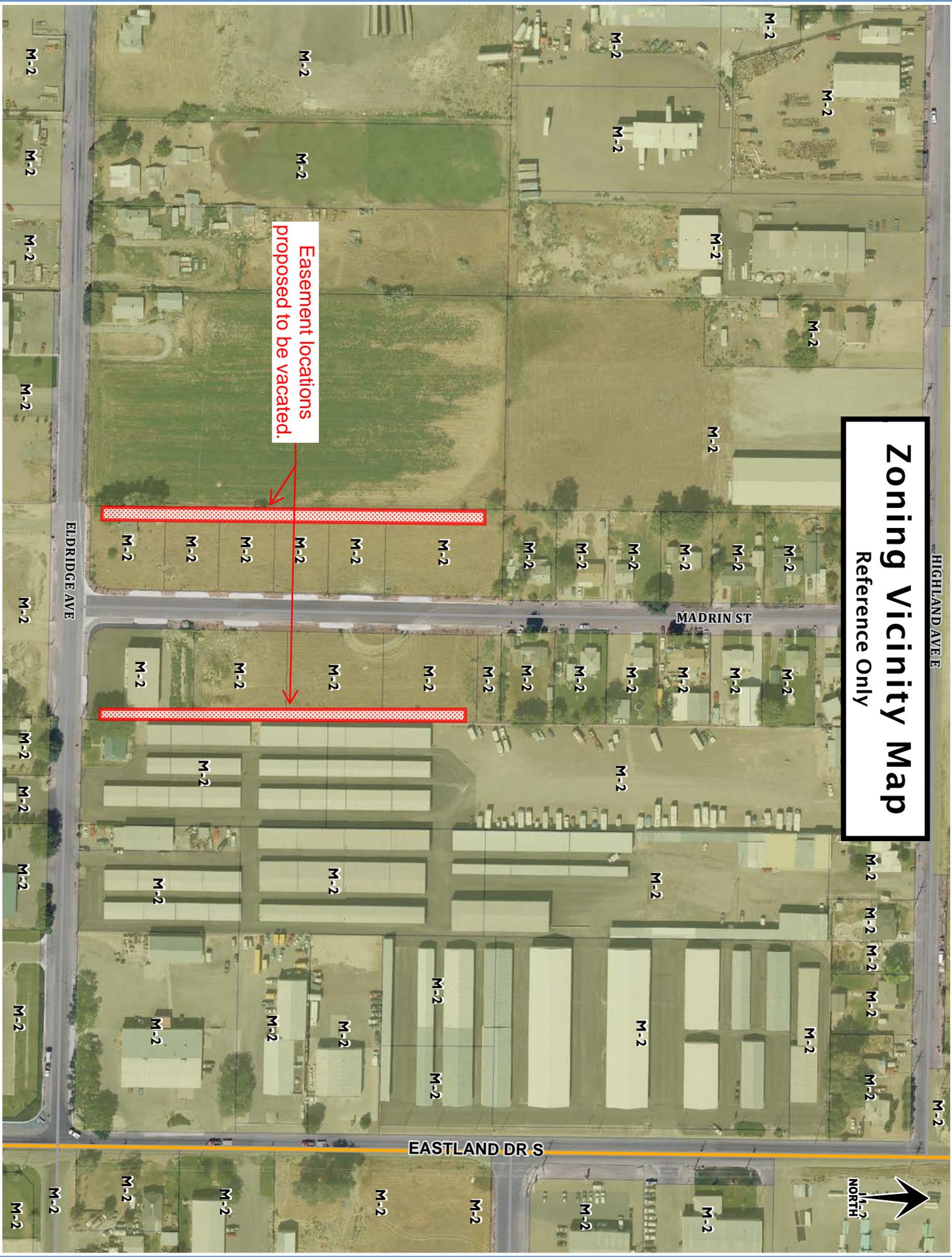
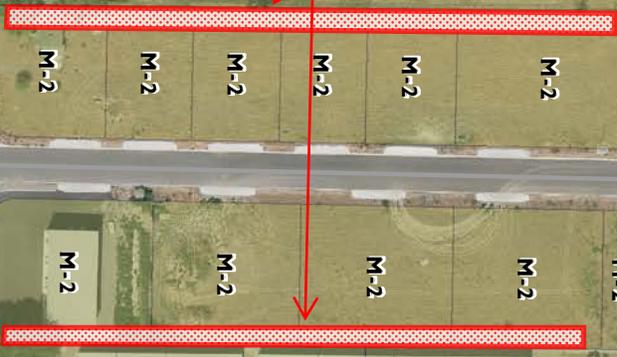


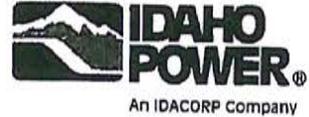
EASTLAND DR S

MADRIN ST

ELDRIDGE AVE

Easement locations  
proposed to be vacated.





June 4, 2015

The Edmunds Group, LLC  
961 Wildwood Way  
Twin Falls, ID 83301

Re: Relinquishment of the 15' public utility easement along the rear lot lines of Eldridge Commercial Subdivision

Situated in the Northeast Quarter of Section 22, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho.

Dear Mr. Edmunds:

This is in response to the Relinquishment Application submitted to Idaho Power Company on May 28, 2015, regarding the possible relinquishment of the 15' public utility easement along the rear lot lines of Eldridge Commercial Subdivision, as shown in Exhibit A (the "Utility Easement Area").

Idaho Power's review of the relinquishment request indicated that there are no facilities with the Utility Easement Area. As such, Idaho Power agrees to relinquish what easement rights are found within the Utility Easement Area.

Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

Sincerely,

Rachael Butterworth  
Associate Real Estate Specialist  
Land Management and Permitting Department  
(208) 388-2699  
rbutterworth@idahopower.com





Watch us make you smile.

261 EASTLAND DR.  
P.O. Box 1946  
TWIN FALLS, ID 83301  
PH; 208-733-6230  
Fx: 208-733-6296

August 3, 2015

*RE: Eldridge Commercial Subdivision Easement Vacation Request*

The Edmunds Group, L.L.C.

Mr. Ken Edmunds

961 Wildwood Way

Twin Falls, Idaho 83301

Dear Mr. Edmunds

We agree to abandon the 15' Utility Easement on the West Side of Lots 1,2,3,4,5 and 6 of Block 1 and the East side of Lots 1,2,3, and 4 of Block 2 of The Eldridge Commercial Subdivision, Excluding the South and north 15' of each easement where the easements overlap with the corresponding east/west easements, as indicated in the attached drawing.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Burns".

Ron Burns

Cable One Construction

261 Eastland Dr.

P.O. Box 1946

Twin Falls, Idaho 83301

208-733-6877 Ext. 7150

208-539-9886



**CenturyLink**

Brad McNew  
216 South Park Ave  
Twin Falls, Id. 83301

Office (208) 736-8760

April 09, 2015

The Edmunds Group, LLC  
961 Wildwood Way  
Twin Falls, Id. 83301

RE: Vacation of 15' utility easement on the west side of Lots 1,2,3,4,5 and 6  
Block 1 and the East side of Lots 1,2,3, and 4 of Block 2.  
The SE4NE4, Section 22  
T10S, R17E  
Twin Falls County  
Eldridge Commercial Subdivision

To whom it may concern, Reference is made to your request for CenturyLink to vacate the existing 15' utility easements. CenturyLink has no need to use the described access, drainage and utility easement at this time and have no plans to utilize them in the future. Based upon this we have no objections to the requested vacation of easement.

Please call me if you have any questions.

Sincerely,

Brad McNew



451 Alan Dr., Jerome, ID 83338-5505  
Phone: (208) 737-6300 • (800) 548-3679  
Fax: (208) 737-6342  
[www.intgas.com](http://www.intgas.com)

IGC# 42-00706  
Eldridge Commercial Sub

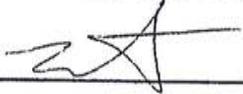
#### EASEMENT VACATION

Intermountain Gas Company relinquishes all rights to the following described public utility easement.

The 15' utility easement on the west side of Lots 1, 2, 3, 4, 5 and 6 of Block 1 and the 15' utility easement on the east side of Lots 1, 2, 3 and 4 of Block 2; Eldridge Commercial Subdivision located in the SE ¼ of the NE ¼ Section 22 Township 10 South, Range 17 East Boise Meridian, Twin Falls County, Idaho.

**Excluding** the north and south 15' of each easement where the easements overlap with corresponding east/west easements.

INTERMOUNTAIN GAS COMPANY

By: 

Name: James McMurtrey

Title: District Operations Manager

Date: 4-10-15



## TWIN FALLS CANAL COMPANY

357 6TH AVE WEST  
POST OFFICE BOX 326  
TWIN FALLS, IDAHO 83303-0326



August 4, 2015

Ken Edmunds  
The Edmunds Group, L.L.C.  
961 Wildwood Way  
Twin Falls, ID 83301

RE: Eldridge Commercial Subdivision easement vacation

Ken,

I have reviewed the plans for the Eldridge Commercial Subdivision. The Twin Falls Canal Company has been asked to comment on a request for the vacation of a 15 foot utility easement on the west side of lots 1,2,3,4,5, and 6, of Block 1 and the east side of lots 1,2,3, and 4 of block 2 Eldridge Commercial Subdivision. This Letter is to inform you that the Twin Falls Canal Company has no facilities in the area and therefore has no issues with the proposed vacation of the easement.

If you have any questions, please contact me at 733-6731.

Sincerely,

Jay Barlogi  
Twin Falls Canal Company



Subdivision where proposed utility vacation is to take place. Looking South along Madrin Road.



Looking North along Madrin Road





Twin Falls County Planning and Zoning Department Is Hosting...

## Training for Planning and Zoning in Idaho

*A Presentation by:*

**Jerry Mason**

Attorney and Planner

**Tuesday, September 15, 2015**

1 p.m. to 4 p.m.

**About the training:**

Jerry Mason offers many years of experience. His training is directed at assisting elected officials, planning and zoning commission members and staff, developers, and engineers.

The training will focus on the following key points with special attention to proper legal procedures:

**Topics:**

- ü TBD
- ü 2015 Legislative Re-cap – New Legislation
- ü Questions, Answers and Conversation About Planning and Zoning Topics of Your Choice

**Location:** Twin Falls County Planning and Zoning Office Meeting Room at County West  
630 Addison Avenue West, Suite 1100, Twin Falls, Idaho

**PLEASE ROUTE TO:**

- |  |                             |
|--|-----------------------------|
| * Elected Officials                      | * Attorneys                 |
| * Planning and Zoning Commission Members | * Planning and Zoning Staff |

**REGISTRATION FOR JERRY MASON SEMINAR**  
**September 15, 2015**

**Registration:** Please pre-register. **Registration should be received by September 7, 2015,**  
as space is limited.

**Seminar Fee: \$30 per person**

Registration at the door is available: \$35 per person (space permitting).

**Registration:**

The following person(s) will be attending:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name of Entity: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

Contact Person: \_\_\_\_\_

Amount Enclosed \$ \_\_\_\_\_ [  ] Bill my organization

**To register:**

Phone: (208) 734-9490

Fax: (208) 733-9645

Email: Paula... pwood@tfco.org

**Make Check Payable to:**

Twin Falls County

**Mail to:**

Twin Falls County Planning and Zoning Department

630 Addison Avenue West, Suite 1100

Twin Falls, Idaho 83301