

COUNCIL MEMBERS:

SHAWN	DON	SUZANNE	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	HALL	HAWKINS	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON

*Vice Mayor*

*Mayor*



**AGENDA**

Meeting of the Twin Falls City Council  
 Monday, May 20, 2013  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East -Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 INTRODUCTION OF STAFF  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:  
 PROCLAMATIONS: **NATIONAL PUBLIC WORKS WEEK**

AGENDA ITEMS		Purpose	By:
<b>I. CONSENT CALENDAR:</b>		<u>Action</u>	<u>Staff Report</u>
1. Consideration of a request to approve the accounts payable for May 14 – May 20, 2013.			Sharon Bryan
2. Consideration of a request to approve the April 22, 2013, Minutes.			Leila A. Sanchez
3. Consideration of a request by Snake Harley-Davidson to approve its seventh season of outdoor customer appreciation concerts at their facility on various weekends from June 2, 2013, through August 16, 2013, from 6:00 p.m. to 9:00 p.m.			Dennis Pullin
4. Consideration of a request by Snake Harley-Davidson to approve their Grand Opening Celebration to be held July 26, 2013, through Sunday, July 28, 2013.			Dennis Pullin
5. Consideration of a request to approve the Annual Classic Cruisers event to be held on Friday, June 21; Saturday, June 22; and Sunday, June 23, 2013			Dennis Pullin
<b>II. ITEMS FOR CONSIDERATION:</b>			
1. Presentation of the Municipal Powers Outsource Grant Matrix.		Presentation	Rebecca Mills Sojka
2. Consideration of a request to authorize the Mayor to sign a right of way deed to provide access to the visitor center and future adjacent development.		Action	Mitchel Humble
3. Consideration of a request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/3) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North and Addison Avenue East.		Action	Mitchel Humble
4. Consideration of a request to adopt an Ordinance for a Vacation of a portion of undeveloped right-of-way within the 600 to 800 blocks of Wirsching Avenue West located in a portion of Lot 9, Orchalara Subdivision to allow for replatting and residential development		Action	Mitchel Humble
5. Public input and/or items from the City Manager and City Council.			
<b>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</b>			
<b>IV. PUBLIC HEARINGS: 6:00 P.M.</b>			
1. Request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 (±) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel acres and continue the operation of an outside boat, RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive.		PH	Mitchel Humble
<b>V. ADJOURNMENT:</b>			

*\*Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

### Twin Falls City Council-Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
  2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
  3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The 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.Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor.
  4. A City Staff Report shall summarize the application and history of the request.
    - The City Council may ask questions of staff or the applicant pertaining to the request.
  5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
    - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the mayor. The spokesperson shall be limited to 15 minutes.
    - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
    - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
  6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
  7. The Mayor shall close the Public Hearing. The City Council 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 Mayor.

*Office of the Mayor  
City of Twin Falls, Idaho*

# Proclamation



## NATIONAL PUBLIC WORKS WEEK

**WHEREAS**, public works infrastructure, facilities and services are of vital importance to sustainable communities and to the health, safety and well-being of the people of Twin Falls, Idaho; and

**WHEREAS**, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers and employees, who are responsible for and must plan, design, operate and maintain the transportation, water supply, water treatment, solid waste systems, public buildings and other structures and facilities essential to serve the citizens of Twin Falls, Idaho; and

**WHEREAS**, it is in the public interest for citizens, civic leaders and children in the community to gain knowledge of and to maintain an interest and understanding of the importance of public works and public programs in our community; and

**WHEREAS**, 2013 marks the 53<sup>rd</sup> annual National Public Works Week sponsored by the American Public Works Association;

**NOW, THEREFORE**, I urge all the citizens of the City of Twin Falls to join with the American Public Works Association to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they have made to our communities health, safety, welfare and quality of life.

**FOR THESE REASONS**, I Gregory Lanting, proclaim the week of May 19-25, Public Works Week, in Twin Falls, Idaho.

*In witness whereof I have hereunto set my hand and caused this seal to be affixed.*

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*Mayor Gregory Lanting*

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*Deputy City Clerk Leila A. Sanchez*

*Date: May 20, 2013*

COUNCIL MEMBERS:

SHAWN	DON	SUZANNE	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	HALL	HAWKINS	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON
<i>Vice Mayor</i>			<i>Mayor</i>			



**MINUTES**  
Meeting of the Twin Falls City Council  
**Monday, April 22, 2013**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East -Twin Falls, Idaho

**5:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG  
CONFIRMATION OF QUORUM  
INTRODUCTION OF STAFF  
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA  
PROCLAMATIONS: **ARBOR DAY PROCLAMATION**

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of a request to approve the accounts payable for April 16 – 22, 2013. 2. Consideration of a request to approve the March 25, 2013, Minutes. 3. Consideration of a request to approve the “Bed Races” Fundraiser for the Multiple Sclerosis Society to be held on Saturday, June 16, 2013, from 11:00 a.m. to 4:00 p.m. on the 100 Block of Main Avenue between Shoshone Street and Gooding Street. 4. Consideration of a request to approve the Twin Falls Criterium Bike Race sponsored by Intermountain Cycling Organizations, to be held on Saturday, May 25, 2013, from 1:00 p.m. until 9:00 p.m.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan Leila A. Sanchez Sgt. Ryan Howe  Sgt. Ryan Howe
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration of a request to authorize the Mayor to enter into a development agreement and accept a public right of way deed. 2. Discussion and possible action on a request to allow public/community message signs to be located on the City's downtown street lights. 3. Presentation regarding the development of the City of Twin Falls Community Strategic Plan 2030 and consideration of adoption from the City Council. 4. Public input and/or items from the City Manager and City Council.	Action  Discussion/ Action Presentation/ Action	Josh Baird  Mitchel Humble  Travis Rothweiler
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u>           6:00 p.m. - None</b>		
<b>V. <u>ADJOURNMENT:</u></b> Executive Session 67-2345(1) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.		

*\*Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

**Present:** Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington

**Absent:** None

**STAFF PRESENT:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, City Engineer Jacqueline Fields, Parks & Recreation Director Dennis Bowyer, Sgt. Ryan Howe, Staff Engineer Josh Baird, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him. Mayor Lanting introduced staff.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None**

City Manager Rothweiler stated that Consent Calendar Item I.3., Minutes should reflect the April 1, 2013, Minutes.

**PROCLAMATIONS: ARBOR DAY PROCLAMATION**

Councilperson Hawkins read the proclamation.

Parks & Recreation Director Bowyer reported that Arbor Day will be held on Friday, April 26, 2013, at 4:00 p.m. at Harrison Park.

Councilperson Talkington gave the history of Earth Day.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for April 16 – 22, 2013, 811,941.21
2. Consideration of a request to approve the ~~March 25, 2013,~~ April 1, 2013, Minutes.
3. Consideration of a request to approve the "Bed Races" Fundraiser for the Multiple Sclerosis Society to be held on Saturday, June 16, 2013, from 11:00 a.m. to 4:00 p.m. on the 100 Block of Main Avenue between Shoshone Street and Gooding Street.
4. Consideration of a request to approve the Twin Falls Criterium Bike Race sponsored by Intermountain Cycling Organizations, to be held on Saturday, May 25, 2013, from 1:00 p.m. until 9:00 p.m.

**MOTION:**

Vice Mayor Hall made the motion to approve the Consent Calendar, with the correction of Item 3., reflecting the approval of the April 1, 2013, Minutes. The motion was seconded by Councilperson Mills Sojka.

Councilperson Mills Sojka, referring to I.4.Twin Falls Criterium Bike Race, asked if businesses that will be affected by the race had been contacted. Sgt. Howe responded in the affirmative.

Roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a request to authorize the Mayor to enter into a development agreement and accept a public right of way deed.

City Engineer Fields introduced Project Engineer Josh Baird.

Staff Engineer Baird explained the request. Approval of this request will allow the construction of a new right turn lane from Falls Avenue East eastbound onto Locust Street North.

City Engineer Fields stated that the right of way opportunity is consistent with the Master Transportation Plan to widen the section of road on Falls between Blue Lakes and Locust.

Council discussion followed.

- Relocation of power poles
- Construction time
- Signaling
- Cost of the project

Staff Engineer Baird stated that staff will work with Idaho Power to relocate the poles that are in the existing right of way. The intent is to begin construction on the additional lane as soon as possible and preferably this year. The signal changes will be addressed during the design of the project.

City Engineer Fields stated that staff does not anticipate any right of way acquisition on the remaining three corners.

Staff Engineer Baird stated he does not have a cost estimate on the project. The intent is to use existing roadway funds that had been designated for the Eastland Project.

**MOTION:**

Councilperson Talkington made a motion to authorize the Mayor to enter into a development agreement and accept a public right of way deed with Wright Physical Therapy for property located in the southwest corner of Locust Street North and Falls Avenue East. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Discussion and possible action on a request to allow public/community message signs to be located on the City's downtown street lights.

Community Development Director Humble explained the request using overhead projections. The City was recently approached by members of the "Downtown Alive" group who inquired about the possibility of placing public/community message signs on street lights. This request will allow staff to work with "Downtown Alive" to install public/community message signs on light poles in Downtown. The Code allows the City Manager to provide written permission to place signs on City owned property or in right of way. City staff recommends that the Council discuss and provide direction regarding the request.

Council discussion followed.

Vice Mayor Hall asked if there may be a potential vandalism to signs and if there may be additional requests for other parts of town.

Community Development Director Humble stated that the plan by Downtown Alive is to place signs on light poles on Main Street only. The poles on Main Street are shorter than the poles on Shoshone Street. It may be considered for other parts of town if the program works.

Council discussion followed.

Councilperson Mills Sojka stated she would like to have written guidelines of the approval process. She asked if the cost of the signs is the responsibility of applicant.

Community Development Director Humble stated that the Code 10-9-5 D (1) allows the City Manager to provide written permission to place signs on City owned property or in right of way. Staff would give written permission with parameters, which would include signs only for public or community events or seasonal displays, prohibit commercial business, and size of signs.

Councilperson Talkington recommended that there would be no direct sales messages and a maximum size of signs. He stated that he received complaints that preference was given to others on the location of signs on Shoshone Street.

Tony Prater, representing Downtown Alive, stated that his intent is to locate signs confined in the downtown area only, and not to go beyond the two Seconds. Signs are required to be approved by staff prior to placing signs. The Downtown Alive will pay for the costs.

City Manager Rothweiler stated that the request for direction from Council is due to the possibility of Downtown Alive making a significant financial investment for signage and the possibility of additional retrofitting of existing poles.

Council directed staff, by City Code 10-9-5 D(1) to allow the City Manager to provide written permission to place signs on City owned property or in right of way.

3. Presentation regarding the development of the City of Twin Falls Community Strategic Plan 2030 and consideration of adoption from the City Council.

City Manager Rothweiler introduced Phil Kushlan, from Kushlan Associates.

Phil Kushlan, Kushlan and Associates. P.O. Box 8463, Boise, Idaho, explained the document is functional and usable in an ongoing basis going forward. Time was spent on "does this make sense, can we do it, and what's the time frame to make this a reality". The Strategic Plan is intended to be a living document. Periodically there will be a need for a tune up.

Councilperson Talkington asked Mr. Kushlan for his positive critique as to what the City could have done differently or better to solicit and entice more input in the front end of the process.

Mr. Kushlan stated that looking at the community survey, there seemed to be a lack of community involvement in public affairs. He would have like to have seen 450 people at the community meeting, but the fact that there were 65 was more than what was seen in the past. The City has demonstrated a willingness to listen to public input.

City Manager Rothweiler stated that Phil & Diane Kushlan walked the City through a process that was unique. The City has been involved in strategic planning as an organization for a long period of time. Strategic planning was different in the fact that there was community involvement. There was an intentional effort to engage the community in many different forums. The strategic plan is more goal driven as opposed to task driven. The vision that has been created with the citizens is robust and ambitious, and without partner support, whether they are public or private entities, this plan will not be realized unless the entities are actively engaging the public to solicit their support and walk hand and hand in the external goals.

The purpose of tonight's meeting is to adopt the plan. Mike Williams has incorporated comments received from the open house. Sarah Taylor has submitted comments to the City Council, which have not been incorporated into the plan.

Council discussion followed:

Councilperson Mills Sojka referred to Objective PC1.2A: Address the impact of U.S. Highway 30 on downtown and determine how we can work with partners such as ITD to improve the system.

She recommended strengthening language to recognize that the review has been done on Highway in prior years, and the City of Twin Falls will encourage ITD to review, analyze and assess the feasibility of rerouting Highway 30 around downtown.

Vice Mayor Hall stated ITD provides funding for Highway 30 and it would financially impact the City if involved in the rerouting of Highway 30.

Councilperson Barigar referred to Objective PC2.1B: Review transportation infrastructure, including truck routes, that supports industrial land uses to determine how the City can work with the region to improve the systems.

He recommended adding language to Objective PC1.2A: to address the impact of Highway 30 downtown and determine how the City can work with partners to improve the system.

Councilperson Talkington stated that as a member of the Greater Twin Falls Area Transportation Committee, a community wide response will need to be received to address rerouting.

City Manager Rothweiler stated that the language, "Whereas, the City of Twin Falls hereby requests from the ITD the acceptance of the roadways" in Resolution 1760 shows the City is taking a more active stance of rerouting Highway 30.

Councilperson Mills Sojka referred to Objective EC1.2A: Update land use regulations to discourage leap frog development and land divisions that impact viable agricultural land uses. She recommended prioritizing the Objective to a 1, in which the timeframe of the initiative will be completed or substantially underway within the next 1-5 years.

Councilperson Barigar asked if Objective EC1.2A falls within Objective EC1.2C: Update the development codes (Title 4 and 10) to reflect best practices.

Community Development Director Humble answered in the affirmative.

Councilperson Hawkins recommended adopting the Strategic Plan and set a time to review the details in a reasonable amount of time.

City Manager Rothweiler urged the Council to allow action and traction to occur with the plan.

**MOTION:**

Councilperson Talkington made the motion to adopt the City of Twin Falls Community Strategic Plan 2030, with the revisions, as discussed to Objective PC1.2A. The motion was seconded by Councilperson Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Public input and/or items from the City Manager and City Council.

City Manager Rothweiler requested to begin the process of resurrecting the flower baskets in partnership with the Chamber of Commerce. He explained that the Chamber of Commerce would solicit donations for the baskets and the City would cover the costs of maintenance. The signage may be postponed.

Councilperson Barigar recused himself at this time from the Council.

Councilperson Barigar, representing the Chamber of Commerce, stated the Chamber would solicit donations to acquire baskets.

Councilperson Munn explained sponsors would buy the baskets and flowers and an employee from the Parks & Recreation Department would maintain the flowers.

Council discussion followed:

-Cost to maintain baskets by seasonal employees

Council directed staff to place the consideration of funding the maintenance portion of the Hanging Flower Basket project along Shoshone Street, in a partnership with the Twin Falls Area Chamber of Commerce, on the April 29, 2013, agenda.

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

Councilperson Mills Sojka reported on the Arts and Soul of the Magic Valley and the Youth Council Kite Day.

Councilperson Barigar reported a meeting will be held at the Parks & Recreation Department at 6:00 p.m. to discuss the proposed off leash park area; and, The Chamber of Commerce Business After Hours will be held at 5:30 P.M. to 7:00 P.M. at the Magic Valley Speedway

Vice Mayor Hall reported that the Twin Falls Urban Renewal Agency is hosting an Open House on Wednesday, April 24, 2013 at 6:00 p.m. at the Council Chambers to invite citizen input into possibly expanding Revenue Allocation Area 4-1 into downtown.

**IV. PUBLIC HEARINGS: 6:00 p.m. - None**

**V. ADJOURNMENT:**

Executive Session 67-2345(1) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

City Manager Rothweiler made a clarification that the request for approval is to adjourn to Executive Session 67-2345 (1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student, should be considered for approval.

**MOTION:**

Councilperson Talkington made a motion to adjourn to Executive Session 67-2345(1) (b), as presented. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

The meeting adjourned at 6:36 P.M.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary



**Date:** Monday, May 20, 2013, Council Meeting

**To:** Honorable Mayor and City Council

**From:** Staff Sergeant Dennis Pullin, Twin Falls Police Department

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**Request:**

Consideration of a request by Snake Harley-Davidson to approve its seventh season of outdoor customer appreciation concerts at their facility on various weekends from June 2, 2013, through August 16, 2013, from 6:00 p.m. to 9:00 p.m.

**Time Estimate:**

This is an event that has been presented and overseen very successfully over the past six years; therefore, we are requesting that this item be included on the Consent Calendar.

**Background:**

This is the seventh year that Snake Harley-Davidson will be presenting a series of outdoor customer appreciation concerts at their facility on Addison Avenue East. The concerts are scheduled for Saturday, June 29, 2013, from 6:00 to 9:00 p.m.; Friday, July 19, 2013, from 6:00 p.m. to 9:00 p.m.; and Friday, August 16, 2013, from 6:00 p.m. to 9:00 p.m. A variety of food and beverages, including beer, will be available during the concert; catering permits have been approved. Over the past six years, these concerts have been successful and have required no Police response. Snake Harley-Davidson has provided a diagram of the area in which the concerts occur; the diagram is on file with the Police Department and has been approved by the Fire Department. Identification will be checked in order to procure beer and wristbands will be provided. Additional parking and security have been arranged and, should loud music complaints be received by the Police Department, the event's coordinators will obey the directions of the on-duty Supervisor relative to its mitigation.

**Approval Process:**

Consent of the Council.

**Budget Impact:**

There is no budget impact associated with the Council's approval of this request.

**Regulatory Impact:**

Approval of this request will allow the applicant to proceed with the event as scheduled. Twin Falls County Sheriff's Reserve Deputies have been procured for security; past concerts have required no additional Police response to this location. Snake Harley-Davidson is aware that approval of each individual application is contingent upon the success of the previous concert, that is, the lack of complaints and no additional Police response thereto. We will work closely with Snake Harley-Davidson to insure the same quality of event this year as in the past.

**Conclusion:**

These events have been offered very successfully for the past six years, have provided positive and contemporary entertainment for the community, and have been well received by Snake Harley-Davidson's customers. Snake Harley-Davidson has a proven and effective plan in place to present and supervise these events. Therefore, relevant City Staff Members have met and approved this Special Events Application. Police Staff Members recommend that the Council approve the request as presented.

**Attachments:**

None

DP:aed



**Date:** Monday, May 20, 2013, Council Meeting

**To:** Honorable Mayor and City Council

**From:** Staff Sergeant Dennis Pullin, Twin Falls Police Department

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**Request:**

Consideration of a request by Snake Harley-Davidson to approve their Grand Re-Opening Celebration to be held July 26, 2013, through Sunday, July 28, 2013. The celebration will take place at their facility, located at 2404 Addison Avenue East.

**Time Estimate:**

Given the fact this is the first time Snake Harley-Davidson has held a Grand Re-Opening event of this nature, we would request to have this item placed on the Items for Consideration. The presentation should take no more than five minutes and any additional time needed to answer questions the City Council may have.

**Background:**

T.J. Woodhall, owner of Snake Harley-Davidson, has requested to hold a Grand Re-Opening event for his dealership, located at 2404 Addison Avenue East in Twin Falls. The first day is scheduled for Friday, July 26<sup>th</sup>, from 5:00 p.m. until 10:00 p.m. The music will terminate at 9:30 p.m. The second day of the event, Saturday, July 27<sup>th</sup>, will go from 11:00 a.m. until 10:00 p.m. The music will terminate at 9:30 p.m. The final day, Sunday, July 28<sup>th</sup>, will begin at 10:00 a.m. and will conclude at 5:00 p.m. The music will terminate at 4:30 p.m.

The Grand Re-Opening Reception Party will be held Friday, along with local and regional entertainment. Saturday's events will include fun and games for families, and local entertainment will perform throughout the day. On Saturday evening, national recording artist Jimmie Van Zant will perform from 8:00 p.m. to 9:30 p.m. Sunday's events will include a Chili and Barbeque Cook-Off and local entertainment. A variety of food and beverages, including beer, will be available during the three-day event.

Alcohol will be catered by Marv Pierce, owner of the Pioneer Saloon. Identifications will be checked in order to procure beer and wristbands will be provided. Additional parking and security have been arranged and, should loud music complaints be received by the Police Department, the event's coordinators will obey the directions of the on-duty Supervisor relative to its mitigation. The beer sales will be from 5:00 p.m. until 9:30 p.m. on Friday; 11:00 a.m. until 9:30 p.m. on Saturday; and 11:00 a.m. until 4:30 p.m. on Sunday.

Over the past several years, Snake Harley-Davidson has conducted their Summer Concert Series on various weekends while conducting fundraisers, customer appreciation days, and general gatherings for the public. The sponsors have had a good history and have received no complaints or calls for service during these events. The Grand Re-Opening will be conducted in the same manner.

The event coordinators have contacted local businesses in the area and have received written approval of the event. Security for the event will be provided by Twin Falls Police Officers and Twin Falls Sheriff's Reserve Deputies on Saturday. Twin Falls Sheriff's Reserve Deputies will provide the security on Friday evening and during the event on Sunday.

**Approval Process:**

Consent of the Council

**Budget Impact:**

The Twin Falls Police Department will be providing two Twin Falls Police Officers to work security for this event on Saturday. Total time worked by Twin Falls Police Department Officers will be 22 hours. The total cost for security to be paid to the Twin Falls Police Department will be \$968.00. The bill must be paid within 60 days of the conclusion of the event. The organizers of the event will be responsible to pay the additional cost to the Twin Falls Sheriff's Office for security provided by the Twin Falls Sheriff's Office, not to be included with the Twin Falls Police Department's bill.

**Regulatory Impact:**

Approval of this request will allow the applicant to proceed with the event as scheduled. Twin Falls Police Officers and Twin Falls County Sheriff's Reserve Deputies have been procured for security. Past concerts have required no additional Police response to this location. We will work closely with Snake Harley-Davidson to insure the same quality of event as in the past with their Summer Concert Series.

**Conclusion:**

The Snake Harley-Davidson events have been very successful for the past six years. They have provided positive and contemporary entertainment for the community and have been well received by Snake Harley-Davidson's customers. Staff recommends that the on-duty Supervisor be given authority to order event organizers to mitigate the sound of amplified music. If the noise complaints become habitual, the Patrol Supervisor shall be granted the authority to order the termination of the music.

Snake Harley-Davidson has a proven and effective plan in place to present and supervise the Grand Re-Opening. Therefore, relevant City Staff Members and Police Staff Members recommend that the Council approve the request as presented.

**Attachments:**

None



**Date:** Monday, May 20, 2013, Council Meeting

**To:** Honorable Mayor and City Council

**From:** Staff Sergeant Dennis Pullin, Twin Falls Police Department

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**Request:**

Consideration of a request to approve the Annual Classic Cruisers event to be held on Friday, June 21; Saturday, June 22; and Sunday, June 23, 2013.

**Time Estimate:**

Staff requests that this item be placed on the Consent Calendar.

**Background:**

The Annual Classic Cruisers event will begin on Friday, June 21, 2013, from 6:00 p.m. until 8:00 p.m. Included in the request is the approval of a street dance on June 21st with a DJ providing music in front of the fountain on Main Avenue South from 7:00 p.m. to 10:00 p.m. The organizer of the event will control the volume of the music being played. Alcohol will not be provided by the Classic Cruisers. Classic Cruisers request the closure of Main Avenue East/South from Shoshone Street to Idaho Street. Included in this section will be the street closure of Hansen Street East from Main Avenue to 2nd Avenue East. The organizers will be responsible for providing barricades and for blocking the streets at the beginning of the event. The organizers are responsible for removing the barricades at the conclusion of the Friday night event. The street closure will be from 6:00 p.m. until 11:00 p.m. Shoshone Street will remain open. Cars being displayed will be parked in parking areas, not blocking the streets.

Arrangements have been made by Classic Cruisers to assure the streets and surrounding area are picked up of trash.

Classic Cruisers have included in their Special Events Application the utilization of the Twin Falls City Park on Saturday, June 22, 2013, from 9:00 a.m. until 6:00 p.m. and commencing at 7:00 a.m. on Sunday, June 23, 2013, with breakfast being served. Sunday's event will conclude at 3:00 p.m. The Classic Car Show will display vehicles on the grass of the City Park both Saturday and Sunday. There will be food vendors and MBC vendors. Alcohol will not be served at the City Park. There will be a live DJ providing music on both days. The amplified music will be played on Saturday from 12:00 p.m. until 8:00 p.m. and on Sunday from 12:00 p.m. until 3:00 p.m. This event is raising money to support Autism Speaks.

**Approval Process:**

Consent of the City Council

**Budget Impact:**

None

Agenda Item for May 20, 2013  
From Staff Sergeant Dennis Pullin  
Page Two

**Regulatory Impact:**

None

**Conclusion:**

Relevant City Staff members have met and approved this Special Events Application. The Fire Department has approved and signed the application.

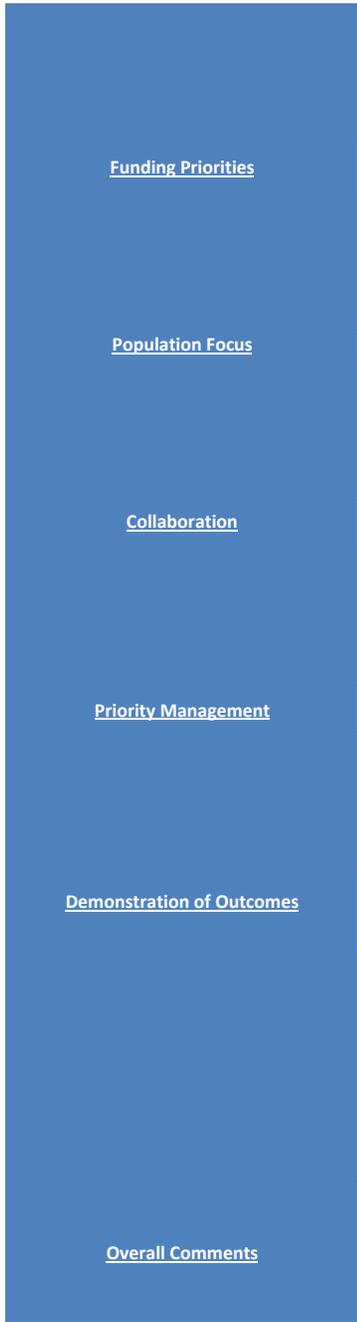
Staff recommends that the Council approve the Classic Cruisers' application for the three-day event. Twin Falls Police Department Staff requests approval for the on-duty Patrol Supervisor to have the authority to close down the event based on non-compliance of noise complaints from the music if they should arise.

**Attachments:**

None

RH:aed

Grant No.		0	1	2	3	4	Score
		Does Not Meet	Marginally Meets	Meets	Strongly Meets	Exceeds	
<u>Demonstration of Need</u>	Clearly establishes a compelling problem statement and/or needs assessment						
	Demonstrates cost benefit or cost avoidance						
	Provides a service that the community does not have						
	Importance of City Funding to the specific organization's mission.						
	Clearly establishes a compelling need within the community						
	Demonstrates cost benefit or cost avoidance						
Comments							
<u>Work Plan</u>	Contains a realistic schedule or timeline						
Comments							
<u>Budget</u>	Contains a detailed budget						
	States specifically how money will be used						
	Budget contains realistic costs for materials and services						
	Budget numbers are correct						
Comments							
<u>Staffing Plan</u>	Contains a proposed staffing plan which supports the scope of the project						
Comments							
<u>Budget Sustainability</u>	Operational needs: Budget must show ongoing sustainability						
	One-time project: Project provides something the community does not have or is outdated						
Comments							
<u>Services</u>	Provides a new service or improves access to existing services related to the City's Mission Statement .						
	Provides a benefit to the citizens of Twin Falls.						



Funding Priorities

Need relates to the City of Twin Falls' Strategic Plan and is a service the city would otherwise provide.

--	--	--	--	--	--	--

Comments

Population Focus

Services primarily Twin Falls residents

--	--	--	--	--	--	--

Comments

Collaboration

Shows a high level of involvement with other community services/agencies

--	--	--	--	--	--	--

Comments

Priority Management

Overall, demonstrates a clear need for the services, project, or equipment

--	--	--	--	--	--	--

Comments

Demonstration of Outcomes

Does applicant demonstrate outcomes?  
 Objectives are measurable


Comments

Comments

Overall score: 76 points possible \_\_\_\_\_

Bonus: 4 points possible \_\_\_\_\_

Overall Comments

Comments

Chapter 3 of Title 50 of the Idaho Code describes municipal powers, which may be exercised directly by the municipality, or indirectly by the municipality through other entities.



**Date:** Monday, May 20, 2013  
**To:** Honorable Mayor and City Council  
**From:** Mitch Humble, Community Development Director

---

**Request:**

Consideration of a request to accept right of way.

**Time Estimate:**

The staff presentation will take approximately 5 minutes.

**Background:**

The State of Idaho, Idaho Transportation Board deeded a parcel of land to the City of Twin Falls in 2013 as shown on the attached QuitClaim Deed. The quitclaim deed transfers ownership of the property to the City but does not designate its intended use. The recommendation from staff is to authorize the mayor to sign the attached right of way deed which will designate this parcel as right of way, providing access to the visitor center and future adjacent development.

**Approval Process:**

A majority vote of the Council is required to approve this request.

**Budget Impact:**

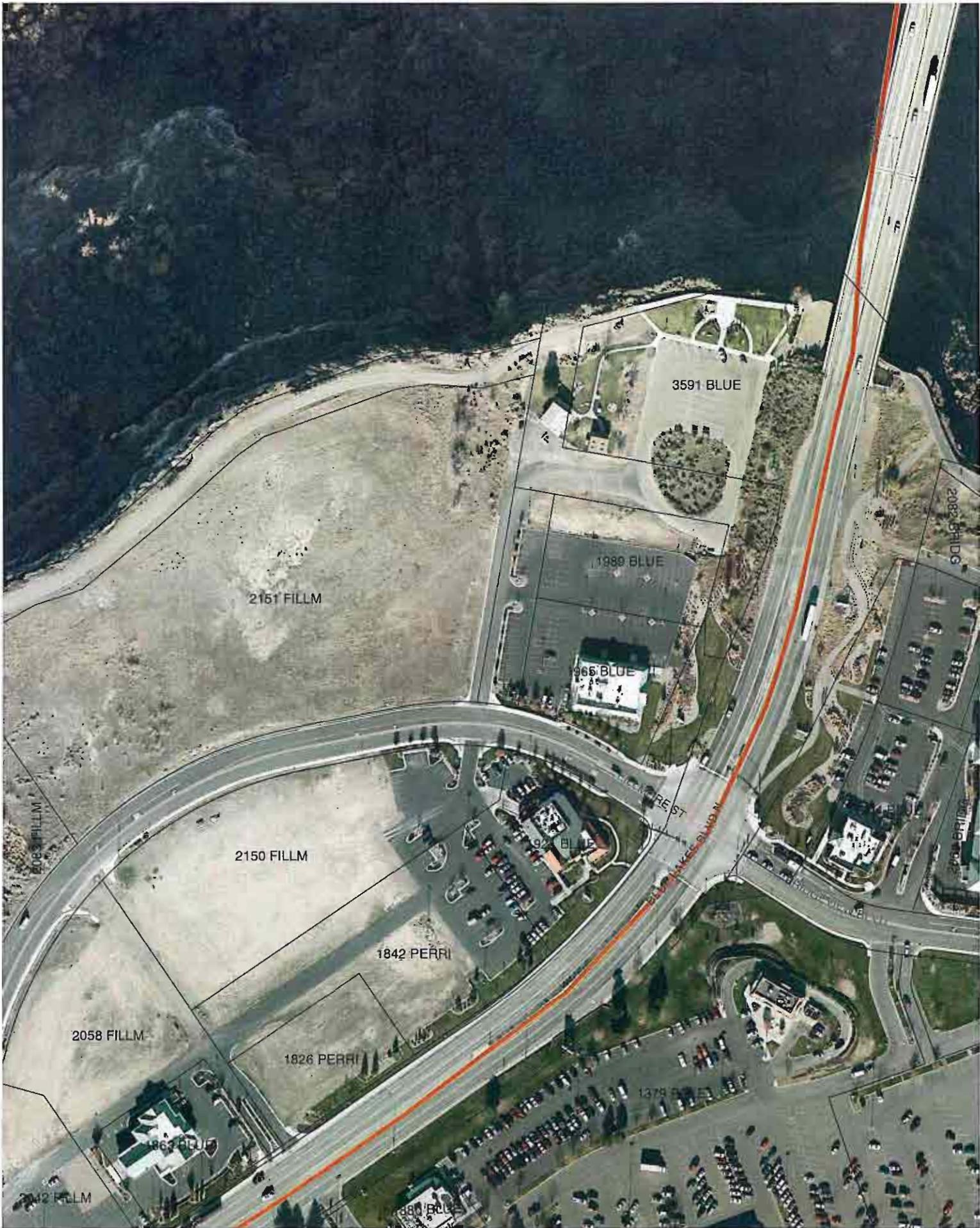
The development of the Right of Way is included in developer costs associated with relocation of Fillmore Street and does not impact the City Budget.

**Conclusion:**

Staff recommends the Council approve the request as presented and authorize the Mayor to sign the development agreement.

**Attachments:**

1. Vicinity map
2. QuitClaim Deed
3. Right of Way Deed



2151 FILLM

3591 BLUE

1989 BLUE

1966 BLUE

2150 FILLM

1842 PERRI

2058 FILLM

1826 PERRI

1379 BLUE

2003 FILLM

1863 BLUE

2042 FILLM

1881 BLUE

2082 BILDG

2011 BILDG

FOREST

LAKEVIEW BLVD N

After recording return to:  
Right of Way  
Idaho Transportation Department  
PO Box 7129  
Boise ID 83707-1129

Project No. F-2391(23)  
Key No. A2429  
Parcel No. 8.5  
Parcel ID No. 0045633

**TWIN FALLS COUNTY**  
Recorded for:  
**IDAHO. STATE OF**  
2:46:47 PM 02-26-2013  
**2013-004329**  
No. Pages: 4 Fee: \$  
**KRISTINA GLASCOCK**  
County Clerk  
Deputy: DWRIGHT

(Space Above For Recorder's Use)

### QUITCLAIM DEED

FOR VALUE RECEIVED, the **STATE OF IDAHO, IDAHO TRANSPORTATION BOARD** by and through the **IDAHO TRANSPORTATION DEPARTMENT**, "Grantor", does hereby convey, release, remise and forever quitclaim unto the **CITY OF TWIN FALLS, a municipal corporation of the State of Idaho**, "Grantee", whose mailing address is 305 Third Avenue East, Twin Falls, Idaho 83301, the following described premises located in Twin Falls County, Idaho, to-wit:

See **Exhibit A hereto**, which by reference is incorporate herein, together with the appurtenances.

Grantor expressly reserves to itself, its heirs, agents or assigns, a Permanent Easement for ingress and egress, across the area described in **Exhibit "A"** hereto and by reference made a part hereof.

This deed is intended to convey to Grantee all right, title and interest of Grantor in and to said property, now owned or hereafter acquired.

Provided However, that this conveyance is made and accepted upon the express condition, and in compliance with IC 58-335A, that said Grantee and its successors shall use said land for only a public purpose, then and in the case that public use shall have terminated, the whole of the estate above granted and conveyed and any and all improvements thereon shall immediately revert to and become the property of the Grantor, its successors or assigns forever, and the said Grantor hereby expressly reserves to itself and it successors or assigns to enter upon said land and premises and to take absolute possession thereof and any and all improvements thereon, for and upon the breach of the aforesaid condition.

Project No. F-2391(23)  
Key No. A2429  
Parcel No. 8.5  
Parcel ID No. 0045633

Dated the 14 day of February, 2013.

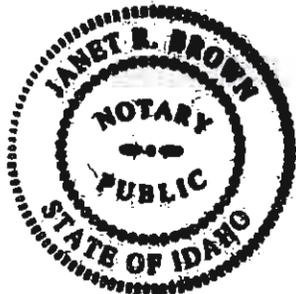
THE STATE OF IDAHO, IDAHO TRANSPORTATION BOARD, acting by and through THE IDAHO TRANSPORTATION DEPARTMENT

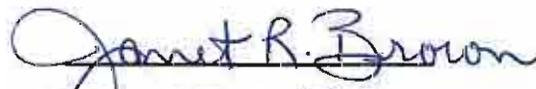
BY:   
Nestor Fernandez, PE  
Resource Center Engineer

STATE OF IDAHO     )  
                                  ) ss.  
County of Ada        )

On this 14 day of February, 2013, before me the undersigned, a Notary Public in and for said State, personally appeared NESTOR FERNANDEZ, known to me to be the RESOURCE CENTER ENGINEER for the State of Idaho, Idaho Transportation Board, by and through the Idaho Transportation Department, and acknowledged to me that he executed the same as such RESOURCE CENTER ENGINEER for the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



  
Notary Public for IDAHO  
Residing in BOISE  
My commission expires 3/6/2018



## EXHIBIT A

A parcel of land located in Government Lot 3, Section 34, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the most Easterly corner of "Canyon Park West No.1 Subdivision", being a point 58.00 feet left of Station 127+50 of Highway Project F-RF-2391 (23);

Thence North 56°25'45" West, 93.96 feet along said subdivision boundary to a point 152.00 feet left of Station 127+50 of said Highway project;

Thence North 26°33'05" East, 56.64 feet along said subdivision boundary;

Thence North 58°01'28" West, 26.50 feet along said subdivision boundary;

Thence along a curve left on said subdivision boundary;

Δ - 20°58'03"

R - 432.00'

A - 158.09'

C - 157.21'

LCB - North 68°30'29" West to the REAL POINT OF BEGINNING;

Thence along a curve left on said subdivision boundary.

Δ - 07°58'09"

R - 432.00'

A - 60.09'

C - 60.04'

LCB - North 82°58'35" West

Thence North 09°03'07" East, 276.99 feet along the Easterly boundary of Lot 4, Block 1, "Canyon Park North Subdivision".

Thence North 09°12'19" East, 46.21 feet along the Easterly boundary of said Lot 4.

Thence South 80°44'31" East, 59.88 feet to a point on the Westerly boundary of Lot 5, Block 1, "Canyon Park North Subdivision".

Thence South 09°03'07" West, 320.86 feet along the Westerly boundary of Lots 5 & 6, Block 1, "Canyon Park North Subdivision" to the REAL POINT OF BEGINNING.

Containing approximately 19276 Sq. Ft.



## PUBLIC RIGHT-OF-WAY DEED

The City of Twin Falls (Grantor), does hereby grant and convey a permanent and perpetual public right-of-way, sufficient in width for construction, continued operation, maintenance, repair, alteration, inspection and replacement of a public street and utilities, and legally described as follows:

A parcel of land located in Government Lot 3, Section 34, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the most Easterly corner of "Canyon Park West No.1 Subdivision", being a point 58.00 feet left of Station 127+50 of Highway Project F-RF-2391(23);

Thence North 56°25'45" West, 93.96 feet along said subdivision boundary to a point 152.00 feet left of Station 127+50 of said Highway project;

Thence North 26°33'05" East, 56.64 feet along said subdivision boundary;

Thence North 58°01'28" West, 26.50 feet along said subdivision boundary;

Thence along a curve left on said subdivision boundary;

Δ - 20°58'03"

R - 432.00'

A - 158.09'

C - 157.21'

LCB - North 68°30'29" West to the REAL POINT OF BEGINNING;

Thence along a curve left on said subdivision boundary;

Δ - 07°58'09"

R - 432.00'

A - 60.09'

C - 60.04'

LCB - North 82°58'35" West

Thence North 09°03'07" East, 276.99 feet along the Easterly boundary of Lot 4, Block 1, "Canyon Park North Subdivision".

Thence North 09°12'19" East, 46.21 feet along the Easterly boundary of said Lot 4.

Thence South 80°44'31" East, 59.88 feet to a point on the Westerly boundary of Lot 5, Block 1, "Canyon Park North Subdivision".

Thence South 09°03'07" West, 320.86 feet along the Westerly boundary of Lot 5&6, Block 1, Canyon Park North Subdivision" to the REAL POINT OF BEGINNING.

Containing approximately 19276 Sq. Ft.

And the said grantor does hereby covenant that the Grantor is the owner in fee simple of said premises; that they are free from encumbrances, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

Executed and delivered this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
(Mayor of City of Twin Falls)

STATE OF IDAHO  
County of Twin Falls

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, a Notary Public in and for said State personally appeared \_\_\_\_\_, known or identified to me to be the \_\_\_\_\_ of the City of Twin Falls, or the person who executed the instrument on behalf of the City, and acknowledged to me that such municipality executed the same in said City's Name.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

\_\_\_\_\_  
Notary Public of Idaho

\_\_\_\_\_  
Residing at

\_\_\_\_\_  
Commission expires



**DATE:** MONDAY – MAY 20, 2013

**To:** Honorable Mayor and City Council

**From:** Mitch Humble, Community Development Director

---

## **AGENDA ITEM II-**

### **Request:**

Consideration of adoption of one ordinance; A request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 4.71 (+/-) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North and Addison Avenue East, TOMERYL, LLC/Tom & Cheryl Arledge c/o Scott Allen/The Land group. (app.2563)

### **Ordinance #3050**

### **Time Estimate:**

Staff presentation may be approximately five (5) minutes.

### **Approval Process:**

#### **Rezone:**

**State Code:** Idaho Code 67-6509

**City Code:** Title 10; Chapter 14; Zoning Amendments

#### **10-14-7: ACTION BY COUNCIL:**

The Council, prior to adopting, revising or rejecting the amendment to this Title as recommended by the Commission shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the Council hearing, if said Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Council adopts the amendment.

Upon granting or denying an application to amend this Title, the Council shall specify:

- (A) The regulations and standards used in evaluating the application.
- (B) The reasons for approval or denial.
- (C) The actions, if any, that the applicant could take to obtain a permit.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of this Title upon the preparation and passage of an ordinance. (Ord. 2012, 7-6-1981)

### **Budget Impact:**

Approval of this request may impact the City budget as the rezoned property will be reclassified from a residential land use to neighborhood commercial and upon development could impact the tax base.

### **Regulatory impact:**

The Council's adoption of the ordinance will allow the TOMERYL property to be rezoned and developed as approved.

### **History:**

On May 13, 2013 the Twin Falls City Council unanimously approved the request for a Zoning District Change and Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/-) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North and Addison Avenue East, as presented and 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 the section "Covenants 4-E-4: Signage" being amended as shown in "Attachment 12" of the staff report.

**Analysis:**

The ordinance has been prepared as directed by the Council and is recommended for adoption as submitted.

**Conclusion:**

Staff recommends that the Council adopt the attached ordinance as submitted.

**Attachments:**

1. DRAFT Ordinance

**ORDINANCE NO. 3050**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AMENDMENTS TO THE AREA OF IMPACT AND ZONING DISTRICTS MAP.

WHEREAS, Thomas & Cheryl Arledge and Tomeryl, LLC, made application for a Zoning District Change and Zoning Map Amendment for properties located at the northwest corner of Addison Avenue East and Eastland Drive in the City of Twin Falls; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 23rd day of April, 2013, to consider the Zoning Designation and necessary Zoning Map Amendment upon a REZONE of the real property below described; and,

WHEREAS, the City Planning and Zoning Commission has made recommendations to the City Council for the City of Twin Falls, Idaho; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing to consider the same matter on the 13<sup>th</sup> day of May, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

SECTION 1. That the following described real property located at the northwest corner of Addison Avenue East and Eastland Drive, Twin Falls, Idaho, is the subject of a Zoning District Change and Zoning Map amendment from R-2 to R-2 NCO PUD:

**See Attachment "A"**

SECTION 2. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the rezoning of the real property above described.

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

PASSED BY THE CITY COUNCIL , 20\_\_

SIGNED BY THE MAYOR , 20\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

PUBLISH: Thursday, , 20\_\_

**ATTACHMENT "A"**

A tract of land situated in the Southeast One Quarter of the Southeast One Quarter of Section 10, Township 10 South, Range 17 East, Boise Meridian, City of Twin Falls, Twin Falls County, Idaho, described as follows:

COMMENCING at the Southeast Corner of said Section 10, which bears South 89°53'44" East a distance of 1,326.12 feet from the East One Sixteenth Corner of said Section 10, thence following the southerly line of said Section 10, North 89°53'44" West a distance of 364.61 feet; Thence leaving said southerly line, North 00°12'15" West a distance of 58.00 feet to a point on the northerly right-of-way line of Addison Avenue East and being the POINT OF BEGINNING.

Thence leaving said northerly right-of-way line, North 00°12'15" West a distance of 605.87 feet to a point on the southerly line of Hillcrest Subdivision (a recorded subdivision on file at page 37, Book 8 of Plats, records of Twin Falls County, Idaho);

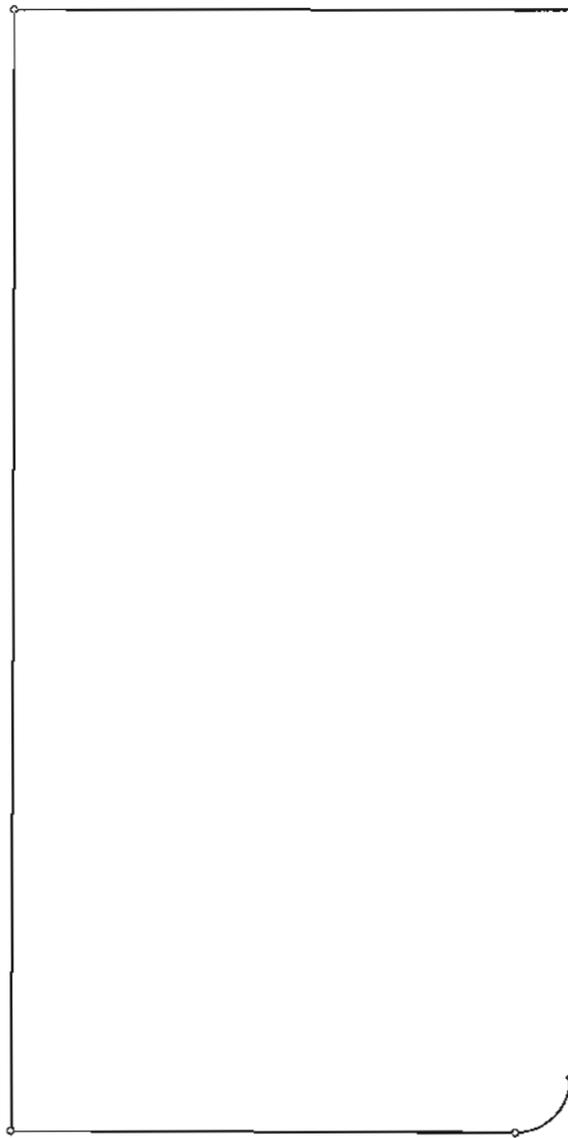
Thence following said southerly line, North 89°53'45" East a distance of 306.60 feet to a point on the westerly right-of-way line of Eastland Drive North;

Thence following said westerly right-of-way line, South 00°12'15" East a distance of 576.82 feet;

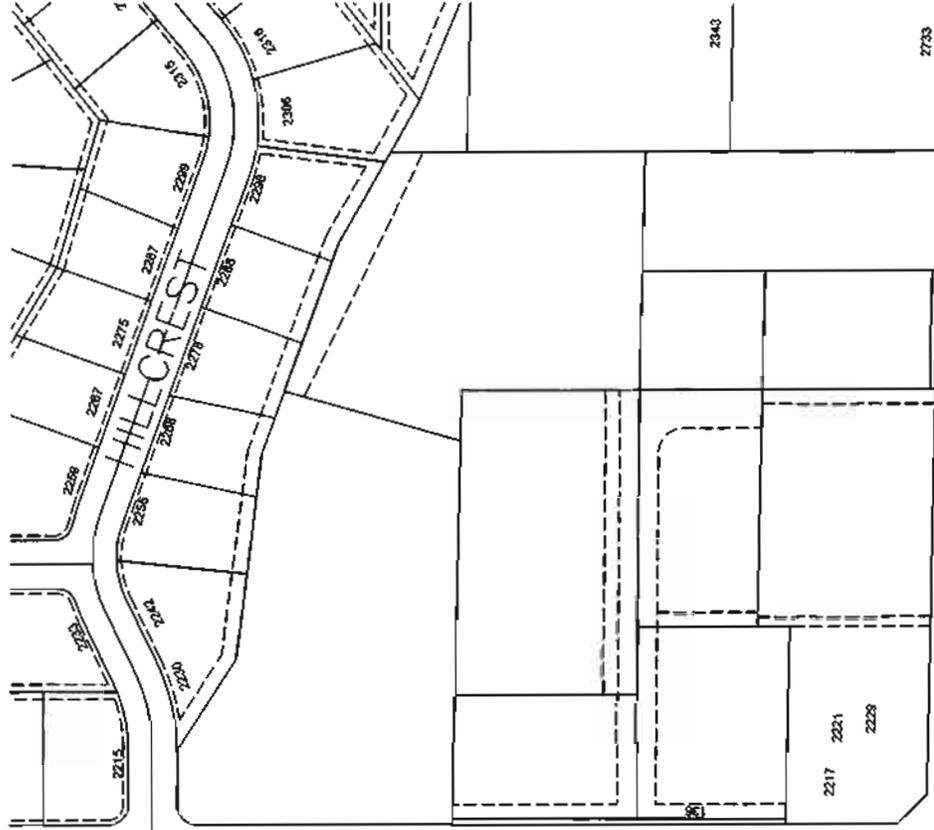
Thence following said westerly right-of-way line and said northerly right-of-way line of Addison Avenue East, 47.29 feet along a circular curve to the right, said curve having a radius of 30.00 feet, a central angle of 90°19'02", a chord bearing of South 44°56'45" West, and a chord distance of 42.54 feet;

Thence following said northerly right-of-way line, North 89°53'44" West a distance of 276.45 feet to the POINT OF BEGINNING.

The above-described tract of land contains 4.26 acres, more or less, subject to all existing easements and rights-of-way.



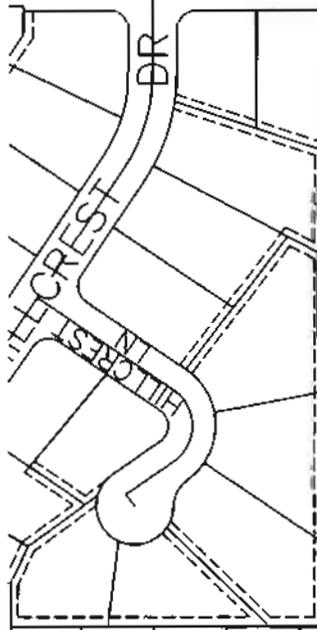
Title:		Date: 03-27-2013
Scale: 1 inch = 100 feet	File:	
Tract 1: 4.264 Acres: 185738 Sq Feet: Closure = s71.0007e 0.01 Feet: Precision = 1/136393: Perimeter = 1813 Feet		
001=n00.1215w 605.87	003=s00.1215e 576.82	005=n89.5344w 276.45
002=n89.5345e 306.60	004: R1, R=30.00, Delta=90.1902	



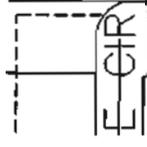
EASTLAND DR N



ARLEGE/TOMERY, LLC  
PROPOSED PUD  
4.26 ACRES

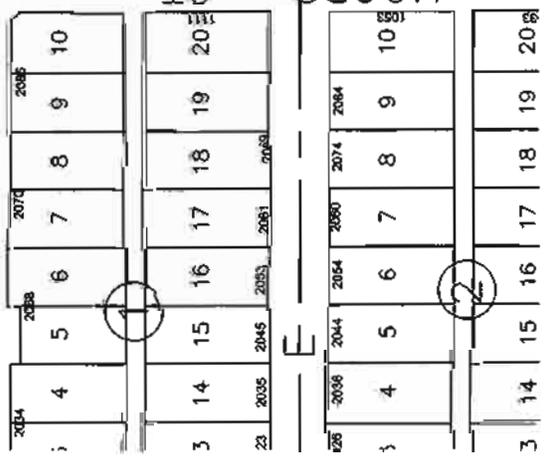
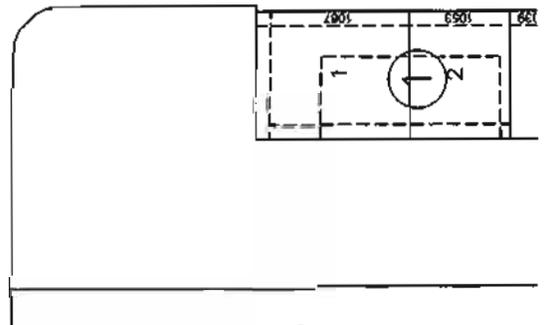
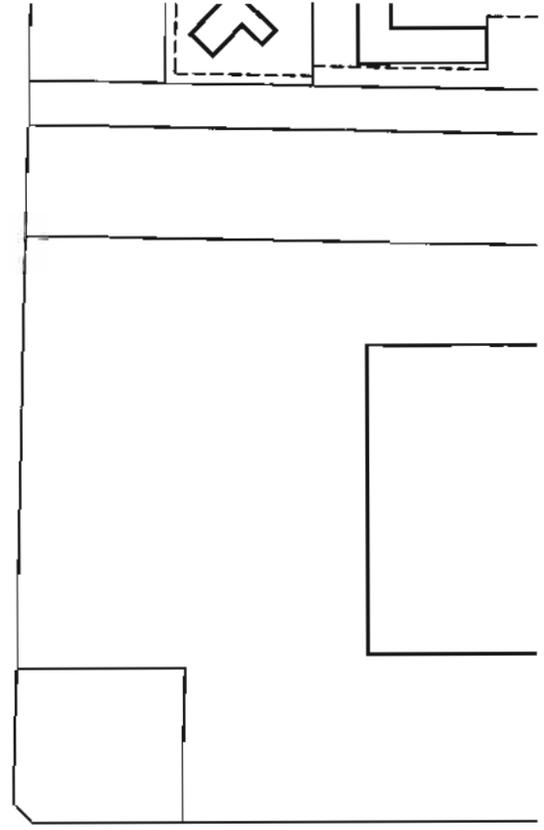


DARKSPUR DR



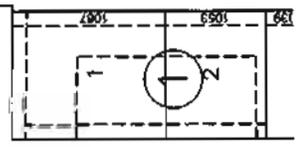
BLAIR

ADDISON AVE E



5

HIGHVIEW LN



HOOPS

2

# Tomeryl PUD Exhibit

Reference Only



EASTLAND DR N

ADDISON AVE E

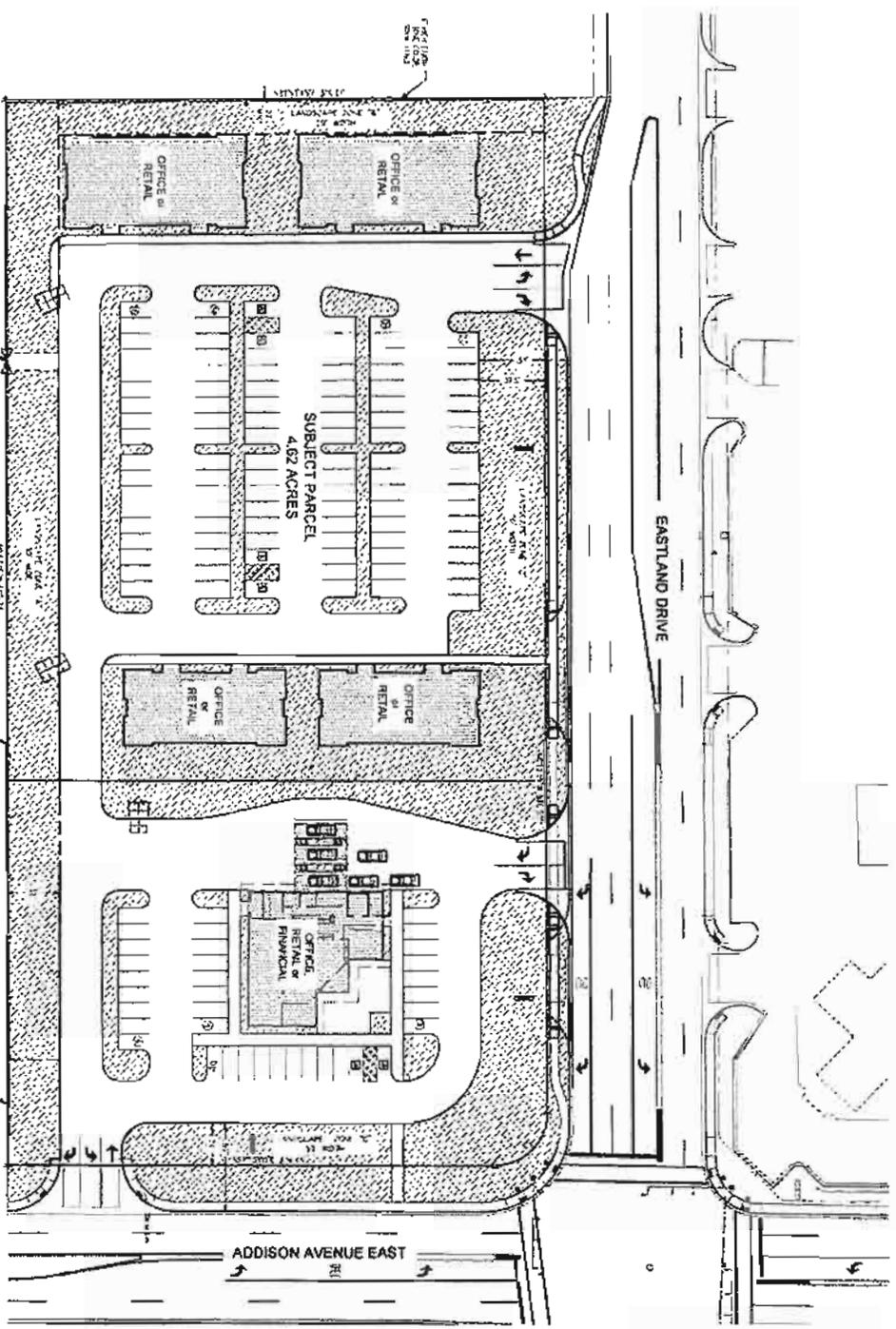
HOOPS ST

LARKSPUR DR

DR

Situated in a Portion of SE 1/4 SE 1/4, Located in Section 10,  
 Township 10 South, Range 17 East, 8.M.  
 City of Twin Falls, Twin Falls County, Idaho  
 2013

1" = 30'



**PROPERTY & REZONE INFORMATION**

OWNER: JOHN A. & JUDITH A. BROWN, JR.  
 1212 NORTH ADAMS ST.  
 TWIN FALLS, IDAHO 83401

PREPARED BY: TWIN FALLS CITY ENGINEER  
 100 SOUTH MAIN ST.  
 TWIN FALLS, IDAHO 83401

**LANDSCAPE ZONE INCORPORATION**

1. ALL LANDSCAPE ZONE AREAS SHALL BE MAINTAINED AND PROTECTED TO THE MAXIMUM EXTENT POSSIBLE.  
 2. LANDSCAPE ZONE AREAS SHALL BE MAINTAINED AND PROTECTED TO THE MAXIMUM EXTENT POSSIBLE.  
 3. LANDSCAPE ZONE AREAS SHALL BE MAINTAINED AND PROTECTED TO THE MAXIMUM EXTENT POSSIBLE.

**GENERAL NOTES**

1. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF TWIN FALLS ZONING ORDINANCES.  
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF TWIN FALLS ZONING ORDINANCES.  
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF TWIN FALLS ZONING ORDINANCES.

**GENERAL NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF TWIN FALLS ZONING ORDINANCES.  
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF TWIN FALLS ZONING ORDINANCES.  
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF TWIN FALLS ZONING ORDINANCES.

<p>City of Twin Falls, Idaho</p>	<p><b>Arlidge Rezone</b>  <b>R-2 / NCO / PUD ZONE</b>      City of Twin Falls, Idaho</p>	<p><b>SCHEMATIC MASTER PLAN</b>      Addison Ave. &amp; Eastland Dr.</p>	<p><b>TWIN FALLS CITY ENGINEER</b></p> <p>100 SOUTH MAIN ST.      TWIN FALLS, IDAHO 83401</p> <p>DATE: 03/15/2013      TIME: 10:00 AM</p> <p>Scale: 1" = 30'</p> <p>Sheet No: 1 of 1</p> <p>Project No: 13-001</p> <p>City of Twin Falls, Idaho</p>
----------------------------------	--------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Situated in a Portion of SE 1/4 SE 1/4, Located in Section 10,  
 Township 10 South, Range 17 East, B.M.  
 City of Twin Falls, Twin Falls County, Idaho  
 2013



**Schematic Landscape Plan**  
 SCHEDULED SHEET 1 - 27

**Property & Rezone Information**  
 PROPERTY OWNER: J. J. JENSEN  
 PROJECT: 2013 REZONE  
 PREPARED BY: J. J. JENSEN  
 DATE: 10/2013

**PROJECT/PERMIT INFORMATION**  
 PROJECT: 2013 REZONE  
 PERMIT: 2013 REZONE  
 DATE: 10/2013

**LANDSCAPE ZONE INFORMATION**  
 R-2/NCO/PUD ZONE  
 CITY OF TWIN FALLS, IDAHO

**GENERAL NOTES**  
 1. THE LANDSCAPE PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.  
 2. THE LANDSCAPE PLAN IS SUBJECT TO THE CITY OF TWIN FALLS, IDAHO, LANDSCAPE PLAN SPECIFICATIONS AND THE CITY OF TWIN FALLS, IDAHO, LANDSCAPE PLAN SPECIFICATIONS AND THE CITY OF TWIN FALLS, IDAHO, LANDSCAPE PLAN SPECIFICATIONS.

**LANDSCAPE LEGEND**

(Green Circle)	DECIDUOUS TREE
(Pink Circle)	EVERGREEN TREE
(Small Green Circle)	SHRUB
(Small Pink Circle)	GROUND COVER
(Small Green Circle)	LAWN TREE
(Small Pink Circle)	LAWN TREE
(Small Green Circle)	LAWN TREE
(Small Pink Circle)	LAWN TREE

	<b>NOT FOR CONSTRUCTION</b> THIS LAND GROUP 10/2013	<b>Schematic Landscape Plan</b> Addison Ave. & Eastland Dr.	<b>Arlidge Rezone</b> R-2/NCO/PUD ZONE City of Twin Falls, Idaho
	<b>CONTRIBUTION</b> 10/2013	<b>DATE</b> 10/2013	<b>SCALE</b> 1" = 10'



DATE: **MONDAY – MAY 20, 2013**

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Director

---

## AGENDA ITEM II-

### Request:

Consideration of adoption of one (1) ordinance; A request for the vacation of a portion of undeveloped right-of-way within the 600 to 800 blocks of Wirsching Avenue West located in a portion of Lot 9, Orchalara Subdivision, to allow for replatting and residential development, c/o Gerald Martens, EHM Engineering, Inc., on behalf of Tensco, Inc. (app. 2368)

### Ordinance #3051

### Time Estimate:

Staff presentation may be approximately five (5) minutes.

### Approval Process:

#### Vacation:

State Code: Idaho Code 50-1324(2)

City Code: Title 10; Chapter 16; Vacations and Dedications

#### 10-16-1: PETITION PROCEDURE:

(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 may impact the City budget as a portion of the vacated undeveloped row will be rededicated as part of a residential plat and upon development could impact taxes paid to the city .

### Regulatory Impact:

The Council's adoption of the ordinance will allow a portion of the vacated row on Wirsching Ave W which will be rededicated and developed as part of a residential subdivision.

### History:

The preliminary plat of West Haven Subdivision, consisting of 15 +/- acres and 70 single-family residential lots, was approved by the Commission on April 27, 2004.

The final plat for West Haven Subdivision, Phase 1, was approved by the City Council on July 6, 2004 and recorded in 2005.

On May 24, 2010 the final plat for the West Haven Subdivision, Phase 2, consisting of 3.37 (+/-) acres and 9 single-family residential lots, was approved by the City Council as presented by a vote of 5-0 subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to development of a 10' pedestrian access easement, as presented, from Wirsching Avenue West to the western boundary of the property, as required in 10-12-3.7.
4. Subject to Wirsching Avenue West being platted, as presented, at 52'.

On May 24, 2010 the City Council approved Vacation of portion of undeveloped right-of-way within the 600 to 800 blocks of Wirsching Avenue West located in a portion of Lot 9, Orcharara Subdivision, to allow for dedication and replatting of a residential development, as presented, with the following conditions:

1. 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.
2. Subject to the recordation of final plat dedication of a 10' easement for a pedestrian path from Wirsching Avenue to the western edge of the property and Wirsching Avenue being platted at 52', as shown and approved on the West Haven Subdivision, Phase 2 final plat.

**The adoption/publication of the vacation ordinance was tied to the recordation of the West Haven Subdivision, Phase 2 final plat being recorded.**

Due to the poor real estate market the subdivision was not developed. An extension was granted by the City Council in May 2011. The developer recently contacted city staff and informed us the infrastructure improvements have been completed and upon Engineering review the final plat is now ready to be recorded. The conditions placed upon the vacation are completed therefore the ordinance may now be approved and published.

**Analysis:**

The ordinance has been prepared as directed by the Council and is recommended for adoption as submitted.

**Conclusion:**

Staff recommends that the Council adopt the attached ordinance as submitted.

**Attachments:**

1. DRAFT Ordinance

**ORDINANCE NO. 3051**

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, VACATING THE REAL PROPERTY DESCRIBED BELOW AND PROVIDING FOR VESTING OF TITLE TO THE PROPERTY SO VACATED.

WHEREAS, Tensco, Inc., has made application for vacation of property located within the 600 to 800 blocks of Wirsching Avenue West, located in a portion of Lot 9, Orchalara Subdivision, in the City of Twin Falls; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 27th day of April, 2010, to consider the vacation of the real property below described; and,

WHEREAS, the City Planning and Zoning Commission has made recommendations to the City Council for the City of Twin Falls, Idaho; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing to consider the same matter on the 24th day of May, 2010.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

SECTION 1. That the following described real property be and the same is hereby VACATED:

**SEE ATTACHMENT "A"**

SECTION 2. That title to the real property by this Ordinance vacated be divided among the adjoining property owners in the portions here below described to the persons named below:

NAME: Tensco, Inc.  
ADDRESS: 621 North College Road, Twin Falls, Idaho 83301  
PROPERTY: See Attachment "A"

SECTION 3. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's Office for indexing and recording, in the same manner as other instruments affecting the title to real property, as required by Idaho Code 50-1324(2).

PASSED BY THE CITY COUNCIL , 2013

SIGNED BY THE MAYOR , 2013

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

PUBLISH: Thursday, , 2013

## ATTACHMENT "A"

All that portion of Wirsching Avenue West lying between Lots 9 and 22, of "Orchalara Subdivision," located in a portion of the SW¼ NW¼, Section 8, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the Southwest corner of "West Haven Subdivision," also being the Southwest corner of Lot 22, "Orchalara Subdivision," and being the REAL POINT OF BEGINNING.

THENCE South 89°30'40" East 679.42 feet along the Northerly Right of Way of Wirsching Avenue West to the Southeast corner of "West Haven Subdivision" also being the Southeast corner of Lot 22 "Orchalara Subdivision."

THENCE South 00°32'44" West 30.00 feet to the Northeast corner of Lot 9, "Orchalara Subdivision."

THENCE North 89°30'40" West 679.40 feet along the Southerly Right of Way of Wirsching Avenue West to the Northwest corner of Lot 9, "Orchalara Subdivision."

THENCE North 00°30'29" East 30.00 feet to the REAL POINT OF BEGINNING.

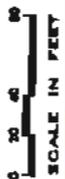
Containing approximately 20,382 SQ FT.



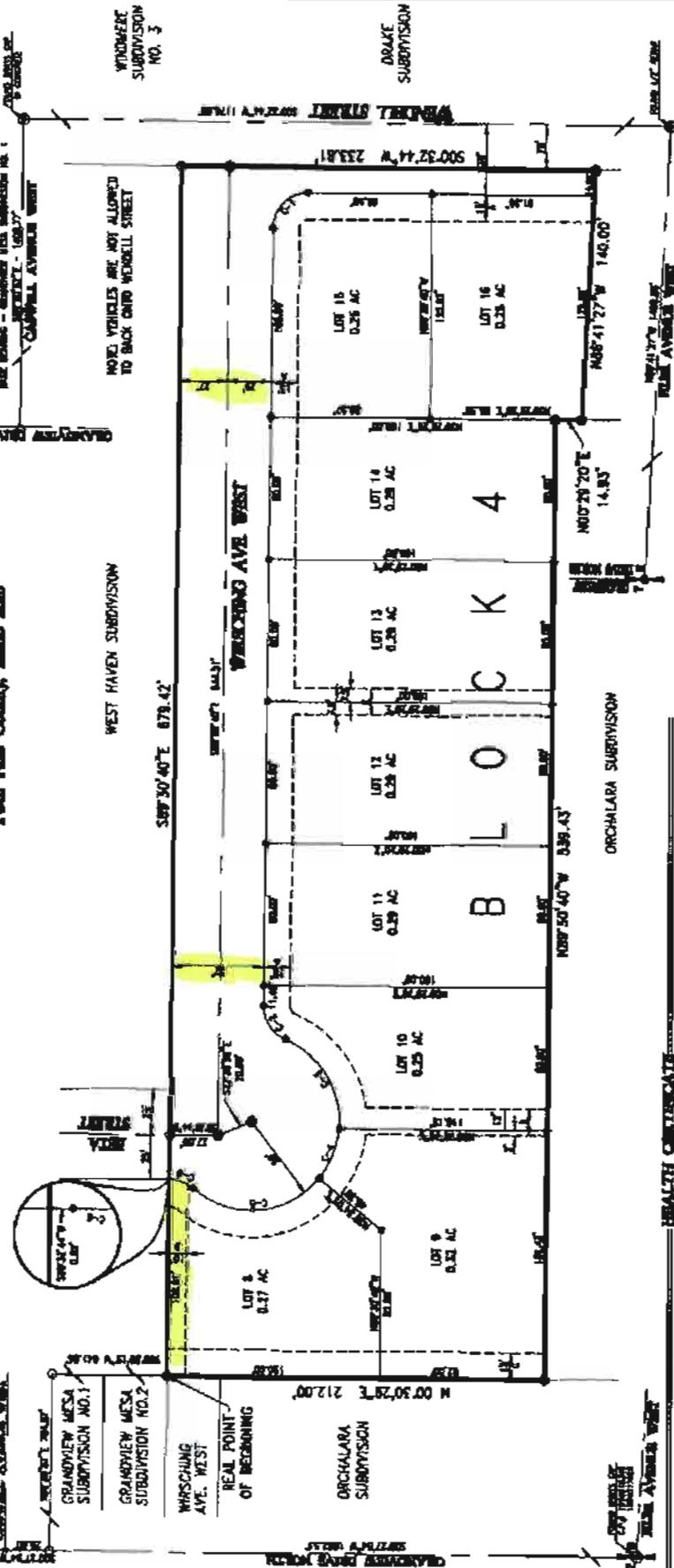




**WEST HAVEN SUBDIVISION NO. 2**  
 A Re-subdivision of A Portion of Lot 9  
 And Vacated Wirsching Avenue of Orchard Subdivision  
 Tract 10 SW 1/4 NW 1/4 Section 8  
 Township 10 South, Range 17 East, Tenth Meridian  
 Tenth Falls County, Idaho 2000



- LEGEND**
- SUBDIVISION BOUNDARY
  - LOT LINE
  - STREET CENTERLINE
  - DECK/ST - 2" CONC. W/DOOR
  - 2" 1/4" x 2" 1/4" ASPH. & CAP (15' 1000)
  - 3" 1/2" x 3" 1/2" ASPH. & CAP (15' 1000)
  - 4" 1/2" x 4" 1/2" ASPH. & CAP (15' 1000)
  - 5" 1/2" x 5" 1/2" ASPH. & CAP (15' 1000)
  - 6" 1/2" x 6" 1/2" ASPH. & CAP (15' 1000)
  - 7" 1/2" x 7" 1/2" ASPH. & CAP (15' 1000)
  - 8" 1/2" x 8" 1/2" ASPH. & CAP (15' 1000)
  - 9" 1/2" x 9" 1/2" ASPH. & CAP (15' 1000)
  - 10" 1/2" x 10" 1/2" ASPH. & CAP (15' 1000)
  - 12" 1/2" x 12" 1/2" ASPH. & CAP (15' 1000)
  - 14" 1/2" x 14" 1/2" ASPH. & CAP (15' 1000)
  - 16" 1/2" x 16" 1/2" ASPH. & CAP (15' 1000)
  - 18" 1/2" x 18" 1/2" ASPH. & CAP (15' 1000)
  - 20" 1/2" x 20" 1/2" ASPH. & CAP (15' 1000)
  - 24" 1/2" x 24" 1/2" ASPH. & CAP (15' 1000)
  - 30" 1/2" x 30" 1/2" ASPH. & CAP (15' 1000)
  - 36" 1/2" x 36" 1/2" ASPH. & CAP (15' 1000)
  - 42" 1/2" x 42" 1/2" ASPH. & CAP (15' 1000)
  - 48" 1/2" x 48" 1/2" ASPH. & CAP (15' 1000)
  - 54" 1/2" x 54" 1/2" ASPH. & CAP (15' 1000)
  - 60" 1/2" x 60" 1/2" ASPH. & CAP (15' 1000)
  - 66" 1/2" x 66" 1/2" ASPH. & CAP (15' 1000)
  - 72" 1/2" x 72" 1/2" ASPH. & CAP (15' 1000)
  - 78" 1/2" x 78" 1/2" ASPH. & CAP (15' 1000)
  - 84" 1/2" x 84" 1/2" ASPH. & CAP (15' 1000)
  - 90" 1/2" x 90" 1/2" ASPH. & CAP (15' 1000)
  - 96" 1/2" x 96" 1/2" ASPH. & CAP (15' 1000)
  - 102" 1/2" x 102" 1/2" ASPH. & CAP (15' 1000)
  - 108" 1/2" x 108" 1/2" ASPH. & CAP (15' 1000)
  - 114" 1/2" x 114" 1/2" ASPH. & CAP (15' 1000)
  - 120" 1/2" x 120" 1/2" ASPH. & CAP (15' 1000)
- PERMITS REQUIRED**
- UTILITY PERMITS
  - SEWER PERMITS
  - PROPOSED EROSION CONTROL
  - PROPOSED ACCESS PERMITS



CLUST	BLK	AC	PERMITS	CHRGD	CHRGD PER
1	10	0.25	2000	2000	2000
2	11	0.25	2000	2000	2000
3	12	0.25	2000	2000	2000
4	13	0.25	2000	2000	2000
5	14	0.25	2000	2000	2000
6	15	0.25	2000	2000	2000
7	16	0.25	2000	2000	2000
8	17	0.25	2000	2000	2000
9	18	0.25	2000	2000	2000
10	19	0.25	2000	2000	2000
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12	21	0.25	2000	2000	2000
13	22	0.25	2000	2000	2000
14	23	0.25	2000	2000	2000
15	24	0.25	2000	2000	2000
16	25	0.25	2000	2000	2000
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18	27	0.25	2000	2000	2000
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28	37	0.25	2000	2000	2000
29	38	0.25	2000	2000	2000
30	39	0.25	2000	2000	2000
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33	42	0.25	2000	2000	2000
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37	46	0.25	2000	2000	2000
38	47	0.25	2000	2000	2000
39	48	0.25	2000	2000	2000
40	49	0.25	2000	2000	2000
41	50	0.25	2000	2000	2000
42	51	0.25	2000	2000	2000
43	52	0.25	2000	2000	2000
44	53	0.25	2000	2000	2000
45	54	0.25	2000	2000	2000
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163	172	0.25	2000	2000	2000
164	173	0.25	2000	2000	2000
165	174	0.25	2000	2000	2000
166	175				



Public Hearing: **MONDAY MAY 20, 2013**

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Department

## ITEM IV-1

**Request:** Request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 +/- acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat, RV and vehicle storage business on undeveloped property in conjunction with the operation of a storage unit facility business on property located at 485 Grandview Drive. c/o Gregg Olsen on behalf of MOJO, LLC. (app. 2564)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner/Developer	<b>Size:</b> 6.4 (+/-) acres
MOJO, LLC 485 Grandview Drive Twin Falls, Idaho 83301 208-280-3000	<b>Current Zoning:</b> C-1 PUD	<b>Requested Zoning:</b> Amendment to the C-1 PUD Agreement
	<b>Comprehensive Plan:</b> Urban Village/ Urban Infill	<b>Lot Count:</b> 1 Lot
	<b>Existing Land Use:</b> Mini-Storage Facility	<b>Proposed Land Use:</b> adding U-Haul rental business and asking for a paving deferral to continue the operation of an outside vehicle storage business and some internal travel ways on undeveloped property
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
Gregg Olsen 485 Grandview Drive Twin Falls, Idaho 83301 208-280-3000 Gregg@westerra.cc	<b>North:</b> R-4; Grand-Vu Drive In Theater	<b>East:</b> R-4; Aol; commercial uses
	<b>South:</b> OS; Twin Falls Golf Course	<b>West:</b> R-4; Grand View Dr, Residential
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8, 10-6-1 thru 10-6-2.4 and the PUD Agreement	

**Approval Process:**

The Planning and Zoning Commission previously heard a Preliminary Presentation regarding this PUD Amendment on April 9, 2013 followed by a public hearing on April 23, 2013. The Planning Commissioners made a recommendation on the request and is now asking for a decision by the City Council.

**Budget Impact:**

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

**Regulatory Impact:**

If the PUD Amendment is approved as requested it will allow multi businesses; mini storage facility, an outside boat-RV-Auto storage yard and a U-Haul Rental business to partially operate on undeveloped land.

## History:

On February 26, 2008, the Planning Commission recommended denial for a request to amend the Comprehensive Plan- Land Use Map to change the designation of this property from Urban Residential to Commercial/Retail. The City Council approved the request on March 24, 2008. The City Council specifically requested the applicant bring this project through as a planned unit development. In January 2009 the Comprehensive Plan and including the Future Land Use Map was amended at this site from Commercial/Retail to Urban Village/Urban Infill.

A Preliminary PUD Presentation was held with the Planning and Zoning Commission on April 8, 2008 requesting annexation and a zoning district change from R-4 to a C-1 PUD to allow a single use; mini-storage facility, on this site. A public hearing was held on April 22, 2008 where the Commission unanimously recommended approval of the PUD and annexation as presented. On May 19, 2008 the City Council unanimously approved the request as presented, subject to (4) 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 arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property; 3. Subject to the planting of a 6 foot tree for every 30 lineal feet of the building wall along Grandview Drive; and 4. Subject to the buildings along the west and south property lines being constructed of decorative tilt-wall concrete.

On May 27, 2008 Ordinance #2938 was adopted and on October 19, 2009 the City Council approved the PUD Agreement. The PUD Agreement has not been recorded as of today's date.

A Preliminary PUD Presentation was held with the Planning and Zoning Commission on April 9, 2013 requesting an amendment to the un-recorded PUD Agreement. There was no public comment.

## Analysis:

This is a request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 +/- acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel, storage and parking areas and continue the operation of an outside boat, RV and vehicle storage business on undeveloped property in conjunction with the operation of a storage unit facility business on property located at 485 Grandview Drive.

There is one (1) proposed change that is on Page 2 of the PUD Agreement – it is as follows:

### Current Verbiage:

**2-Nature of the Development; (B) Uses:** *The property described herein and zoned "C-1 PUD" will only allow the development of a mini-storage facility and its use as such described within this document. The Project's purpose and intended uses shall only be for the construction and commercial operation of mini-storage buildings and /or boat and RV storage and parking.*

**If the amendment is approved as requested the suggested verbiage to be added to the above section is as follows: (Page 2 Section 2-(B)Uses):** ..... "Outside automobile, boat and RV storage and parking and including U-Haul truck/trailer rentals may be stored and parked on undeveloped property located within the PUD property until such time as the area identified as "future storage units" on the Master Development Plan, Phase II, are built."

The applicant would like a paving deferral to continue to store automobiles, boats, and RV's; as well as operate a U-Haul truck/trailer rental business on undeveloped property as shown on the amended Master Development Plan Phase II.

The applicant has stated, and shown on the amended Master Development Plan Phase 2, that two additional storage buildings will be constructed in the future. It is on these locations, including the area behind them to the east that the applicant states the outside storage is currently taking place.

**City Code 10-11-4-(B) Parking Areas:** states that "All parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material." The PUD is located in the C-1 base Zoning District, and would normally require any area used for driving, parking and/or maneuvering of vehicles to be hard-surfaced. By amending the PUD to allow outside parking and storage on undeveloped property, this requirement will no longer apply.

The Engineering department has reviewed this application and subsequent PUD Amendment requests. They would not recommend allowing any undeveloped area to be used for outside storage unless it is paved. The Engineering department would accept an alternative surface other than concrete or asphalt until the time when Phase II of the development is finished.

The acceptable alternative surface would need to be two inch (2") thick re-grind with chip seal over the top. Furthermore, any unpaved portion of the property will need to have a substantial barrier delineating the developed and undeveloped areas in order to discourage the use of the undeveloped property. Substantial barriers which are acceptable would be fencing, bumper blocks, jersey barriers, or another material or object acceptable to the Engineering Department.

On April 23, 2013 the Commission held a public hearing on this request and unanimously recommended approval of the request subject to four (4) 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; and the recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

Staff concurs with the Commission's recommendation.

## Attachments

1. Letter of Request
2. Zoning Vicinity Map
3. Aerial of the Project Site
4. Comprehensive Plan Land Use Map
5. Muni Storage C-1 PUD Agreement (not recorded – 10 pages)
6. Master Development Plan Map, Phase II
7. Site Photos (2)
8. Portion of minutes from the April 23, 2013 P&Z meeting.

January 25, 2013

City of Twin Falls

Re: MOJO PUD Amendment

MOJO, LLC is requesting that the PUD approved in October 2009 on the 6.44 acres located at 485 Grandview Drive be amended under Section 2B to say the following: the property described herein and zoned "C-1 PUD" will only allow the development of a mini-storage facility and its use as such as described within this document. The project's purpose and intended uses shall only be for the construction and commercial operation of mini-storage buildings, outside boat and RV storage, parking and U-Haul truck/trailer rentals.

I would also like a deferral for the parking area as I understand that given the current zoning any parking or maneuvering areas are to have a hard surface, however, the current parking area is planning for future development of storage buildings and it would not be economical to pave that area until such time as the buildings are built.

These changes will not affect the surrounding areas in any way as we have had no complaints, only compliments, on our operation and facility since we opened our doors.

# Zoning Vicinity Map



# Site Map



GRANDVIEW DR

1050 WELCH

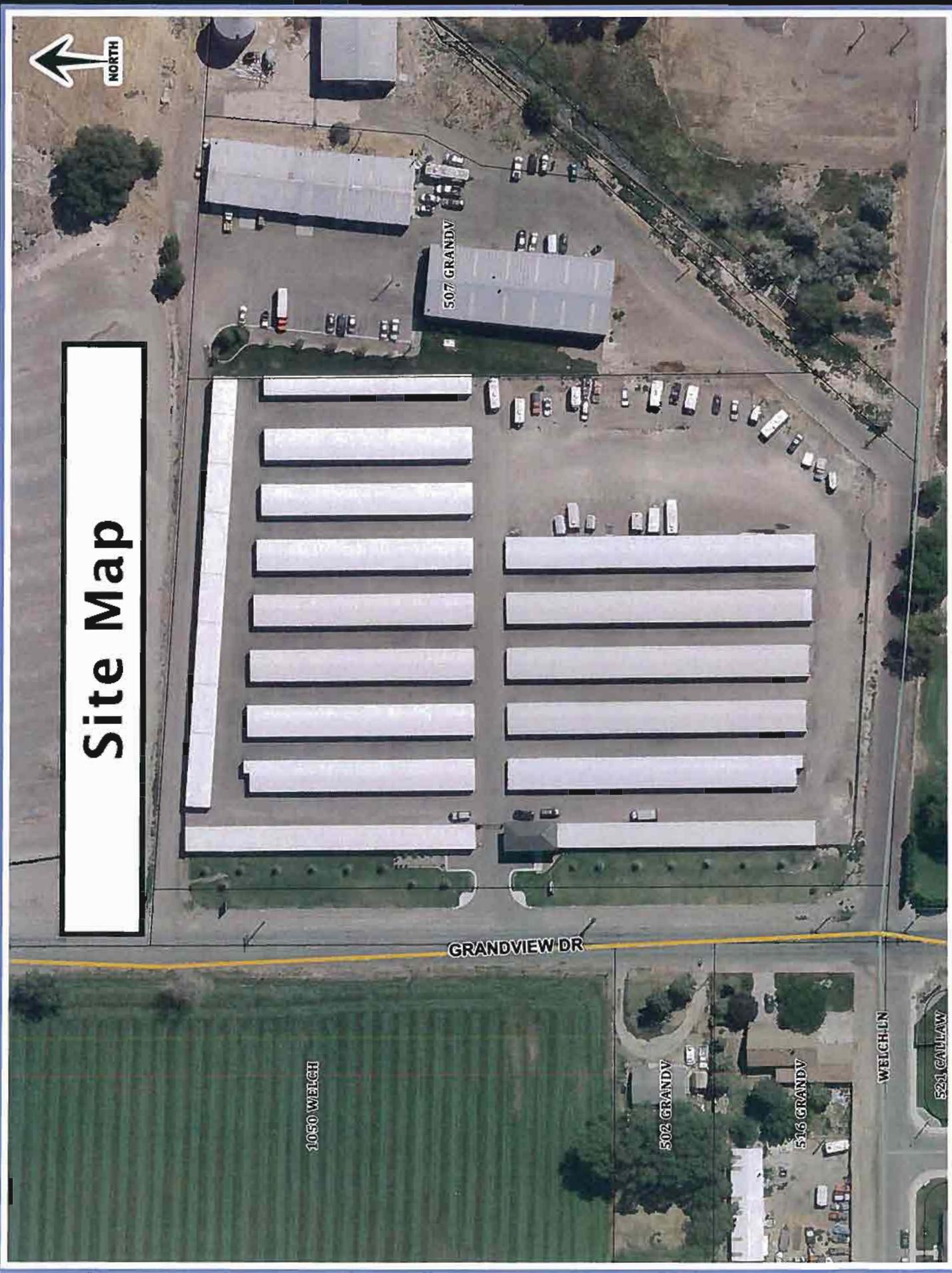
502 GRANDV

516 GRANDV

WEIGHIN

521 CALLAW

507 GRANDV





## COVENANTS

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Developer and City agree as follows:

1. NATURE OF THE AGREEMENT. This Agreement shall become part of the C-1 PUD zone with respect to the Project upon its full execution and recording. Developer and his assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.

2. NATURE OF THE DEVELOPMENT. It is agreed that certain language and requirements pertaining to the "Project" shall be interpreted as follows:

**A. Common Area And Homeowners' Association And Maintenance.**

There is no requirement for common area within the Project. Therefore, there is no requirement for Developer to organize an Owners' Association in connection with his development of the Property, which associations are established for the maintenance of common areas.

*Section Proposed for Amendment*

**B. Uses.** The property described herein and zoned "C-1 PUD" will only allow the development of a mini-storage facility and its use as such as described within this document. The Project's purpose and intended uses shall only be for the construction and commercial operation of mini-storage buildings and/or boat and RV storage and parking.

3. STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS. Developer shall be responsible for the design and construction of sewer, water and drainage systems on the Property (hereinafter "Improvements") as described herein, in accordance with City Standards.

**A. Improvement Plans.** Developer shall, as to each phase of development, file or cause to be filed with the City a complete set of plans for the Project, showing all Improvements contemplated (hereinafter "Improvement Plans"). The Improvement Plans and all Improvements thereon shall meet the approval of the City, which approval shall be given if such plans conform to published City requirements, the Master Plan and this PUD Agreement.

# Muni Storage of Twin Falls, Idaho

Oct 19 2007  
CC  
Approved  
PUD  
Agreement

## C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2009, by and between THE CITY OF TWIN FALLS, State of Idaho, a municipal corporation, (hereinafter called "City"); and GREGG OLSEN, (hereinafter called "Developer"), whose address is 139 River Vista Place, Suite 202, Twin Falls, Idaho 83301.

### RECITALS

WHEREAS, Developer is the owner of that certain tract of land in the County of Twin Falls, State of Idaho, more particularly described on Exhibit "A" attached hereto, (the "Property") which property is bounded by R-4 zone on the North and East sides, Grandview Drive on the West, and Twin Falls Municipal Golf Course on the South; and

WHEREAS, Developer intends to develop the Property; and

WHEREAS, Developer has made a request of the City to develop a commercial development for a mini storage facility on the Property, (hereinafter called "the "Project") and has submitted to the City a development plan for the Project, more particularly described in Exhibit "B", attached hereto, (hereinafter called the "Master Development Plan"), which has been recommended for approval, as presented, for development as a Planned Unit Development, by the Planning and Zoning Commission on April 22, 2008 and approved as presented, subject to conditions, by the City Council on May 19, 2008, and subject to Ordinance #2938, which was published on June 5, 2008, attached hereto as Exhibit "C".

WHEREAS, City, by and through its City Council, has agreed to the development of said Project, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this Agreement.

## COVENANTS

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Developer and City agree as follows:

1. NATURE OF THE AGREEMENT. This Agreement shall become part of the C-1 PUD zone with respect to the Project upon its full execution and recording. Developer and his assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.

2. NATURE OF THE DEVELOPMENT. It is agreed that certain language and requirements pertaining to the "Project" shall be interpreted as follows:

**A. Common Area And Homeowners' Association And Maintenance.**

There is no requirement for common area within the Project. Therefore, there is no requirement for Developer to organize an Owners' Association in connection with his development of the Property, which associations are established for the maintenance of common areas.

**B. Uses.** The property described herein and zoned "C-1 PUD" will only allow the development of a mini-storage facility and its use as such as described within this document. The Project's purpose and intended uses shall be for the construction and commercial operation of mini-storage buildings and/or boat and RV storage and parking.

3. STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS. Developer shall be responsible for the design and construction of sewer, water and drainage systems on the Property (hereinafter "Improvements") as described herein, in accordance with City Standards.

**A. Improvement Plans.** Developer shall, as to each phase of development, file or cause to be filed with the City a complete set of plans for the Project, showing all Improvements contemplated (hereinafter "Improvement Plans"). The Improvement Plans and all Improvements thereon shall meet the approval of the City, which approval shall be given if such plans conform to published City requirements, the Master Plan and this PUD Agreement.

**B. Improvement Design And Construction.** Developer, at its expense, shall cause all Improvements shown on the Improvement Plans to be designed, constructed and installed consistent with the approved Improvement Plans. Notwithstanding the foregoing, nothing in this agreement shall prohibit City participation in the cost or financing of improvements on the Property if mutually agreed to by the parties hereto.

**C. Phased Construction.** If, in his discretion, Developer finds it necessary or expedient to do so, Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the portion, or portions, of said Improvements it intends to complete at that time. Developer agrees to make such modifications and/or to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City, which approval shall not be unreasonably withheld.

**D. Construction Supervision.** Developer shall use a qualified licensed contractor or supervisor to supervise construction, inspection and testing of the work as necessary, to ensure that all such Improvements are constructed in accordance with the approved Improvement Plans.

**E. Deferral Agreement.** City agrees that Developer shall not be required to install curb, gutter and sidewalk along Grandview Drive, until the earlier of: (1) expansion of the paved area of Grandview Drive; or (2) installation of curb, gutter and sidewalk on the property adjoining the North boundary of the Property.

**F. Non-Compliance.** In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice; or in the case of non-compliance that will take in excess of thirty days to cure; Developer shall commence to cure within thirty days of receipt of notice and shall diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within

that phase of such PUD until such time as all requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of the parties are preserved at law and equity.

**G. Fees.** Developer shall pay or cause to be paid to the City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans.

**H. Maintenance Of Public Improvements.** City hereby agrees to accept maintenance responsibility for the public improvements, if any, upon their completion to City standards.

**I. Maintenance Of Storm Water Retention Improvements.** Developer agrees that he or his successors in interest shall maintain the required storm water retention volumes as shown on the approved Improvement Plans. No storm water retention facilities or appurtenances shall be altered unless first approved by City.

**4. DEVELOPMENT CRITERIA.** The Property or any portion thereof shall be developed in accordance with criteria set forth in this Section 4.

**A. Approval And Construction.** All improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, which drawings and specifications shall first be approved by the City, which approval shall not be unreasonably withheld.

**B. Location Of Buildings.** The location of buildings along the North and South boundary of the Property may be adjusted, contingent upon the existence or waiver/release of an access easement encumbering the North and South twenty-five feet (25') of the Property.

C. **Building Setbacks.** All buildings shall be constructed with a minimum setback of eighty feet (80') from the centerline of Grandview Drive.

D. **Landscaping.** Landscaping shall be required to be installed along the West boundary of the Property at the time site and building improvements during Phase 1 and shall be completed thereon or by the next planting season for the proposed vegetation. Landscape buffer on Grandview Drive shall be a minimum thirty-six feet (36') between the back of the sidewalk or future sidewalk and the building in a manner consistent with minimum code requirements or this PUD whichever is greater and shall include a minimum of one (1) six foot (6') tree every thirty lineal feet (30 LF) of building wall along Grandview Drive. The landscaped area shall contain berming, as per city code.

Developer shall maintain the landscaping within the development, to include the perimeter, to meet or exceed minimum code requirements within the development. Landscaped areas may be constructed to serve as water retention areas on the Property upon approval by the city.

E. **Building Standards.** Buildings and improvements shall comply with the following standards.

1. **Building Materials.** Building wall surfaces facing the West and South boundaries of the Property shall be constructed with decorative tilt-wall concrete. The remaining building wall surfaces may be block; tilt-up or double-T panels; colored metal sheathing; brick veneer; and/or painted or stained wood construction.

2. **Utilities.** All on-site utility service lines, including electrical lines and telephone lines, shall be placed underground.

3. **Signage.** No billboards or outdoor advertising will be permitted, except that on-site signage advertising Developer's use of the Property may be installed in accordance with City Code requirements. No signs shall encroach over public rights-of-way.

4. **Lighting.** Exterior lighting shall at a minimum comply with City Code requirements. Developer shall be considerate of neighboring properties with respect to installation of

exterior lighting. All lighting shall be shielded and facing away from residential properties and away from the outdoor movie theater to the north.

5. Fencing. Perimeter of development shall be fenced to meet or exceed minimum standards.

E. Codes. All construction on the Property shall be to the standards established by applicable codes.

5. TIME LIMITATION. The "C-1 PUD" zone designation on the Property described in Exhibit "A" attached hereto is expressly conditioned upon submission to the City Council of a final Master Development Plan within one (1) year from the date hereof. Developer may apply for one or more one-year extensions, provided application is made in advance of the one year expiration. Approval shall not unreasonably be withheld.

6. STANDARD DEVELOPER'S AGREEMENT. It is understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.

7. GENERAL PROVISIONS.

A. Cooperation. The parties hereto agree to cooperate with one another. Developer shall submit to the City all plans, specifications, and working drawings required by the City.

B. Entire Agreement. This Agreement constitutes the entire agreement between the parties concerning the Property and Improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduced to writing and signed by the parties.

C. Applicable Law. This agreement shall be construed in accordance with the laws of the State of Idaho.

D. Notices. If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested". On the date of this agreement, the addresses of

the parties are as follows:

DEVELOPER: Gregg Olsen  
139 River Vista Place, Suite 202  
Twin Falls, ID 83301

CITY: City of Twin Falls  
321 Second Avenue East  
P.O. Box 1907  
Twin Falls, ID 83303-1907

E. **Successors And Assigns:** This Agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto.

F. **Severability.** In the event any portion of this Agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining portions shall not be affected thereby.

G. **Signatures.** Each of the persons executing this agreement hereby represents and warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this agreement is binding on, and enforceable against, such entity.

H. **Effective Date.** This "PUD" Agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.

I. **Attorney Fees.** In the event that either party is required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any other remedy provided by law, the party which prevails in such litigation shall be entitled to an award of a reasonable attorney's fee, to be paid by the opposing party.

J. **Construction.** Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself or through his agents

prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

**K. Attachments.** All attachments to this Agreement and recitals are incorporated herein and made a part hereof as if set forth in full.

**L. Captions.** The captions, section and paragraph numbers appearing in this Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this agreement.

IN WITNESS WHEREOF, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

**CITY OF TWIN FALLS**

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

**DEVELOPER:**

\_\_\_\_\_  
Gregg Olsen

STATE OF IDAHO            )  
                                          ) ss.  
County of Twin Falls        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2009, before me, the undersigned, a notary public in and for said State and County, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of the City of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at: Twin Falls, Idaho  
My Commission Expires: \_\_\_\_\_

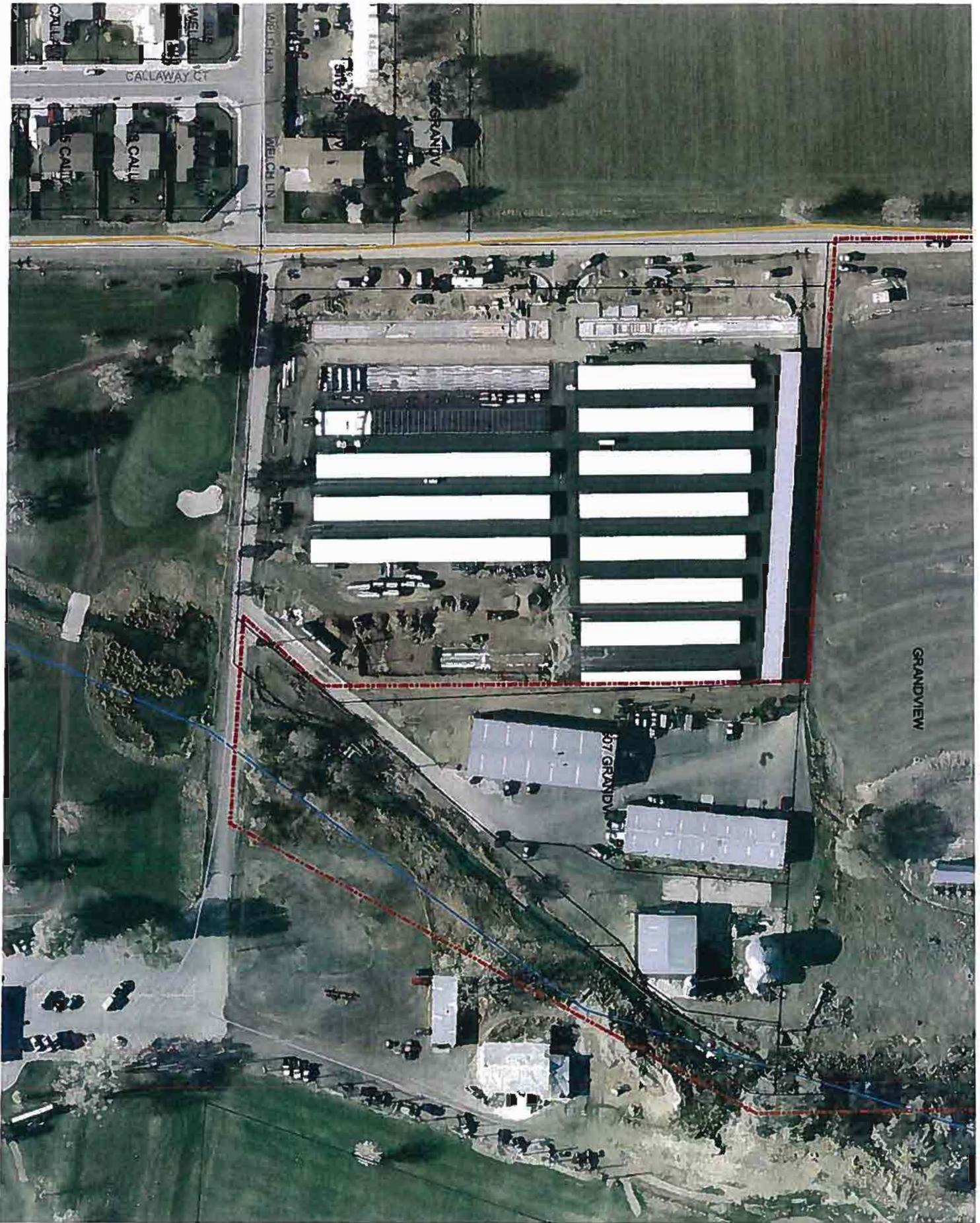
STATE OF IDAHO            )  
                                          ) ss.  
County of Twin Falls        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregg Olsen, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at: Twin Falls, Idaho  
My Commission Expires: \_\_\_\_\_





**ORDINANCE NO. 2938**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ANNEXING CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFOR, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

WHEREAS, Gregg Olsen has made application for annexation of property located east of the 500 block of Grandview Drive; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 22nd day of April, 2008, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

WHEREAS, the City Planning and Zoning Commission has made recommendations known to the City Council for Twin Falls, Idaho; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 27<sup>th</sup> day of May, 2008, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

SECTION 1. The following described real property be and the same is hereby annexed into and declared to be a part of the City of Twin Falls, Idaho:

**SEE ATTACHMENT "A"**

AND all public streets, highways, alleys and public rights-of-way adjacent and within this description.

SECTION 2. The real property described in Section 1 hereof be and the same is hereby zoned C-1 PUD.

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the

City to obtain additional water and/or sewer capacity. The annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

SECTION 4. The Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the newly incorporated real property as hereby zoned.

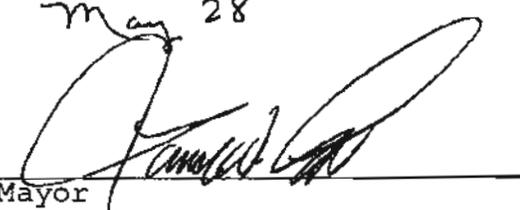
SECTION 5. The City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's office for indexing and recording.

PASSED BY THE CITY COUNCIL

May 27, 2008

SIGNED BY THE MAYOR

May 28, 2008

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Deputy City Clerk

PUBLISH: Thursday, June 5, 2008

**ATTACHMENT "A"**

A parcel of land located in a portion of the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 17, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

**BEGINNING** at the Southwest corner of said SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ;

**THENCE** North 01°02'11" West a distance of 600.01 feet;

**THENCE** South 86°56'23" East a distance of 467.23 feet;

**THENCE** South 01°02'11" East a distance of 513.47 feet;

**THENCE** South 41°20'09" West a distance of 109.21 feet;

**THENCE** North 87°01'29" West a distance of 393.40 feet to the REAL POINT OF BEGINNING.

Containing approximately 6.34 Acres

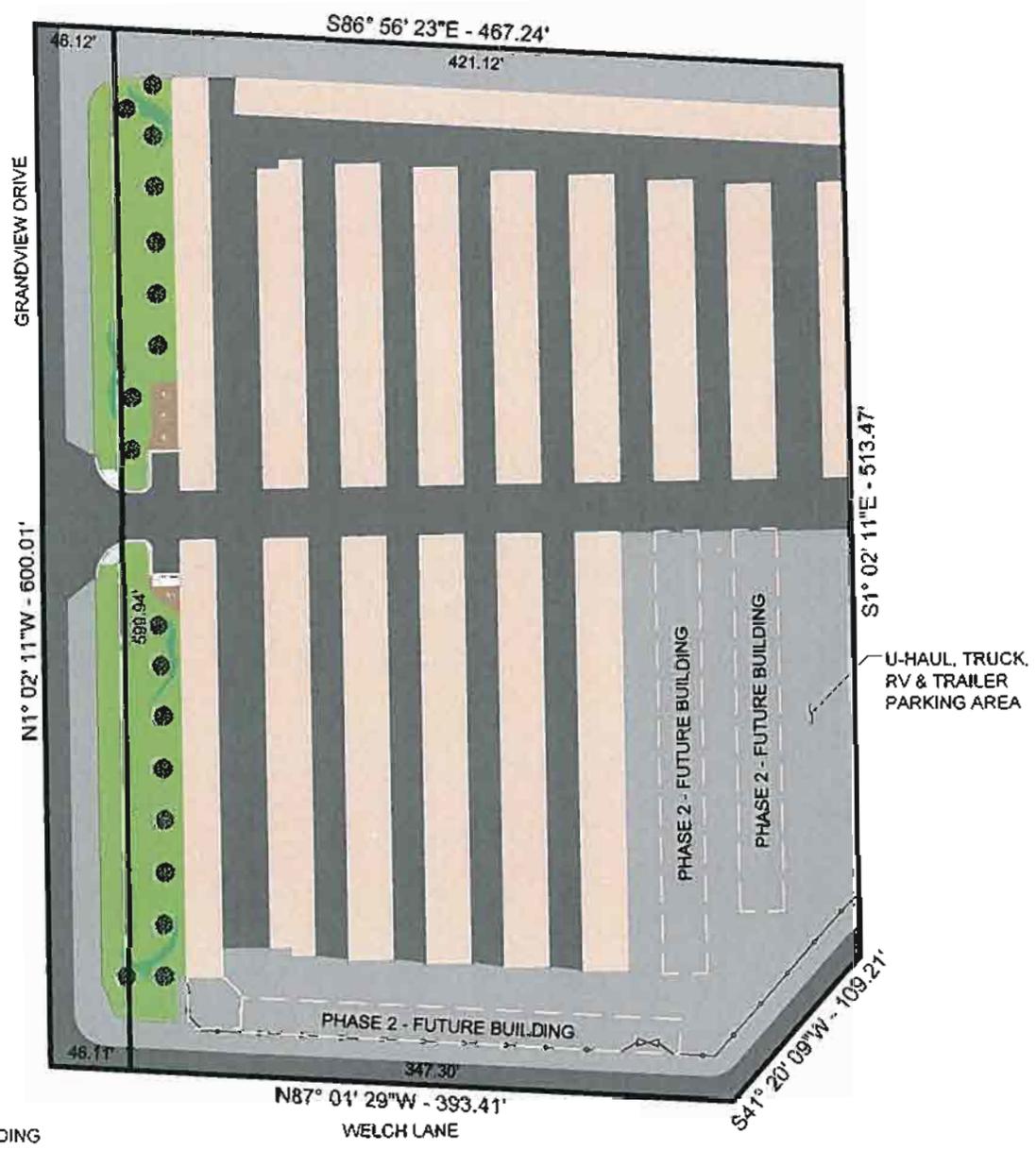




2013 - Proposed - Amended Master Development Plan



GRANDVIEW DRIVE-IN



- BUILDING
- PAVEMENT
- GRAVEL
- ● LANDSCAPING
- LANDSCAPING

MINI STORAGE PUD  
SECTION 12, T. 10 S. R. 17 E  
TWIN FALLS, ID

AMENDED MASTER DEVELOPMENT PLAN

SCALE: N.T.S.      DATE: 9/26/13      PROJ. NUMBER: 1151  
DWG. PATH: Z:\1151-Gregg Olsen\151\CA\DWG\1151-PUD EXHIBIT 2.dwg



202 Falls Avenue  
Twin Falls, Id. 83301  
Phone: (208) 733-2446  
Fax: (208) 734-2748

GRANDVIEW DRIVE-IN



S86° 56' 23"E - 423.12'

44.11'

GRANDVIEW DRIVE

600.01'

N1° 02' 11"W - 599.95'

S4° 02' 11"E - 513.47'

WELCH LANE

10'

44.11'

N87° 01' 29"W - 349.29'

10'

S41° 20' 09"W - 109.21'

10'

10'

TWIN FALLS MUNICIPAL GOLF COURSE

MUNI STORAGE PUD  
SECTION 17 T. 10 S., R. 17 E.

PUD COLOR EXHIBIT

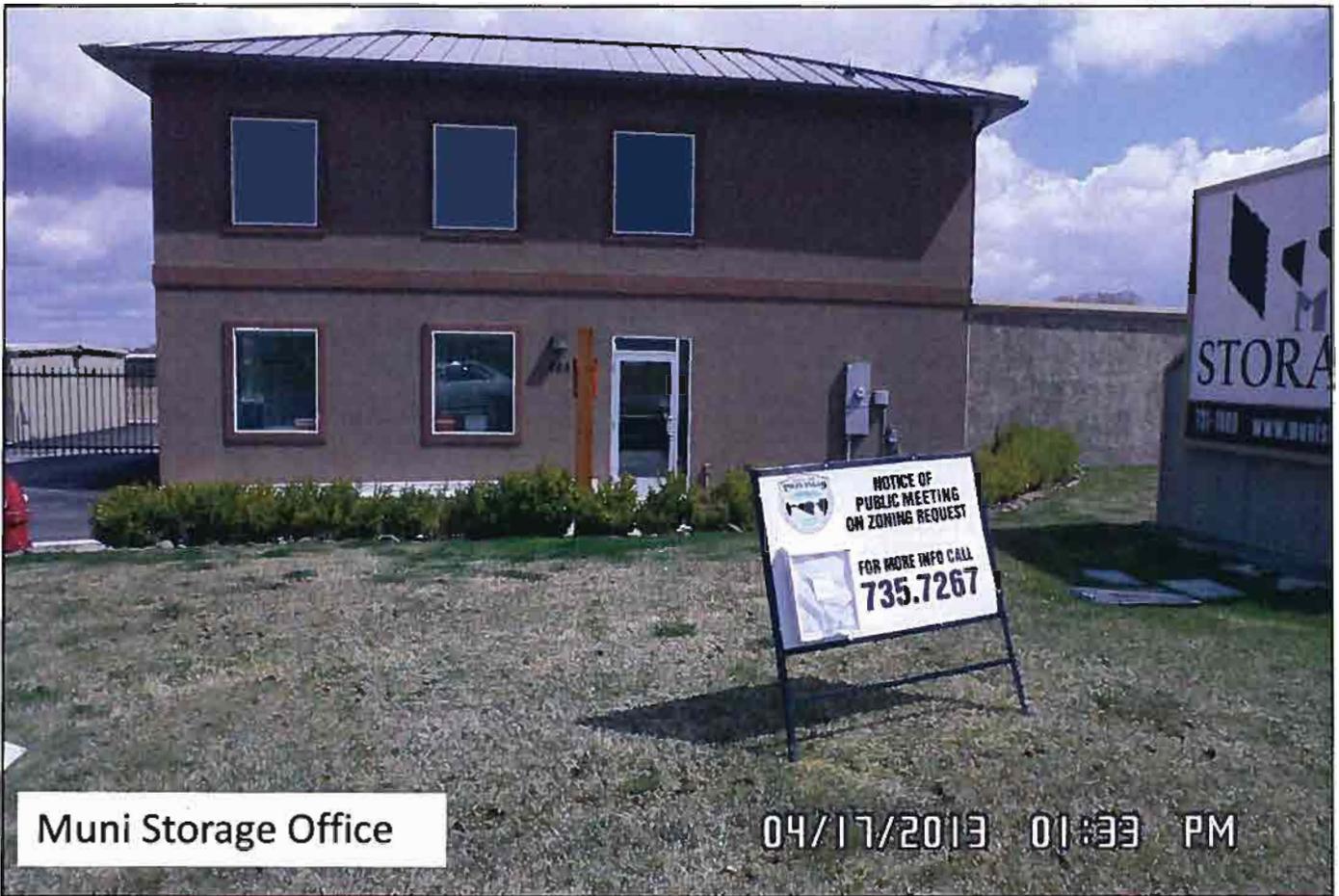
Scale: N.T.S. Date: 03/08 Proj. Number: 1151  
Des. Path: Z:\1151 GREGG OLSEN\1151\CADD\DWG\V-MAP.DWG

RIEDEL ENGINEERING, INC.

202 Falls Avenue  
Twin Falls, ID 83301  
Phone: (208) 757-2445  
Fax: (208) 754-2740

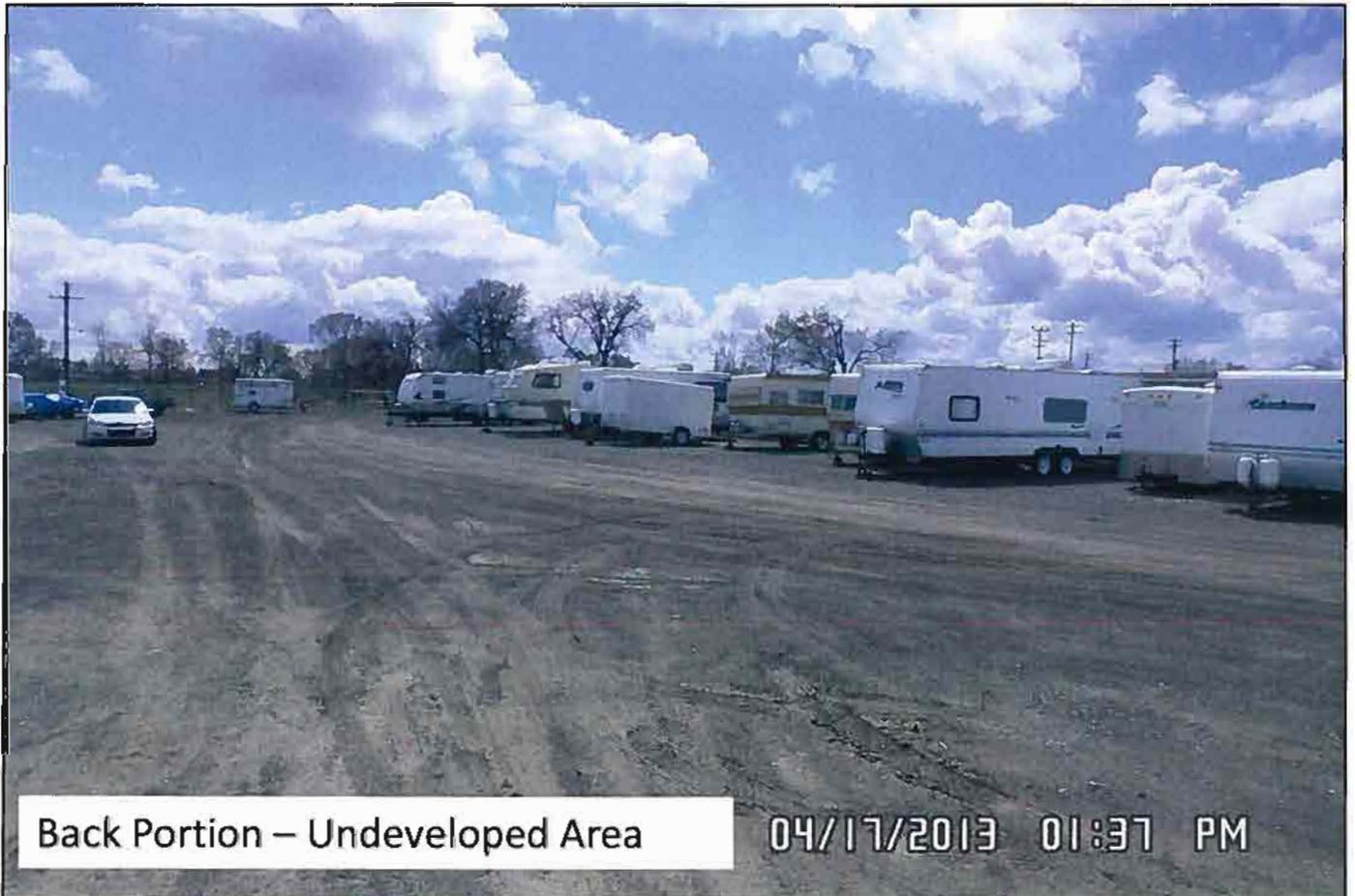


2009 - Approved Master Development Plan



Muni Storage Office

04/17/2013 01:33 PM



Back Portion – Undeveloped Area

04/17/2013 01:37 PM



South Access Lane - Undeveloped

04/17/2013 01:39 PM



Far West Access Lane  
Partially Undeveloped

04/17/2013 01:41 PM



**MINUTES**  
**Twin Falls City Planning & Zoning Commission**  
**April 23, 2013-6:00 PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Nikki Boyd    Jason Derricott    Tom Frank    Kevin Grey    Terry Ihler    Gerardo Munoz    Chuck Sharp  
**Chairman**

**AREA OF IMPACT:**

Lee DeVore    Steve Woods  
**Vice-Chairman**

**CITY COUNCIL LIAISON**

Suzanne Hawkins    Rebecca Mills-Sojka

**ATTENDANCE**

**PLANNING & ZONING MEMBERS MEMBERS**

**PRESENT:**

Boyd  
Derricott  
Frank  
Grey  
Sharp

**ABSENT:**

Ihler  
Munoz

**AREA OF IMPACT**

**PRESENT:**

DeVore  
Woods

**ABSENT:**

**CITY COUNCIL MEMBERS PRESENT:**    Hawkins, Mills-Sojka

**CITY STAFF PRESENT:**    Carraway, Spendlove, Strickland, Vitek, Wonderlich

**AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING**

**III. ITEMS OF CONSIDERATION:**

1. Preliminary Presentation to request the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from C-1 R-4 to C-1 PUD to allow a hotel and accessory uses on property located at 1810 Washington Street North c/o Gerald Martens on behalf of Westpark Partners, LLC (app. 2565)

**IV. PUBLIC HEARING ITEMS**

1. Request for the Commission's recommendation on an amendment to the PUD Agreement which will allow a truck rental business and outside vehicle storage in conjunction with a storage unit facility on property located at 485 Grandview Drive. c/o Greag Olsen on behalf of MOJO, LLC. (app. 2564)
2. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD to develop a planned mixed-use development on 4.6 acres (+/-) located at the northwest corner of Addison Avenue East and Eastland Drive c/o Scott Allen, The Land Group on behalf of Thomas & Cheryl Arledge and TOMERYL, LLC (app. 2563)

**I. CALL MEETING TO ORDER:**

Chairman Frank 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:**

1. Approval of Minutes from the following meeting(s): **NONE**
2. Approval of Findings of Fact and Conclusions of Law:
  - Thompson (SUP 04-09-13)

**UNANIMOUSLY APPROVED**

Planner I Spendlove stated staff would request that an amendment to the Agenda be made adding an Item of Consideration. Because it is a change to the agenda a motion is required. The Item of Consideration is regarding Special Use Permit #1283 issued to United Metal Recycling on January 23, 2013.

Roll call vote was taken and unanimously approved.

Wayne Brown, the representative for United Metal Recycling, stated that during their presentation on January 23, 2013 photos were presented showing that an 8' solid metal fence was going to be installed at property located at 2499 Warren Avenue. Since the Special Use Permit approval it was discovered that to provide engineered plans for this type of fence will cost an estimated \$100,000.00. What is being proposed is an 8' slatted chain link which is common to auto recycling and metal recycling uses. The cost exceeded their expectation and this alternative would still meet the same goals but be less expensive to install and would be consistent with what is being used in Twin Falls.

Planner I Spendlove explained the request is to get an interpretation from the Commission on the code requirement as to whether or not this alternative material meets code and if it is an acceptable substitute, otherwise the request will have to come back through the public hearing process again.

City Attorney Wonderlich explained that in the previous presentation the screening fence was proposed to be 8' solid metal screening fence, tonight the request is to change the type of material presented at the public hearing to an 8' slatted chain link fence. The Special Use Permit conditions didn't specify materials to be used however because this material is different than what was presented at the public hearing the Commission has to decide whether or not it is an acceptable alternative.

**COMMISSIONER QUESTIONS/COMMENTS:**

- Commissioner Frank verified with the City Attorney that this did not require a second public hearing.
- Commissioner Woods verified with the applicant that the screening portion of the fence would be 8'.

- Mr. Brown confirmed that the solid fencing portion would be 8' tall as required by code.
- Commissioner Sharp stated he felt the screening alternative meets code requirement for screening.

**MOTION:**

Commissioner Sharp made a motion to approve the request, as presented. Commissioner Grey seconded the motion. All members present voted in favor of the motion. Special Use Permit #1283 will be amended to reflect the materials approved this evening.

**III. ITEMS OF CONSIDERATION:**

1. Preliminary Presentation to request the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from C-1 R-4 to C-1 PUD to allow a hotel and accessory uses on property located at 1810 Washington Street North c/o Gerald Martens on behalf of Westpark Partners, LLC (app. 2565)

**APPLICANT PRESENTATION:**

Gerald Martens, EHM Engineering, Inc., representing the applicant stated the request is to rezone the property to allow for a Hotel. The applicant is here for any questions. As the land owner they will be presenting a PUD Plat that is specific to allow the hotel as presented. The property is located at 1810 Washington Street North. He reviewed the exhibits on the overhead. The PUD Agreement will address signage, lighting, building position to accommodate the parking and minimum requirements for landscaping. There will not be any additional curb cuts to access the property, it will be a shared access. The parking configuration does not provide for truck parking. The setback was increased to reduce the impacts to the surrounding properties, the maximum height will be 35' with architectural projections not to exceed 41'. The signing will be a monument type to keep consistent with the other development in the area. It is a 92 room three story building. Notices have been sent to the neighbors regarding a May 1, 2013 6:00 PM at the EHM Conference Room located at 621 North College Road meeting to discuss the project. The request is consistent with the surrounding zoning designations and existing PUD's.

**STAFF PRESENTATION:**

Planner I Spendlove displayed the exhibits on the overhead and stated this is a preliminary presentation therefore no action is required this evening. He reviewed the location of the property on the overhead and explained that this request will be reviewed by staff at the public hearing.

City Code requires this type of request present a preliminary PUD presentation to the Commission prior to a public hearing. The purpose of this presentation is to allow the Commission, the adjacent property owners and general public to hear from the developer what type of development is being planned for the property. No action is taken at this preliminary presentation however the Commission and the public can ask questions and make comments at this time prior to the public hearing.

Staff makes no recommendations at this time. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, May 14, 2013. Further staff analysis will be given at that time.

**PUBLIC COMMENTS/QUESTIONS: OPENED & CLOSED**

**PUBLIC HEARING SCHEDULED BEFORE THE  
PLANNING & ZONING COMMISSION MAY 14, 2013**

**IV. PUBLIC HEARING ITEMS**

1. Request for an Amendment to the Muni-Storage Facility PUD Agreement, 6.4 acres +/-, to allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property within the PUD on property located at 485 Grandview Drive. c/o Gregg Olsen on behalf of MOJO, LLC. (app. 2564)

**APPLICANT PRESENTATION:**

Gregg Olsen, the applicant, stated he would like to be able to rent u-hauls because it would be convenient for the customers. The project has been planned in phases and he is asking that the paving requirement be deferred so that when the next phase is completed he doesn't have to re-install the paving.

**STAFF PRESENTATION:**

Planner I Spendlove displayed the exhibits on the overhead and stated this is a request for an amendment to a PUD Agreement for the Muni-Storage Facility, 6.4 (+/-) acres, to allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property within the PUD property located at 485 Grandview Drive.

In April of 2008 this property was approved for a Comprehensive Plan – Future Land Use change and had a Zoning District Change and Zoning Map Amendment approved in May of 2008 changing the property from R-4 to C-1 PUD. The PUD Agreement was approved by the City Council, however, it has not been recorded. This is a request to amend that PUD Agreement, to allow for the additional uses.

If amended-Section 2-B of the PUD Agreement would allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property located within the PUD property described within. This verbiage if approved as written would allow him to store RV's, Boats and Automobiles on undeveloped property on the Revised Master Development Plan- Phase 2, reviewed on the overhead. City Code 10-11-4B states. "Surfacing: All parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material." The PUD is located in the C-1 zoning district which requires all developed/utilized areas be hard surfaced.

The applicant is asking that the hard surfacing not apply to his PUD. The Engineering Department has reviewed the request and would not recommend approval of any undeveloped area to be used for outside storage unless it is paved. An alternative surface would be acceptable until the time Phase 2 is finished. The acceptable alternative would need to be 2" thick regrind with chip seal over the top in addition any unpaved portion of the property will need to have a substantial barrier delineating the developed area and undeveloped area to discourage the use of undeveloped property. Examples of substantial barriers would be fencing, bumper blocks, jersey barriers or another material or object approved by the Engineering Department.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of this request, as presented, staff recommends 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; and the recorded Muni-Storage Facility PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside storage being hard-surfaced per Engineering Department requirements.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

**COMMISSIONER QUESTIONS/COMMENTS:**

- Commissioner Boyd asked about the phased construction quote 3-C in the agreement and asked if that was referring to the hard surfacing requirement. If the PUD is not recorded how does this process move forward.
- Zoning & Development Manager Carraway explained that typically when a PUD comes through the process it is in conjunction with a plat. This project did not require platting that is how the agreement was missed for signature. The rezone ordinance and this agreement were both approved by the City Council. The PUD Agreement just has not been recorded. Leaving the area undeveloped with dirt and gravel does not satisfy City Code requirements.
- Commissioner Woods asked if the U-Haul business is a new issue, because the pictures provided shows they are already on-site.
- Zoning & Development Manager Carraway stated they are on-site and have been on-site which is why the applicant is requesting this change so that the property can be brought into compliance.
- Commissioner Woods confirmed that the property is currently out of compliance.
- Commissioner Grey asked why the new development is not paved in front of some of the developed storage units / buildings.
- Mr. Olsen stated that he has an agreement with a tenant to have the paving completed this summer in exchange for the use of a storage unit.
- Commissioner Grey asked about the gravel area and if that space could be paved where the u-haul trailers are parked.

- Mr. Olsen explained the process for completing the drainage system would require that the paving occur after the storm water retention has been installed. Blocking off the area would present an issue for the fire access. The cost of installing asphalt and then tearing out to replace it once the project is complete would be extreme.
- Planner I Spendlove explained where the barrier should be located.
- Commissioner Derricott asked about the paving and why it wasn't done and if the drains were in already.
- Mr. Olsen stated that the storm drains are in where the asphalt is not completed in front of the existing storage units.
- Assistant City Engineer Vitek stated he would require all the undeveloped maneuvering area meet code with some type of hard surfacing.
- Commissioner Frank clarified that the requirement for hard surfacing is required by City Code and asked if the Commission has the ability to overrule a City Code requirement.
- Zoning & Development Manager Carraway explained this is a City Code requirement and that the Commission does not have the ability to overrule City Code.

**PUBLIC COMMENTS/QUESTIONS: OPENED & CLOSED WITHOUT COMMENTS**

**CLOSING STATEMENT:**

- Mr. Olsen stated this would not be to allow the use without ever hard surfacing, the paving would be a deferral for the paving requirements to be met at a later date.
- Commissioner Frank asked if the City has a mechanism in place for putting a time frame on the completion process.
- Zoning & Development Manager Carraway stated there is a process in place for this type of request but it is not something this body has the authority to approve.

**DELIBERATIONS FOLLOWED:**

- Commissioner Woods stated the property is already out of compliance for hard surfacing and the u-haul business in operation without approval. He also stated that he recalls another request where hard surfacing was required for the County Marine Storage Facility. He would be hard pressed to recommend that this be approved, the property is already not in compliance. He agrees with staff recommendations.
- Commissioner Boyd asked what the cost difference is between the hard surface material versus the crushed and chip seal that is being recommended in the interim.
- Assistant City Engineer stated that he is not aware of the cost difference, but that the County was allowed to use this product.
- Mr. Olsen stated it at best if the asphalt cost \$10.00 per foot the chip seal would cost \$4.00 per foot, but that would be a guess.
- Commissioner Boyd asked if the chip seal material would be hard to tear out.

- Mr. Olsen stated it would be as difficult as asphalt. He also stated he was not aware of a special use permit being required for a u-haul business.

**MOTION:**

Commissioner Wood made a motion to recommend approval of this request, to the City Council, as presented, with staff recommendations as presented. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

**PUBLIC HEARING SCHEDULED BEFORE THE  
CITY COUNCIL MAY 20, 2013**

2. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD to develop a planned mixed-use development consisting of neighborhood commercial uses, including a financial institution facility, on 4.7 acres (+/-) located at the northwest corner of Eastland Drive North and Addison Avenue East. c/o Scott Allen, The Land Group on behalf of Thomas & Cheryl Arledge and TOMERYL, LLC (app. 2563).

**APPLICANT PRESENTATION:**

Scott Allen, The Land Group, was representing the applicant. He stated part of the request is for a financial use with a drive through window be allowed outright within this PUD Agreement, if approved. He reviewed exhibits on the overhead and explained the site consists of 5 lots. The primary use has always been residential. There is a flood zone through the property which requires a flood plain study at a later date. To the north is a developed subdivision, commercial use located to the east of the property, to the south a mixture of residential/professional uses, and to the west is a professional office/photo studio / residence. The intersection sees 26,000 and 30,000 vehicles per day. The agreement was originally worded so that the drive through would be located on the east side, since then a financial institute has shown interest but would like to relocate the drive through to reduce the impacts of light and safety issues for the equipment. There has been communication with the adjacent neighbors Jim & Mary Fort, who own the property along the entire west boundary, to discuss this change and they were in agreement subject to a few conditions. The request was to place trees at a high density along the drive through area to create a buffer for light trespass. The other area of concern was to reduce the amount of planting along the entry way so that their monument sign is not blocked by landscaping, low plantings will be planted within the first 60'. The remaining concern was access to their property and irrigation. There is not a bridge in this area that can be used to get to access to the north portion of their property without crossing this parcel. A plan for a gate to be installed that they would have a key to will provide them continued access. Another requirement for the NCO zoning designation is that if a building foot print is over 3000 sf. Then 50' of landscaping must be provided along the streets. This 50' landscaping buffer is shown along Eastland Drive and Addison Avenue and the trees that are shown meet the exact amount required per City Code.

The area along the west boundary per landscape plan is a 30' landscape strip and the reason for that is there is a flood plain in this area which does not allow for structures so this will provide a buffer to the neighboring property. The PUD lists a requirement for a minimum of 1 tree every 400 sf and 8' in height at time of planting with a 6' high fence along the west boundary. The landscaping buffer along the north is a 20' landscape strip because of the restrictive nature of the uses it was felt the impact was going to come from the parking areas. The other requirement for NCO zoning is that there has to be a 5' strip of landscaping between parking isles so cumulatively speaking for the entire site is at 30% code only requires 20%.

He reviewed an exhibit summarizing the different code requirements associated with each zone with regards to permitted uses, uses requiring zoning approval, setbacks, landscaping, screening and building heights. The NCO is fairly restrictive as it compares to the other zones in this area. The last item that the PUD Agreement addresses is signage. The PUD has identified three locations for signage, two for the financial institute, one facing each street frontage and one freestanding sign along Eastland Drive that will be a multi-tenant sign. This will reduce stacking of different monument signs and reduce the number of signs along the street frontages making for a cleaner site plan.

Dustee Woolstenhou, representing Idaho Central Credit Union, reviewed the business background. Currently there is a branch located on Pole Line Road with 11,244 active members in the branch. About 4-5,000 members live within 5 miles of this location and to give back they would like to build another facility in Twin Falls. The building will be approximately 5200 sf. and will employ/include 5 tellers, 4 accounts employees, loan desk and support staff, drive-up tellers and an ATM. The exterior will meet the requirements for the PUD and zoning code. The lighting heating and air conditioning will be energy efficient. They are open to being good neighbors and are willing to address any concerns.

**STAFF PRESENTATION:**

Planner I Spendlove displayed the exhibits on the overhead and stated this is a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD on 4.7 acres (+/-) for property located at the northwest corner of Eastland Drive North and Addison Avenue East. This PUD Agreement will allow outright a drive through for the financial institute which under normal circumstance requires a special use permit. The landscape plan exceeds the City Code requirements. The exhibits were presented showing what the signage would look like and requiring a multi-tenant sign for the other buildings to reduce the number of individual signs allowed in the PUD. Compliance with current City Code requirements will be reviewed at the time of building plan submittal, for landscaping, storm water retention and parking. Access has been negotiated with the Engineering Department in exchange for right-of-way to improve the intersection. The development standard and building setbacks will all be reviewed in full to ensure compliance with the City Code and the PUD Agreement.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of this request to City Council, staff recommends 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 the section "Covenants 4-E-4: Signage" being amended as shown in "Attachment 12" of the staff report.

**COMMISSIONER QUESTIONS/COMMENTS:**

- Commissioner Wood asked if the requirement is that the additional buildings look a specific way.
- Planner I Spendlove stated the design requirements listed in the PUD Agreement and the NCO; Neighborhood Commercial Zoning District requires that the buildings look residential in nature and that they have pitched roofs.

Chairman Frank read into record a letter from a citizen regarding the mature landscaping that exists on the property and who requested that it be maintained as much as possible.

**PUBLIC COMMENTS/QUESTIONS: OPENED**

- Jim Fort, 2133 Addison Avenue East, stated that what has been presented is accurate and he would like it read into the record that current water shares will continue to be delivered as they exist currently.
- Paula Brown-Sinclair, 2146 Addison Avenue East, stated that they are proud of the transition from residential to commercial and are quite pleased with the request. She would recommend that existing trees not be removed if at all possible. Her only concern is the design of the egress and ingress to the property. She would request that it be looked at closely because of traffic concerns.
- Curtis Webb, 2158 Addison Avenue East stated he is very pleased to see this is the plan. He is in support of this request.
- Ken Stuart, 160 Larkspur Drive stated he is directly west across the pasture area. His concern is the lighting at the Stinker down the road, he is concerned that when the cars come in through the drive through the lights from the cars will be shining through the windows of the houses. He would like a little more of a barrier to address this issue. He asked if the project is going to be approved all at once or if the uses for the other buildings will come at a later date.
- Louise McManaman, 2196 Hillcrest Drive, asks if the zoning is for the entire parcel or just the parcel where the bank wants to build and what kind of retail would be allowed?

**PUBLIC COMMENTS/QUESTIONS: CLOSED**

**CLOSING STATEMENTS:**

Mr. Allen explained that until the drawings and plans are engineered the applicant will not be able to determine what trees can remain. He will convey the citizens' concerns to the developers. The PUD requires a light analysis to prevent light trespass to adjacent properties and for security; they will work with the neighbors on a schedule if necessary for lights to be turned off and on. There will not be big lights like the C-Store located down the street. The state does not allow them to hinder access to existing water uses. The City had an agreement with regards to access and right-of-way approaches. This agreement would require that the applicants provide additional right-of-way to the City along Addison Avenue and Eastland Drive and in exchange the City would pay for the approaches to the property to be constructed along with curb & gutter. After revising the plan the approaches are aligned with the approaches to the east on Eastland Drive so that there is not a conflict with one another. There were multiple approaches along Addison Avenue but these will be replaced with one approach as far west of the intersection as possible. This is per the agreement with the City in exchange for the right-of-way. The entire parcel is being requested to be rezoned from R-2 to R-2 NCO PUD.

Currently the intent is for Idaho Central Credit Union to purchase the southerly portion of the property for development. Then the remaining portions will be placed for sale. Uses specific to the sight have been listed in the PUD Agreement with some being outright permitted and uses allowed only with a Special Use Permit approval, which would require a public hearing process. The only uses that would be outright permitted without going through the Special Use Permit process is for the financial institution with a drive-through window on the south lot. Normally this type of use would require a Special Use Permit. One other thing to consider is that the site only has two sewer credits available so the property can't be developed on until the sewer issues are resolved for the City.

**DISCUSSION FOLLOWED:**

Commissioner Wood stated he would like to commend the applicants and the neighbors for working through this process.

**MOTION:**

Commissioner Sharp made a motion to recommend approval of the request to the City Council, as presented, with staff recommendations. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

**PUBLIC HEARING SCHEDULED BEFORE THE  
CITY COUNCIL MAY 13, 2013**

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

None.

**VI. UPCOMING MEETINGS:**

Next Planning & Zoning Commission public meetings:

Thursday, May 2, 2013 Public Meeting Planning & Zoning Work Session

Tuesday, May 14, 2013 Public Hearing Planning & Zoning Commission

**VII. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 7:50 pm

*Lisa A Strickland*

Lisa A Strickland

Administrative Assistant

Community Development Department