DATE:	**MONDAY, JUNE 06, 2011**
To:	Honorable Mayor Hall and City Council
From:	Mitch Humble, Community Development Department

ITEM IV-2

Request: Request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app. 2447)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately ten (10) minutes.

Background:

Applicant:	**Status:** Owner	**Size:** 15' x 109.14' – 1525 sq ft
Canyon Properties LLC c/o Gary N. Nelson 5422 North 400 East Hagerman, ID 83332 208-736-8400	**Current Zoning:** Pressurized Irrigation (PI) easement surrounded by C-1 PUD zoning	**Requested Zoning:** vacation of undeveloped PI easement
	Comprehensive Plan: Commercial/Retail	**Lot Count:** N/A
	Existing Land Use: undeveloped property within the Canyon Trails Subdivision No. 10	**Proposed Land Use:** construct building over area currently platted as an easement
Representative:	**Zoning Designations & Surrounding Land Use(s)**	
EHM Engineers c/o Tim Vawser 621 N. College Rd, Ste. 100 Twin Falls, ID 83301 208-734-3888	**North:** C-1 PUD; Canyon Properties PUD-residential	**East:** C-1 PUD; Blake Street, Villa Del Rio PUD Subdivision-residential
	South: C-1 PUD; Canyon Properties PUD-undeveloped commercial land	**West:** C-1 PUD; Canyon Properties PUD-undeveloped commercial land
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-12-1 through 4, 10-16-1 & 2	

Approval Process:

As per TF City Code: 10-16-1; Vacations & Dedications

(D) Public Hearing: The Commission shall hold a public hearing and make recommendations on all petitions for vacation of an existing subdivision, plat or part thereof inside or within one mile of the boundaries of the City, or within the City "area of impact", and notice of said public hearing shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of the public hearing to all property owners within three hundred feet (300') of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) consecutive weeks in the official newspaper of the City, the last of which shall not be less than seven (7) days prior to the date of said hearing.

E) Commission Recommendation: Within sixty (60) days from the receipt of the petition for vacation, the Commission shall transmit its recommendation to the Council. The Commission may recommend that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

(F) Action by Council: The Council, prior to approving, modifying or denying the vacation, shall conduct a public hearing using the same notice and hearing procedures as the Commission. 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 of way in such proportions as are prescribed by law.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to proceed with developing a building that encompasses two (2) lots of the Canyon Trails Subdivision No. 10.

History:

On May 17, 1999, this property was in the City's Area of Impact and rezoned C-1 PUD. On March 17, 2003 Canyon Properties PUD was approved and on February 22, 2005, the property was annexed into the City Limits.

The 160 acre PUD was platted in phases starting in January 2000 with Canyon Trails Subdivision No 1 and ending with City Council approval of Canyon Trails Subdivision No. 10 on November 13, 2007.

Analysis:

This is a request to vacate a portion of a pressurized irrigation (PI) easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10. There is a PI easement that runs the length of the shared lot line between lots 27 and 28 with 7.5' on either side. No PI lines have been constructed in this easement.

The applicant is proposing to vacate the easement in this location and allow for the PI line to go in the utility and vehicular access easement that runs between Lots 26 and 27. The PI will be able to loop from the private road easement on the south, run through the easement between lots 26 and 27 and an easement on the north side of lot 27 will be dedicated to connect to the PI easement on the northernmost 15' of lot 28.

As this easement is specifically called out as a PI easement then the City of Twin Falls is the only entity with the ability to use this easement for PI needs. There has not been any PI lines placed at this time and the City accepts the proposal to realign the PI system share the utility easement between lots 26 and 27 and continue on the north end of the lots. The PUD Agreement requires a 10' wide landscaped buffer on the north side of lots 27 and 28 and along the east side of lot 28. As this buffer is required and a building could not be constructed to encroach into it then it is a good location to also accommodate easements.

The applicant is requesting the vacation to allow for lots 26 and 27 to be used to develop one (1) building that will span the existing lot line and easement. Construction is not permitted on top of an easement and if a building is built over a property line then firewall separations are required. To be able to construct the proposed facility the applicant needs to vacate and relocate the PI easement and record the lots under a lot combination with the Twin Falls County Recorder's and Assessor's offices.

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. No Commission action is required for a dedication but the City Council decides whether to accept a dedication or not.

On May 10, 2011 the Planning & Zoning Commission unanimously recommended approval, as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of a pressurized irrigation easement on the north 15' of Lot 27 and Lot 28, Block 13.
3. Subject to legal combination of Lot 27 and Lot 28, Block 13, should a building be constructed over the property line.

STAFF CONCURS WITH THE COMMISSION'S RECOMMENDATION

Attachments:

1. Narrative Statement
2. Owner Acknowledgement
3. Vicinity Map
4. Zoning Map
5. Aerial Map
6. Canyon Trails Subdivision No. 10
7. Site Plan
8. Portion of May 10, 2011 P&Z minutes

B.1. The east 7.5 feet of the north 109.14 feet of Lot 27, Block 13, Canyon Trails Subdivision No. 10 and the west 7.5 feet of the north 109.14 feet of Lot 28, Block 13, Canyon Trails Subdivision No. 10.
B.3. 1525 square feet of pressure irrigation easement.
B.4. Property to be vacated will have building placed over existing easement. The Pressure irrigation main will be placed between Lots 26 and 27 in an existing easement.

C.4a. The reason for the vacation request is to allow for a planned physical rehabilitation facility to be constructed on lots 27 and 28. The easement location does not allow a building of this size to be placed on the lots without sitting over the easement, which is not allowed by code.

4b. This request will not have any effects on adjoining properties. The pressure irrigation main can be extended along the north property in a new easement and loop into the main in the private drive through and existing utility easement common to lots 26 and 27.

5a. The applicant is the owner of both lots.

5b. No utility companies have an interest in the easement. It was platted as a pressure irrigation easement only.

Pressure Irrigation Easement Vacation Description
For
Canyon Properties, PUD

An easement located in Lot 27 and Lot 28, Block 13, Canyon Trails Subdivision No. 10, according to the official plat thereof recorded in the office of the Twin Falls County Recorder in book 22 of plats on page 14.

Said easement being more particularly described as follows:

The East 7.5 feet of the North 109.14 feet of Lot 27, Block 13, Canyon Trails Subdivision No. 10 and the West 7.5 feet of the North 109.14 feet of Lot 28, Block 13, Canyon Trails Subdivision No. 10.

March 14, 2011

Rene'e V. Carraway
Zoning & Development Director
City of Twin Falls
324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303

Dear Rene'e,

As owner of Lots 27 and 28, Block 13, Canyon Trails Subdivision No. 10, I hereby request and agree to the vacation of the pressure irrigation easement, which currently exists on the common lot line between Lot 27 and 28.

Sincerely,

Gary N. Nelson, Managing Member
Canyon Properties, LLC

March 14, 2011

Rene'e V. Carraway
Zoning & Development Director
City of Twin Falls
324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303

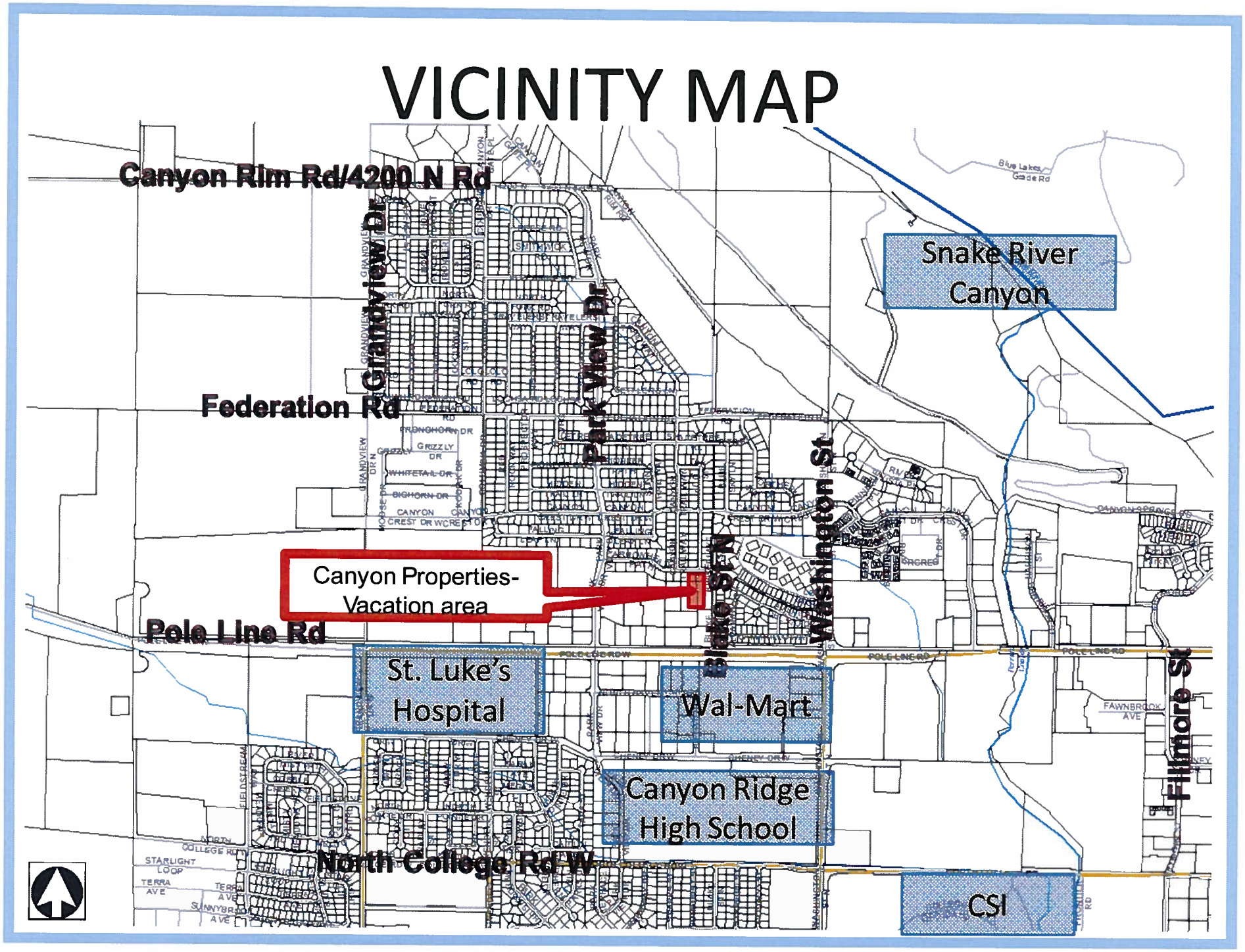
Dear Rene'e,

As a potential buyer of Lots 27 and 28, Block 13, Canyon Trails Subdivision No. 10, I hereby request and agree to the vacation of the pressure irrigation easement, which currently exists on the common lot line between Lot 27 and 28. In the event the sale of these two lots is finalized prior to the vacation application being processed please accept this notice as my approval for it to go forward under my name.

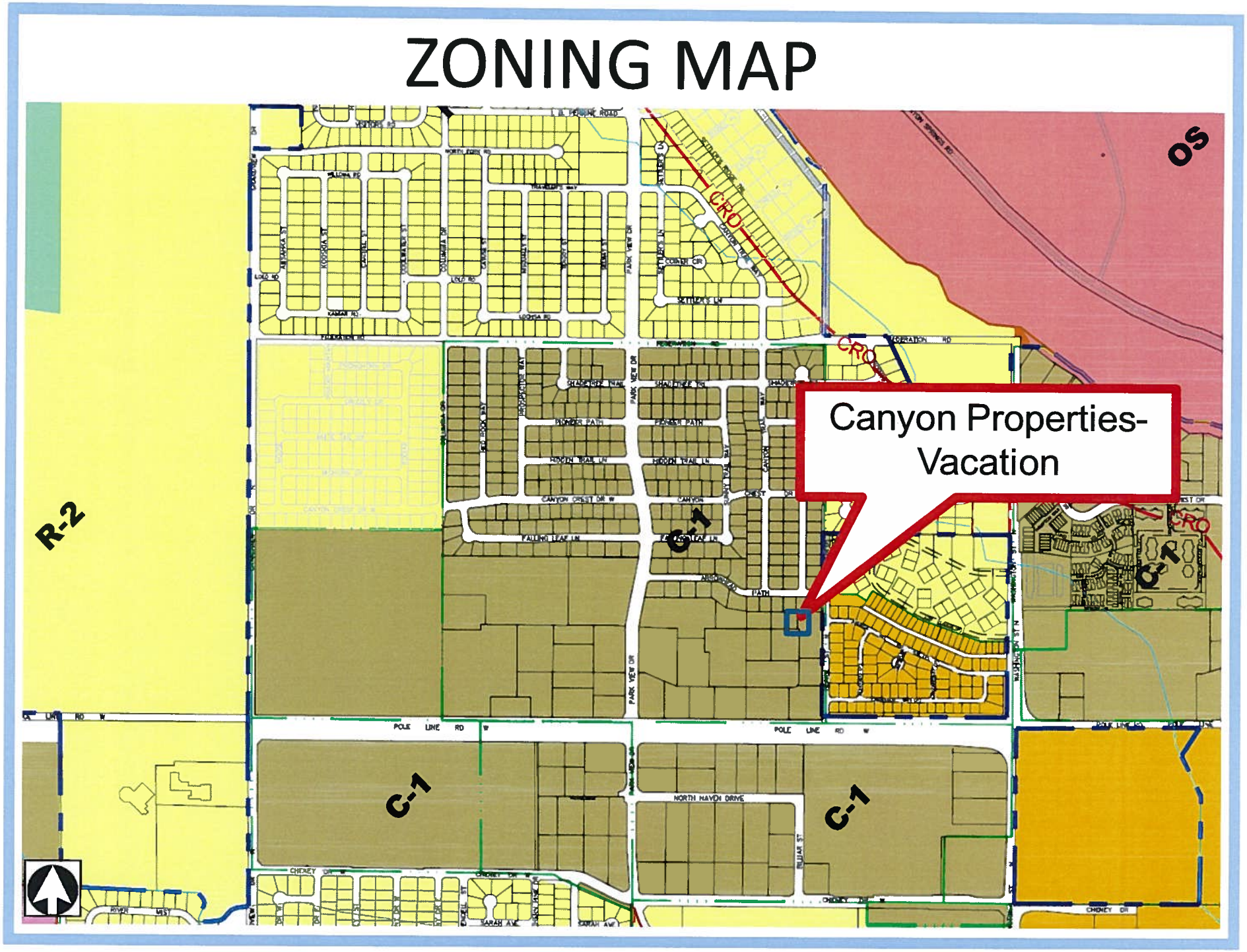
Sincerely,

Gerald K. Gunter, Member
TG&S, LLC

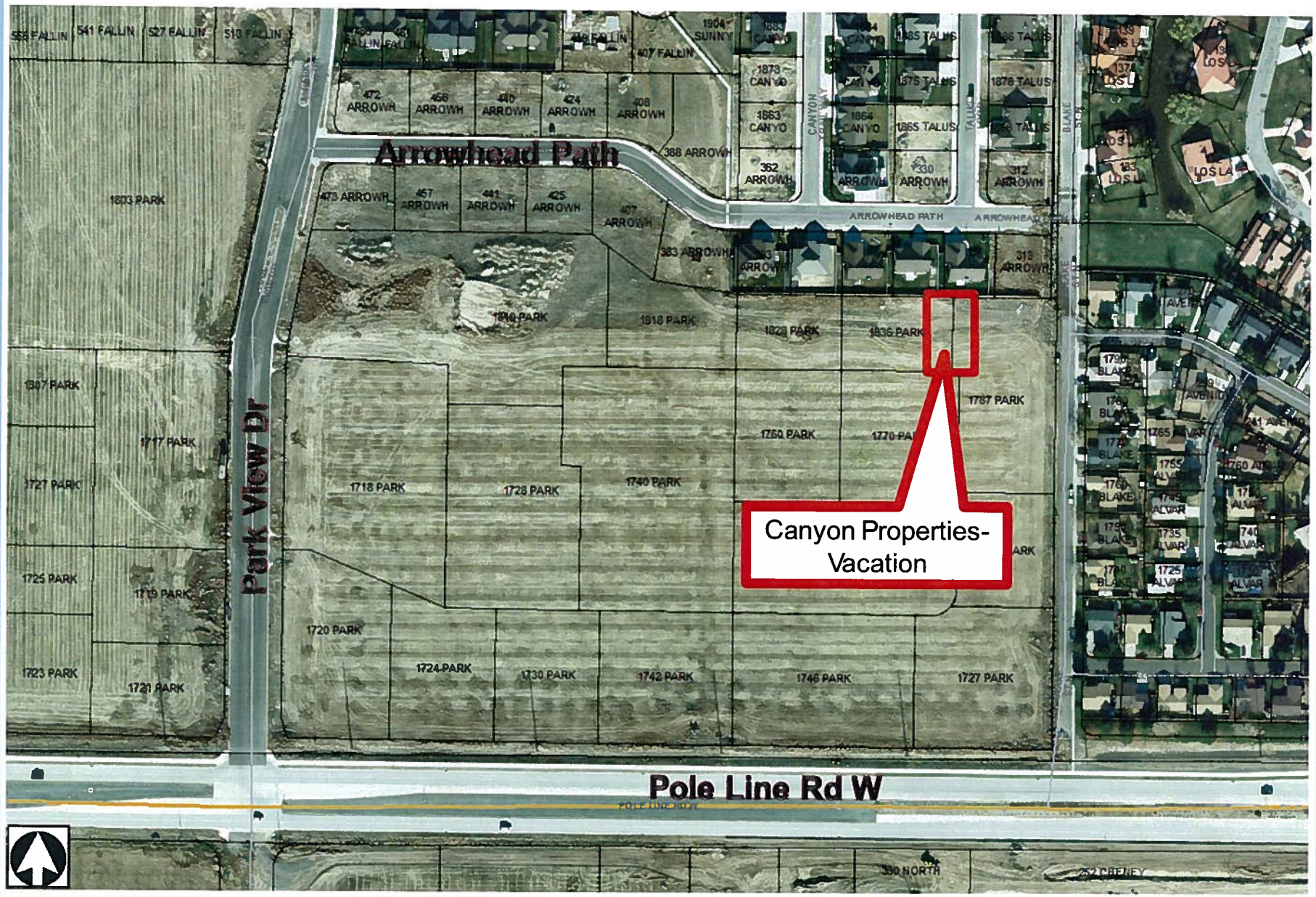
VICINITY MAP

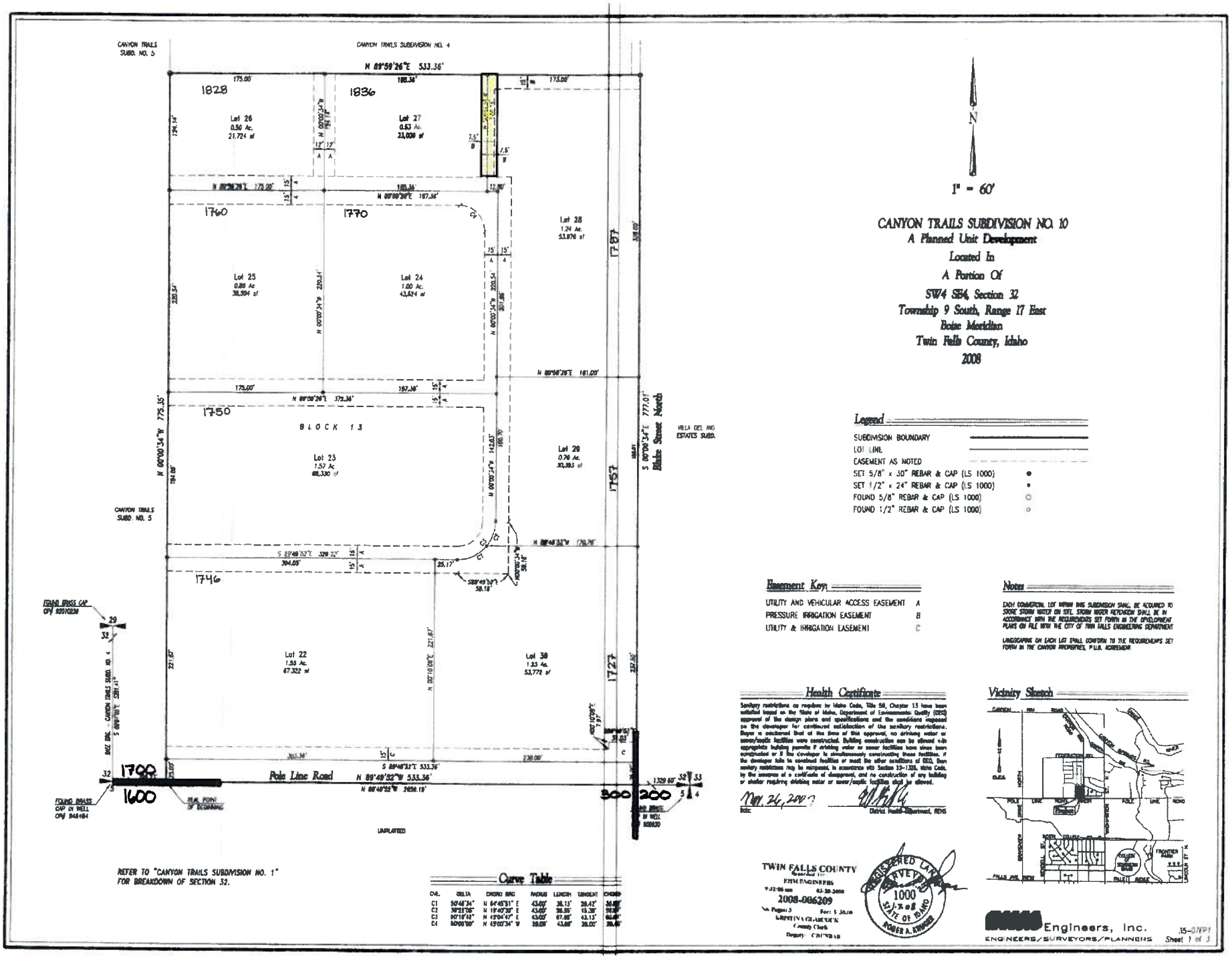


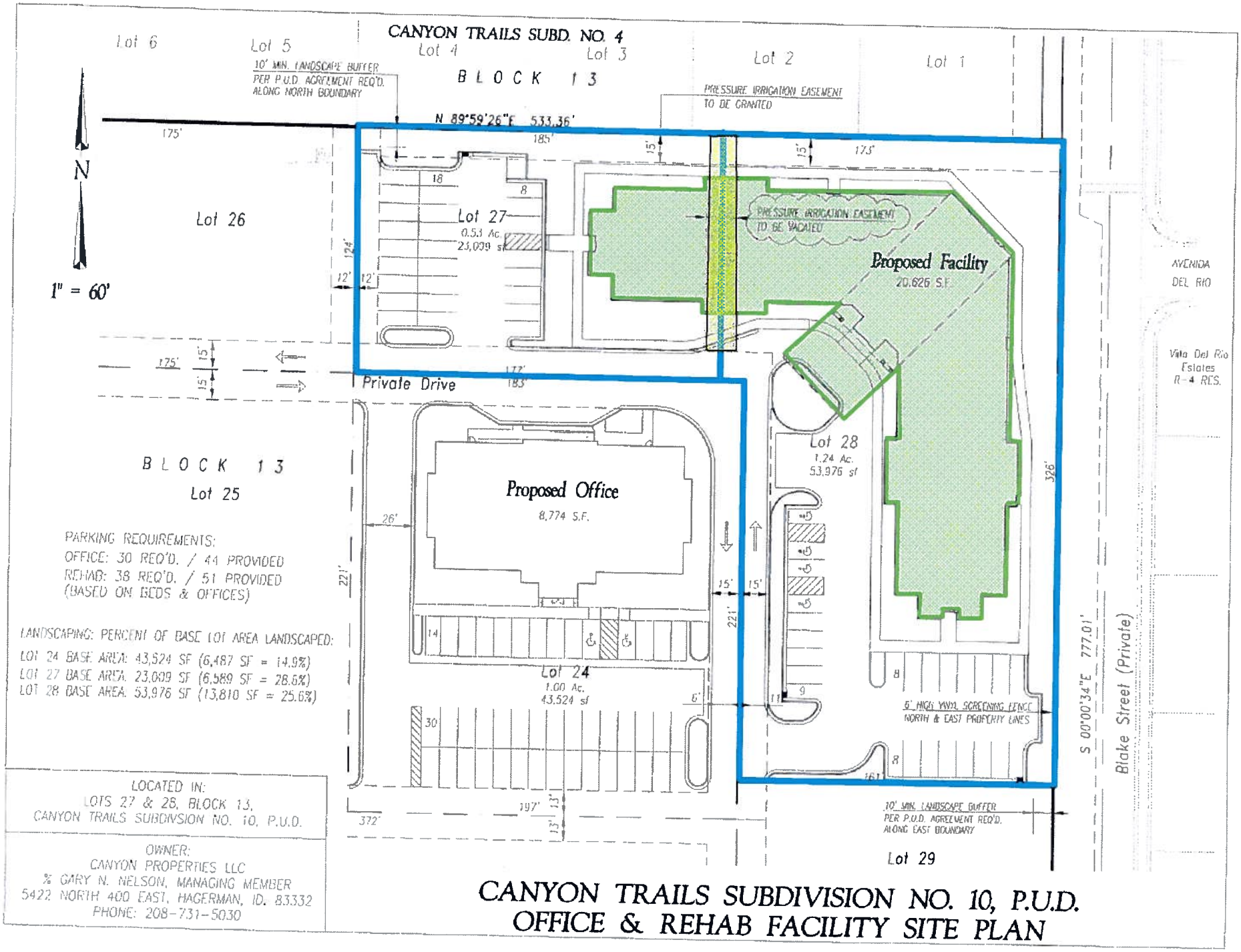
ZONING MAP


Canyon Properties-
Vacation
R-2
C-1
C-1
C-1
C-1
OS
CRO
CRO
CRO
POLE LINE RD W
NORTH HAVEN DRIVE
PARK VIEW DR
PIONEER PATH
HIDDEN TRAIL LN
CANYON CREST DR W
FALLING LEAF LN
SETTLERS LN
CHENEY DR W

AERIAL MAP


Arrowhead Path
Park View Dr
Pole Line Rd W
Canyon Properties-
Vacation
ARROWHEAD PATH
1803 PARK
1807 PARK
1717 PARK
1727 PARK
1725 PARK
1719 PARK
1723 PARK
1721 PARK
1720 PARK
1724 PARK
1730 PARK
1742 PARK
1746 PARK
1727 PARK
1718 PARK
1728 PARK
1740 PARK
1750 PARK
1770 PARK
1787 PARK
1818 PARK
1828 PARK
1836 PARK
1810 PARK
473 ARROWH
457 ARROWH
441 ARROWH
425 ARROWH
407 ARROWH
383 ARROWH
388 ARROWH
472 ARROWH
456 ARROWH
440 ARROWH
424 ARROWH
408 ARROWH
352 ARROWH
330 ARROWH
312 ARROWH
1873 CANYO
1863 CANYO
1864 CANYO
1865 TALUS
1875 TALUS
1876 TALUS
1904 SUNNY
407 FALLIN
448 FALLIN
555 FALLIN
541 FALLIN
527 FALLIN
513 FALLIN
330 NORTH


CANYON TRAILS SUBDIVISION NO. 10
A Planned Unit Development
Located In
A Portion Of
SW4 SE4, Section 32
Township 9 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2008
1" = 60'
N
Legend
SUBDIVISION BOUNDARY
LOT LINE
EASEMENT AS NOTED
SET 5/8" x 30" REBAR & CAP (LS 1000)
SET 1/2" x 24" REBAR & CAP (LS 1000)
FOUND 5/8" REBAR & CAP (LS 1000)
FOUND 1/2" REBAR & CAP (LS 1000)
Easement Key
UTILITY AND VEHICULAR ACCESS EASEMENT A
PRESSURE IRRIGATION EASEMENT B
UTILITY & IRRIGATION EASEMENT C
Notes
EACH COMMERCIAL LOT WITHIN THIS SUBDIVISION SHALL BE ACQUIRED TO STORE STORM WATER ON SITE. STORM WATER RETENTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN THE DEVELOPMENT PLANS ON FILE WITH THE CITY OF TWIN FALLS ENGINEERING DEPARTMENT
LANDSCAPING ON EACH LOT SHALL CONFORM TO THE REQUIREMENTS SET FORTH IN THE CANYON PROPERTIES, P.U.D. AGREEMENT
Health Certificate
Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on the State of Idaho, Department of Environmental Quality (DEQ) approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Prior to and/or at least of the time of this approval, no drinking water or sewer/septic facilities were constructed. Building construction can be allowed with appropriate building permits if drinking water or sewer facilities have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities or meet the other conditions of DEQ, then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.
Mar. 26, 2008
Date
District Health Director, REHS
Vicinity Sketch
TWIN FALLS COUNTY
Recorded for
KHM ENGINEERS
9:32:06 am 02-28-2008
2008-006209
No. Pages: 3 Fee: $ 30.00
KRISTINA GLASCOCK
County Clerk
Deputy: CHUNDER
REGISTERED LAND SURVEYOR
1000
STATE OF IDAHO
ROGER A. KNIGHT
Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS
35-07FP1
Sheet 1 of 3
CANYON TRAILS SUBDIVISION NO. 4
CANYON TRAILS SUBD. NO. 5
N 89°59'26"E 533.36'
1828
1836
Lot 26
0.50 Ac.
21,724 sf
Lot 27
0.53 Ac.
23,009 sf
1760
1770
Lot 25
0.89 Ac.
38,994 sf
Lot 24
1.00 Ac.
43,624 sf
Lot 28
1.24 Ac.
53,976 sf
1750
BLOCK 13
Lot 23
1.57 Ac.
68,330 sf
Lot 29
0.70 Ac.
30,383 sf
1746
Lot 22
1.55 Ac.
67,322 sf
Lot 30
1.23 Ac.
53,772 sf
1757
1727
1700
1600
300
200
Pole Line Road
N 89°49'32"W 533.36'
S 89°49'32"E 533.36'
Blake Street North
VILLA DEL RIO ESTATES SUBD.
POINT OF BEGINNING
UNPLATTED
REFER TO "CANYON TRAILS SUBDIVISION NO. 1" FOR BREAKDOWN OF SECTION 32.
Curve Table
CVE. DELTA CHORD BRG RADIUS LENGTH TANGENT CHORD
C1 50°41'34" N 64°45'51" E 43.00' 38.13' 20.42' 36.89'
C2 30°21'06" N 19°40'30" E 43.00' 38.35' 19.78' 37.91'
C3 90°16'45" N 43°04'43" E 43.00' 67.65' 43.13' 60.88'
C4 90°00'00" N 45°00'34" W 28.00' 43.98' 28.00' 39.60'


CANYON TRAILS SUBD. NO. 4
Lot 6
Lot 5
Lot 4
Lot 3
Lot 2
Lot 1
BLOCK 13
10' MIN. LANDSCAPE BUFFER PER P.U.D. AGREEMENT REQ'D. ALONG NORTH BOUNDARY
PRESSURE IRRIGATION EASEMENT TO BE GRANTED
N 89°59'26"E 533.36'
N
1" = 60'
Lot 26
Lot 27
0.53 Ac.
23,009 sf
PRESSURE IRRIGATION EASEMENT TO BE VACATED
Proposed Facility
20,626 S.F.
AVENIDA DEL RIO
Vista Del Rio Estates R-4 RES.
Private Drive
BLOCK 13
Lot 25
Proposed Office
8,774 S.F.
Lot 28
1.24 Ac.
53,976 sf
PARKING REQUIREMENTS:
OFFICE: 30 REQ'D. / 44 PROVIDED
REHAB: 38 REQ'D. / 51 PROVIDED
(BASED ON BEDS & OFFICES)
LANDSCAPING: PERCENT OF BASE LOT AREA LANDSCAPED:
LOT 24 BASE AREA: 43,524 SF (6,487 SF = 14.9%)
LOT 27 BASE AREA: 23,009 SF (6,589 SF = 28.6%)
LOT 28 BASE AREA: 53,976 SF (13,810 SF = 25.6%)
Lot 24
1.00 Ac.
43,524 sf
6' HIGH VINYL SCREENING FENCE NORTH & EAST PROPERTY LINES
S 00°00'34"E 777.01'
Blake Street (Private)
10' MIN. LANDSCAPE BUFFER PER P.U.D. AGREEMENT REQ'D. ALONG EAST BOUNDARY
Lot 29
LOCATED IN:
LOTS 27 & 28, BLOCK 13,
CANYON TRAILS SUBDIVSION NO. 10, P.U.D.
OWNER:
CANYON PROPERTIES LLC
% GARY N. NELSON, MANAGING MEMBER
5422 NORTH 400 EAST, HAGERMAN, ID. 83332
PHONE: 208-731-5030
CANYON TRAILS SUBDIVISION NO. 10, P.U.D.
OFFICE & REHAB FACILITY SITE PLAN

MINUTES
Twin Falls City Planning & Zoning Commission
May 10, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn **Chairman** Kevin Cope **Vice-Chairman** Jason Derricott Terry Ihler V. Lane Jaboson Jim Schouten Chuck Sharp
AREA OF IMPACT:
Lee DeVore R. Erick Mikesell
CITY COUNCIL LIAISON
Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	
Cope	
Derricott	
Ihler	
Jacobson	
Schouten	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
Mikesell	DeVore

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Vitek,

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Request for approval of the H & H Subdivision preliminary plat approximately 2.04 (+/-) acres consisting of commercial 2 lots located at 680 Blue Lakes Boulevard North c/o EHM Engineers/Gerald Martens on behalf of Howa & Howa I, LLC
2. Preliminary PUD presentation regarding a requests to modify the Kelly & Cohen Appliances, Inc and Willard D Ihler & Dorothy M Ihler PUD #212, recorded September 22, 1998, to allow for modification of the Master Development Plan to include redevelopment of the northeast portion of the existing PUD #212 to allow an 8000 sq. ft. multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North, aka 1414 and 1434 Pole Line Road East and 1667 Locust Street North. c/o Rex Harding, JUB Engineers on behalf of Twin Falls Holding Corporation (app. 2450)

IV. PUBLIC HEARING ITEMS

1. Request a Special Use Permit to operate an automobile sales business in conjunction with the operation of a motel on property located at 320 Main Avenue South c/o Seth Watte and Nolan Watte (app. 2446)
2. Requests for the Vacation of a 15' x 109.14' (1525 sq. ft.) of pressurized irrigation easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10 c/o Canyon Properties, LLC, c/o Gary Nelson (app 2447)
3. Request for an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum building height of 28 feet-measured from the highest point on the top of curb or future curb adjacent to the subject property, to allow for a Hospice office & a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 & 28-Block 13 Canyon Trails Subdivision No. 10, to allow unlimited hours of operation for the Hospice office & Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 & 28, Block 13, Canyon Trails Subdivision No. 10 and to allow up to eight (8) off-premise signs as shown on the Amended Master Sign Plan within the Canon Properties PUD #229, located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions and west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan c/o Canyon Properties, LLC, c/o Gary Nelson. (app. 2448)
4. Request for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-2-1; and by deleting Sections 10-4-1.3(I), 10-4-2.3(I), 10-4-3.3(I), 10-4-4.3(I), 10-4-5.3(I), 10-4-6.3(I), 10-4-11.3(I), 10-4-12.3(I), 10-4-13.3(H), 10-4-15.3(I), 10-4-16.3(I), 10-4-18.3(H), 10-4-19.4(F) and 10-4-21.3(I) c/o City of Twin Falls (app. 2449)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

Commissioner Cope made a motion to approve the consent calendar, as presented. Commissioner Schouten seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Request for approval of the H & H Subdivision preliminary plat approximately 2.04 (+/-) acres consisting of commercial 2 lots located at 680 Blue Lakes Boulevard North c/o EHM Engineers/Gerald Martens on behalf of Howa & Howa I, LLC

APPLICANT PRESENTATION:

Tim Vawser, EHM Engineering, Inc, representing the applicant stated this property would be known more readily as the Arctic Circle Restaurant and in order for this property to be sold separately from the commercial property located on the back portion of the parcel a subdivision is required. The applicant doesn't currently have any plans for more development but if in the future an opportunity presented itself the property would be ready by completing this process. He asked that the Commission approve the request and they are aware of the staff recommendations.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated his preliminary plat for the H & H Subdivision includes 2.04 (+/-) acres and is zoned C-1. The request is to plat two (2) commercial lots. The property is currently developed with the Arctic Circle and a multi-tenant commercial complex.

The proposed plat will divide the existing developed Arctic Circle Restaurant and the multi-tenant commercial complex into two lots to allow for separate ownership. The lots are 1.04 (+/-) acres each.

The subdivision does not include any public right-of-ways. There is one (1) existing access to the subdivision from Blue Lakes Boulevard North. There is also an existing approach through an access easement off of Spruce Avenue. As access to the interior Lot #2 will be made through Lot #1 there is an access, parking, utility and drainage easement noted on the plat. This note is required between the lot owners to allow for travel throughout the subdivision.

There is an eight (8) inch sewer line from Blue Lakes Boulevard North to Lot #2 with a fifteen (15) foot easement. There will need to be a public utility easement indicated on the west boundary of Lot #1.

City Code10-12-3 design standards for subdivision describes all the minimum design standards required. This subdivision is currently developed as a commercial lot. There will not be any requirements as to dedication of streets, planting strips, or additional storm water retention.

Utility and drainage way easements are designated on the proposed preliminary plat. an addition five (5) feet of road right-of-way along Blue Lakes Boulevard North has been dedicated on the preliminary plat.

City Code 10-12-1.2(P)1 states that the use of the City's potable water supply as a primary source of irrigation water in all new developments shall be prohibited. City Code 10-12-1.2(P)3 authorizes the City Engineer to grant a variance from the requirement of a pressure irrigation system. Upon review of the proposed plat it was determined by the City Engineer that the applicant will not be required to construct a pressure irrigation system.

The proposed subdivision is located in a flood plain. The flood plain issues have already been addressed when the property was developed in 1997. The H & H Subdivision plat is consistent with other subdivision development criteria in the area and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

Zoning & Development Manager Carraway stated upon conclusions should the Commission approve the preliminary plat of the H&H Commercial Subdivision, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recorded Cross-Use/Access Agreements being provided prior to recordation of final plat.
3. Subject to public utility easements being included over any water or sewer lines on the plat.

PUBLIC COMMENT: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Mikesell made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recorded Cross-Use/Access Agreements being provided prior to recordation of final plat.
3. Subject to public utility easements being included over any water or sewer lines on the plat.

2. Preliminary PUD presentation regarding a requests to modify the Kelly & Cohen Appliances, Inc and Willard D Ihler & Dorothy M Ihler PUD #212, recorded September 22, 1998, to allow for modification of the Master Development Plan to include redevelopment of the northeast portion of the existing PUD #212 to allow an 8000 sq. ft. multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North, aka 1414 and 1434 Pole Line Road East and 1667 Locust Street North. c/o Rex Harding, JUB Engineers on behalf of Twin Falls Holding Corporation (app. 2450)

APPLICANT PRESENTATION:
Richard Crowley, the applicant stated this property is located across from Magic Valley Mall, next door to Harbor Freight and the proposal is to build a new 8000 sq. ft. multi-tenant facility on the corner of Locust and Pole Line Road. There will be two tenants in the building and the master plan is to combine two parcels

together under on master development plan and amend the planned unit development agreement that was approved previously.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this is a request for a Planned Unit Development Agreement Amendment to the Kelly & Cohen Appliances Inc PUD #212 Commercial Planned Unit Development. The request is to amend the Planned Unit Development Agreement , as described by the applicant representative. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday , May 24, 2011 further staff analysis will be given at that time.

PUBLIC COMMENT: OPENED & CLOSED WITHOUT PUBLIC CONCERN

P&Z QUESTIONS/COMMENTS: NONE

PLANNING & ZONING PUBLIC HEARING SCHEDULED FOR MAY 24, 2011

IV. PUBLIC HEARING ITEMS

1. Request a Special Use Permit to operate an automobile sales business in conjunction with the operation of a motel on property located at 320 Main Avenue South c/o Seth Watte and Nolan Watte (app. 2446)

APPLICANT PRESENTATION:
Seth Watte stated that he would like to have an automotive sales business on the property located at 320 Main Avenue South and would consider placing a modular office on the site if necessary for approval.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is located in the C-B P-1 zone; commercial central business district with a parking overlay. The request is to operate a used vehicle sales business in conjunction with a existing residential motel. A special use permit is required for automobile sales in this zone.

This request is to operate the auto sales business north of the alley and south of Main Street South. This area is currently undeveloped property. The auto sales office is proposed to operate from one of the existing rooms of the motel. If this request is approved the hours of operation of the automobile sales business would be from 9:00 am to 5:00pm. It is unclear what days of the week the business intends to operate.

As a hotel/motel is classified as a residential use and a used auto business is classified as a retail use if the request is granted this would be a "change of use" for the property and will require the property be brought up to meet current development standards such as hard surfacing of all parking and maneuvering areas which could include the alley if used to access the property. Lighting, stripping, landscaping and storm water retention . Approval will also require a certificate of occupancy by obtained from the building department prior to operation of the business.

The applicant does not anticipate having any more than 5-6 vehicles for sale on the property at one time. When there is a change of use being added to a property then off-street parking requirements are reviewed. City Code requires a minimum 20' long parking space with a 24' wide maneuvering area. The applicant will be required to maintain the required minimum 44' parking/maneuvering area so the parked vehicles can back safely out of the parking spaces. The applicant shall be required to display the vehicles in a manner that will not impede safe moving traffic vision. Upon review if more parking spaces are required a cross use agreement could be recorded between the two adjacent lots which are currently under common ownership.

A Certificate of Occupancy will be required prior to operation the Building Department will complete a full review to ensure compliance with development standards prior to the issuance of a certificate.

The site is located in an area of downtown where there are a variety of commercial uses. It is anticipated that the traffic impact to adjacent properties should be minimal. There could be substantial positive impacts to the surrounding downtown area upon the property being brought up to current development standards, a paved parking lot, parking lot lighting, parking space striping, landscaping, storm water retention would all be an improvement.

Zoning & Development stated upon conclusion should the Commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to a Certificate of Occupancy being obtained from the Building Department prior to operation of the automobile sales business.
2. Subject to the designated display area, including the parking and maneuvering areas, as shown on the site plan, to comply with minimum City standards.
3. No parts or miscellaneous auto-related equipment to be stored on the property.
4. No automobile repair or service; including detailing, to occur on the property.
5. Subject to compliance with all Department of Motor Vehicle dealership requirements. A copy of the approved dealership license to be provided prior to operation.
6. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

P&Z COMMENTS/QUESTIONS:

- Commissioner Mikesell asked if this was approved and it worked would they have to come back through to expand.
- Zoning & Development Manager Carraway explained that if a business expands less than 25% the applicant would not have to come back through the public hearing process unless that was a condition of approval, for example if the number of vehicles is limited to six (6) or no additional buildings are allowed on site; these types of conditions would require additional public hearings.
- Commissioner Cope asked if the paving would be required just for the portion that will be used for the vehicles that the applicant is selling.
- Zoning & Development Manager Carraway stated the entire site will need to be paved because the applicant is involving the motel which triggers a change of use for the entire property.

PUBLIC HEARING: OPENED

- Larry Pollar, Antiques Etc., stated he thinks the City is missing an opportunity to purchase a piece of property to make it into a public parking lot. He is concerned that these types of uses turn into junk yards. There is also a concern with parking because people that work all day park in front of his antique store and take up spaces for customers. The location would be better suited for a public parking area. He is concerned with how the property will be maintained.

- Mary Brand, Brandtastic Soil, stated that she has two business located in the Main Street Office Suites owned by the O'Ryan Partnership building and it is a small office setting. There is a sever parking issue for this area because there is a real challenge across the street with a Community Support Center that has many customers throughout the day approximately every hour that are dropped off and picked up in taxes, busses and cars that stop traffic. The hours have been reduced however it is still a concern. The people headed to and from Kimberly Road are not traveling at 25 miles an hour and they are speeding through this area. Having a car lot located here could impact the traffic safety and she asks that the Commission deny this request.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Watte stated he doesn't plan to have junky cars and plans to keep it to a minimum and they want to be able to sell 5-6 cars and make improvements to the area. They were considering an office module if they are unable to use part of the hotel which they are not allowed to use according to state requirements.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated he is not concerned too much but these types of lots don't get maintained well. He would like to have a building on the lot and give them a one year expiration.
- Commissioner Bohrn stated that to set up a car lot and pave an area that large for the ability to sell 6 cars seems difficult for anyone. There have been lots of problems with car sales and things don't come together like they should.
- Commissioner Cope stated that he commends the applicant for wanting to start a business however this will be a very expensive undertaking to sale 5-6 cars from this lot with all the improvement requirements.
- Commissioner Schouten stated the applicant might make more money paving the space and charging for parking.
- Commissioner Sharp stated he would vote for it if he knew everything was improved before the business began.

MOTION:

Commissioner Mikesell made a motion to recommend approval of this request with it expiring in one year. Commissioner Schouten seconded the motion. Commissioners Ihler, Mikesell, Schouten, Derricott & Jacobson voted in favor of the motion and Commissioners Cope, Sharp & Bohrn voted against the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

DRAFT

1. Subject to a Certificate of Occupancy being obtained from the Building Department prior to operation of the automobile sales business.
2. Subject to the designated display area, including the parking and maneuvering areas, as shown on the site plan to comply with minimum City standards.
3. No parts or miscellaneous auto-related equipment to be stored on the property.
4. No automobile repair or service; including detailing, to occur on the property
5. Subject to compliance with all Department of Motor Vehicles dealership requirements. A copy of the approved dealership license to be provided prior to operation.
6. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements an standards.
7. Subject to the Special Use Permit expiring within one year of approval **(May 10, 2012)**

2. Requests for the Vacation of a 15' x 109.14' (1525 sq. ft.) of pressurized irrigation easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10 c/o Canyon Properties, LLC, c/o Gary Nelson (app 2447)

APPLICANT PRESENTATION:
Tim Vawser, EHM Engineering, Inc, representing the applicant explained the location of the easement. The applicant is the current owner of both of these lots and has the opportunity to sell both of these lots and the prospective buyer want to build over this easement. The request tonight is to vacate the easement and move the easement down and loop it back as required. Upon the construction of this property both of these lots would be combined into one parcel.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request to vacate a portion of a pressurized irrigation (PI) easement located between Lots 27 and 28, Block 13, Canyon Trails Subdivision #10. There is a PI easement that runs the length of the shared lot line between Lots 27 and 28 with 7.5' on either side. No PI lines have been constructed in this easement.

The applicant is proposing to vacate the easement in this location and allow for the PI line to go in the utility and vehicular access easement that runs between Lots 26 and 27. The PI will be able to loop from the private road easement on the south, run through the easement between Lots 26 and 27 and an easement on the north side of Lot 27 will be dedicated to connect to the PI easement on the northernmost 15' of lot 28.

As this easement is specifically called out as a PI easement then the City of Twin Falls is the only entity with the ability to use this easement for PI needs. There has not been any PI lines placed at this time and the City accepts the proposal to realign the PI system share the utility easement between Lots 26 and 27 and continue on the north end of the lots. The PUD agreement requires a 10' wide landscaped buffer on the north side of Lots 27 and 28 and along the east side of Lot 28. As this buffer is required and a building could not be constructed to encroach into it then it is a good location to also accommodate easements.

The applicant is requesting the vacation to allow for Lots 26 and 27 to be used to develop one (1) building that will span the existing lot line and easement. Construction is not permitted on top of an easement and if a building is built over a property line then firewall separations are required. To be able to construct the proposed facility the applicant needs to vacate and relocate the PI easement and record the lots under a lot combination with the Twin Falls County Recorder's and Assessor's Offices.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of the request staff recommends approval be subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of a pressurized irrigation easement on the north 15' of Lot 27 and 28, Block 13.
3. Subject to legal combination of Lot 27 and 28, Block 13, should a building be constructed over the property line.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Sharp made a motion to recommend approval of this request to the City Council with staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL

1. Subject to amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of a pressurized irrigation easement on the north 15' of Lot 27 and 28, Block 13
3. Subject to legal combination of Lot 27 and 28, Block 13, should a building be constructed over the property line.

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JUNE 06,2011

3. Request for an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum building height of 28 feet-measured from the highest point on the top of curb or future curb adjacent to the subject property, to allow for a Hospice office & a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 & 28-Block 13 Canyon Trails Subdivision No. 10, to allow unlimited hours of operation for the Hospice office & Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 & 28, Block 13, Canyon Trails Subdivision No. 10 and to allow up to eight (8) off-premise signs as shown on the Amended Master Sign Plan within the Canon Properties PUD #229, located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions and west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan c/o Canyon Properties, LLC, c/o Gary Nelson. (app. 2448)

APPLICANT PRESENTATION:
Tim Vawser, EHM Engineering, Inc, representing the applicant reviewed exhibits on the overhead explaining where the building would potentially be constructed. They are not sure as to how tall the building will be so they are asking for an additional 4' height due to the size of the building. This type of use was not included in the original PUD Agreement because it may not have been considered as a use when it was originally written so the applicant has added it to the request. Additional hours have also been requested due to the nature of the service that will be provided by the transitional care facility. The final part of the request is to have eight (8) off premise signs allowed through the PUD Agreement. There would be four (4) along Pole Line Road and four (4) along Parkview Drive with a minimum spacing of 500 ft between signs. By doing this it would channel traffic off of the busy roads to get people to where they are going. City Code only allows for this type of off premise sign request to be done through a PUD process.

P&Z COMMENTS/QUESTIONS:

- Commissioner Mikesell asked if the height is an issue because of the need to plan for the development.
- Mr. Vawser stated he doesn't see that there would be any additional buildings that might be taller and if there was an appropriate user with a need for additional height they would come back through this process to request the additional height. The applicant has attempted to be a good neighbor and has worked very hard to maintain a buffer zone for the residential area and reduce developments impact on the neighbors.
- Commissioner Bohrn asked if the reason for the request for additional height is to keep with the residential feel and pitch of the roof.
- Mr. Vawser explained yes, a big building with a lower pitch doesn't look appealing.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the history of the property stating in May of 1999 the property was actually in the City's Area of Impact and rezoned to C-1 PUD it was not annexed at this time. In March of 2003 Canyon Properties PUD was approved and in February 2005 the property was annexed into the City Limits. She then reviewed exhibits on the overhead and stated this is a request for an amendments to the Canyon Properties PUD Agreement that covers 160 (+/-) acres. The applicant has worked very hard with the surrounding neighbors and in the process of developing this PUD a 500' buffer zone was created. The applicant is working with a client that wants to build on this property. The property has been platted and has been developed in phases. The client of the applicant wants to build a hospice/transitional care facility located within the 500' buffer zone. Building heights in this area are restricted to single story, a maximum of 24' in height-measured above the nearest point of Villa Del Rio subdivision. This agreement is zoned C-1; mixed-use planned unit development agreement and master development plan. There are four (4) amendments proposed:

- Allow for a maximum building height of 28 feet measured from the highest point of the top of curb or future curb adjacent of the subject property within 500' of the centerline of Blake Street
- Allow for a hospice office and a transitional care and physical rehabilitation facility on lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10;
- Allow unlimited hours of operation for the hospice office and the transitional care and physical rehabilitation facility constructed on lots 24, 27 and 28, block 13, Canyon Trails Subdivision No. 10; and
- Allow up to eight (8) off-premise signs as shown on the amended master sign plan.

The current Canyon Properties PUD Agreement has a number of restrictions placed on the uses and property development standards for lots adjacent to the Villa Del Rio and Los Lagos residential area. Uses were restricted to not allow for a stand-alone rehabilitation facility and any use requiring a Special Use Permit was not allowed within 500' from the center line of Blake Street. Building heights in this area are restricted to single story, a maximum of 24' in height-measured, and a pitched roof. There is also a requirement of a 20' landscaping buffer of which the 10' closest to Blake Street is maintained by the Los Lagos home owner's association and the next 10' is maintained on the private lots.

The applicant is working with a client that would like to develop a transitional care and rehabilitation facility on Lots 24, 27, and 28 of Block 13 of the Canyon Trails Subdivision No. 10. The facility would accommodate patients recently leaving the hospital but needing additional care and rehabilitation before returning home. The facility would operate 24-hours a day as there would be patients and staff on-site but there would not be any type of emergency facilities or processing of patients or visitors outside of typical

office and visiting hours. A conceptual elevation drawing of a building for the site is included and it is single story with a pitched roof however the applicants would like to be allowed to go to a height of 28' to accommodate their design. The PUD agreement states a height of 24' measured above the nearest point in Villa Del Rio Subdivision and the applicant would also like to clarify the term "height" by including its definition per City Code 10-2-1 that height is measured from the top of curb or future curb. The applicant has reviewed their proposal for a building height of 28', the allowance of a transitional care and rehabilitation facility, and 24-hour operation with the Villa Del Rio estates property owners' association. The board of directors submitted a letter in support of the proposal and the changes affecting the specified lots.

City Code requires that the applicants make a preliminary PUD presentation to the Commission and to the public. This presentation, which took place on April 26, 2011, allows the Commission and the public to become familiar with the project prior to the public hearing. At the presentation there were questions on the number of off-premise signs being proposed. The applicant's representative indicated that the proposal involved four (4) off-premise signs on Park View Drive and four (4) to be allowed along Pole Line Road. The City's sign code does not allow for a single tenant off-premise sign. The sign code does allow for "multi-tenant" signs per City Code 10-9-8 (M). Multi-tenant signs would be allowed in this development and would allow for directing attention and traffic along the private roads to development within the subdivisions. Staff would recommend that signage be allowed per City Sign Code to allow "multi-tenant" signs.

The proposed development and amendment is still in compliance with the Comprehensive Plan which designates this area as appropriate for commercial and retail development.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval staff recommends it be subject to the following conditions

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of canyon properties PUD Agreement #229 amendment, as approved by the City Council, prior to development of this site.
3. Subject to signage being permitted as approved or as per City Code §10-9,as amended, whichever is the greater.
4. Vacation of the PI easement between lots 27 & 28, block 13, Canyon Trails Subdivison #10, as proposed on item IV-2 on this agenda, be approved, an ordinance adopted & recorded and dedication of a new location for the PI easement be approved by the City Council prior to development of the transitional care facility.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of canyon properties PUD Agreement #229 amendment, as approved by the City Council, prior to development of this site.
3. Subject to signage being permitted as approved or as per City Code §10-9,as amended, whichever is the greater.
4. Vacation of the PI easement between lots 27 & 28, block 13, Canyon Trails Subdivison #10, as proposed on item IV-2 on this agenda, be approved, an ordinance adopted & recorded and dedication of a new location for the PI easement be approved by the City Council prior to development of the transitional care facility.

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JUNE 06,2011

4. Request for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-2-1; and by deleting Sections 10-4-1.3(I), 10-4-2.3(I), 10-4-3.3(I), 10-4-4.3(I), 10-4-5.3(I), 10-4-6.3(I), 10-4-11.3(I), 10-4-12.3(I), 10-4-13.3(H), 10-4-15.3(I), 10-4-16.3(I), 10-4-18.3(H), 10-4-19.4(F) and 10-4-21.3(I) c/o City of Twin Falls (app. 2449)

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the City Council approved Ord. 2012 on July 6, 1981 which replaced Title 10 of the Twin Falls City Code in its entirety. Several citizen/staff Committee's have been formed over the years many of them addressing the sign code as a result several minor sign code amendments have been adopted over the years.

In July 2006, the Council appointed a sign committee that included citizens at large, City Council and staff. The Committee began reviewing the sign code regulations in August 2006 and in August 2008 the Sign Code Committee completed their review and unanimously recommended to start the public hearing process for a sign code amendment.

On September 30, 2008 the Planning & Zoning Commission held a public hearing to review the proposed sign code amendment and the Commission continued deliberations on October 1, 2008 where they recommended approval to the City Council of the proposed sign code subject to fourteen (14) amendments. On November 3, 2008 the City Council approved the proposed sign code amendment, as presented. On December 8, 2008 the Council adopted Ord #2957. The new sign code was implemented in January of 2009.

It has been brought to staff's attention that the City Code regarding signs is very confusing. Most people don't know that there are duplicate sign regulations in Title 10; *Chapter 9; Sign Regulations* and in *Chapter 4; Zoning District Regulations*. Staff is requesting this amendment to make the City Code more understandable and user friendly.

This is the first step of the Zoning Title Amendment approval procedure. A request for a Zoning Title Amendment is initially made to the commission. The Planning and Zoning Commission holds a public hearing to evaluate the request and to determine the extent and nature of the amendment. Upon conclusion of the public hearing the Commission makes a recommendation to the City Council on whether

or not to approve the request as presented, deny the request, or approve the request with conditions and/or modifications.

The City Council shall then hold an additional public hearing where they may approve the application as recommended by the Commission, deny the application, or remand the application back to the Commission for further proceedings. If approved, an ordinance is prepared and at a later public meeting is adopted by the city council. Once the ordinance is published the city code is officially amended.

Zoning & Development Manager Carraway stated upon conclusions staff recommends that the Commission recommend approval of the attached sign code changes, as presented, to the City Council.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner Derricott seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JUNE 06,2011

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

Commissioner Bohrn has requested that a review come forward regarding the property located at Kimberly Road and Blue Lakes Boulevard.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **MAY 24, 2011**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:02 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department