

COUNCIL MEMBERS:

Suzanne Hawkins	Jim Munn	Shawn Barigar	Chris Talkington	Gregory Lanting	Don Hall	Rebecca Mills Sojka
Vice Mayor					Mayor	



AGENDA

Meeting of the Twin Falls City Council
Monday, July 20, 2015
City Council Chambers
305 3rd Avenue East -Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG CONFIRMATION OF QUORUM CONSIDERATION OF THE AMENDMENTS TO THE AGENDA PROCLAMATIONS: NONE		
GENERAL PUBLIC INPUT		
AGENDA ITEMS		
I. <u>CONSENT CALENDAR:</u> 1. Request to approve the Accounts Payable for July 14 – 20, 2015. 2. Request to approve the Dual Cities Summer Show Down Car Show to be held on Saturday, July 25, 2015, from 11:00 a.m. to 5:00 p.m., at Harmon Park.	<u>Purpose:</u> Action Action	<u>By:</u> Sharon Bryan Dennis Pullin
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Request to appoint Laura Wilson to the Comprehensive Plan Update Advisory Committee. 2. Request to reconsider the City Council's denial to vacate platted drainage and non-vehicular (pedestrian path) access easement located between lots 41 & 42, Block 1 of Settler's Ridge Subdivision No. 3 (app.2705). 3. A presentation of the City Manager's Recommended Budget for FY 2016 followed by citizen input. 4. Public input and/or items from the City Manager and City Council.	<u>Purpose:</u> Action Action Discussion	<u>By:</u> Don Hall, Mayor Rene'e V. Carraway-Johnson Rene'e V. Carraway-Johnson Travis Rothweiler
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. 1. Request for a PUD Agreement Amendment to the Fieldstone Professional PUD Agreement #271 to allow "Nursing Homes and Rest Homes" on Lots 1 through 5 Block 1 in the Fieldstone Professional Subdivision, A PUD, by Special Use Permit located at the south east corner of Fieldstream Way, extended and Cheney Drive West, extended (app. 2735).	<u>Purpose:</u> PH/Action	<u>By:</u> Brad Wills Jonathon Spendlove
V. <u>ADJOURNMENT:</u> 1. Executive Session Statutory Authorization: 74-206(f) Conferring with legal counsel for the public agency to discuss pending or imminently likely litigation, <u>not</u> merely when legal counsel is present.		

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

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.



Date: Monday, July 20, 2015, Council Meeting

To: Honorable Mayor and City Council

From: Staff Sergeant Dennis Pullin, Twin Falls Police Department

Request:

Consideration of a request to approve the Dual Cities Summer Show Down Car Show to be held on Saturday, July 25, 2015, from 11:00 a.m. to 5:00 p.m. This event will be held at Harmon Park.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar based on the fact that the sponsor of this event has held nine car shows in the Twin Falls City Park over the last several years.

Background:

On July 14, 2015, I received a Special Event Application from Freddy Rodriguez, on behalf of the Dual Cities Summer Show Down, requesting to conduct their car show at Harmon Park. The area to be used will be around the tennis courts, the pavilion and, if needed, on Softball Diamond Number 3. Cardboard will be placed under each vehicle in case of fluid leaks. There will be food vendors and DJ music will be played during the event. There will be no alcohol sold or served by the organizers during the event.

Mr. Rodriguez has sponsored and organized nine car shows in the past, which have been held at the Twin Falls City Park. Due to scheduling issues, the car show will be held at Harmon Park this year.

There will be amplified DJ music beginning at 11:00 a.m. and concluding at 5:00 p.m.

The event organizers will be required to provide a Certificate of Liability Insurance. There will be additional toilets provided; an acceptable plan is in place for waste needs from the event as well.

Approval Process:

Consent by the Council

Budget Impact:

There is no budget impact to the City of Twin Falls since alcohol will not be served and law enforcement will not be required to provide security at this event.

Regulatory Impact:

N/A

Conclusion:

Relevant City Staff members have met and approved this Special Event Application. Staff recommends that the Council approve the Dual Cities Summer Show Down application. 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 or disturbances if they should arise.

Attachments:

None

DP:aed



Monday July 20, 2015
To: Mayor Hall and City Council
From: Don Hall, Mayor
Rene'e V. Carraway-Johnson, Zoning & Development Manager

Request:

Consideration of a request to appoint Laura Wilson to the Comprehensive Plan Update Advisory Committee.

Time Estimate:

The presentation and discussion may take approximately 10 to 15 minutes.

Background:

On June 22, 2015 the City Council discussed a list of stakeholders representing a wide variety of community interests as potential appointments to the Comprehensive Plan Advisory Committee. The initial list of prospective members was over 15 people. The City Council's Recommendation Was The Advisory Committee Should Be Limited To 12 Members.

Upon conclusion of several discussions With The City Manager, Deputy City Manager Humble And Mayor Hall A List Of Prospective Advisory Committee Members And The Process For Which We Will Conduct The Meetings was presented to the City Council on July 6, 2015. The list of members was reduced to 12 members by combining some of the community interest groups with one person thereby reducing the number of Advisory Committee members.

The request to add a member to the Advisory Committee Is At the request of the County Commissioners. They have asked to have Laura Wilson appointed to represent the County as a member of the Comprehensive Plan Advisory Committee.

Here is the List of Advisory Committee members appointed by the City Council on July 6, 2015.

- | | |
|--|--|
| 1. <u>Greg Lanting</u> – City Council | 8. <u>Nancy Duncan</u> – Council member, City of Kimberly |
| 2. <u>Rebecca Mills-Sojka</u> – City Council | 9. <u>Brady Dickinson</u> - Twin Falls School District |
| 3. <u>Tato Munoz</u> – P&Z/City | 10. <u>Dr. Cindy Bond</u> – CSI/Past Chair of Chamber of Commercial/URA Past Chair |
| 4. <u>Ryan Higley</u> – P&Z/Aol/Cnty | 11. <u>Laura Stewart</u> – Chamber of Commerce/St. Luke's |
| 5. <u>Kevin Dane</u> – Selection Committee/Local Bus | 12. <u>Dan Olmstead</u> – Idaho Power/ SIEDO |
| 6. <u>Kevin Mahler</u> – Selection Committee/Local Bus owner | |
| 7. <u>Brad Wills</u> – Selection Committee/Developer/URA Mem | |

Approval Process:

To add a member to the Advisory Committee shall be appointment by the Mayor subject to city council ratification and approval.

Budget Impact:

There is no significant budget impact associated with this request.

Regulatory Impact:

None.

Conclusion:

Staff makes no recommendation on this request.

Attachments:

None



TUESDAY July 20, 2015

To: Honorable Mayor Hall and City Council

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

Request:

Consideration of a request to reconsider the City Council's denial to Vacate a 15' x 128' platted Drainage and Non-Vehicular (pedestrian path) Access Easement located between Lots 41 & 42, Block 1 of Settler's Ridge Subdivision No. 3. c/o Lance Fish on behalf of Settlers Ridge, LLC (app. 2705).

Background:

On March 30, 2015 the Council denied a request to Vacate a 15' x 128' platted Drainage and Non-Vehicular (pedestrian path) Access Easement located between Lots 41 & 42, Block 1 of Settler's Ridge Subdivision No. 3 by a vote of 1 for -- 6 against. The denial was based on concerns of maintaining trail head connectivity and compliance with the code. The applicant has submitted a letter (attached) requesting that the item be reconsidered.

This agenda item is not a public hearing or an actual reconsideration of the request to vacate the easement therefore, no information regarding the request should be considered at this meeting. This request is only asking the Council whether or not to schedule another public hearing to reconsider the request to vacate the platted Drainage and Non-Vehicular (pedestrian path) Access Easement for a future meeting.

A motion to allow a reconsideration of the request to vacate the platted Drainage and Non-Vehicular (pedestrian path) Access Easement simply requires approval of the request for reconsideration by a majority vote of the City Council.

If the Council approves this request for reconsideration, a public hearing will be advertised both in the newspaper and the applicant will be required to mail notices to property owners within 300 feet. The actual reconsideration would then be scheduled for an upcoming Council meeting. The applicant and interested persons would then have an opportunity to present any information on the request or their views of the request to the City Council.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant another opportunity to request approval of the request to vacate a platted pedestrian easement. If the Council approves the request, the applicant will be required to mail notification letters to all property owners within 300 feet of the subject property informing them of yet another public hearing on which this item will be considered.

Conclusion:

Staff recommends that the Council consider the applicant's request to reconsider the request to vacate a platted pedestrian easement.

Attachments:

1. Request for Reconsideration Letter from the Applicant
2. Settlers Ridge Subdivision No. 3
3. Portion of March 30, 2015 CC Minutes

Settler's Ridge, LLC

350 ROD AND GUN CLUB LOOP
CHALLIS, ID 83226

Date: July 9, 2015

To: City of Twin Falls Mayor and Council

Re: Settler's Ridge #3 - Vacation of Pedestrian Path

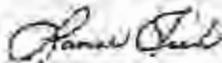
Honorable Mayor and Council Members;

On March 30th the Council voted 6 to 1 to deny the vacation request for the path portion of the easement that was platted between Lots 41 and 42, Block 1 of Settler's Ridge Subdivision Number 3. We are currently finishing construction of this phase and have constructed the path per Council's direction.

Since marketing these lots we have lost potential sales because of the path. Potential buyers have stated that they not only have a concern with privacy but also fear that the general public will park in the culdesac to access the trail rather than walking from the public park causing traffic congestion and safety issues in front of their residences. As stated in our original presentation, cost is not an issue because we have already installed the path and now are willing to go to additional expense to have it removed.

We respectfully submit this letter to the Council to accept as our official request to reconsider the decision of denial of our request.

Sincerely,



Lance Fish, Representative
Settler's Ridge, LLC



Legend

1. 1" = 1' Utility Pole
 2. 1" = 1' Utility Pole with Transformer
 3. 1" = 1' Utility Pole with Transformer and Meter
 4. 1" = 1' Utility Pole with Transformer and Meter and Switch
 5. 1" = 1' Utility Pole with Transformer and Meter and Switch and Fuse
 6. 1" = 1' Utility Pole with Transformer and Meter and Switch and Fuse and Tap
 7. 1" = 1' Utility Pole with Transformer and Meter and Switch and Fuse and Tap and Crossarm
 8. 1" = 1' Utility Pole with Transformer and Meter and Switch and Fuse and Tap and Crossarm and Crossarm
 9. 1" = 1' Utility Pole with Transformer and Meter and Switch and Fuse and Tap and Crossarm and Crossarm and Crossarm
 10. 1" = 1' Utility Pole with Transformer and Meter and Switch and Fuse and Tap and Crossarm and Crossarm and Crossarm and Crossarm

Setler's Ridge Number 3 Substation

A Project of Visual Workshop Solutions
 And, Licensed to
 A Project of
 701 NW 16th St, Suite 100, Fort Lauderdale, FL 33311
 Tel: 954.344.0000
 www.visualworkshop.com

Scale
 1" = 100'

Legend

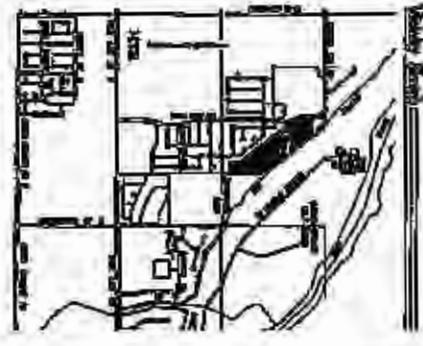
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Notes

1. ALL UTILITIES SHOWN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY.
 2. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES.
 3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS.
 5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY RIGHTS-OF-WAY.
 6. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY ZONING PERMITS.
 7. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY ENVIRONMENTAL PERMITS.
 8. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY HISTORIC PRESERVATION PERMITS.
 9. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY ARCHITECTURAL PERMITS.
 10. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY OTHER PERMITS.

Field Conditions

1. ALL UTILITIES SHOWN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY.
 2. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES.
 3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS.
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 9. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY ARCHITECTURAL PERMITS.
 10. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY OTHER PERMITS.



Engineers, Inc.
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 10000
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III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 PM



3. Request to Vacate a 15' x 128' platted but undeveloped Drainage and Non-Vehicular (Ped Path) Access Easement located between Lots 41 & 42, Block 1 of Settler's Ridge Subdivision No. 3 c/o Lance Fish on behalf of Settler's Ridge, LLC.

Lance Fish, 2904 N. Brumby Lane, Kuna, ID, stated he is in agreement with the staff report provided to the City Council.

Tim Vawser, EHM Engineers, representing the applicant, clarified this is a request to vacate the path portion of an easement. The bulk of the easement for drainage and utilities will stay in place.

Planner I Spendlove reviewed the request.

In December 2004, the Planning and Zoning Commission heard a request for the Settler's Ridge Preliminary Plat. During that public hearing it was stated by City Staff that the plat needed to reflect this new requirement of connecting cul-de-sacs with surrounding pathways. During the platting process this pedestrian pathway was placed in its current location and eventually the Final Plat for Settlers Ridge #3 was recorded.

The owners of the property are ready to construct this final phase of this development. This last phase of Settler's Ridge Subdivision includes completing construction of Park View Drive North and the reconstruction of the portion of vacated Canyon Rim Road along the easterly boundary of the Snake River Canyon into a pedestrian walking path. After completion of this section, Canyon Rim Road will be closed for vehicle traffic at the intersection of Federation Road (near the gun club), and will turn into the pedestrian walking path.

The code section referenced by City Staff in 2004 is City Code 10-12-3-7: Pedestrian Walkways:

"Right of way for pedestrian walkways in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas; the pedestrian easement shall be in accordance with section 10-12-3-13 of this chapter. Cul-de-sacs will be connected to other adjacent streets with cul-de-sacs within the proposed subdivision or existing subdivisions and to adjacent arterial or collector streets with paved pedestrian walkways at least ten feet (10') wide within fifteen foot (15') easements. (Ord. 2798, 8-2-2004)"

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

On February 24, 2015 the Commission held a public hearing and was asked to make a recommendation to the City Council on this request. There was no public comment and after deliberation Commissioner Woods made a motion to recommend approval of the request to the City Council, as presented, with staff recommendations. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Should the City Council approve the request to vacate a 15' x 128' platted but undeveloped Drainage and Non-Vehicular (ped path) Access Easement located between Lots 41 & 42, Block 1 of Settler's Ridge Subdivision No. 3, as presented, staff recommends approval be subject to the following condition: 1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

Councilmember Mills Sojka asked for the length of the stretch of trail from the northeast pedestrian connection on the development to the southwest park connection. Planner I Spendlove stated that the distance is approximately 1,400 sq. ft. or one-fourth of a mile.

Public testimony portion of the hearing.

Julie Davis, 596 Northfork Road, asked for the distance of a long block as per City Code 10-12-3-7: Pedestrian Walkway, why the developers are requesting the vacation and if the vacation is a cost issue would the developer be willing to give the cost of eliminating the path or putting it in.

Mayor Hall closed the public testimony portion.

Deputy City Manager Humble stated City Code does not define the distance of a long block.

Tim Vawser stated the cost is minimal compared to the cost of the subdivision phase. The bid for the current phase was over a \$1 million. A large part of that cost was turning a full roadway into a walkable path on the Canyon Rim. Approximately in 2004 or 2005, LaMar Orton, the former Community Development Director, was hopeful that the developer would work with the City to create Canyon Rim Road as a pedestrian easement path along with being wide enough for emergency vehicles, which the developer worked with the City at that time and did. Currently there is one way traffic while the remainder of the development is being done on Park View. Costs incurred are for fencing and the ability to sell lots with a pathway going down between two lots. This creates a lack of privacy and security for potential buyers.

Councilmember Lanting asked if a current city block is approximately one-eighth of a mile on president streets. Deputy City Manager Humble stated that this varies dramatically from location to location. Assistant City Engineer Vitek stated that 10 lots in the Northern Passage subdivision are approximately 80' wide lots. An average block is 800' to 1,000' sq. ft. The City has requirements for city roads to be in place approximately every quarter mile

Councilmember Mills Sojka asked if it is correct to say that the final plat went through the process in December 2004, and the Planning & Zoning Commission and the Council at that time felt this was a long block and required the path. Community Development Director Humble stated he was not a City employee at that time but it appears that the requirement was placed in the preliminary plat process. Assistant City Engineer Vitek stated he was involved in the final plat process and believes LaMar Orton placed the condition to make the connection more linear to access the park in the area.

Councilmember Lanting stated that he was serving on the Planning & Zoning Commission and the intent for the condition was to connect the canyon trail to the park, and to allow for parking access and trailhead. He believes there was a trade off with the developer for the placement of the path.

Mayor Hall closed the public hearing.

MOTION:

Councilmember Talkington moved to approve the vacation of the non-vehicular uses of the 15' x 128' platted but undeveloped Drainage and Non-Vehicular (Ped Path) Access Easement located between Lots 41 & 42, Block 1 of Settler's Ridge Subdivision No. 3. The motion was seconded by Councilmember Banigar.

Councilmember Lanting stated he will be voting against the vacation because this meets the code requirement of a long block and the P & Z Commission and Commission saw the importance of placing the condition on the preliminary plat.

Councilmember Mills Sojka stated testimony was heard on the value of the connection of the trail. Allowing the request would be in violation of several objectives of the city's strategic plan. She has never been in favor of giving away public right of way unless there are valid reasons. The canyon rim is a community asset.

Councilmember Barigar referred to the Planning & Zoning Commission's comments concerning subdivisions that end up with a short trail connection and are not maintained. This is not one of his concerns. Buffers can be created to address the privacy and security issues discussed. Having connectivity across the community is important.

Councilmember Lanting stated that the path was placed during the preliminary plat to create a linear connection to the restrooms at the park.

Vice Mayor Hawkins stated that this seems like an appropriate place for a trailhead connection and is a great asset to the community.

Roll call vote showed Councilmember Talkington voted in favor of the motion. Councilmembers Hawkins, Munn, Barigar, Lanting, Hall, and Mills Sojka voted against the motion. Failed 1 to 6.

Mayor Hall asked the process of placing fences along the trail at the time of development. Deputy City Manager Humble stated that the City does not have requirements for fencing along the canyon rim trail unless there is a safety hazard.

Mayor Hall asked if the City requires the placement of fencing along the canyon rim for safety reasons. Fencing has to meet City requirements. Deputy City Manager Humble answered in the affirmative.

Councilmember Talkington stated he walks along the canyon rim and the fencing went up at Pole Line and Eastland. Proceeding to the west of this location and on either side of the bridge there are sections that are very close to the rim that do not have fencing. He does not see the consistency in how and when the City requires fencing.

Mayor Hall asked how staff determines if a fence should go up. Deputy City Manager Humble stated determination is based on how close the development is next to the rim.

Councilmember Talkington suggested staff look at the section between the bridge heading west behind Canyon Park West. This section appears to be a safety hazard. Mayor Hall asked Deputy City Manager Humble to take a look at this area and come back to Council with an update.

V. ADJOURNMENT: The meeting adjourned 7:36 p.m.

Laila A. Sanchez
Deputy City Clerk/Recording Secretary



Date: Monday, July 6, 2015
To: Mayor and City Council
From: Travis Rothweiler, City Manager

Request

A presentation of the City Manager's Recommended Budget for FY 2016 followed by citizen input.

Time Estimate

The estimated amount of time this item will take is 45 minutes plus time to answer questions.

Background

The Recommended Budget addresses the need to protect the long-term future of the community, primarily in the areas of public safety, preservation of public infrastructure, and in delivering sustainable government that aligns with the demands of today, while ensuring the ability to rapidly respond to growth. This proposal is balanced, complete, sustainable, strategically driven, and represents our continued commitment to prudent fiscal management, effective service delivery, sustainability, and transparency. While this budget covers only FY 2016, it continues to define a path that will move Twin Falls into the future as a safe city with a solid infrastructure and an ongoing commitment to a unique quality of life.

The Recommended Budget provides funding for current and enhanced service levels. It is designed to meet the Twin Falls' City Council members' priorities within the constraints of available resources. It calls for the use of only 1.5% of the statutorily-allowed three-percent increase to property tax revenues collections and requests no increases to the city's assessed water, sewer and sanitation rates. The adopted budget has been formulated with a philosophy of:

- Providing solid, high-quality, core governmental services
- Efficiently allocating resources to meet citizen needs
- Emphasizing affordability and sustainability
- Capitalizing on technology to improve service delivery
- Valuing our employees

The Recommended Budget is directly linked to the City of Twin Falls' 2030 Strategic Plan, which provides a series of pathways that will allow the City to realize its mission and the newly established 2030 vision. The budget maintains service levels designed to protect our citizen's health, safety, and welfare. It funds projects and initiatives designed to enhance our citizen's quality of life. It continues our reputation for being a strong, fiscally-sound municipal government.

The budget is balanced and in accordance with the state law and Government Finance Officers' Association (GFOA) best practices. The combined expenditures and transfers total \$64,423,188, which is a \$3,967,224 increase compared to the current year budget of \$60,455,964. For FY 2016, Government Fund-Type expenditures, those funds that receive some of their funding from property tax revenues, increase by \$205,779 (0.60%), of which \$543,820 is from cash reserves to fund one-time capital initiatives. Enterprise Fund-Type expenditures increase by \$3,761,445, or by 14.34%, of which \$3,668,923 is from cash reserves.

Most cities, including the City of Twin Falls, have historically focused on the "net budget," which is the total budget, as presented above, less fund transfers. The total net budget for FY 2016 is \$60,765,948 or \$3,683,759, or 6.45% larger than the total net budget of \$57,082,189 for the current fiscal year. Both methods are acceptable. From this point forward, and just as we have done historically, we will be focusing on the net budget.

Public Input and Transparency

The City of Twin Falls strives to communicate, operate, function, and conduct the business of the people in an open and transparent manner. Equally, we recognize the value and importance of honoring and upholding our fiduciary duties and responsibilities. Because openness and transparency are part of our organizational culture and values, we have taken several steps designed to afford our citizens and stakeholders several opportunities to actively participate and contribute to the budgeting process.

The City of Twin Falls has taken additional steps designed to illustrate our commitment to effective community involvement in the annual budget process. The Council provided an opportunity for our citizens and stakeholders to communicate their thoughts about specific programs, strategic initiatives and priorities for the upcoming fiscal year prior to the more customary, internal staff conversations.

A summary presentation of the proposed budget has been placed on the City's website. On August 4, 2014, the City Council will adopt the preliminary budget for FY 2015, with a public hearing and final adoption scheduled to occur on August 18.

Connection to the City's 2030 Strategic Plan

The City views its planning and operations in a strategic manner. Our fiscal, operational and organizational strategies are governed and directed by the City's 2030 Strategic Plan. The Strategic Plan has a series of vision statements, that when viewed collectively, will allow us to create and maintain an accessible, healthy, learning, environmental, responsible, prosperous, and secure community with a strong internal organization designed to be able meet the needs of our citizens, businesses and visitors. The Strategic Plan is divided into eight, equally important focus areas: a *Healthy Community*, a *Learning Community*, a *Secure Community*, an *Accessible Community*, an *Environmental Community*, a *Prosperous Community*, a *Responsible Community*, and recognition of the importance of the *Internal Organization*. For each focus area, there is a description of the vision for that topic in the year 2030. To review the vision descriptions, please see the City of Twin Falls 2030 Strategic Plan.

Budget Overview

The role of local government is to protect the citizen's health and provide for their safety. To realize that end, local governments, like the City of Twin Falls, are responsible for providing accessible streets, dependable emergency responses, and safe and aesthetically pleasing parks and public facilities—all in a manner that is both effective and efficient. While the budget does not fund all capital initiatives and projects in the entire organization, it does meet the City Council's priorities and the citizen's service level expectations. It demonstrates restraint in the areas of taxation and rate adjustments. It appropriately incorporates the use of cash reserves to cover one-time, critical and needed capital projects in the Library Fund and the Water Fund.

Budget concepts and funding strategies grew out of many internal conversations, public informational listening sessions and planning meetings. Five primary focus areas were developed. Those areas are:

- **Implement 2030 City of Twin Falls Strategic Planning goals and objectives to realize outcomes.** Several of the Ongoing and Priority 1 goals and objectives that are expressed in the City of Twin Falls 2030 Strategic Plan receive funding in the FY 2016 Budget. The specific allocations are outlined in subsequent sections of this message. To ensure that we are incrementally improving each year, we will continue to review and develop performance plans to advance established vision statements. Additionally, we will use the City's 2030 Strategic Plan to build collaborative partnerships with our public, private and other community partners. Sustainable Twin Falls, the Economic Development Ready Team, and Activate Twin Falls/Magic Valley are just three examples of the many opportunities that we have to collaborate with our partners to create the ideal community.
- **Limit Tax Collections and Rate Increase.** During the initial budget development conversations, the members of the City Council said that they wanted the budget to be sensitive towards tax and rate adjustments. This Recommended Budget does not need the 3.0% statutorily allowed revenue increase. The City Manager's recommended budget is balanced with 1.5% increase in property tax revenue and

incorporating the growth formula. As a result, the cities foregone balance will increase by \$264,935 (14.07%), from \$1,882,671 to \$2,147,606 and is one of the largest in the Magic Valley and the State of Idaho. The foregone balance represents the total amount of property tax revenue the city could have collected from its residents but has chosen not to do so and equates to a savings of 12.9% to its taxpayers.

The City Manager's FY 2016 Recommended Budget holds water and sewer rates at the current levels and calls for a 3.3% decrease to the sanitation rate that is assessed to its residential customers. The City does not supply sanitation services to properties considered non-residential in nature.

- Invest in our employees. Each year, the City of Twin Falls reviews the full compensation (salary and benefits) level of its employees to ensure it is competitive with the market. The Recommended Budget for FY 2016 provides competitive compensation and benefits adjustments as well as advanced training opportunities. It provides an across-the-board adjustment of 3.0% for all employees who meet minimum job performance standards. It also provides funding to adjust the City's salary table by 0.5%. Both of these requests are consistent with the City's compensation strategy and similar to the adjustments made in FY 2015. As we stated last year, moving the compensation table 0.5% does not constitute a 0.5% compensation adjustment for all employees. The movement of the market on the compression ratio table will allow the City to address wage compression issues for tenured employees. Employees that are below new market wage for their position will receive the larger increases, while those above the market wage will receive little to no adjustment associated with moving the salary table.

Additionally, the Recommended Budget provides increased funding for health insurance benefits. Based on preliminary information received, we believe that we will have to make changes to the current benefit to ensure its long-term sustainability and affordability. At this time, Susan Harris, the City's Human Resource Director, is negotiating with the current provider and soliciting quotes from other qualified providers.

- Continue to Invest in Our Infrastructure Systems– The Recommended Budget for FY 2016 provides increased funding for maintenance and planning activities in the City's Street, Water and Waste Water funds.

Streets Fund – The Recommended Budget increases total capital funding in the Street Fund from \$3,125,000 to \$3,215,654, which represents an increase of \$90,654 or 2.9%. The FY 2016 total Street Fund allocation is derived from anticipated revenues totaling \$5,169,149, an increase of \$179,551 compared to FY 2015. The FY 2016 does not rely on the use of cash reserves to support infrastructure projects. Specifically, the Recommended Budget provides funding for: possible right-of-way acquisitions (\$30,000), seal coating (\$900,000), miscellaneous road projects such as ADA ramps, storm drains, valley gutters, culverts, etc. (\$760,654), Eastland South Reconstruction (\$840,000), Transportation Master Plan (\$250,000), Micropaver for data collection and planning (\$135,000) and equipment replacement/acquisition (\$300,000).

- Continue to Pursue Innovative Strategies and Find More Effective Outcomes. In our continued pursuit of excellence, we will continue to review our processes beyond the budget conversations. This budget allocates funding to implement the City's new strategic planning objectives, update water and waste water facility master plans, and update development and implement a performance measurement and management system as developed by the International City Management Association's Insights, formally known as the Center for Performance Measurement.

2016 Fiscal Year Budget Summary & Overview

The total net budget for FY 2016 is \$60,765,948, an increase of \$3,683,759, or 6.45% compared to the 2015 fiscal year adopted net budget of \$57,082,189. Of the total FY 2016 Recommended Budget, \$33,647,257 funds the Government Fund departments and \$27,118,691 is in the Enterprise Fund, or business-like funds. In 2015, the City appropriated \$33,506,273 in the Government Fund and \$23,575,916 in the Enterprise Funds.

A total of \$4,212,743 of "cash reserves" is being used to complete several critical, one-time capital intensive projects. The total amount of cash reserves allocated in the tax supported funds is \$543,820. Specifically:

- \$70,820 in the General Fund cash reserves for E911 equipment improvements
- \$18,000 in the Library Fund for capital projects
- \$455,000 in the CI Fund for a fire rescue vehicle (\$175,000) and a transfer (loan) to the Impact Fee Fund for trails - \$280,000

The use of cash reserves assists in the completion of critical capital projects and allows the FY 2015 Recommended Budget to remain stable and sustainable. The use of cash reserves in the Enterprise-Type Funds allows us to continue to offer comprehensive, quality local government services at competitive tax rates and "lower-than-market" user fees.

Restricted cash reserves are used to help the City "cash-flow" operations and make capital expenditures in between significant revenue collections, i.e. property tax collections (January and July) and intergovernmental shared revenues (quarterly). Unrestricted cash reserves in the General and Capital Funds can be used to fund one-time capital projects.

This Recommended Budget provides funding for additional full-time positions considered to be essential for maintaining levels of services provided to the public, increased operational cost and funding to address capital needs that are viewed to be critical to accomplishing stated strategic planning objectives. There are a few noteworthy recommended changes proposed in the City Manager's FY 2016 Recommended Budget. Those changes are the following:

- Total personnel cost will increase from \$22,543,609 to \$23,656,094, or by \$1,112,485 (4.93%). The FY 2016 Recommended Budget provides for a performance-based adjustment of 3.0% for all employees and moves the City's compensation table (0.5%). These improvements are designed to maintain the competitiveness of the City's compensation model. *Changes to personnel costs are described in great detail later in the City Manager's Budget Message.*
- Overall operating costs are projected to increase from \$15,925,810 to \$16,105,200 or by \$179,390 (1.13%). *Changes to operating costs are described in great detail later in the City Manager's Budget Message.*

Total funding for capital improvements and acquisitions are scheduled to increase from \$12,320,801 to \$14,713,636, or by \$2,392,835 or 19.42%. This does not include any work associated with the \$38 million City's waste water treatment plant and collection system that will continue into FY 2016, or funding for the new City Hall and Public Safety Complex, estimated to cost \$8 million. *Changes to capital expenditures are described in great detail later in the City Manager's Budget Message.*

Property Tax Overview & Analysis

In FY 2016, we have a preliminary total taxable value for the City of \$2,244,368,486, or a decrease of \$20,574,800, compared to 2015's total taxable value of \$2,264,943,286. The new construction roll was \$36,833,067. Without the new construction roll, the total taxable value of all existing structures decreased a total of \$57,407,867, or by - 2.53%.

The FY 2016 Recommended Budget relies on property taxes to raise 53.2% of the net revenue needed to support municipal operations in the Government-Type Funds. The FY 2016 budget is balanced with a maximum property tax rate of \$7.85 per \$1,000 of taxable value. It incorporates only 1.5%, or \$264,935, of the statutorily allowed 3% property tax revenue increase and revenue associated with the new construction value, or \$282,314. This spending plan adds to the City's foregone balance, which is anticipated to grow to \$2,147,606. We anticipate total property tax collections for FY 2016 to be \$17,907,342, an increase of \$547,249 compared to FY 2015's collections of \$17,360,094.

How does our Tax Rate compare to the other, large full-service Idaho cities?

We are often asked the question, "how does our tax rate compare?" The table and graph provided below are intended to provide a "ballpark" answer to that question. Although only intended to be a rough illustration, the table and graph below show the amount of property tax paid on a median-valued, owner occupied home owner in each of the larger, full-service cities in Idaho.

	Total Taxes	2013 Median Property Value	FY 2014
Caldwell	\$537.79	\$99,500	0.0108099
Nampa	\$539.23	\$113,600	0.0094935
<i>Twin Falls</i>	<i>\$551.86</i>	<i>\$144,000</i>	<i>0.0076647</i>
Coeur d'Alene	\$555.30	\$171,800	0.0064645
Idaho Falls	\$659.46	\$142,400	0.0092621
Pocatello	\$711.37	\$131,900	0.0107866
Lewiston	\$796.50	\$165,700	0.0096138

Note: Idaho's median value of an owner occupied home for this same period of time was \$162,100 and the maximum homeowner's exemption was \$81,000.

For the purposes of this analysis, the cities of Boise and Meridian were intentionally excluded because they are not directly responsible for the transportation systems in their communities; that responsibility lies primarily with the Ada County Highway District (ACHD). ACHD is an independent taxing authority specifically created for the purpose of maintaining the transportation system in these communities. In FY 2016, the Street Fund for the City of Twin Falls will be \$5,169,149, or approximately 15.4% of the total Government Fund-Type budget. Information used was from the Associated Taxpayers of Idaho's 2014 Levy Book (tax rate) and the US Census Bureau – 2013 Census data (median home value).

Overview of FY 2016 Allocations for Personnel Expenditures in All Funds

Focus area 8 of the City's 2030 Strategic Plan states, *"The City of Twin Falls strives to carry out its mission with unquestioned integrity, and the highest ethical standards...In support of the desired effectiveness, the elected leadership works in close partnership with appointed professionals carrying out clear policy directives. A high level of competency is provided from a lean, properly compensated and respected core staff."*

As we work to realize the vision statement, the City of Twin Falls strives to provide existing employees with the equipment, technology, infrastructure, and financial incentives necessary for them to complete their tasks and responsibilities in an efficient and effective manner. In addition, we recognize it is our responsibility and the importance of providing our employees with a competitive total compensation package. However in an effort to meet an ever-increasing workload, citizen expectations, and legislated requirements, we are required to add employees to our workforce.

The City of Twin Falls has a philosophy of adding full-time employees only when "the need" and "sustainability" could be demonstrated. Based on updated US Census data, the City of Twin Falls has an estimated population of slightly less than 46,000. Based on that estimate, the City of Twin Falls has six employees per 1,000 of population. However, as the regional and urban center for a geographic area having a population of approximately 250,000, the City's daily census population grows to an estimated population of 70,000. This causes the number of City employees per 1,000 of population to drop to four.

The City of Twin Falls has a total of 282 full-time professionals working to deliver services to the citizens of Twin Falls. When the FY 2015 Budget was adopted by the City Council in August 2014, the City Council had authorized funding for 281 full-time employees. Since the adoption of the FY 2015 Budget, the City has added one additional

position, a building inspector (Grade 10 with a fully-burdened cost of \$62,476). The mid-year addition of this position was to help the building department meet the greater demands caused by a significant increase in building and development activity.

The FY 2016 City Manager's Recommended Budget adds an additional 6.25 full-time equivalents, all in the Government-Type Funds, to assist with increase workloads and to meet the service delivery demands of our citizens and partners.

Four of the 6.25 FTE recommended positions require new revenues totaling \$244,805. Those positions are:

- A Planning and Zoning Planner I (Grade 10, budgeted fully-burdened cost of \$62,476)
- A Recreation Coordinator (Grade 9, budgeted fully-burdened cost of \$58,955, of which \$10,000 is offset from a reduction in the department's overtime budget)
- Two Patrol Officers (Grade 9, budgeted fully-burdened cost of \$123,374)

Three of the 6.25 FTE recommended positions are either completely or significantly funded by shifting funds from departmental operational expenses to the personnel line items. Those positions are:

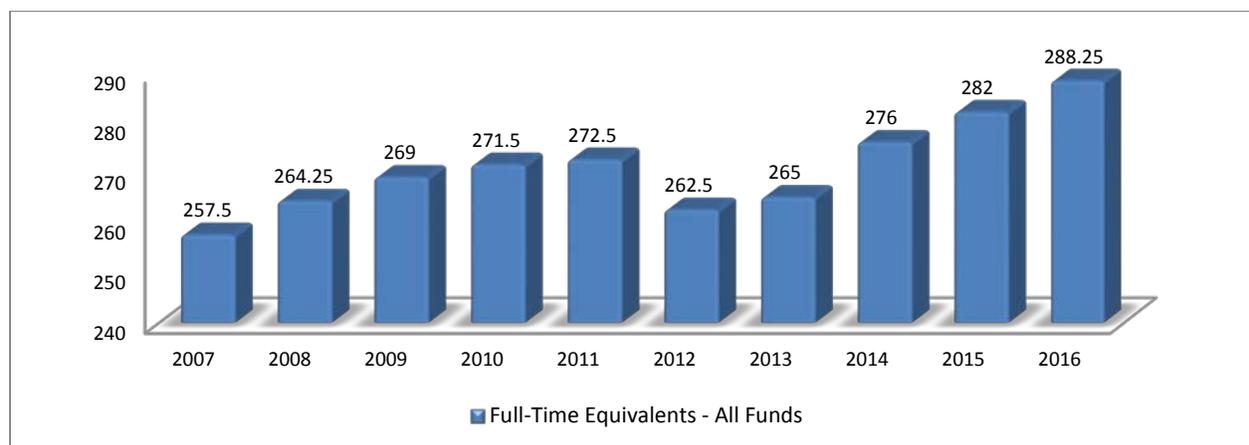
- A Street Operator (Grade 6, budgeted fully-burdened cost of \$62,476, with a 103% of offsets from reductions in the department's professional services line item)
- Two part-time Janitors (Grade 5 budgeted fully-burdened cost of \$22,234 for a 20 hour/week employee and \$27,792 for a 25 hour/week employee, of which \$42,348, or 85%, is offset with a reduction in the department's professional services line item)

The 0.25 of the 7.25 FTE represents an increase in the Fire Marshal from three-quarter to full-time, which is more representative of the actual amount of time currently spent servicing the needs of the City's customers.

- Increase Fire Marshal to reflect actual hours worked (Grade 10, adjustment of \$16,792)

If all of the positions are approved, the City of Twin Falls total FTE count would increase to 288.25.

Additionally, the FY 2016 Budget recognizes the City's reorganization plan that occurred in FY 2015. This plan created two Deputy City Managers, one overseeing public safety departments and one overseeing departments falling under the category of community services and development. Additionally, two positions were eliminated from the City's structure – the Community Development Director and the Assistant to the City Manager. There is no additional costs associated the City's new organizational model.



To summarize, the expenditures associated with personnel, the FY 2015 Recommended Budget:

- Provides for performance-based adjustment of 3.0% for all employees
- Moves the City's compensation table (0.5%)

- Increased funding for health care insurance
- Adds additional employees to assist with growing workloads and demands/requests for additional services.

How much more will City Services Cost?

In addition to understanding the levels of services and the amount of improvements programmed in the budget, it is also important that we recognize the impact this proposal has on our citizens and taxpaying shareholders.

The table below illustrates the impact the City Manager’s Recommended Budget will have on the taxpayers residing or doing business in Twin Falls. For the average customer, the Recommended Budget has a total impact of \$0.44 per month or \$5.26 per year.

	FY 2015 Adopted Budget	FY 2016 Recommended Budget	Difference
Property Tax	Tax Rate of: \$7.66/\$1,000 tax value	Tax Rate of: \$7.85/\$1,000 tax value (Maximum)	
Median Valued Home (Owner Occupied). \$144,300 in FY 2015 \$144,000 in FY 2016	\$553.01 <i>annual</i>	\$564.98 <i>annual</i>	\$11.97 <i>annual</i>
Utility Bills			
Average Residential Customer Consumption of:			
<i>Water - 18,000 gallons</i>	\$38.01	\$38.01	\$0.00
<i>Sewer - 8,000 gallons</i>	\$24.74	\$24.74	\$0.00
<i>Sanitation & Recycling</i>	\$17.18	\$16.62	(\$0.56)
Monthly Total of Property tax and Utility Bills	\$126.01 <i>monthly</i>	\$126.45 <i>monthly</i>	\$0.44 <i>monthly</i>

Specifically, the Recommended Budget:

- The annual property tax on a median-value home in Twin Falls may increase to a maximum of \$11.98 annually or by about \$1.00 per month. This would equate to a 2.1% increase. However, it is important to note the total taxable value is subject to refinement by the Twin Falls County Assessor’s Office and will not be available until after the FY 2016 Budget.
- The total monthly utility bill for the average resident in Twin Falls is expected to decrease. The Recommended Budget maintains the current water and sewer rates unchanged. The global sanitation rate will decrease for the City’s residential customers by \$0.56 per month or \$6.72 annually.

Approval

There is no approval process.

Budget Impact:

There are no budgetary or financial impacts from the conversation.

Regulatory Impact:

There is no regulatory impact.

Attachments

1. Recommended Budget for FY 2015 can be found online.



Public Hearing: MONDAY July 20, 2015

To: Honorable Mayor Hall and City Council

From: Jonathan Spendlove, Planner I

ITEM IV-1

Request: Request for a PUD Agreement Amendment to the Fieldstone Professional PUD Agreement #271 to allow "Nursing Homes and Rest Homes" on Lots 1 through 5 Block 1 in the Fieldstone Professional Subdivision, A PUD, by Special Use Permit located at the south east corner of Fieldstream Way, extended and Cheney Drive West, extended. c/o Wills, Inc. (app. 2735)

Time Estimate:

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

Background:

Applicant:	Status: Property Owner	Size: 12 (+/-) acres
Wills Inc c/o Brad Wills 222 Shoshone St West PO Box 0346 Twin Falls, ID 83301 208-734-4411 Bradwills2008@gmail.com	Current Zoning: R-4 PRO PUD	Requested Zoning: R-4 PRO PUD/ZDA
	Comprehensive Plan: Medium Density Residential	Lot Count: 32 lots
	Existing Land Use: Undeveloped Platted Lots	Proposed Land Use: R-4 PRO ZDA – adding nursing homes and rest homes by Special Use Category.
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: C-1 PUD; Cheney Dr W, extended, undeveloped commercial PUD	East: R-2; Fieldstone Subdivision/residential
	South: R-2/R-2 PUD, Fieldstone PRO PUD & Fieldstone Sub-Residential	West: R-6 PUD, Fieldstream Way extended; future Fieldstream Apartment Complex/developing
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-6-1, 10-7-6, 10-7-12, 10-10-1 through 3, 10-11-1 through 9, 10-14-1 through 9, Fieldstone PRO PUD Agreement #271	

Approval Process:

The first step in the approval process for a PUD amendment is a preliminary presentation before the Planning and Zoning Commission; this took place on June 9, 2015. The Second step is a recommendation from the Planning and Zoning Commission (this public hearing) that will be forwarded to the City Council. The City Council will then render their final decision on the zoning district and zoning map amendment.

Budget Impact:

Approval of this request may have a financial impact on the City budget as commercial development could bring in more revenue.

Regulatory Impact:

Approval of this request would allow a developer to apply for a special use permit to operate a Nursing Home / Rest Home on Lots 1 through 5 Block 1 in the Fieldstone Professional.

History:

- On March 30, 2004 the Commission approved the Preliminary Plat of Westview Meadows, now known as Fieldstone Subdivision to develop 36 +/- acres with 82 single family residential lots. The City Council approved the Final Plat of Fieldstone Subdivision on April 26, 2004 with two conditions. 1) Bike path be changed to 15' wide and 2) Water shares to be deeded to the City when the plat was recorded.
- In July 2004 this area was annexed into the City of Twin Falls with R-2 zoning, Ordinance #2794. Fieldstone Subdivision (formerly Westview Meadows), consisting of 36 acres and 82 residential lots, was recorded in Dec 2004. The property has been developed in phases.
- On February 23, 2009 the City Council approved a request to vacate a portion of Cobble Creek Road, a public right-of-way, Ordinance #2965. As a result of the vacation of the public right-of-way, Fieldstone 1st Amended Subdivision was recorded in July 2010.
- On Sept 13, 2011 a preliminary PUD presentation was presented to the Planning and Zoning Commission to rezone the remaining 12 + acres of the undeveloped portion of the Fieldstone Subdivision from R-2 to R-6 PRO PUD. The Planning and Zoning Commission recommended denial of the rezone as presented.
- On November 22, 2011 a revised preliminary presentation to rezone this property from R-2 to R-4 PRO PUD was given to the Planning and Zoning Commission. The public hearing was held on December 13, 2011 whereby the Planning and Zoning Commission recommended denial of the revised request, as presented, and the Commission also recommended denial of a request to vacate the portion of dedicated row and easements, 2.7 +/- acres, within the undeveloped portion of Fieldstone Sub being requested for rezone/PUD.
- On Jan 23, 2012 the City Council held a public hearing whereby they approved the rezone to R-4 & R-4 PRO PUD as presented with conditions.
- On March 5, 2012 the Council approved the request to vacate the dedicated public rights-of-way and easements consisting of 2.7 (+/-) acres, as presented.
- On January 26, 2015 Ord #3086 was adopted for the Vacation of a portion of the Fieldstone Subdivision being rezoned as Fieldstone PRO PUD, as approved.
- On February 2, 2015 Ord #3087 was adopted rezoning the portion of the Fieldstone Subdivision, as approved to R-4 & R-4 PRO PUD. Also on February 2, 2015 the Fieldstone PRO PUD Agreement was approved, as presented.
- On February 11, 2014 the Preliminary Plat for the Fieldstone Professional Subdivision, A PUD was approved, as presented and subject to conditions and on February 23, 2015 the Final Plat of the Fieldstone Professional Subdivision, A PUD was approved and later recorded on May 12, 2015.
- In May 2015, an application was received to amend the newly recorded PUD Agreement. A preliminary presentation was given to the Planning and Zoning Commission on June 9, 2015 and on June 23, 2015 the Commission recommended approval of the request as presented.

Exhibit A 1

Applicant:

Wills, Inc.

Bradford J. Wills

222 Shoshone St. West

Twin Falls, Idaho 83303-0346 208-420-0314

May 18, 2015

PUD/ZDA Amendment

Fieldstone Professional PUD Subdivision

Application Narrative:

Early this year, the Fieldstone Professional PUD agreement was approved by the City of Twin Falls.

This request is to amend the PUD agreement by amending Exhibit C to allow an additional residential use to be permitted by a Special Use Permit on Lots 1 through 5, Block 1 Fieldstone Professional Subdivision. This use is a "Nursing Homes and Rest Homes" and would only be allowed on the five multi-use lots on the north portion of the subdivision that have access from Cheney Drive West and the north end of Field Stream Way. This is the only change proposed. All other conditions remain.

No change will be made to the Master Development Plan.

This property is an area of growth bordering residential subdivision to the east and south and commercial and multifamily uses to the north and west. Being located near the St. Luke's Medical Center, this would be an appropriate use for this property. No change would occur to the traffic in the area.

This property is designated R-4 Pro and according to City Code Title 10 Chapter 4 Zoning Districts, nursing homes and rest homes are not an allowed use.

This use is allowed by a Special Use Permit in the R-6 Zoning designation however an R-6 Zone allows other uses and higher densities which aren't appropriate for this area so amending the PUD agreement retaining the R-4 Pro Zoning is the best solution to add this one use.

Notification boundary is increased to 750' due to the nature of the request and the past interest in this area.

Please consider this application and approve our request.

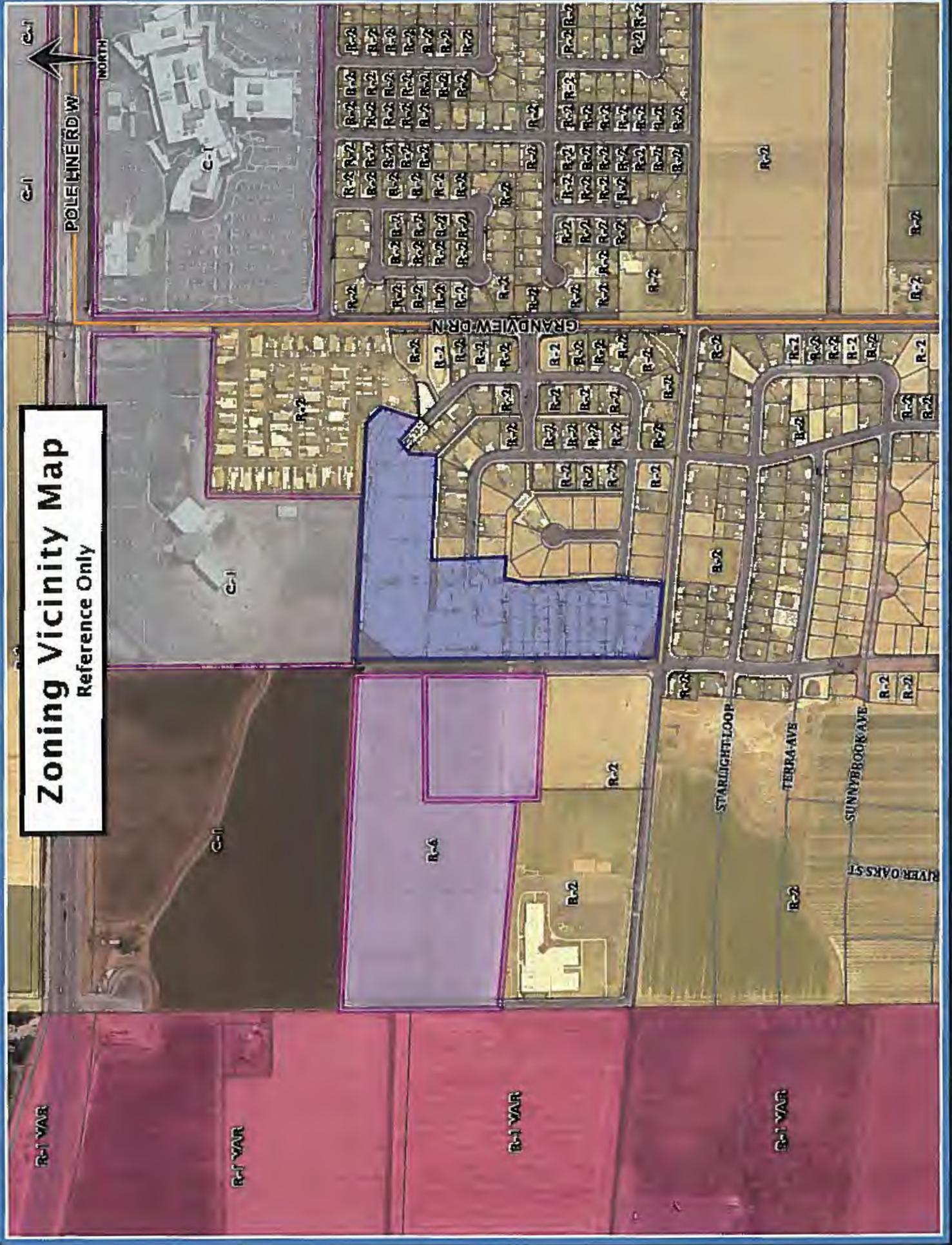
Sincerely

Brad Wills

President, Wills, Inc.

Zoning Vicinity Map

Reference Only



Future Land Use Map Reference Only

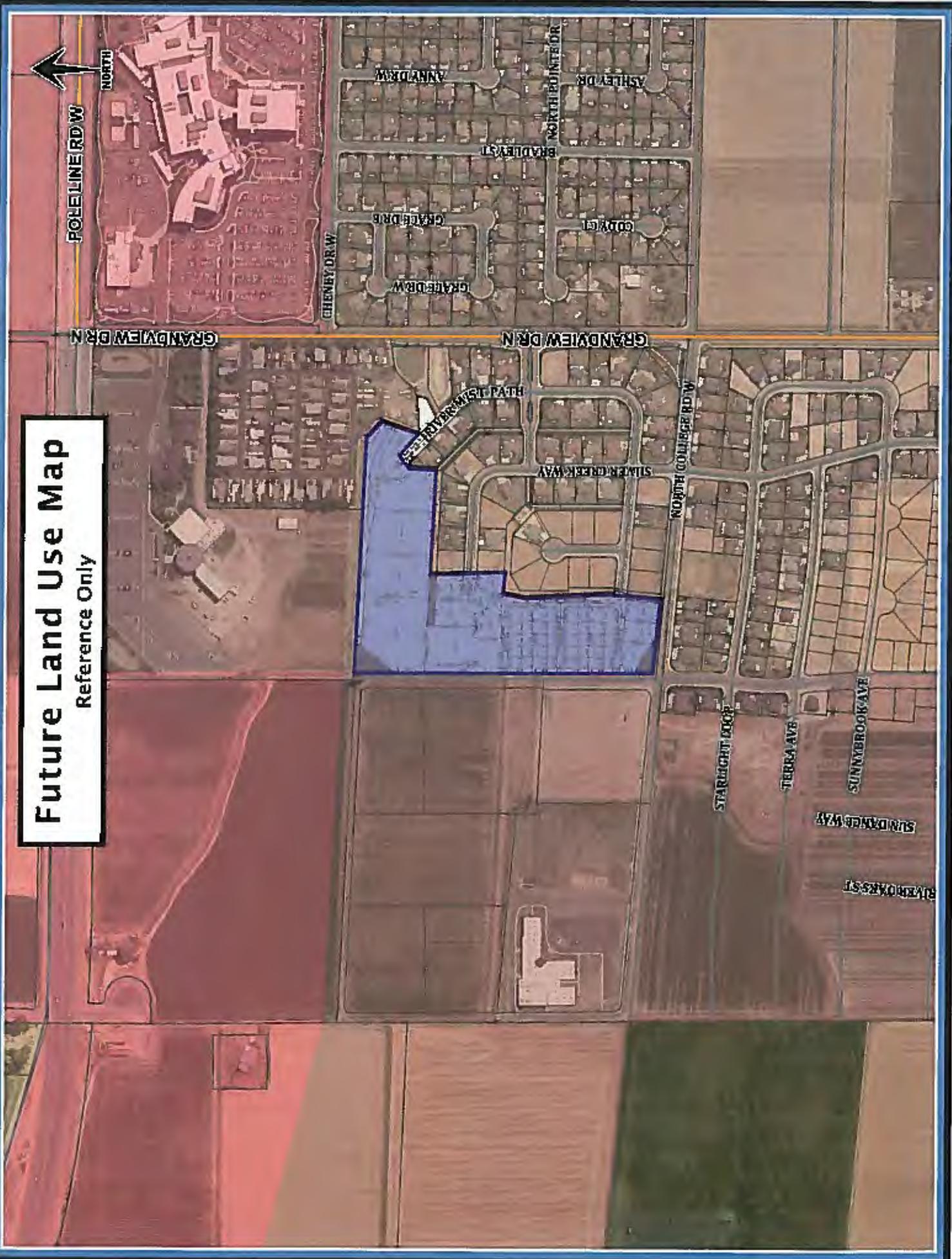


EXHIBIT D-1

First Amended Exhibit C

Fieldstone Professional Subdivision

R-4 & R-4 Professional Office Overlay – Planned Unit Development

- A. Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses: (Hours of operation shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit or unless stated elsewhere in this document)
1. Communications and Utilities:
 - a. Underground and aboveground transmission lines
 - b. Utility owned buildings and structures less than twenty-five (25) square feet in area and less than three feet (3') above ground.
 2. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
 3. Residential – (unrestricted hours of operation):
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings – attached single household dwellings on lots fronting on an arterial or collector street.
 - c. Dwellings – detached single household.
 - d. Dwellings – duplex.
- B. Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses unless special provisions are taken. Special use permits may be granted for the following uses: (Hours of operation shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit)
1. Communications and Utilities:
 - a. Utility owned buildings and structures more than twenty-five (25) square feet in area and more than three feet (3') aboveground.
 2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
 3. Government Facilities:
 - a. Fire stations and police stations.
 4. Medical Facilities:

EXHIBIT C

- a. *Doctors' offices.*
5. *Parks:*
 - a. *Park concessions.*
 - b. *Public parks and playgrounds with crowd attracting facilities.*
6. *Public Assembly:*
 - a. *Auditoriums.*
 - b. *Religious facilities.*
 - c. *Private academic schools.*
 - d. *Public schools.*
7. *Residential:*
 - a. *Detached accessory buildings (more than 1,000 square feet) i.e. garages and other accessory buildings.*
 - b. *Bed and breakfast facilities.*
 - c. *Home occupations.*
 - d. *Dwellings – triplex and four-plex*
 - e. *Household units in the same building as an allowed use and occupied by owner or an employee of the allowed use.*
 - f. *Nursing homes and rest homes*
 - i. *This use is only allowed on lots 1 through 5, block 1.*
- B. *Services:*
 - a. *Beauty salons and barbershops.*
 - b. *Commercial daycare facilities and preschools.*
 - c. *Consumer credit collection.*
 - d. *Employment agencies.*
 - e. *In-home daycare services.*
 - f. *Finance and investment offices.*
 - g. *Insurance and related businesses.*
 - h. *Professional services.*
 - i. *Photography studios.*
 - j. *Real estate and related businesses.*
9. *Transportation:*
 - a. *Bus – pick up shelters.*
- C. *Prohibited Uses:* *Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence.*
- D. *Property Development Standards:*
 1. *Use of Lots:* *Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein.*
 - a. *Minimum of 15% and maximum of 85% of the project is to be residential development.*
 2. *Lot Area:*
 - a. *The minimum lot area per single household dwelling shall be four thousand (4,000) square feet.*
 - b. *The minimum lot area per duplex unit shall be seven thousand hundred (7,000) square feet.*
 - c. *The minimum lot area per multiplex dwelling unit shall be two thousand (2,000) square feet larger than duplex units per unit or one*

EXHIBIT C

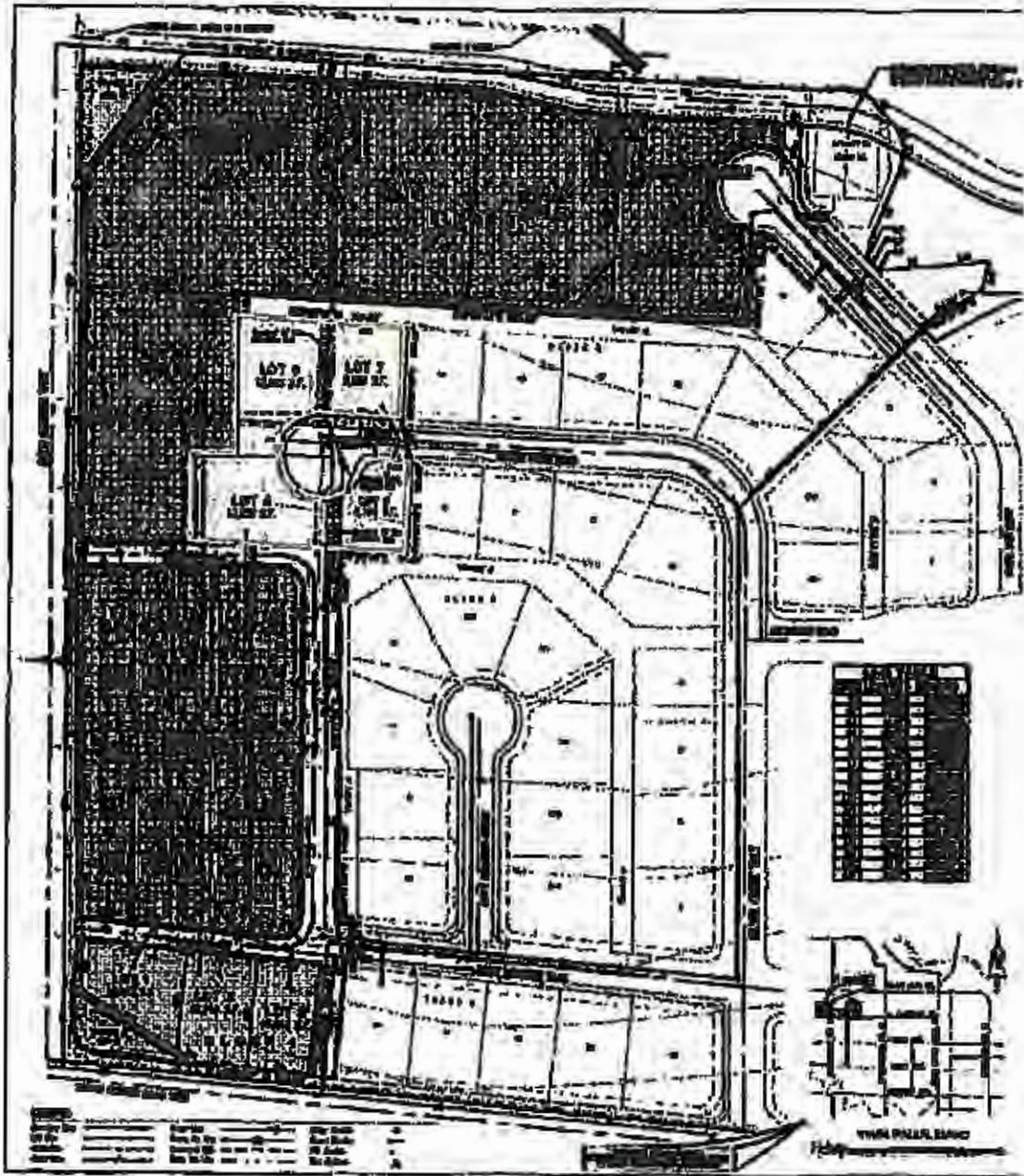
thousand (1,000) square feet larger than duplex units per unit above or below ground level unit.

- d. For professional offices, the lot size shall be of sufficient size to provide for the building, off street parking, and landscaping.
3. **Lot Occupancy:** No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.
 - a. For professional offices, there is no occupancy requirement.
 4. **Building Height:** No building shall be greater than thirty-five feet (35') above grade, as measured per 10-2-1 of City Code, as amended.
 5. **Building Size:** The maximum building size is 14,000 square feet. (a larger building may be permitted with a Special Use Permit)
 6. **Yards:**
 - a. **Front Yard:** Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater. (Ord. 2741, 11-4-2002)
 - i. The front building line shall not be closer than twenty feet (20') to the front property line.
 - ii. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
 - iii. On a corner lot the required front yard of twenty feet (20') shall be required on both streets.
 - iv. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the property line on other street frontages.
 - b. **Side Yard:**
 - i. The side building line shall not be closer than five feet (5') to the side property line.
 - ii. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.
 - iii. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet (2½') to the side property line.
 - c. **Rear Yard:**
 - i. The rear building line shall not be closer than twenty feet (20') to the rear property line for residential uses and as per R-4 or R-4 PRO development requirements for other uses.
 - ii. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall

EXHIBIT C

- a. All uses shall comply with the provisions of Chapter 9 of this title.
 - b. Multiple-occupancy buildings shall have a sign plan approved by the administrator.
11. Walls, Fences, Hedges, Trees, Shrubs, and Landscaping Structures: Walls, fences, hedges, trees, shrubs, and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: no wall, fence, hedge, tree, shrub, or landscaping structure shall be placed within the public rights-of-way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs, and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)
- a. Professional offices shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the professional office use and any contiguous residential lot or use.
12. Building Standards:
- a. Buildings: New buildings are to be designed in such a way as to conform with the general residential nature of the neighborhood. All buildings shall be of residential character with exteriors of architectural masonry, stone, stucco, and/or hardboard, steel or vinyl siding. Building faces shall include windows, setbacks, awnings, parapet variations material variations, color variations and other architectural treatments to break up large uniform surfaces.
 - b. Buildings shall have pitched roofs with a gable or hip roof with a minimum 5/12 pitch and twelve inch (12") eave. Roofing material shall consist of architectural asphalt shingles, architectural metal or tile.
 - c. Building faces shall be broken up with windows, recesses, awnings or other architectural features that break up large flat surfaces.
 - d. Buildings shall have exteriors of architectural masonry, stone, stucco, and/or hardboard, steel or vinyl siding.
 - e. All building public access will be oriented away from the adjacent residential areas where possible.
 - f. Lighting: Building and parking area lighting shall be enclosed in fixtures or soffits that direct lighting to the ground surface in a manner that the light source cannot be seen from adjacent properties.
 - g. Outside Storage/Trash Containers/Loading Docks/Emergency Facilities: Outside storage and/or display is prohibited. Loading docks, trash containers, and emergency facilities shall be visibly screened from roadways, residential areas, and adjacent properties with screening materials. Screening may consist of landscaping – as per DB, masonry walls, buildings, or vinyl fencing.

Exhibit "B"



- 10 Single-family residential lots
- 4 Single-family residential lots
- 3 Duplex residential lots
- 208 sq ft - 1/2 acre - 1/2 acre - 1/2 acre lots
- 2 lots

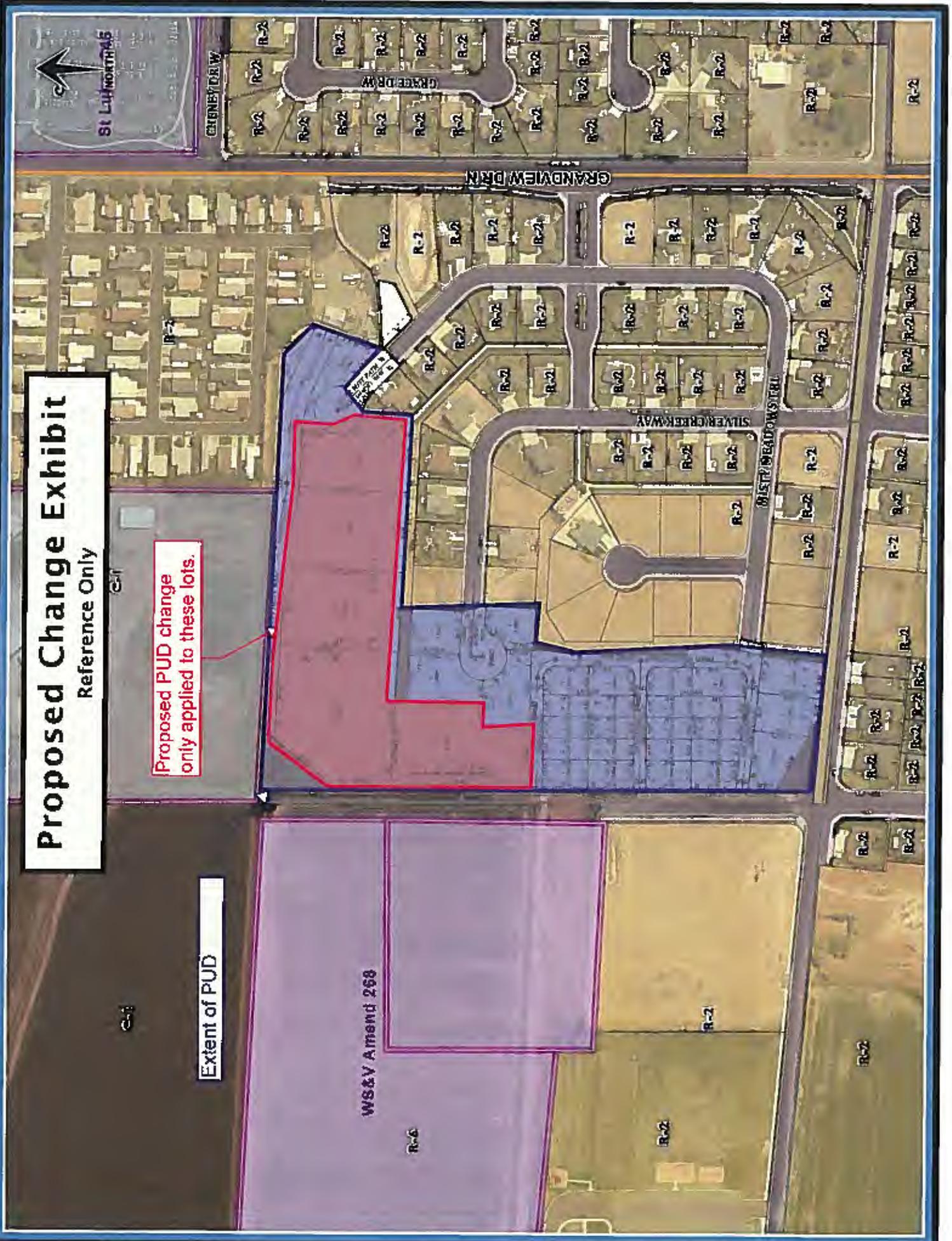
Proposed Change Exhibit

Reference Only

Proposed PUD change only applied to these lots.

Extent of PUD

WS&V Amend 268



PUD-271

FIELDSTONE PROFESSIONAL P.U.D.
R-4 & R-4 PRO Planned Unit Development Agreement

THIS AGREEMENT, made and entered into this 9 day of FEB. 2015 by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City") and Wills Inc. (hereinafter called "Developer"), whose address is 222 W Shoshone Street West, Twin Falls, Idaho 83301.

RECITALS

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho more particularly described in Exhibit "A", attached hereto, (the "Property") which property is located at the northeast corner of the intersection of North College Road and Field Stream Way.

WHEREAS, Developer intends to develop and/or sell all portions of the property from time to time; and

WHEREAS, Developer has made request of the City to develop a mixed use professional office and residential development (the "Project") on the property and has submitted to the City a Master Development Plan (Exhibit "B") thereof which has been approved for development as "R-4 PRO PUD" by the City Council of the City; and subject to the following conditions:

WHEREAS, City, by and through its City Council on January 23, 2012 has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions, and understandings, which terms, conditions, and understandings are the subject of this Agreement and area as follows:

1. Subject to the designation of the property as an R-4 and R-4 PRO PUD with the single-family and duplex areas being R-4 and the professional use area being R-4 PRO PUD. Assure Uses comply with the R-4 and Professional Overlay zones.
2. Subject to the property being replatted and recorded prior to any building permits being issued.
3. Subject to compliance in the cottage-style residential area with the following recommendations of the Fire Marshall:
 - a. addresses need to be posted in the alleys.
 - b. access roads (alleys) with hydrants shall be a minimum of 26 feet total width. (IFC, §103.1)
 - c. no on-street parking in alleys and alley marked with approved "no parking" signs.
 - d. rear, unobstructed access into the dwellings is maintained (not through the garage or through fences or gates), or as approved by the Fire Marshall.
 - e. no overhead utilities in the alley (power lines, phone lines, etc.).
 - f. hydrants are installed on the ends of each alley.
4. Subject to final approval and recordation of the PUD Agreement.
5. 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.

COVENANTS

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

TWIN FALLS COUNTY
Recorded for:
TWIN FALLS, CITY OF
2:16:16 PM 02-10-2015
2015-001910
No. Pages: 24 Fee: \$
KRISTINA GLASCOCK
County Clerk

RECEIVED
FEB 9 9 2015
CITY OF TWIN FALLS
BUILDING DEPT.

I. **NATURE OF THE AGREEMENT.** This Agreement shall become part of the "R-4 PRO PUD" zone with respect to the "Project" upon its full execution and recording. Developer and its 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.

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

a. **Uses: As Per "Exhibit C"**

i. The uses shall be limited to those allowed in the R-4 & R-4 PRO (PUD) zones [Code Sections 10-4-5.2 & 10-4-18.2], attached hereto as "Exhibit C".

b. **Lot Area: As Per "Exhibit C"**

c. **Lot Occupancy: As Per "Exhibit C"**

d. **Building Size: As Per "Exhibit C"**

e. **Building Height: As Per "Exhibit C"**

f. **Hours of Operation: As Per "Exhibit C"**

g. **Phasing of Development:**

The Developer may install the improvements at one time, or in phases, as the Developer shall determine at its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said improvements it intends to complete at that time. Developer agrees to make modifications to construction any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.

III. **STREET, SEWER, WATER, AND DRAINAGE IMPROVEMENTS**

Developer, or their designee by appropriate agreement shall be responsible for the design and construction of street, sewer, water, and drainage systems on the Property and adjacent right-of-ways (hereinafter called "improvements") as described herein in accordance with City Standards.

a. **Improvement Plans.** Developer shall file or cause to be filed with the City a complete set of plans showing all improvements contemplated. The Improvement Plans and all improvements shall thereon meet the approval of the City, which approval shall be given if such plans conform to established City requirements, the Master Development Plan, and this PUD Agreement.

b. **Improvement Design and Construction.** Developer, at its expense, shall cause all improvements shown on the Improvement Plan to be designed, constructed, and installed consistent with the approved Improvement Plans except as otherwise provided herein. Notwithstanding the foregoing, nothing in this Agreement shall prohibit City, State, or Federal participation in the cost or financing of improvements on the Property if mutually agreed by the parties hereto.

- c. **Phased Construction.** The Developer may install the Improvements at one time, or in phases, as the Developer shall determine at its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construction any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City. There shall be no maximum or minimum limit of time between the occurrences of phases.
- d. **Non-Compliance.** In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to the 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 require in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and 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 issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as 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 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 right of the parties are preserved at law and equity.
- e. **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. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.
- f. **Maintenance of Improvements.** City hereby agrees to accept maintenance responsibility for all public improvements upon their completion to City Standards in accordance with current City policy.

IV. PLATS.

- a. Developer agrees to file with City preliminary plat and final plats prepared by a registered professional engineer, of the real property, which is the subject of this agreement. Preliminary and final plats shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-ways the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plats and any amendments thereto must first be approved by the City.

V. PARCEL DEVELOPMENT CRITERIA. As Per "Exhibit C"

The Property or any portion thereof shall be developed in accordance with the criteria set forth in this Section V, As Per "Exhibit C".

- 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, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld.
- b. Landscaping and Planting. As Per "Exhibit C"
- c. Landscaping Plan. As Per "Exhibit C"
- d. Building Standards. As Per "Exhibit C" Buildings and Improvements shall comply with the following standards.
 - i. Architectural Standards. As Per "Exhibit C"
 - ii. Outside Storage/Loading Docks. As Per "Exhibit C"
 - iii. Utilities. All on site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material.
 - iv. Sign Plan. All signage must conform to the City of Twin Falls Sign Regulations Ordinance subject to the following:
 - 1. Building Signs. As Per "Exhibit C"

VI. STANDARD DEVELOPER'S AGREEMENT.

It is understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.

VII. GENERAL PROVISIONS.

- A. Cooperation. The parties hereto agree to cooperate with each other. 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".

- E. Successors and Assigns. This Agreement shall be binding upon the successors, assigns, and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this Agreement with respect to said transferred property.
- 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 thereof shall not be affected.
- G. Signatories. Each of the persons executing this Agreement hereby 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 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 should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party which prevails, shall be entitled to a reasonable attorney's fee.
- 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. Attachment. All attachments to this Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.
- L. Captions. The captions, sections 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.

Levin A. Sanchez
Attest

[Signature]
Attest

CITY OF TWIN FALLS
By: *[Signature]*
Mayor

DEVELOPER
WILLS INC.
By: *[Signature]*
Bradford J. Wills - President

ACKNOWLEDGMENTS

State of Idaho)
) ss

County of Twin Falls)

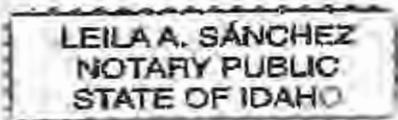
On this 9th day of February 2015 before me, the undersigned, a notary public in and for said State and County, personally appeared Doris Hall known to me to be the Mayor of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal 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.

Leila A. Sanchez
Notary Public For Idaho

Residing At: Twin Falls

My Commission Expires: 5-18 2018



ACKNOWLEDGMENTS

State of Idaho)
)ss.

County of Twin Falls)

On this 9th day of FEB, 2015, before me, the undersigned, a notary public in and for said State and County, personally appeared BOARDER J WILS known to me to be the PRESIDENT of corporation that executed the foregoing instrument, or the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such 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.



[Signature]
Notary Public For Idaho

Residing at [Signature] Twin Falls, Idaho

My Commission Expires: 10/10/19

Pub 271

EXHIBIT "A"

Fieldstone Rezone Description

A portion of "Fieldstone Subdivision", located in the SE⁴NE⁴, Section 6, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the Northwest corner of "Fieldstone Subdivision" and being the REAL POINT OF BEGINNING.

Thence South 87°00'44" East 948.79 feet along the Northerly boundary of said subdivision.

Thence South 43°23'17" East 52.80 feet along the boundary of said subdivision.

Thence South 25°20'12" East 23.89 feet along said boundary.

Thence South 04°01'14" West 19.14 feet along said boundary.

Thence South 20°15'57" West 21.03 feet along said boundary.

Thence South 23°32'34" West 81.56 feet along said boundary.

Thence South 02°57'54" West 18.41 feet along said boundary.

Thence South 41°32'16" East 13.02 feet along said boundary.

Thence South 79°33'00" East 10.17 feet along said boundary.

Thence North 86°50'49" East 68.01 feet along said boundary.

Thence North 84°19'44" East 56.97 feet along said boundary.

Thence South 13°23'16" West 35.98 feet along said boundary.

Thence South 62°27'52" West 84.00 feet along said boundary.

Thence North 44°48'58" West 166.52 feet along the Northeasterly Right of Way boundary of River Mist Path.

Thence South 45°11'02" West 50.00 feet.

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Thence along a curve left on the Southerly Right of Way boundary of River Mist Path
Δ - 33°54'05"
R - 75.00'
A - 43.94'
C - 43.31'
LCB - North 61°36'01" West

Thence South 04°53'49" West 100.21 feet along the Easterly boundary of Lot 6, Block 2, of said subdivision.

Thence North 87°00'44" West 599.20 feet along the Northerly boundary of Track K of said subdivision.

Thence South 00°11'02" West 25.03 feet along the Easterly Right of Way boundary of River Mist Path.

Thence South 87°00'44" East 105.00 feet along the boundary of Track K.

Thence South 02°59'16" West 105.00 feet along the Easterly boundary of Lot 13, Block 2 to the Southeast corner thereof.

Thence South 21°19'37" East 54.87 feet to the Northeast corner of Lot 10, Block 5.

Thence South 02°59'16" West 105.00 feet to the Southeast corner of said Lot 10.

Thence South 07°01'39" West 81.57 feet along the Easterly boundary of Lot 11, Block 5 to the Southeast corner thereof.

Thence South 00°11'02" West 240.00 feet along the Westerly boundary of Tract J.

Thence South 89°48'58" East 12.00 feet along the boundary of Tract J.

Thence South 00°11'02" West 113.00 feet along the boundary of Tract J.

Thence South 13°18'03" West 50.47 feet to the Northeast corner of Lot 9, Block 6.

Thence South 05°29'23" West 143.00 feet along the East boundary of said Lot 9 extended to a point on the Southerly boundary of "Fieldstone Subdivision".

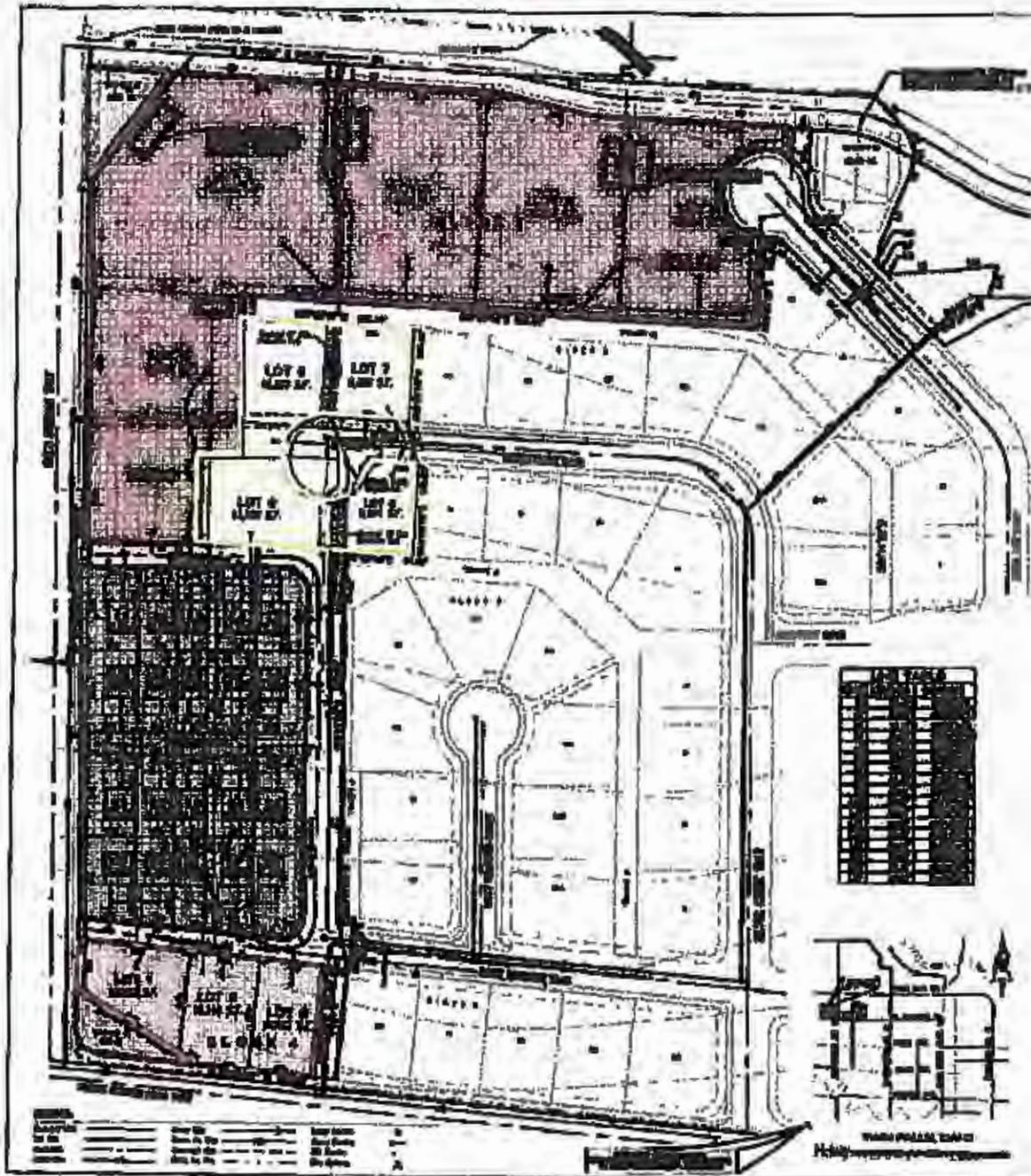
Thence North 84°30'37" West 305.05 feet along the Southerly boundary of "Fieldstone Subdivision" to the Southwest corner thereof.

Thence North 00°00'24" East 1173.15 feet to the REAL POINT OF BEGINNING.

Containing approximately 12.54 acres.



Exhibit "B"



5 Professional Office overlay use areas lots

4 Single-family residential lots

3 Duplex residential lots

20 Single-family cottage-style residential lots

2 Tracts

ZONING MAP

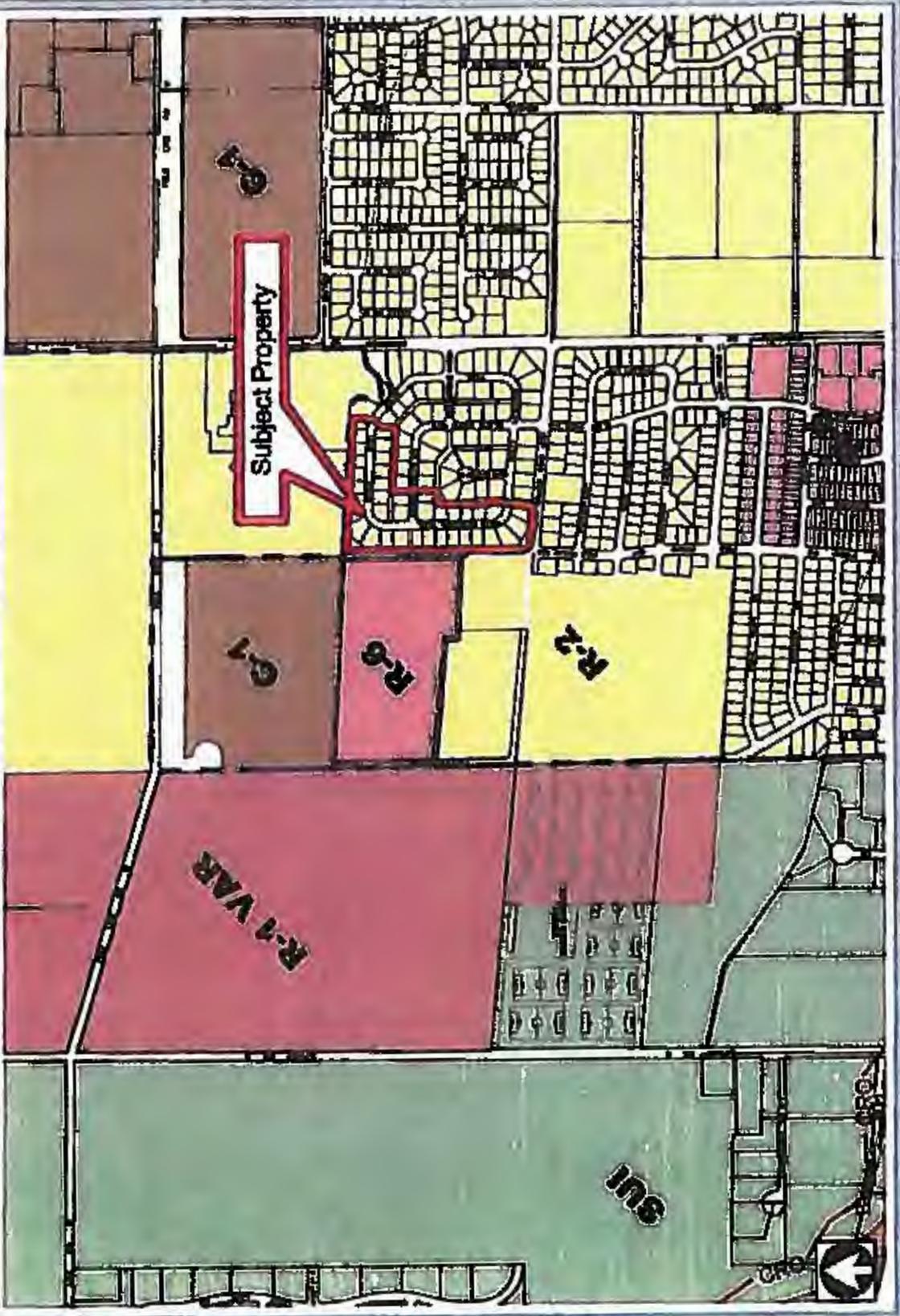


EXHIBIT "C"

Fieldstone Professional Subdivision

R-4 & R-4 Professional Office Overlay – Planned Unit Development

A. Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses: (Hours of operation shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit or unless stated elsewhere in this document)

- 1. Communications and Utilities:
 - a. Underground and aboveground transmission lines
 - b. Utility owned buildings and structures less than twenty-five (25) square feet in area and less than three feet (3') above ground.
- 2. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
- 3. Residential – (unrestricted hours of operation):
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings – attached single household dwellings on lots fronting on an arterial or collector street.
 - c. Dwellings – detached single household.
 - d. Dwellings – duplex.

B. Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses unless special provisions are taken. Special use permits may be granted for the following uses: (Hours of operation shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit)

- 1. Communications and Utilities:
 - a. Utility owned buildings and structures more than twenty-five (25) square feet in area and more than three feet (3') aboveground.
- 2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
- 3. Government Facilities:
 - a. Fire stations and police stations.
- 4. Medical Facilities:
 - a. Doctors' offices.
- 5. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.

EXHIBIT "C"

3. **Lot Occupancy:** No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.
 - a. For professional offices, there is no occupancy requirement.
4. **Building Height:** No building shall be greater than thirty-five feet (35') above grade, as measured per 10-2-1 of City Code, as amended.
5. **Building Size:** The maximum building size is 14,000 square feet (a larger building may be permitted with a Special Use Permit)
6. **Yards:**
 - a. **Front Yard:** Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002):
 - i. The front building line shall not be closer than twenty feet (20') to the front property line.
 - ii. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
 - iii. On a corner lot the required front yard of twenty feet (20') shall be required on both streets.
 - iv. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the property line on other street frontages.
 - b. **Side Yard:**
 - i. The side building line shall not be closer than five feet (5') to the side property line.
 - ii. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.
 - iii. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet (2½') to the side property line.
 - c. **Rear Yard:**
 - i. The rear building line shall not be closer than twenty feet (20') to the rear property line for residential uses and as per R-4 or R-4 PRC development requirements for other uses.
 - ii. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided in section 10-7-5 of this title.
 - iii. On a corner lot, the rear yard setback may be reduced to the side yard setback.
 - iv. For professional offices, the rear yard setback may be reduced to the side yard setback of the basic zoning district.

EXHIBIT "C"

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7. **Access:** All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right-of-way, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.
8. **Landscaping Plan (PUD):** All landscaping shall comply with the provisions of section 10-11-2 of this title.
 - a. **Professional Uses:** Professional offices shall provide landscaping equal to twenty-five percent (25%) of the total lot area.
 - b. **Residential Uses:** Residential development, excluding single family and/or duplex dwellings, shall provide landscaping equal to ten percent (10%) of the total lot area.
 - c. Landscaping shall be required to be installed on each parcel/lot of the property at the time site and building improvements are completed thereon, or by the next planting season subject to a Temporary Certificate of Occupancy. Landscaped perimeters shall be installed from the back of the curb in the public right-of-way and shall be extended to the dimensions set forth below:
 - d. A minimum twenty foot (20') wide landscaped buffer, including sidewalk and/or storm water retention facilities planted in grass, measured from back of the curb will be constructed along Field Stream Way. Trees and shrubs will be provided in ratios meeting City Code 10-11-2. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings.
 - e. A minimum fifteen foot (15') wide landscaped buffer, measured from the property line, will be constructed along the north and south boundaries of the PUD project boundary. The landscaping shall include berms with a minimum height of 18 inches to a maximum height of 30 inches.
 - f. The use of planters and landscaped islands within parking lots will be used to reduce visual impact of large paved areas and these shall be planted with shade trees and shrubbery. The area adjacent to residential areas shall be landscaped with coniferous and deciduous trees and/or solid panel fencing with shrubs, berms, solid wall, and or planter boxes to create a buffer in a relatively short period of time.
 - g. All landscaping shall be installed in conformance with the project Master Development Plan. All landscaping maintenance will be in a uniform manner.
 - h. The property landscaping will utilize a city pressure irrigation system constructed in compliance with applicable standards.
9. **Off-Street Parking:**
 - a. Each use shall provide parking in compliance with city code.
10. **Signs:**
 - a. All uses shall comply with the provisions of Chapter 9 of this title.
 - b. Multiple-occupancy buildings shall have a sign plan approved by the administrator.

EXHIBIT "C"

11. **Walls, Fences, Hedges, Trees, Shrubs, and Landscaping Structures:** Walls, fences, hedges, trees, shrubs, and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: no wall, fence, hedge, tree, shrub, or landscaping structure shall be placed within the public rights-of-way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs, and landscaping structures shall comply with the provisions of section 9-9-16 of this code. [Ord. 2550, 6-2-1997]
- a. Professional offices shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the professional office use and any contiguous residential lot or use.
12. **Building Standards:**
- a. **Buildings:** New buildings are to be designed in such a way as to conform with the general residential nature of the neighborhood. All buildings shall be of residential character with exteriors of architectural masonry, stone, stucco, and/or hardboard, steel or vinyl siding. Building faces shall include windows, setbacks, awnings, parapet variations material variations, color variations and other architectural treatments to break up large uniform surfaces.
 - b. Buildings shall have pitched roofs with a gable or hip roof with a minimum 5/12 pitch and twelve inch (12") eave. Roofing material shall consist of architectural asphalt shingles, architectural metal or tile.
 - c. Building faces shall be broken up with windows, recesses, awnings or other architectural features that break up large flat surfaces.
 - d. Buildings shall have exteriors of architectural masonry, stone, stucco, and/or hardboard, steel or vinyl siding.
 - e. All building public access will be oriented away from the adjacent residential areas where possible.
 - f. **Lighting:** Building and parking area lighting shall be enclosed in fixtures or soffits that direct lighting to the ground surface in a manner that the light source cannot be seen from adjacent properties.
 - g. **Outside Storage/Trash Containers/Loading Docks/Emergency Facilities:** Outside storage and/or display is prohibited. Loading docks, trash containers, and emergency facilities shall be visibly screened from roadways, residential areas, and adjacent properties with screening materials. Screening may consist of landscaping – as per DB, masonry walls, buildings, or vinyl fencing.

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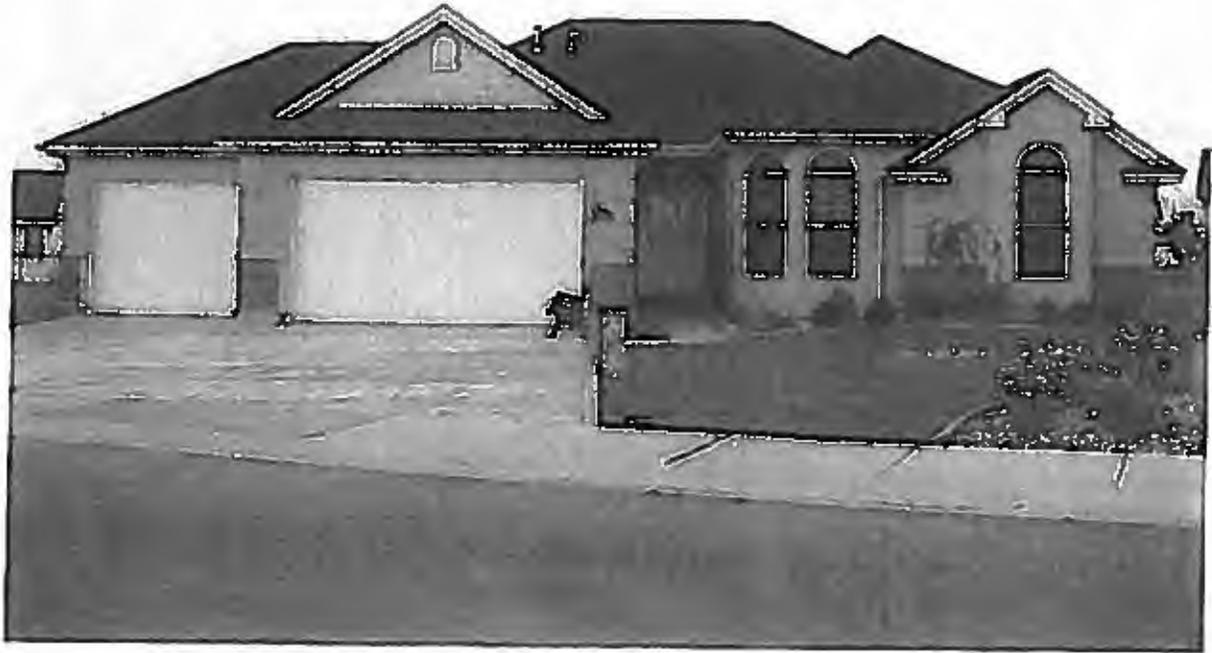
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PUD 271



PUD-271



PUD 271



PLD 271



IV. PUBLIC HEARINGS:

1. Request for the Commission to consider a PUD Agreement Amendment to the Fieldstone Professional PUD Agreement #271 to allow "Nursing Homes and Rest Homes" on Lots 1 through 5 Block 1 in the Fieldstone Professional Subdivision, A PUD, by Special Use Permit located at the south east corner of Fieldstream Way, extended and Cheney Drive West, extended. c/o Wills, Inc. (app. 2735)

Applicant Presentation:

Brad Wills, the applicant stated the request is for a recommendation to the City Council for an amendment to the Fieldstone Professional PUD Agreement. A Nursing Home or Rest Home is not allowed in the R-4 Zone, it would only be allowed in the C-1 Zone or an R-6 Zone. He thinks this would be a prime location for this use because it is close to the hospital, which is why he is making this request.

Staff Analysis:

Planner I Spendlove reviewed the request on the overhead and stated on February 11, 2014 the Preliminary Plat for the Fieldstone Professional Subdivision, A PUD was approved, as presented and subject to conditions and on February 23, 2015 the Fieldstone Professional Subdivision, A PUD was approved and later recorded on May 12, 2015. In May 2015, an application was received to amend the newly recorded PUD. A preliminary presentation was given to the Planning and Zoning Commission on June 9, 2015.

This is a request for PUD Amendment, on property described above. The amendment consists of one proposed change to Exhibit "C" in the PUD Agreement. This change, if granted, will add "Nursing Homes and Rest Homes" to the list of Special Uses located in Exhibit "C" of the PUD Agreement. Furthermore, the applicant is limiting this proposed use to Lots 1-5 Block 1 of the Fieldstone Professional Subdivision, A PUD.

Amending the PUD to include Nursing and Rest Homes on the list of Special Uses will have negligible impact on the surrounding area when compared with the other uses already listed in the recorded PUD. The discussion about having professional offices and other services located in close proximity to the existing residential subdivision has been debated and approved through previous Public Hearings.

This addition to the list of Special Uses will require an additional public hearing, and approval by the Planning Commission Prior to any nursing or rest home business being legally established. At that time, the possible impacts of the specific business can be addressed and mitigated.

Planner I Spendlove stated upon conclusion should the Commission recommend the City Council approve 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 Fieldstone Professional PUD Agreement #271.

Public Hearing: Opened

Joyce Burkett, 1380 Silver Creek Way, stated she is not happy because originally this was supposed to be single family homes and she is concerned with the impacts this will have on the quiet neighborhood. She is also confused because on one map of the neighborhood there is a cul-de-sac at the end of Silver Creek Way, on another map Silver Creek Way goes all the way around through the neighborhood.

Closing Statements:

Mr. Wills reassured Ms. Burkett that there will be a cul-de-sac at the end of Silver Creek Way. He knew which development map she was referring to and assured the Commission that he will have that sign removed.

Deliberations Followed: Without Concerns

Motion:

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

Recommended Approval To The City Council, As Presented, With 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 Fieldstone Professional PUD Agreement #271.

City Council Public Hearing Scheduled July 20, 2015

V. GENERAL PUBLIC INPUT: None

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

Zoning & Development Manager explained she made a presentation to the City Council regarding the Advisory Committee needed for the Comprehensive Plan update. The City Council gave some recommendations and requested that people chosen could possibly represent more than one interested party. They would like for the Advisory Committee to consist of a small group of citizens, two City Council members and two Planning & Zoning Commissioners. She explained that Logan & Simpson Design, Inc. would like to meet with this group around the time of the official "kick off". Originally the proposed "Kick Off" date was proposed for July 8, 2015, however, that date has now been moved to July 15, 2015. Because of this change the regularly scheduled Planning & Zoning Work Session will remain scheduled for July 1, 2015. As soon the Advisory Committee is formed she will present this list to the City Council, for confirmation and appointment. She will keep the Planning & Zoning Commission informed as things progress.

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

1. Work Session-July 1, 2015
2. Public Hearing-July 14, 2015

VIII. ADJOURN MEETING:

Vice-Chairman Grey adjourned the meeting at 06:52 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department