



NOTICE OF AGENDA
TWIN FALLS CITY PLANNING & ZONING COMMISSION
June 28, 2016 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Danielle Dawson Tom Frank Kevin Grey Gerardo "Tato" Muñoz Ed Musser Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **June 14, 2016 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Canyon Village Subdivision No.2 –A PUD (Pre-plat 06-1416)
 - Rock Canyon Amphitheater (SUP 06-14-16)

III. ITEMS OF CONSIDERATION: None

IV. PUBLIC HEARINGS:

1. Request for the Commission's recommendation on a **Zoning District Change and Zoning Map Amendment** for approximately 9 (+/-) acres from R-4 to **R-4 ZDA** to develop a Planned 4-Plex Townhome development on property located at 2916 East 3600 North. c/o Rex Harding, Riedesel Engineering, Inc. on behalf of Dennis Hourany (app. 2777)

V. GENERAL PUBLIC INPUT:

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

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

1. Work Session- **July 6, 2016-cancelled**
2. Public Hearing-**July 12, 2016**
3. Public Meeting – **July 13, 2016, Joint Comprehensive Plan Advisory Committee and Planning & Zoning Commission Meeting**

VIII. ADJOURN MEETING:

Si desea esta información en español, llame Leila Sanchez al (208) 735-7287

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.

**CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION**

Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name and address, then commence with their comments. Following their statements, they shall write their name and address on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's presentation should include the following:**
 - **A complete explanation and description of the request.**
 - **Why the request is being made.**
 - **Location of the Property.**
 - **Impacts on the surrounding properties and efforts to mitigate those impacts.**

The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.

4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
 - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
 - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
 - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed **No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.

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Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this property is Zoned C-1 PUD. This Zoning designation took place in 2014 and 2015. This zoning change went through multiple public hearings with the Planning and Zoning Commission and the City Council. The PUD Master Development Plan is contained within the Attachments.

The request is for approval of the Canyon Village Subdivision #2 –A PUD. The site is zoned C-1 PUD, includes 13.6 acres and consists of 21 Residential Lots, 4 Commercial Lots, 4 Professional Office Lots and 1 Tract. A Parks-n-Lieu Request was submitted to the Parks Director when the plat was submitted. As of today the Parks and Recreation Commission has not discussed the request. Prior to submittal of a final plat the parks issue needs to be resolved. The Preliminary Plat we have received satisfies the rest of requirements outlined in City Code 10-12: General Subdivision Provisions and the Canyon Village PUD #270.

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

This request is in conformance with the Comprehensive Plan and the requirements found in Twin Falls City Code.

Planner I Spendlove stated upon conclusion should the Commission approve the preliminary plat of the Canyon Village Subdivision No. 2, a PUD, as presented, staff recommends the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to resolution of the Parks-n-Lieu Request.

PZ Questions/Comments:

- Commissioner Munoz asked about the wetlands area being designated as a park for the residential development.
- Planner I Spendlove explained that the Parks & Recreation Commission will review this development and make that determination.
- Commissioner Woods asked for clarification on symbols shown on the plat.
- Mr. Thibault explained the symbols shown on the plat.
- Commissioner Woods asked about the private street designation shown on the plat.
- Mr. Thibault the street designated as private is not on the Master Transportation Plan. It is intended to serve as primary access for the professional lots. Because there are four lots they are anticipating high volumes of traffic then what would be allowed on a city street and by designating this as private it will be privately maintained and can accommodate a higher level of access. The only public streets

identified in this development are Mountain View Drive and Cheney Drive West. This decision between public and private was based upon users and the attempt to conform to the PUD Agreement.

Public Comment: [Opened & Closed Without Comments](#)

Closing Statements:

Mr. Thibault stated he has reviewed the conditions recommended by staff and has no issues with meeting those conditions.

Deliberations Followed: [Without Concerns](#)

Motion:

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

[Approved, As Presented, With The Following Conditions](#)

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to resolution of the Parks-n-Lieu Request.

IV. PUBLIC HEARINGS:

1. Request for a [Special Use Permit](#) to allow for an Outdoor Theater; to include concerts and other similar outdoor events on property located at 245 & 287 5th Avenue South c/o Rock Canyon Amphitheater –Mark Gallegos (app. 2794)

Applicant Presentation:

Curt Gallegos, the applicant, stated this request is for a Special Use Permit so that there is more flexibility for scheduling acts as they are touring.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this property is part of the original Twin Falls Townsite dating to 1905. We have no specific Zoning history for this location. However, it is safe to assume it has been Zoned OT at least since 1996, when that zoning district was first enacted for parts of downtown. This area of OT was incorporated within the Warehouse Historic Overlay District which was adopted in 1999 – this district was developed to protect and improve the old historic downtown area of Twin Falls. The Historic Preservation Commission actively reviews all changes to sites and or structures within this zone.

The property has been undeveloped for a number of years. In 2015, the Gallegos Brothers purchased the property with the plan to hold temporary outdoor concerts a few times a year as permitted by the Special Events process. During their first year of operation, they pursued and obtained a Special Event Permit for the concerts they held on the location. After the conclusion of their first year, they started plans to make this location a permanent Outdoor Theater/Concert site. In order to do this, they made application for a code amendment to add “Outdoor Theater” to the OT Zone. This change occurred in February of 2016.

The site is zoned OT (Old Towne) WHO (Warehouse Historic Overlay) with a P3 parking overlay. The request is to operate an Outdoor Theater/Concert; to include concerts and other similar outdoor events. The site plan indicates all items associated with the outdoor theater/events being temporary or movable. This is due in-part to the requirement for any permanent improvements shall receive approval from the Historic Preservation Commission and make required site improvements such as; curb, gutter, sidewalk, retention, trash enclosures, landscaping, parking, etc. The applicant states their desire is for concerts to potentially take place Monday – Sunday 8 AM – 10 PM. The applicants do not anticipate a concert taking place every day, however, they could under this permit. The applicants portray this permanent special use permit as a necessity for scheduling during the summer as they will be able to pursue various artists and groups for any day of the week instead of only on weekends.

The applicant anticipates most of their events will see between 40 – 800 vehicles, depending on the popularity of the event. Their parking plan shows a dependence on public parking, which has been abundant in this area for the past several years. Particularly a public parking lot owned by the Urban Renewal Agency immediately to the south. They will encourage and advertise the locations of all nearby public parking lots. The applicant states they have made contact with neighboring property owners to discuss the nature of the business. They claim nearby businesses have not conveyed issues with this plan as most events will take place after hours and thus patrons will not compete with office workers for parking spaces.

The applicant has indicated security for the events will be provided by themselves or a privately hired security firm. Their application also contains a condition for notifying the Twin Falls Police Department 3 weeks prior to each event. Additionally, they will notify TFPD if their ticket sales exceed 2000 to ensure adequate safety precautions are met.

Per City Code 10-4-13: Outdoor Theaters require a special use permit prior to being legally established. The applicant proposes operating an outdoor theater/concerts with no permanent structures as of yet. The site is currently landscaped with grass a few trees and a temporary chain link fence.

Per City code 10-10-12: Parking Overlay Districts

This property is located within the P-3 Parking overlay. Special Consideration may be given on a case by case basis to the parking requirements, in order to retain the character of the district. Examples could be: a variance, leased parking, or remote parking. The applicant is asking the Commission to grant this use with no designated onsite parking for their customers.

Per City Code 10-11-1 thru 8: Required Site Improvements

Required improvements include streets, parking, paving, landscaping, curb-gutter-sidewalk, water and sewer, drainage and storm water, etc... These improvements are required for any change of use of a property but typically assurance of completion is tied to a building permit review and approval. Due to no building permit being sought at this time, these improvements will be difficult to ensure they are

met. If the commission wishes to address any of these improvements, they should evaluate this request for the possible impacts it will cause and potentially address them.

The negative impacts associated with this particular business will involve an increase in traffic and noise. Due to the surrounding area being underdeveloped and commercial in nature, staff does not anticipate unreasonable negative impacts to be created by the operation of this business.

The most prominent impact on the area will be additional vehicular and foot traffic to the area. There is no sidewalk in this area and in some cases, this can be overbearing to an area to the extent it becomes a significant impact. The applicants are asking for consideration to allow all of their required onsite parking to be off-site. Some consideration needs to be given to the varying peak times of customers to the area. As indicated by the applicant, most events will be taking place after hours. The applicant has indicated they will make every effort to encourage patrons to use established public parking lots and to park legally on streets that allow it.

The other prominent impact on the area will be noise due to the events. Outdoor Concerts of all types create noise which can be heard clear across town and can also be undesirable for people within the area. The applicant has proposed a reasonable time frame for operations being no earlier than 8 AM and no later than 10 PM. Although retail hours are permitted from 7am to 10pm, typically the business operates within a building limiting greatly the impacts from noise. It should be noted, during the four (4) concerts put on by the applicants last summer the city did not receive any noise complaints.

As the site shall remain undeveloped a concern trash, temporary stages, benches, port-a-poties, the temporary chain link fence will remain onsite until the next concert date. It may be appropriate to place a condition all temporary facilities and all trash be removed within 24 hours of the close of the concert.

The commission should evaluate the impacts of this proposed special use and evaluate if conditions should be placed on the permit to mitigate those potential impacts.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented staff recommends the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to notifying the Twin Falls Police Department a minimum of three (3) weeks prior to each event.
3. Subject to additional notification to the Twin Falls Police Department when ticket sales exceed the two-thousand (2,000) mark, and each additional thousand (1,000) thereafter.
4. Subject to any permanent structure or improvement receiving approval from the Historic Preservation Commission, if applicable, and subsequent building permit.
5. Subject to the hours of operation being limited to 8:00 AM – 10:00 PM.
6. Subject to the Special Use Permit being issued to the Rock Canyon Amphitheater only any change in ownership would require a new Special Use Permit.

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PZ Questions/Comments:

- Commissioner Grey asked if the three-week notification requirement negates the applicant's ability to book someone that wants to perform on short notice.
- Mr. Gallegos, explained this limitation is not an issue.
- Planner I Spendlove explained that is correct, and the applicant has told staff they would not be able to book on such short notice.
- Commissioner Grey asked if there is a maximum capacity for the lot. Two Thousand people sounds like a lot and a thousand after that seems a bit extreme.
- Planner I Spendlove explained capacity is usually determined for a building but not for a lot. He stated the condition for notification is to assist in managing the event.
- Mr. Gallegos explained the he has spoken to the people that own the vacant lot adjacent to this lot along Idaho Street in case an event is expected to draw a bigger crowd, they would apply for a Special Event to include this lot as part of the location and have the beer garden located on the vacant lot allowing for a bigger crowd at the amphitheater site.
- Commissioner Grey asked where the nearest residential property is located.
- Planner I Spendlove showed the residential properties located around the site, the closest is approximately three blocks away.
- Commissioner Grey asked about night crews after the concerts cleaning up.
- Mr. Gallegos explained they have been on site until 2am cleaning up from an event. They don't play any music and the impacts are minimal when cleaning up the site. The generators used for lighting are not as loud as the trains passing through the area.
- Commissioner Woods asked if the fence is removable.
- Mr. Gallegos stated the fence was originally removable but they went through the Historic Preservation Commission to install a permanent fence on site and plant english ivy along the fence to create a nice appearance and better buffer.
- Commissioner Munoz asked about the location of the video wall.
- Mr. Gallegos showed on the overhead where the stage will be located and where the video wall will be facing.
- Commissioner Frank asked about the property that is just adjacent to the site.
- Planner I Spendlove explained it is public right of way and explained parking in the area.
- Commissioner Frank asked about preventing parking in this area and the railroad right of way.
- Mr. Gallegos stated they have the beer trucks park along the public right of way and they work with traffic control on blocking off the railroad right of way.
- Commissioner Musser asked about any complaints that came up last year during the events.
- Mr. Gallegos stated there were no complaints reported during the events they had last year.
- Planner I Spendlove stated that the applicant requested that another condition be added to the staff recommendations stating the Special Use Permit is only issued to them.

Public Hearing: [Opened](#)

Dave Woodhead stated he has no issues with this request and thinks this will benefit the City and the surrounding businesses.

Public Hearing: [Closed](#)

Deliberations Followed:

- Commissioner Munoz stated he feels like the applicant has put a lot of thought into this request and has done a good job planning for events at this location.

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- Commissioner Frank agreed and stated their past performance speaks volumes.

Motion:

Commissioner Dawson made a motion that the trash and temporary facilities be removed from the site within 24 hours of the event being complete. Commissioner Munoz seconded the motion.

Discussion:

- Commissioner Grey stated that if an event is held on a Saturday next day pick up may be difficult possibly changing the verbiage to by the end of the next business day would be more appropriate.
- Commissioner Frank agreed and called for a vote on the motion.

Unanimously Approved

Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations and amendments. Commissioner Dawson seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With The Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to notifying the Twin Falls Police Department a minimum of three (3) weeks prior to each event.
3. Subject to additional notification to the Twin Falls Police Department when ticket sales exceed the two-thousand (2,000) mark, and each additional thousand (1,000) thereafter.
4. Subject to any permanent structure or improvement receiving approval from the Historic Preservation Commission, if applicable and subsequent building permit.
5. Subject to the hours of operation being limited to 8:00 AM – 10:00 PM.
6. Subject to the Special Use Permit being issued to the Rock Canyon Amphitheater only any change in ownership would require a new Special Use Permit.
7. Subject to trash and temporary facilities being removed by the end of the next business day.

V. GENERAL PUBLIC INPUT: None

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

- Zoning & Development Manager Carraway-Johnson explained that there will be a relatively short meeting on June 28, 2016. As for the work session on July 6, 2016 she proposed that be cancelled to allow for a joint meeting to be held July 13, 2016 from Noon-2pm with the Planning & Zoning Commission and the Comprehensive Plan Advisory Committee to discuss the updated draft Comprehensive Plan documents. A City-Fair has been proposed for July 13, 2016 at the future City Hall site from 3:30pm – 5:30pm. Several departments will be presenting updates about current projects. The draft will be presented to this Commission and the Comprehensive Plan Advisory Committee prior to the City-Fair that afternoon. Staff should have the draft documents by the end of this week and will be sent out soon enough for review and input from everyone.
- Commissioner Grey asked if there will be any public announcements once the final draft is ready for the public.
- Zoning & Development Manager Carraway-Johnson stated the City-Fair will be advertised and should be a big event.
- Commissioner Frank confirmed that the July 6, 2016 work session will be canceled.

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- Commissioner Grey asked if there is a way that staff can follow up with the Idaho Department of Transportation about left turns across Blue Lakes Boulevard into the access north of the Zions Bank. He doesn't want this to become an issue after someone gets hurt, he would like to prevent that from happening.
- Zoning & Development Manager Carraway-Johnson explained that some follow-up can be made however because it is a state road our influence is minimal with regards to making a change.
- Commissioner Woods recommended the flexible cones that block people from turning left.
- Zoning & Development Manager Carraway-Johnson stated she would follow-up on this concern.

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

1. Public Hearing- **June 28, 2016**
2. Work Session- **July 6, 2016-Cancelled**
3. Public Meeting- **July 13, 2016 Noon-2:00pm** with Planning & Zoning & the Comprehensive Plan Advisory Committee

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:05 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department

DRAFT



BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:)
)
Preliminary Plat Application,) FINDINGS OF FACT,
)
Canyon Village Subd No. 2 A PUD) CONCLUSIONS OF LAW,
c/o Northeast Investments, LLC)
 Applicant(s)) AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the **June 14, 2016** hearing for consideration of the preliminary plat of **Canyon Village Subdivision No. 2**, approximately **13.60 (+/-)** acres, to develop **29 residential/professional** lots located **on the south side of Pole Line Road East and west side of Eastland Drive North**, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the preliminary plat of **Canyon Village Subdivision No. 2**, approximately **13.60 (+/-)** acres, to develop **29 residential/professional** lots located **on the south side of Pole Line Road East and west side of Eastland Drive North**
2. The property in question is zoned **C-1 PUD** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Urban Village/Infill** in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, **Undeveloped**; to the south, **Cheney Drive East/Residential**; to the east, **Eastland Drive North/Undeveloped Agricultural**; to the west, **Undeveloped Agricultural**

The City Engineering Office has reviewed the preliminary plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb, gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

Any detrimental effects on the neighborhood would be ameliorated by observance of the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The preliminary plat of **Canyon Village Subdivision No. 2**, approximately **13.60 (+/-)** acres, to develop **29 residential/professional** lots located **on the south side of Pole Line Road East and west side of Eastland Drive North** is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.
2. The preliminary plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H) (2) (a).
3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the Commission's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

DECISION

The request for approval of the preliminary plat of **Canyon Village Subdivision No. 2**, approximately **13.60 (+/-)** acres, to develop **29 residential/professional** lots located **on the south side of Pole Line Road East and west side of Eastland Drive North** is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. **Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.**
2. **Subject to resolution of the Parks-n-Lieu Request.**



BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:)
)
Special Use Permit, Application,) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
Rock Canyon Amphitheater)
c/o Mark Gallegos) AND DECISION
 Applicant(s))

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on **June 14, 2016** for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of **allowing for an Outdoor Theater; to include concerts and other similar outdoor events on property located at 245 & 287 5th Avenue South**, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of **allowing for an Outdoor Theater; to include concerts and other similar outdoor events on property located at 245 & 287 5th Avenue South**
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **May 26, 2016**
3. The property in question is zoned **OT WHO P3 Overlay** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Townsite** in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. The existing neighboring land uses in the immediate area of this property are: to the north, **Alley/Commercial Business**; to the south, **5th Avenue/Parking Lot**; to the east; **Idaho Street South/Vacant Undeveloped Lot**; and to the west, **Commercial Business**.

Based on the foregoing Findings of Fact, the Planning and Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of **allowing for an Outdoor Theater; to include concerts and other similar outdoor events on property located at 245 & 287 5th Avenue South** is consistent with the purpose of the **OT WHO P3 Overlay Zone**, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.

3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2

4. The proposed use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area as required by Twin Falls City Code 10-13-2.2(D)3.

5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.

6. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community as required by Twin Falls City Code 10-13-2.2(D)6.

7. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors as required by Twin Falls City Code 10-13-2.2(D)7.

8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.

9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.

10 The proposed use is a proper use in the **OT WHO P3 Overlay** Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of **allowing for an Outdoor Theater; to include concerts and other similar outdoor events on property located at 245 & 287 5th Avenue South** should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

DECISION

1. The application for a Special Use Permit for the purpose of **allowing for an Outdoor Theater; to include concerts and other similar outdoor events on property located at 245 & 287 5th Avenue South** is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

3. The Special Use Permit shall be issued, as presented.

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. **Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.**
2. **Subject to notifying the Twin Falls Police Department a minimum of three (3) weeks prior to each event.**
3. **Subject to additional notification to the Twin Falls Police Department when ticket sales exceed the two-thousand (2,000) mark, and each additional thousand (1,000) thereafter.**
4. **Subject to any permanent structure or improvement receiving approval from the Historic Preservation Commission, if applicable and subsequent building permit.**
5. **Subject to the hours of operation being limited to 8:00 AM – 10:00 PM.**
6. **Subject to the Special Use Permit being issued to the Rock Canyon Amphitheater only any change in ownership would require a new Special Use Permit.**
7. **Subject to trash and temporary facilities being removed by the end of the next business day.**

APPLICATION #2794
SUP# 1398



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

SPECIAL USE PERMIT

Permit No.1398

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **June 14, 2016** to **Rock Creek Amphitheater c/o Mark Gallegos** whose address is **2587 East Patriot Drive Eagle Mountain, UT 84005** for the purpose of **allowing for an Outdoor Theater; to include concerts and other similar outdoor events on property located at 245 & 287 5th Avenue South** and legally described as **RPT0001146013AA & RPT00011460160A Twin Falls Townsite Lots 13, 14, 15 & 16 Block 146**

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Zoning Application No.2794

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to notifying the Twin Falls Police Department a minimum of three (3) weeks prior to each event.
3. Subject to additional notification to the Twin Falls Police Department when ticket sales exceed the two-thousand (2,000) mark, and each additional thousand (1,000) thereafter.
4. Subject to any permanent structure or improvement receiving approval from the Historic Preservation Commission, if applicable and subsequent building permit.
5. Subject to the hours of operation being limited to 8:00 AM – 10:00 PM.
6. Subject to the Special Use Permit being issued to the Rock Canyon Amphitheater only any change in ownership would require a new Special Use Permit.
7. Subject to trash and temporary facilities being removed by the end of the next business day.

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.

cc: Building Inspection



Public Hearing: TUESDAY, JUNE 28, 2016

To: Planning & Zoning Commission

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

AGENDA ITEM IV-1

Request: Request for the Commission's recommendation on a **Zoning District Change and Zoning Map Amendment** for 9 (+/-) acres from R-4 to **R-4 ZDA** to develop a Planned 4-Plex Townhome development on property located at 2916 East 3600 North. c/o Rex Harding, Riedesel Engineering, Inc. on behalf of Dennis Hourany (app. 2777)

Time Estimate:

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

Background:

Applicant:	Status: Property Owner	Size: 9 (+/-) acres
Dennis Hourany PO Box 122 Freedom, WY 83120 925-766-2875 dennis@elitetile.usa	Current Zoning: R-4	Requested Zoning: R-4 ZDA
	Comprehensive Plan: Medium Density Residential	Lot Count: 84 lots, 1 Tract
	Existing Land Use: Undeveloped/Agricultural	Proposed Land Use: Townhome/Rowhouse development-@84 S/F homes on individual lots
Representative:	Zoning Designations & Surrounding Land Use(s)	
Rex Harding Riedesel Engineering Inc. 202 Falls Ave Twin Falls, ID 83301 208-733-2446 rharding@riedeseleng.com	North: R-4, Valencia Ave/Residential	East: R-4, South Hills Middle School under construction
	South: 3600 North Road; R-4, Skylane Trailer Park/Residential	West: R-4, Residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-5, 10-6-1, 10-7-6, 10-9, 10-10-1 through 3, 10-11-1 through 9, 10-14-1 through 9	

Approval Process:

As per Twin Falls City Code 10-6-1.7(B) establishing a ZDA:

1. The Planning and Zoning Commission shall complete a preliminary review of the proposed conceptual development plan at a meeting prior to the public hearing for a zoning district and zoning map amendment.
2. After Commission preliminary review, a public hearing shall be held before the Commission; their recommendation will be forwarded to the Council for a zoning district and zoning map amendment.

Budget Impact:

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

Regulatory Impact:

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

History:

This parcel has been zoned R-4 since at least the 1980's when our current Title 10; Zoning & Subdivisions chapter was put in place. This property is Lot 2 of the Golden Eagle Subdivision Number 4 Conveyance Plat. This subdivision went through the public hearing process as part of the development for the South Hills Middle School. The subdivision was approved, and recorded in 2014.

On April 12, 2016 a preliminary ZDA presentation was given to the commission followed by a public hearing on April 26, 2016. The commission recommended denial of the project as presented. Tonight is a resubmittal of the project with changes.

Analysis:

The applicant has supplied a revised narrative outlining the project and development goals for this project.

On May 31, 2016 the developer held a meeting with the surrounding neighbors to discuss their concerns with the development as presented. Upon conclusion of the meeting the developer modified the original design and offered some development modification and additions to help mitigate the impacts to the neighbors. In summary the changes from the April 26th public hearing include, **1)** a reduction in residential development from twenty-two (22) Town House Blocks / 88 single family dwelling units to twenty-one (21) Town House Blocks / 84 single – family dwelling units. Each Block will contain four (4) “Town Houses” lots, each lot shall be built as a single family dwelling, **2)** the orientation of 9 out of 10 townhomes that are adjacent to residential neighbors on the western boundary of the development shall be located with the side yard adjacent to the fence, **3)** the ends of the townhomes that may overlook the neighbors’ homes or yards will not have any windows; **4)** the trash dumpsters shall be located to the furthest location from the residential neighbors on Vista Drive; **5)** all lighting within Valencia Park shall be “downshielded”, **6)** there shall be an additional depth of landscaping buffer between the development and the residential neighbors – ***depth should be defined***; **7)** traffic calming on Valencia Street as deemed appropriate by the City.

The town house blocks will be strategically placed to maximize open space and parking between. The open space and parking areas will be owned and maintained by an HOA comprising of the owners. There are no individual garages, covered parking or onsite storage being provided within this project.

The applicant implicates this project to be a good transition between the Middle School on the East and the traditional Single Household subdivision on the West.

Per City Code 10-6: A Conceptual Development Plan and associated written commitment have been provided by the applicant. These documents constitute the elements of the Zoning Development Agreement (ZDA) Subdistrict.

The Conceptual Plan provided shows the layout of the property as desired by the applicant. Each “Town House” will be individually owned on its own platted lot. The remainder of the area surrounding the lots will be owned and maintained collectively by the owners in the Subdivision by creating an HOA.

Per City Code 10-6-1.5: The following list of items shall be included on the Residential Conceptual Development Plans:

1. Land Use

- a. *The applicant has shown the proposed land use of Attached Single Household (aka “Town House”) on the Conceptual Plan and further clarified that use within the Written Commitment Document.*

2. Streets

- a. *The applicant has satisfied this by showing the approximate location of Valencia Street and declared it within the Written Commitment Document as a public collector roadway.*

3. Storm Drainage

- a. *The applicant shows a private Playground for the residents in the NE Corner of the property. This playground could be utilized to meet the Park/Storm Drainage requirements. The actual park / storm water plans are reviewed during the Platting Process and will be required to follow all current codes and standards.*

4. Preliminary Lot Arrangements

- a. *The applicant has provided preliminary lot arrangements on the Master Development Plan. Each "Row House" will be located on its own lot which can be purchased individually from the other connected "Row House's" within the same block.*

Per City Code 10-6-1.5: The following list of items may be included with the text material to further explain the plan:

1. Multiuse transportation access and pathways

- a. *The applicant has shown public pathways and sidewalks throughout the development.*

2. Density

- a. *The applicant has not requested a change in density with this development.*

3. Land Use

- a. *The R-4 Zone allows a single level 4 plex by Special Use Permit for each building. The applicant has requested approval of the multiple dwelling units without an additional public hearing as part of this development approval.*

4. Building Height

- a. *The applicant has not requested a change in the building height- maximum height of 35'.*

5. Screening

- a. *The applicant has committed to a six foot (6') tall white vinyl fence along the perimeter of the property for the entire development.*

6. Landscaped areas

- a. *The applicant has designated landscape buffers along the perimeter of the property for the entire development and areas for open space which will be owned and maintained by the HOA.*

7. Project scheduling

- a. *The applicant has provided a development schedule for the project within the Written Commitment. The project will begin this year – 2016, with an anticipated completion in 2022.*

8. Parks and open space

- a. *The applicant is not requesting changes to the parks dedication procedure.*

9. Other pertinent development data.

- a. *The other data in the Written Commitment includes: Lot Area, Lot Occupancy, Lot Width, Lot Depth, and Yard Setbacks. These items are requested to be modified as shown in the document in order to facilitate the development of the project.*

Per City Code 10-6-1.5: Color renderings or elevations shall also be submitted to illustrate proposed architectural standards or requirements.

The applicant has submitted multiple Building Reference Photos with this application. Although the photos depict varying types of structures, the basic architectural elements are the same throughout; Pitched Roofs, 2 story attached single family dwellings, Siding – stucco – brick – rock combo are the presented material buildings.

Possible Impacts:

Staff does not foresee the land use of "Townhouses" being a drastic departure from the permitted uses within this zoning district. Each townhouse will have the opportunity to be owned independently. This basic element of ownership is more in-line with a typical residential subdivision rather than an apartment complex.

This development has appropriately set aside a reasonable amount of open space between the buildings. This will help soften the visual impact of the clustered Townhouses, and offer an informal park area for the residents. Additionally, a park area will be dedicated in the northeast portion of the development as per the platting requirements.

Due to the rapid development in the area with the new Middle School staff does feel it necessary to complete Valencia Street in its entirety as soon as possible in order to facilitate better circulation in the area. It would be poor judgement to overlook the impacts additional housing would have on the existing neighborhood and traffic network, particularly Valencia and Southwood.

Staff does not feel the overall development to have any greater impact on the area than a typical subdivision would, and we feel it is in conformance with the Comprehensive Plan. Going through the ZDA process has allowed the developer to introduce a concept not outright permitted within our code. It has also offered a public forum for the nearby property owners and residents to become acquainted and view the project prior to construction.

As we move forward with the process, Staff will ensure the project conforms to the requirements of the ZDA Code Sections.

On April 12, 2016 the Commission held a preliminary presentation on this request. There were questions and comments from the Commission and from adjacent neighbors.

On April 26, 2016 the Commission held the public hearing for this request. Upon conclusion of the applicants presentation, staff's presentation, public comment and commission deliberation the request, as presented, was recommended for denial by a vote of 2 for and 6 against.

On May 31, 2016 the developer met with the surrounding neighbors to discuss their concerns and review possible changes to the master development plan. Tonight is a result of the developer's modifications and new presentation.

Upon a recommendation by the Commission this request will be scheduled for a public hearing before the City Council. The City Council may approve this request as presented, deny this request or approve it with additional conditions. If approved, an ordinance will be prepared and presented to the City Council for approval. The ZDA Memo of Commitment shall be attached to the Ordinance.

Conclusion:

If the commission recommends approval of the Valencia Park ZDA Development, as presented, staff recommends the following conditions:

1. Subject to site plan amendments as determined by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and Standards.
2. Subject to the entirety of Valencia Street being constructed in the first phase.
3. Subject to the perimeter fence being installed prior to issuance of a building permit.
4. Subject to a final plat being recorded prior to any development.
5. Subject to conformance to the Zoning Development Agreement and the Valencia Park Master Development Plan as approved.

Attachments:

1. Narrative (2)
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. Conceptual Development Plan (2)
6. Building Reference Photos
7. Written Commitment Document
8. April 12th & April 26 P&Z Minutes
9. Site Photos

5700 East Franklin Road, Suite 160
Nampa, Idaho 83687
www.horrocks.com



Idaho Office
Tel: 208.463.4197
Fax: 208.463.7561

June 16, 2016

Rene'e V. Carraway-Johnson
Planning & Zoning Manager
City of Twin Falls
PO Box 1907
Twin Falls, Idaho 83303-1907

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JUN 17 2016

CITY OF TWIN FALLS
BUILDING DEPT.

Subject: Valencia Park ZDA Resubmittal

Dear Ms. Carraway - Johnson:

Following the April 26, 2015 Planning and Zoning Commission hearing for Valencia Park Subdivision, the developer of Valencia Park made substantial changes to the subdivision layout to address concerns expressed by neighbors at the April Planning and Zoning Commission hearing. The developer's team also held a Neighborhood Meeting on May 31, 2016 to meet with neighbors of the proposed subdivision to present the revised site plan and gather additional comments on the layout.

Following is a summary of the Valencia Park layout changes:

- The orientation of the proposed buildings (for nine of the ten townhomes) adjacent to Vista Drive has been changed so that the ends of the townhouse units are now adjacent to Vista Drive
 - The ends of the townhouse units do not have windows that will overlook neighbors' homes or yards
- One four-plex building has been removed from the subdivision layout; there are now 21 proposed four-plex buildings
- Trash dumpsters have been moved away from the fence line shared with the Vista Drive neighbors

- Additional landscaping has been added to the buffer between Valencia Park Subdivision and the homes on Valencia Drive

Summary of May 31, 2016 Neighborhood Meeting

Notice of the neighborhood meeting was mailed to all neighbors who received notices of the April Planning and Zoning Commission hearing for Valencia Park Subdivision. Approximately 15 neighbors attended the meeting and the neighbors were overwhelmingly in favor of the new revised layout. The previous layout for Valencia Park Subdivision featured a number of buildings with windows that directly overlooked the homes on Vista Drive; neighbors were happy to see that these buildings had been reoriented and that there were no longer windows overlooking their homes. Neighbors were similarly please to see that the trash dumpsters had been moved away from the fence line.

Additional requests made by the neighbors included:

- A request to provide "downshielding" on lights in Valencia Park Subdivision to reduce lights shining into adjacent homes - The developer has agreed to this.
- A request for additional landscaping along the fence line shared with Vista Drive – The developer has agreed to this.
- A request to provide "traffic calming" measures on Valencia Street - The developer will work with the City of Twin Falls to accommodate any traffic calming measures deemed appropriate by the City for the design of Valencia Street.

We are respectfully requesting your reevaluation of the changes which have been made to Valencia Park Subdivision. The developer of Valencia Park listened carefully to the concerns of neighboring residents at the April Planning Commission hearing and he has worked to address these concerns and create a development that is more compatible with the neighborhood.

Sincerely,
Horrocks Engineers

Wendy Kirkpatrick Shrief, AICP

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MAY 24 2016

CITY OF TWIN FALLS
PLANNING & ZONING

VALENCIA PARK ZDA TOWNHOUSE SUBDIVISION
ZONING DISTRICT CHANGE AND ZONING MAP AMENDMENT
ZONING DEVELOPMENT AGREEMENT APPLICATION
PROJECT JUSTIFICATION, CONFORMANCE AND COMPATIBILITY

a. Reason for the request:

The property for the proposed Valencia Park ZDA Townhouse Subdivision is located in the R-4 Medium Density Residential District. This application for Zoning District Change and Zoning Map Amendment is in accordance with the City of Twin Falls Code Section 10-4-5.2 B.6.c that allows the construction of attached dwellings with 4 units per building with a special use permit in the R-4 Zone. This townhome subdivision will be developed following the conceptual development plan that is included with this application. The ZDA plan shows the intended use of the land in a visual manner and by written documentation of the proposals and standards.

b. Statement:

i. Relationship to Comprehensive Plan

The Future Land Use Map included in the 2009 City of Twin Falls Comprehensive Plan designates the subject property and surrounding area as Residential Medium Density. The proposed development with attached dwellings with 4-unit buildings will have 21 buildings with 84 residential units within the 9 acre development. This provides an area compatible with the Comprehensive Plan designation that is intended to promote and preserve medium density residential development and provide a residential environment to allow the present and future residents to live and play in an area with space for personal privacy, minimum vehicular traffic that is free from the encumbrance by commercial and industrial activities.

ii. Compatibility with the Surrounding Area

The proposed development is compatible with the existing uses in the surrounding area. The adjacent properties along the west property boundary are part of the Golden Eagle Subdivision No. 1. The properties located to the north across Southwood Avenue are part of the Golden Eagle Subdivision No. 2. The property located to the south across the 3600 North Road is part of the Skylane Mobile Home Park. The property located adjacent to the east boundary is currently being developed for the new Twin Falls School District South Hills Middle School. The current uses in the area are residential in nature with small lots and affordable construction. The proposed development provides a transition from the small lot single family homes to the new school and is compatible with the existing residential uses in the area.

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MAY 24 2016

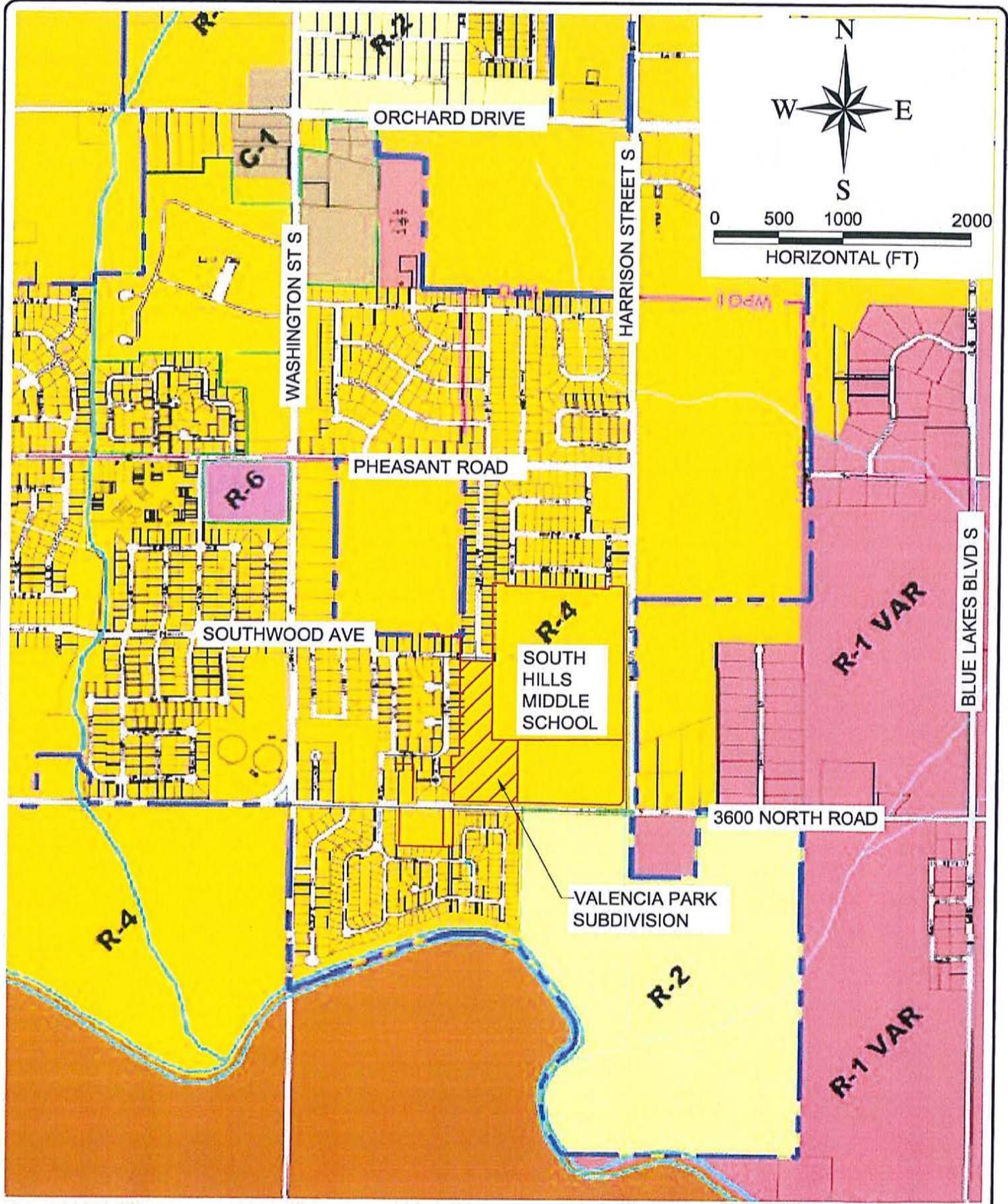
CITY OF TWIN FALLS
PLANNING & ZONING

iii. Intended Use/Development of the Property

The intended development of the property includes 21 buildings that include 4 attached dwelling units each with off street parking. The building density provides affordable townhomes with adequate open space with landscaping, play areas and walking/riding trails.

iv. Requested Exceptions for Specific Uses and/or Development Standards

The R-4 Zoning District allows duplex dwellings. Fourplex dwellings are not permitted outright, however they are with a Special Use permit. This development will have 4 dwelling units per building with each individually owned dwelling on a separate platted lot. No other land use / development allowances are requested.



VALENCIA PARK ZDA
SUBDIVISION

VICINITY MAP WITH ZONING

SCALE: 1" = 1000'	DATE: 2/19/16	PROJ. NUMBER: 2623
DWG. PATH: Z:\2623 Valencia Park Subdivision\CADD\CIVIL 3DDRAWINGS\vicinity.dwg		

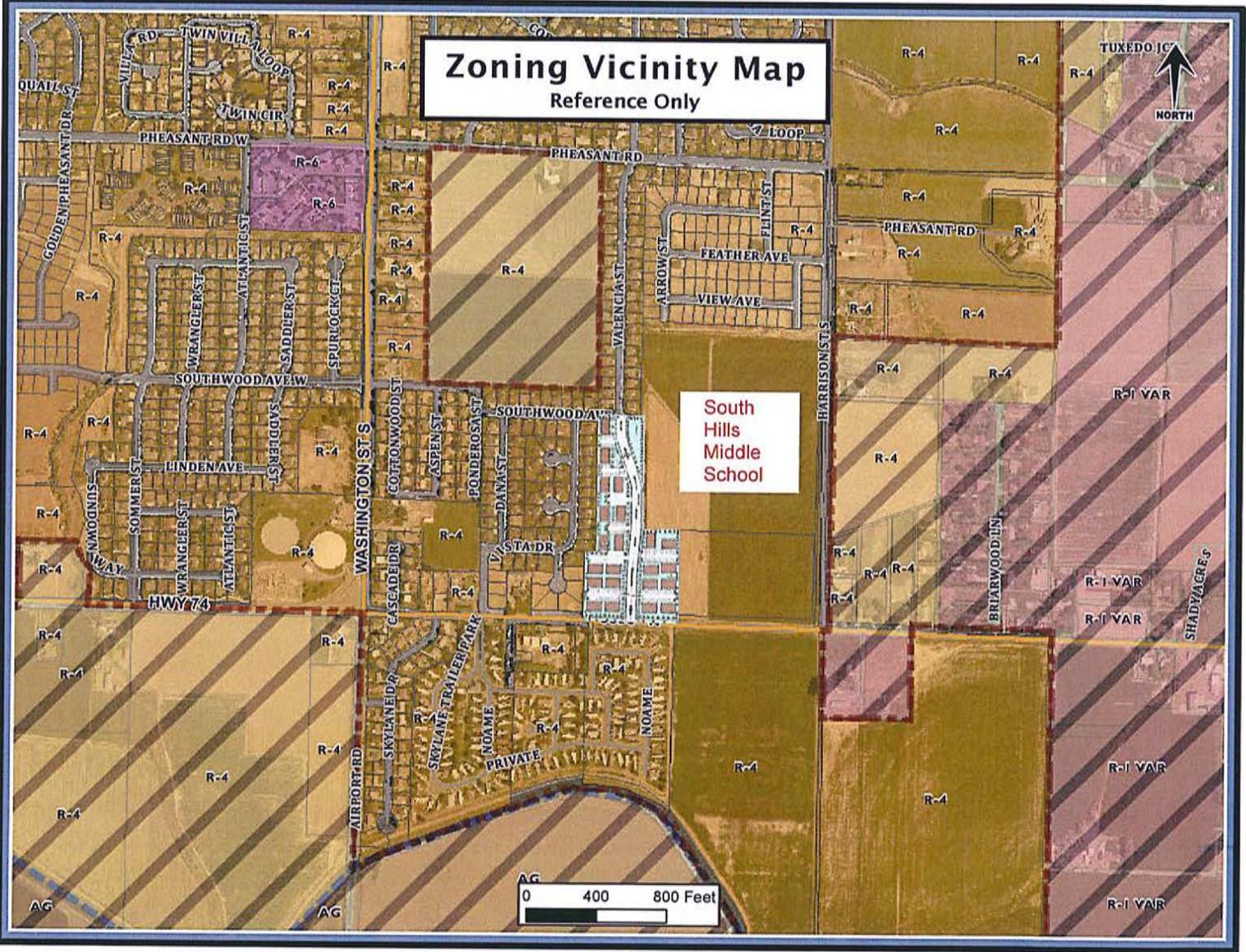
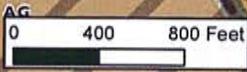


72930 Pulley Avenue
 Torrance, CA 90501
 Phone: (208) 733-3846
 Fax: (208) 733-3848

Zoning Vicinity Map

Reference Only

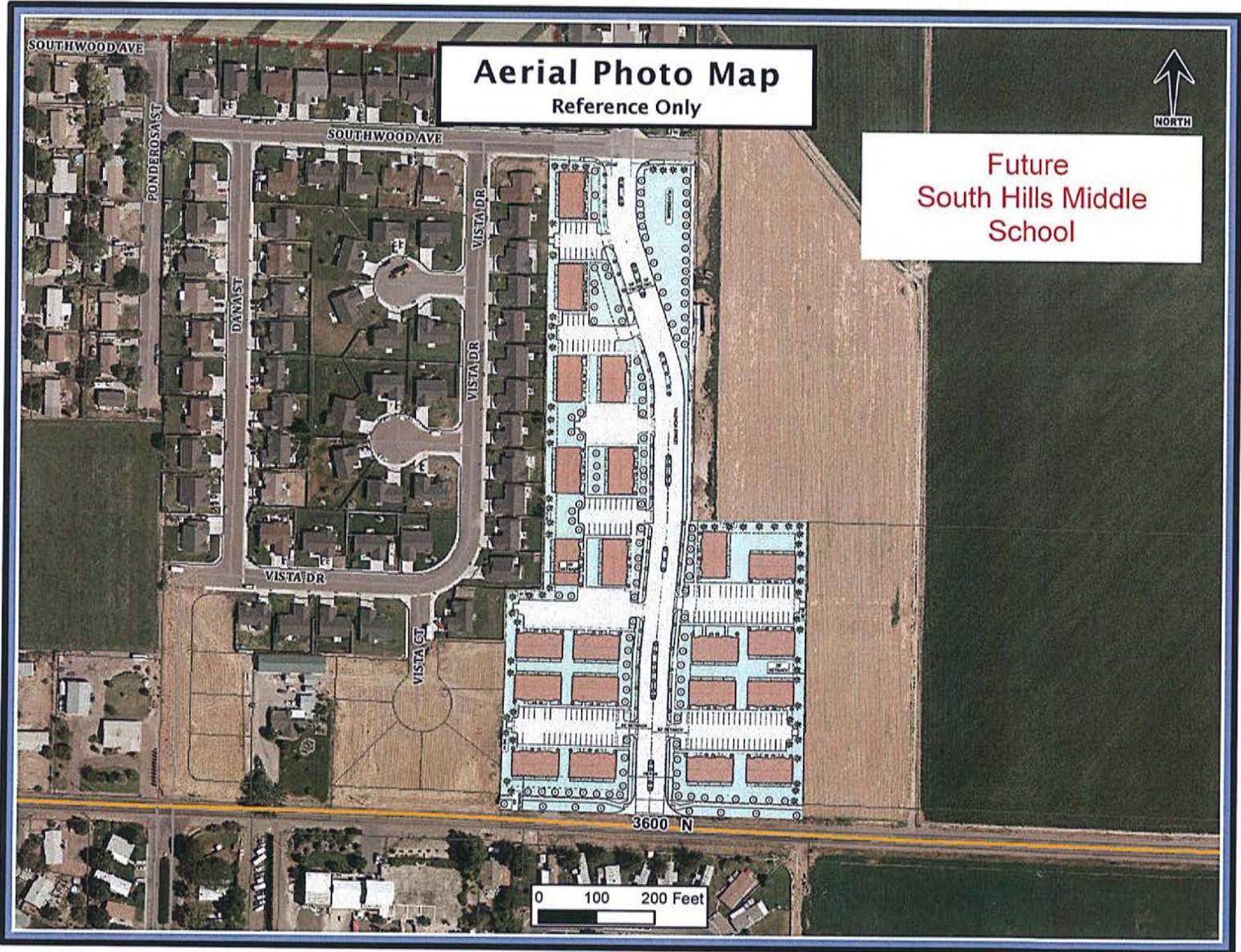
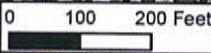
South Hills Middle School

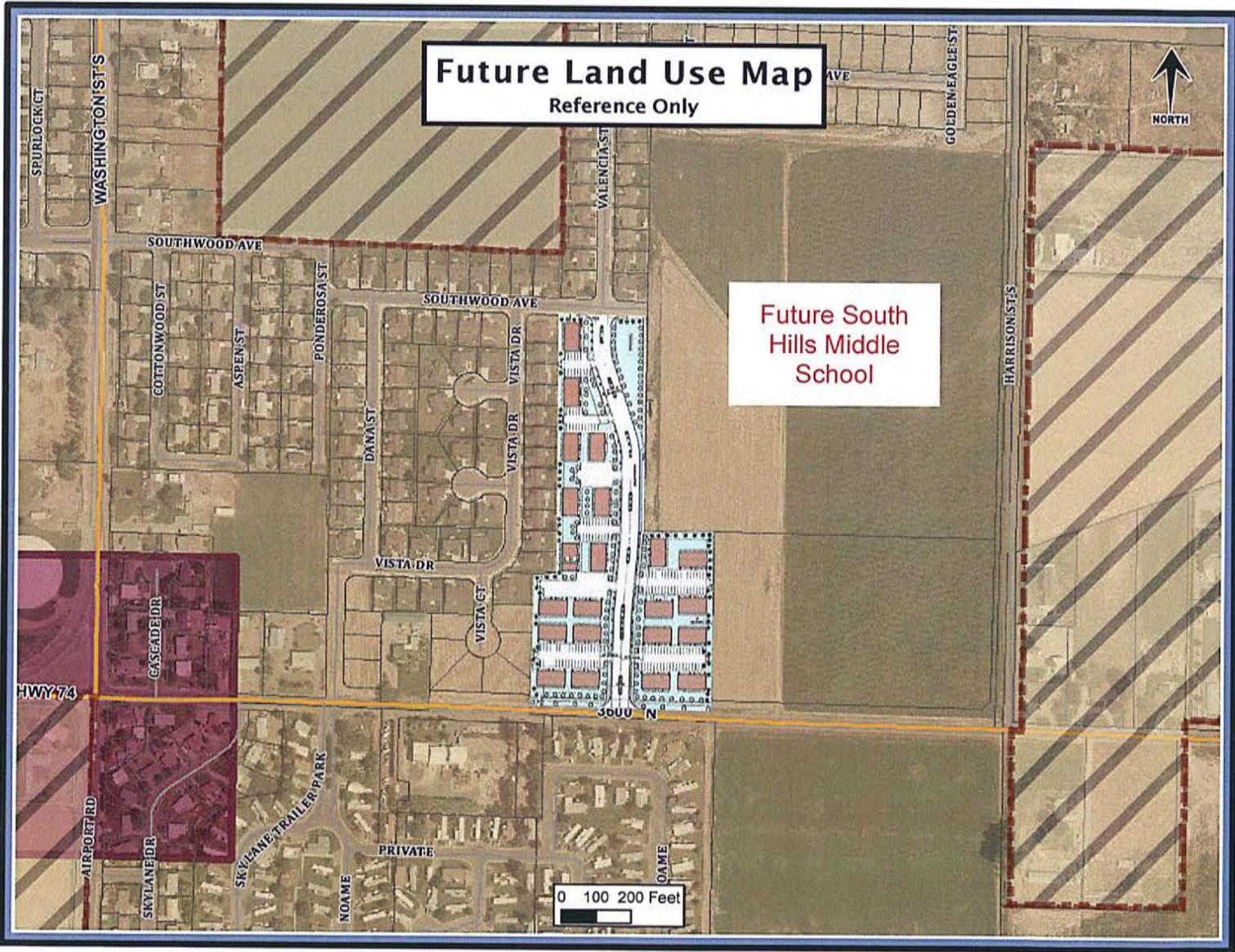


Aerial Photo Map
Reference Only



**Future
South Hills Middle
School**





Future Land Use Map
Reference Only

Future South Hills Middle School

0 100 200 Feet



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JUN 17 2016

CITY OF TWIN FALLS
BUILDING DEPT.

Valencia Park ZDA Townhouse Residential Development

ZDA Development ~~Commitment~~ ^{Agreement}

Pursuant to All Parts of the Planning Exhibit

This ZDA Development Commitment is made and entered into this ___ day of _____, 2016, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and _____ hereinafter called "Developer" for the purpose of developing a residential subdivision as a Zoned Development Agreement (ZDA). The legal description of the property is Lot 2 of the Golden Eagle Subdivision No. 4 a conveyance plat located in the Southwest Quarter of Section 28 Township 10 South, Range 17 east of the Boise Meridian in Twin Falls County, Idaho.

Development and Improvements shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 5 and Chapter 6 - Section 1, and all references to other sections therein, as amended, except for the following:

(1) Use Regulations:

- (A) Permitted Uses: Modified to include: Dwellings – Attached single household (aka Townhouse)
- (B) Special Uses: Special Use Requested for 4 unit multifamily buildings.
- (C) Prohibited Uses: None Requested.

(2) Property Development Standards:

- (A) Lot Area : Modified as Follows: Residential Lots: Minimum 722 Square Feet
Open Space or Common Area Tracts: No Minimum
- (B) Lot Occupancy: Modified As Follows: Residential Lots: 100% of Lot Area
Open Space or Common Area Tracts: 0% Occupancy
- (C) Building Height: no change requested.
- (D) Yards: Modified as Follows: Residential Lots: No property Line Setback Required
All Buildings shall be a Minimum of 20 feet from exterior boundary.
Street Setbacks: No Change Requested
- (E) Access: Modified As shown
1. Valencia Street will be developed as a public street through the development from 3600 North Street to Southwood Avenue. Access to the buildings will be through private driveways and parking lots.
- (F) Landscaping: Landscaping shown on Master Development Plant to be installed, owned and maintained by Homeowners Association.
- (G) Off Street Parking: Two off street parking places are provided for each 2-bedroom unit.
Two and one-half off street parking places are provided for each 3-bedroom residential unit.
- (H) Signs: Modified to include the following

1. Freestanding signs along Valencia Street will be erected to identify the development as the Valencia Park Subdivision. The signs will be permitted through the Twin Falls Building Department. A photo of a sign similar to the one that is proposed is attached.
- (l) Walls, Fences, Hedges, Trees, Shrubs, and Landscaping Structures: Modified to Include: A minimum of 6' tall white vinyl fence will be installed as exterior screen fencing along the exterior property boundary.
- (3) Other Site development Criteria – if applicable
 - (A) Building Elevations: Project to be Constructed in accordance with the Building Elevations Provide with This Agreement.
 - (B) Density: No Change Requested.
 - (C) Residential Lot Width: Platted townhouse lot width will be 19 feet.
 - (D) Residential Lot Depth: Platted townhouse lot length will be 38 feet.
 - (E) Open Space or Common Area: No minimum or maximum size
 - (F) Multi-Use Transportation Access: No amenities specifically designed for multi-use transportation access are planned.
 - (G) Park: No Change Requested to Park Dedication Procedure.
 - (H) Pathways: The sidewalks will be set back from the curb along Valencia Street and the 3600 North Road and be 6' wide. The sidewalk east of Valencia Street along the north 611 feet of the property will follow along the property boundary.
 - (i) Screening: Modified to include the following
 1. Trash containers shall be visibly screened from roadways, adjacent residential areas, and adjacent properties. Screening may consist of landscaping, masonry walls, or vision barrier fencing.
- (4) Architectural Standards: The buildings will be constructed by the developer in accordance with the building elevations included with this application.
- (5) Management Associations: A Valencia Park Homeowner's Association will be formed with documentation recorded at Twin Falls County.
- (6) Project Phasing: The development will be constructed in 6 phases starting at the north end and working to the south. The schedule for the construction is to complete one or more phases each year starting in 2016 and to be completed by 2022.

If no development has occurred on the ZDA subject parcel within the time identified, the planning and zoning commission and city council may review the original ZDA development requirements and conceptual development plan to ensure their continued validity. If the city determines the concept is no longer valid, then:

- (A) The city may initiate a process to change the zoning classification, or
- (B) New ZDA development requirements and/or a new conceptual development plan may be required to be approved prior to the city issuing a building permit for any portion of the ZDA subject parcel

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MAY 24 2016

CITY OF TWIN FALLS
PLANNING & ZONING

Developer

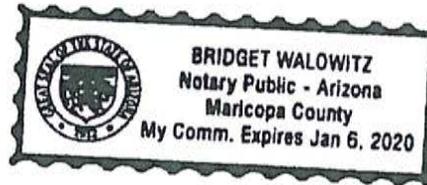
[Signature]
Dennis Hourany

STATE OF ~~Idaho~~ Arizona)
County of Maricopa)ss.

On this 1st day of April, 2016, before me, the undersigned, a Notary Public for Idaho, personally appeared Dennis Hourany, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

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

[Signature]
Notary Public for ~~Idaho~~ Arizona
Residing at Scottsdale, ~~Idaho~~ Arizona



CORPORATION

STATE OF IDAHO)
)ss.
County of _____)

On this ___ day of _____, 2016, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known or identified to me (or proved to me on the oath of _____) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the 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 seal the day and year first above written.

Notary Public for Idaho
Residing at _____, Idaho

PARTNERSHIP

STATE OF IDAHO)
)ss.
County of _____)

On this ___ day of _____, 2016, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known or identified to me (or proved to me on the oath of _____) to be one of the partners in subscribed partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

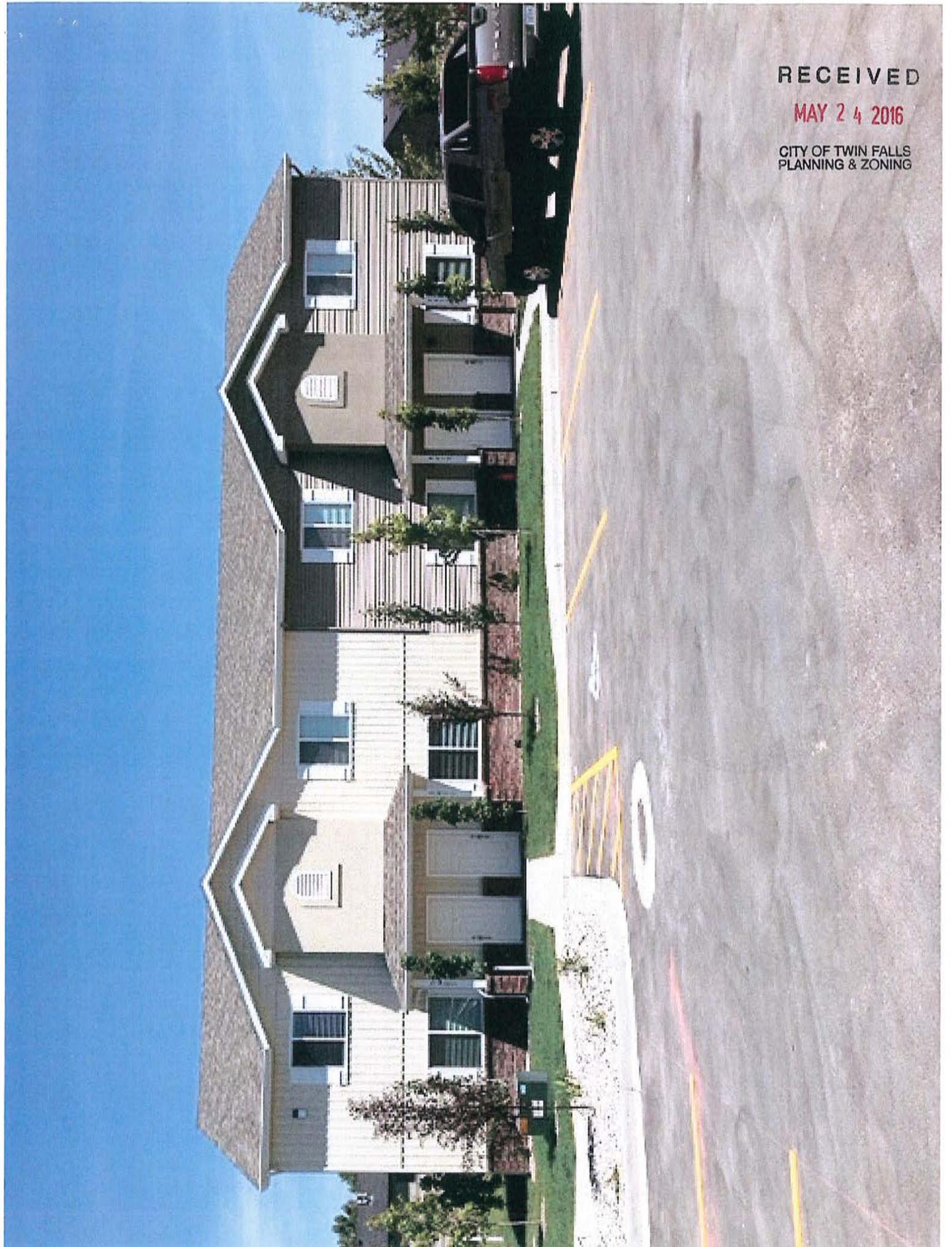
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Notary Public for Idaho
Residing at _____, Idaho

RECEIVED

MAY 24 2016

CITY OF TWIN FALLS
PLANNING & ZONING

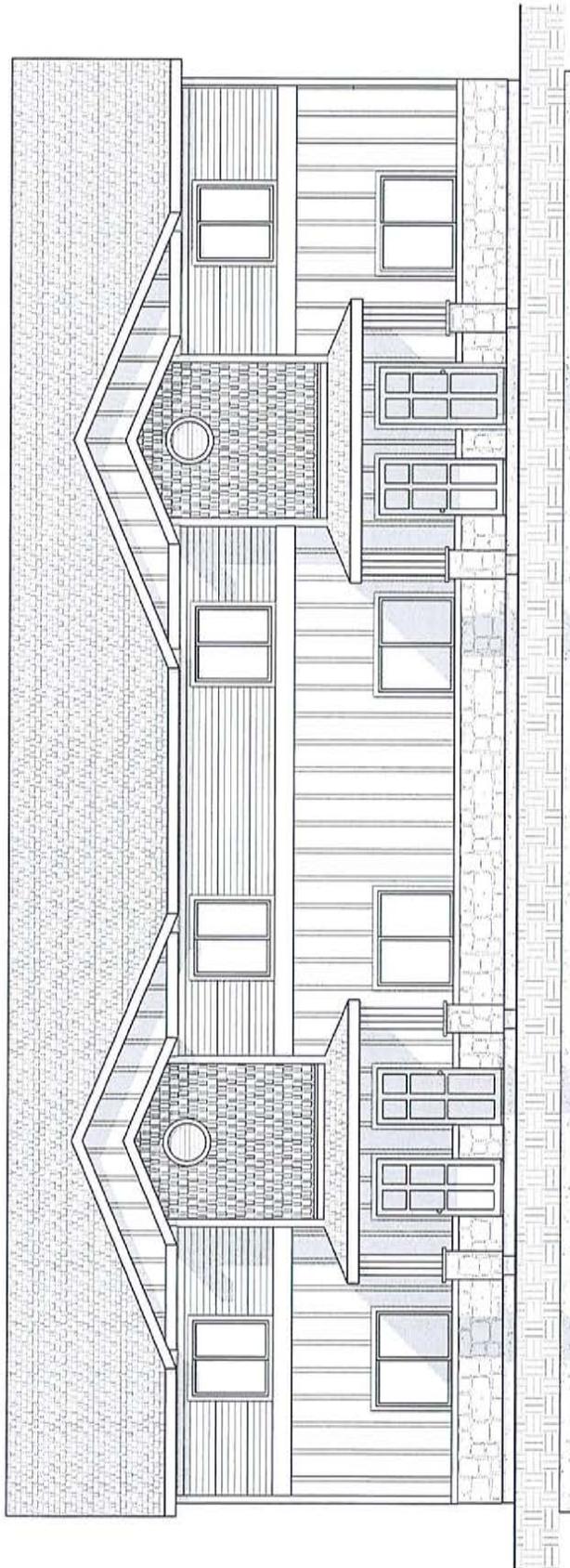


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PLANNING & ZONING

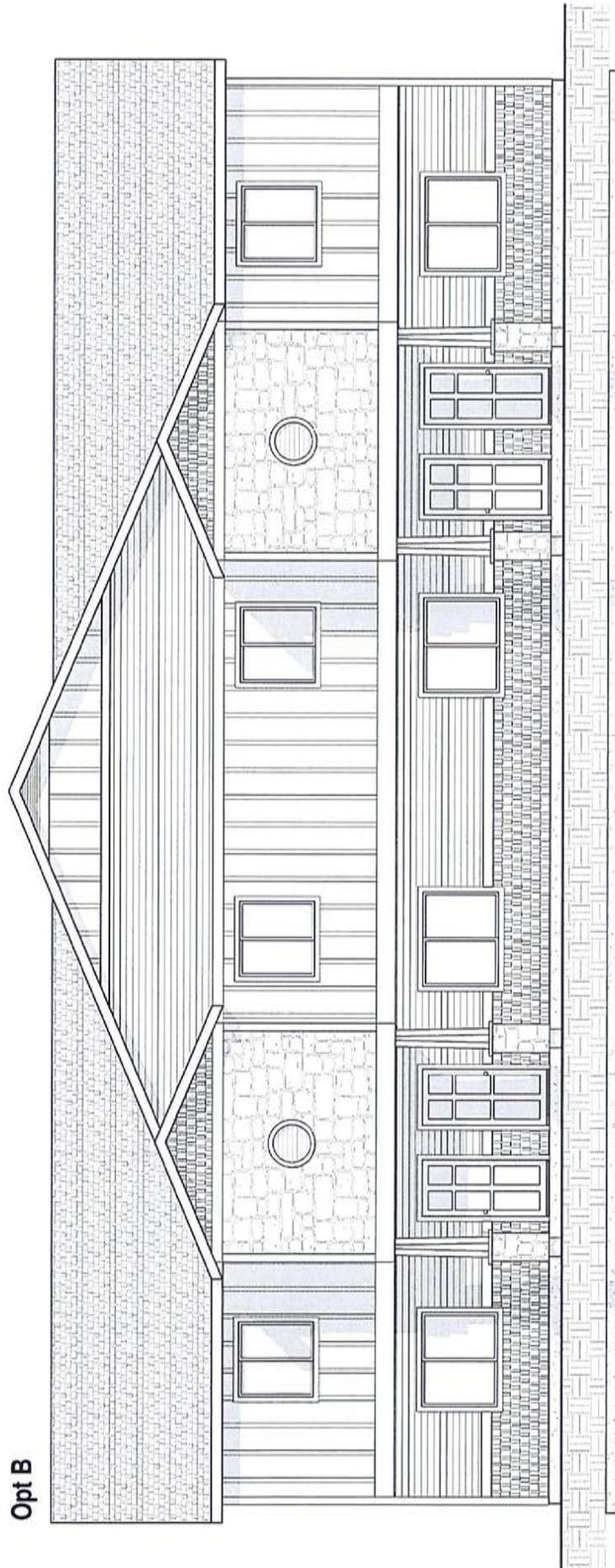
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CITY OF TWIN FALLS
PLANNING & ZONING



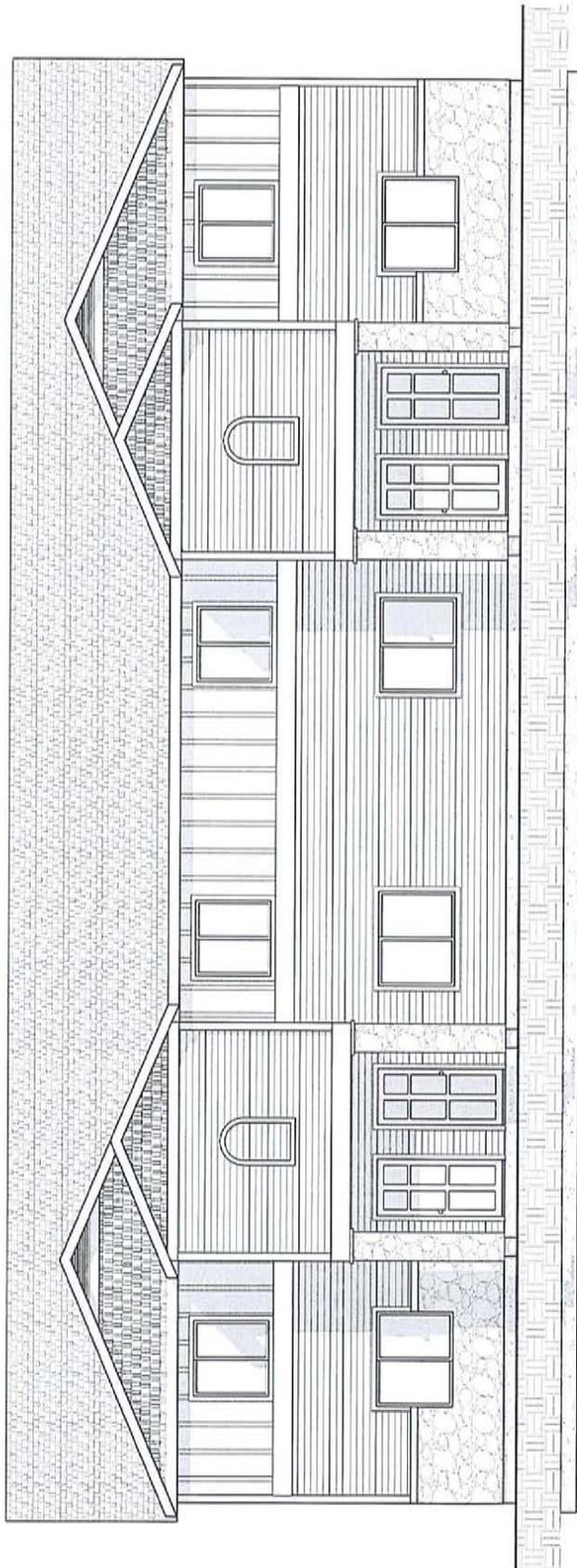
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CITY OF TWIN FALLS
PLANNING & ZONING

Opt C



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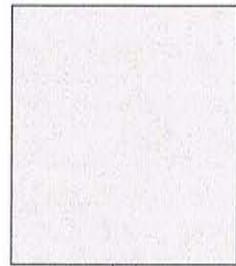
MAY 24 2016

CITY OF TWIN FALLS
PLANNING & ZONING

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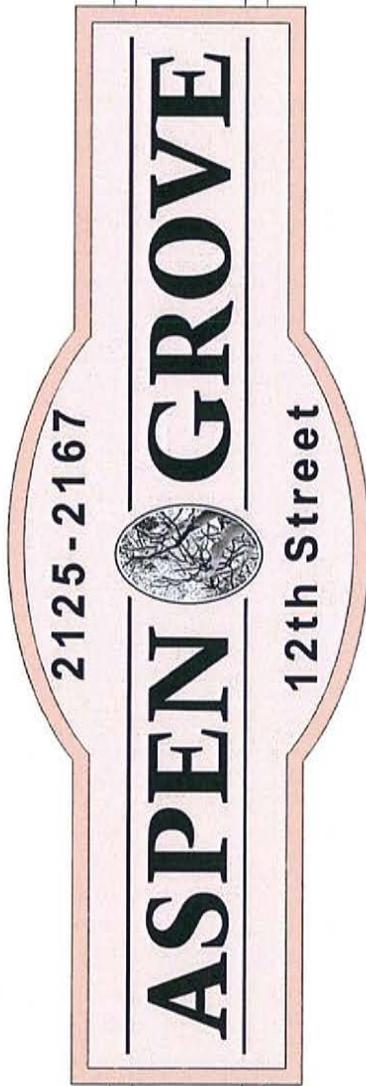


SIGNATURE
SIGNS



TOP VIEW

152"



52"

DOUBLE SIDED MONUMENT SIGN

Quan. 1
Cost - \$3,885.95 plus tax
Installation - \$300.00
City of I.F. Permit - \$100.00

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OK as is OK with changes

I hereby authorize Signature Signs, Inc. to proceed with the scope of work as described above. I also agree to the following terms of payment: Minimum 50% down; balance due upon completion. Work will commence after receipt of the 50% down payment.

Signed: _____ Date: _____

Phone: 208-523-7446

Fax: 208-523-7456

2349 N. Woodruff Ave. Idaho Falls, ID 83401

single-family lots and the new school. The R-4 zone allows for the construction of 4-unit building with the approval of a Special Use Permit or through the ZDA process. There will be 22 buildings with 88 units. The units will be able to be individually owned with shared common areas. The building setbacks will meet the 20' minimum and the setback along 3600 North is 93 ft. from centerline. All the units will have 3 bedrooms except one. There will be center islands installed for traffic calming. There will be a 6 ft. vinyl white fence around the project with some coordination planned between the adjacent neighbors that have cedar fences. The project will be phased and should be complete by 2020.

Staff Presentation:

Planner I Spendlove stated this property has been zoned R-4 since the 1980's and this parcel is a remnant of property that was originally part of the Twin Falls School District's property. This presentation tonight is just an overview of the project to allow for questions from the public and the commission prior to the public hearing. Staff does not make any comments on the project at this time.

A ZDA requires a signed agreement prior to scheduling and the document along with the master development plan complete the ZDA process. There are a few things that would require changes to come back through this process, change of use, change of density, increase in building height, increase in building coverage, reduction in off street ratio or a reduction of open space, reducing setbacks around the perimeter of the buildings or alterations of overall design. A public hearing for this item is scheduled for Tuesday, April 26, 2016.

PZ Questions/Comments:

- Commissioner Grey asked if each unit has a fenced backyard.
- Mr. Harding stated yes each of the units have a fenced yard/common area.
- Commissioner Grey asked if a home owners association will be in place prior to the sale of the units.
- Mr. Harding stated this will be in place before the units are sold. This property has to go through a platting process and these items will be included as part of that process.
- Commissioner Woods asked if the area behind the units to the west and the property line for the existing homes is better defined.
- Mr. Harding stated that the setback will be 20 ft. with approximately 12 ft. of open space between the adjacent properties and the fences for each of the units. The limited access common area is set up so that the grass area is maintained by the owners.
- Commissioner Munoz asked if there will be a different setback for accessory buildings.
- Planner I Spendlove stated the document reads that the building setback is 20 ft. which would apply to accessory buildings also.
- Commissioner Grey asked if there is an expiration date for the ZDA.
- Planner I Spedlove stated code states, if no development has occurred on the ZDA subject parcel within the time identified, the planning and zoning commission and city council may review the original ZDA development requirements and conceptual development plan to ensure their continued validity. If the city determines the concept is no longer valid, then:

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April 12, 2016**

- A. The city may initiate a process to change the zoning classification, or
- B. New ZDA development requirements and/or a new conceptual development plan may be required to be approved prior to the city issuing a building permit for any portion of the ZDA subject parcel.

Public Comment: Opened

- Mark Schmiede, 1547 Vista Drive, asked if there is going to be fencing between his property on the east and the new development.

Public Comment: Closed

Closing Statement:

Mr. Harding stated the fence will be installed along the properties that do not have fences and will be a 6' vinyl fence.

Planning & Zoning Public Hearing
Scheduled April 26, 2016

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this parcel has been zoned R-4 since at least the 1980's when our current Title 10; Zoning & Subdivisions chapter was put in place. This property is Lot 2 of the Golden Eagle Subdivision Number 4 Conveyance Plat. This subdivision went through the public hearing process as part of the development for the South Hills Middle School. The subdivision was approved, and recorded in 2014.

Per City Code 10-6: A Conceptual Development Plan and associated written commitment have been provided by the applicant. These documents constitute the elements of the Zoning Development Agreement (ZDA) Sub-district.

The Conceptual Plan provided shows the layout of the property as desired by the applicant. Each "Town House" will be individually owned on its own platted lot. The remainder of the area surrounding the lots will be owned and maintained collectively by the owners in the Subdivision by creating an HOA.

Per City Code 10-6-1.5: The following list of items shall be included on the Residential Conceptual ZDA Development Plans:

1. Land Use

a. *The applicant has shown the proposed land use of Attached Single Household (aka "Town House") on the Conceptual Plan and further clarified that use within the Written Commitment Document.*

2. Streets

a. *The applicant has satisfied this by showing the approximate location of Valencia Street and declared it within the Written Commitment Document as a public collector roadway.*

3. Storm Drainage

a. *The applicant shows a combined Park/Storm drainage area in the NE Corner of the property. The actual park and storm water requirements / plans are reviewed during the Platting Process and will be required to follow all current codes and standards.*

4. Preliminary Lot Arrangements

a. *The applicant has provided preliminary lot arrangements on the Conceptual Plan. Each "Row House" will be located on its own lot which can be purchased individually from the other connected "Row House's" within the same block.*

Per City Code 10-6-1.5: The following list of items may be included with the text material to further explain the plan:

1. Multiuse transportation access and pathways
 - a. *The applicant has shown public pathways and sidewalks throughout the development.*
2. Density
 - a. *The applicant has not requested a specific change in density with this development.*
3. Building Height
 - a. *The applicant has not requested a change in the building height.*
4. Screening
 - a. *The applicant has committed to a six foot (6') tall white vinyl fence along the perimeter of the property for the entire development.*
5. Landscaped areas
 - a. *The applicant has designated areas for open space which will be owned and maintained by the HOA.*
6. Project scheduling
 - a. *The applicant has provided a rough schedule for the project within the Written Commitment. The project will begin in earnest this year – 2016, with an anticipated completion in 2022.*
7. Parks and open space
 - a. *The applicant is not requesting changes to the parks dedication procedure.*
8. Other pertinent development data.
 - a. *The other data in the Written Commitment includes: Lot Area, Lot Occupancy, Lot Width, Lot Depth, and Yard Setbacks. These items are requested to be modified as shown in the document in order to facilitate the development of the project.*

Per City Code 10-6-1.5: Color renderings or elevations shall also be submitted to illustrate proposed architectural standards or requirements.

The applicant has submitted multiple Building Reference Photos with this application. Although the photos depict varying types of structures, the basic architectural elements are the same throughout; Pitched Roofs, 2 story, Siding – stucco – brick – rock combo material buildings.

Staff does not foresee the land use of “Townhouses” being a drastic departure from the permitted uses within this zoning district. Each townhouse will have the opportunity to be owned independently. This basic element of ownership is more in-line with a typical residential subdivision rather than an apartment complex.

This development has appropriately set aside a reasonable amount of open space between the buildings. This will help soften the visual impact of the clustered Townhouses, and offer an informal park area for the residents. Additionally, a park area will be dedicated in the northeast portion of the development as per the platting requirements.

Due to the rapid development in the area with the new Middle School staff does feel it necessary to complete Valencia Street in its entirety as soon as possible in order to facilitate better circulation in the area. It would be poor judgement to overlook the impacts additional housing would have on the existing neighborhood and traffic network, particularly Valencia Street and Southwood Avenue.

Staff does not feel the overall development to have any greater impact on the area than a typical subdivision would, and we feel it is in conformance with the Comprehensive Plan. Going through the ZDA process has allowed the developer to introduce a concept not outright permitted within our code. It has also offered a public forum for the nearby property owners and residents to become acquainted and view the project prior to construction.

As we move forward with the process, Staff will ensure the project conforms to the requirements of the ZDA Code Sections.

On April 12, 2016 the Commission heard a preliminary presentation on this request. There were questions and comments from the Commission and from adjacent neighbors. Upon a recommendation by the Commission this request will be scheduled for a public hearing before the City Council. The City Council may approve this request as presented, deny this request or approve it with additional conditions. If approved, an ordinance will be prepared and presented to the City Council for approval. The ZDA Memo of Commitment shall be attached to the Ordinance.

Planner I Spendlove stated upon conclusion should the commission recommend approval of the ZDA Development, as presented, staff recommends the following conditions:

1. Subject to site plan amendments as determined by Building, Engineering, Fire and Zoning Officials to assure compliance with applicable City Codes and Standards.
2. Subject to the entirety of Valencia Street being constructed in the first phase.
3. Subject to the perimeter fence being installed prior to issuance of a building permit.
4. Subject to a final plat being recorded prior to any development.

PZ Questions/Comments:

- Planner I Spendlove explained that if this is developed with only the north side all the traffic going to this property would have to travel down Valencia Street and Southwood Avenue, with the middle school being constructed in this area staff foresees additional traffic for this area with this development. It would be better if Valencia Street were completed. As for the perimeter fencing the intent of the condition is to have perimeter fencing installed prior to each phase to mitigate issues that can impact the surrounding property owners during construction. The recording of the final plat is a requirement within the code.
- Assistant City Engineer Vitek confirmed the additional traffic impacts to the area with the development and the middle school is the reason for the condition that Valencia Street be completed. The platting process is where these issues will be reviewed, the item for discussion tonight is the zoning designation. The preliminary plat will come before the Commission when it is ready to move forward.
- Zoning & Development Manager Carraway-Johnson explained if the Commission is uncomfortable with condition #2 the way it is stated, they can amend the condition to include subject to engineering review of the plat. This zoning request will move forward to City Council with the Commission's recommendation.
- Commissioner Grey recommended that the wording be changed on condition #3 to reflect the intent better.
- Commissioner Higley asked where the utilities are located for this project.
- Assistant City Engineer Vitek stated that the utilities are located at the north end of the development. There are no services on 3600 North and there are some water issues in this area that will have to be resolved before a Will-Serve can be issued for this development.
- Commissioner Higley stated he was thinking if the development phases started at the south end of the project it would possibly allow them to build Valencia in pieces versus all at one time if the start at the north end. Utilities would still be put in but the road would be done in phases.
- Assistant City Engineer Vitek stated there are several options for development. The developer can either plat the entire development and bond for the portions that are not developed. The other option is to plat in phases.
- Zoning & Development Manager Carraway-Johnson stated that the phasing of the project is part of the platting process and that will be brought to the Commission for review also.
- Commissioner Reid asked about the intersection at Southwood Avenue & Valencia Street was discussed how this is not an area where parents should be dropping off students. Finishing Valencia Street would set it up for parents to drive up and down this street to drop kids off, so in essence finishing the road is going to impact the school.
- Commissioner Munoz stated that the recommendation that the statement, subject to engineering review of the plat would alleviate some of these concerns.

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- Commissioner Higley stated the request is for a zoning recommendation, we could just remove the Valencia Street condition from the conditions because that will be addressed during the platting process.
- Commissioner Munoz agreed.
- Commissioner Woods stated that having a dead end road for six years prohibits emergency and fire access.

Public Hearing: Opened

- Diane Kirkendall, 1658 Vista Drive, stated she is opposed to this change because of the extra density and traffic increase the development will cause and she doesn't want a two story building facing her backyard.
- John Matranga, 1624 Dana Street, stated he is opposed to the zoning change he does not want the extra density or traffic.
- Christin Taherey, 1527 Vista Drive, she is opposed to the zoning change she doesn't want the extra density and increased traffic as well as being opposed to the two story buildings backing up to her back yard.
- Chris Lewis, 1655 Vista Court, she is opposed to the zoning change, she stated they don't look like upscale townhomes and things they will end up being rental properties creating more noise and traffic for the surrounding property owners. The density is a large concern as well as garbage dumpsters next to her fence line.
- Nichol Stephens, 1557 Vista Drive, stated she is opposed to the rezone because of the same issues extra traffic and additional density. She doesn't want this to become a rental property.
- Todd Kirkendall, 1658 Vista Drive asked if there is anything that would prevent these from becoming rentals.
- Marlin Schmiege, 1547 Vista Drive is opposed to the rezone.
- Dennis Hourany, the applicant, stated that when they look for opportunities to build homes they look for areas in compliance with the comprehensive plan and zoning requirements. His understanding is that Twin Falls is in need of housing. This is not going to be a slum area; this is not going to become low income.
- Nona Bosh, 1535 Vista Drive, she has concerns about the dumpster location, noise, traffic and the safety of the children she is opposed to the request.
- Dennis Peters, 1544 Vista Drive stated his concern is for the safety of the children and navigating the curve along Southwood Avenue with the additional traffic this will create. He is opposed to the rezone.
- Lynn Jensen, 1659 Vista Drive stated he is opposed to the rezone and is concerned with property values going down because of this development.

Public Hearing: Closed

PZ Questions/Comments:

- Chairman Frank asked staff to review the uses that are currently allowed in the R-4 Zoning District.
- Planner I Spendlove reviewed on the overhead Title 10, Chapter 4, Section 5 explaining that currently with the R-4 zoning designation single family homes and duplex units would be outright permitted and triplex/four-plex units would be allowed with the approval of a Special Use Permit. The lot size requirement for a single family would be a minimum of 4000 sq. ft. The lot area increases to 7000 sq. ft. for a duplex and depending on how the units are built it would be an addition 1000 sq. ft. or 2000 sq. ft. added to the lot size requirement. As these are designed to be four in a row the calculation as a four-plex would require an 11,000 sq. ft. lot under the R-4 standards as they are written.
- Commissioner Frank clarified that there are not any restrictions for two story homes.
- Planner I Spendlove stated the height restriction is 35 ft. in any residential zone with a 20 ft. rear yard setback which is required in the R-4 zone. This request has not changed the setback for the rear yard.
- Commissioner Frank asked the applicant if there is anything to address the rental concerns.
- Mr. Harding stated that there is no restriction on renting the units. There will still be a homeowner's association and a property manager.
- Commissioner Frank asked if there is an estimate as to what the units might rent for if they did become rentals.
- Mr. Hourany responded that he would estimate between \$900-1000 per month not low-income.
- Commissioner Grey asked if there is anything to prevent the back patio areas from becoming dumping grounds or the parking lot from becoming the place for the junk car to park for months.
- Mr. Hourany stated there will be much better conformity with the HOA and there will be an onsite property manager.
- Commissioner Munoz asked who will enforce the HOA and is it legal binding.
- Mr. Hourany stated when the homes are purchased the HOA documents are signed by the purchaser and the agreement becomes legally binding. The HOA has a president along with a committee that enforces the rules. They have a property manager to keep track of any maintenance and landscaping issues.
- Commissioner Higley asked if there has been any thought given to moving the park area to the west side of the project to possibly provide a better buffer for the neighbors on the east side of Valencia Street.
- Mr. Harding stated that could be considered however it was placed in the current location because it butts up to the school's open area and it will have playground equipment for smaller children.
- Commissioner Higley stated he was just recommending this as an option to help address the neighbors' concerns of having these units backed up to their property.

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- Commissioner Grey stated he's not sure a collector street along someone's back yard is much better. He also asked about parking along Valencia Street.
- Mr. Harding stated that Valencia Street is a collector, parking on a collector is not allowed.
- Commissioner Grey asked about the dumpster locations.
- Mr. Harding explained that the dumpsters are along the end of the parking lot so that the trucks can get to them easily and there will be enough to prevent people from keeping their trash on-site too long because they are too far away. The lot area is exceeded for a four-plex with taking the road out. As for privacy there will be landscaping as well as a fence along the back area to provide more screening.

Deliberations Followed:

- Commissioner Woods stated his issue is the definition of the R-4 district, which is intended to promote medium density, this seems to be a high density development and having dumpsters backed up to someone's fence is unsettling. Throughout his years as an engineer he has been an advocate for providing a transition from single family to high density which is the reason for special use permits. He thinks if this project were phased as duplexes on the west side and then four plexes along the east side of Valencia Street that would be less concerning. He is also concerned with roads not being completed and would like to see Valencia Street completed.
- Commissioner Munoz stated the platting process is when the street should be discussed and engineering should have an opportunity to determine whether or not this can or cannot be done in phases. He is also considering that this is a ZDA process which allows for an adjustment to density. He has mixed feelings about the density, but the collector road is part of the reason for this design. The privacy may be an issue however a two or three story house could be built in this zone under the current code. He has some concerns about the transition from a single family residence to this type of density.
- Commissioner Grey asked if the Valencia Street condition could be removed without causing issues, because this will come up during the platting process.
- Planner I Spendlove stated yes the condition can be removed.
- Commissioner Grey summarized that there is a benefit to the ZDA that shows the development prior to being built however it can also create the concerns that have come up tonight because everything is shown all at one time.
- Commissioner Frank stated Valencia Street if these get built this is actually the only way Valencia Street will get completed. If the property is subdivided and sold in pieces there will not be enough capital for someone to build Valencia Street. Having one owner of the entire property for full development will be the only way this collector street gets built.

Motion:

Commissioner Munoz made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Higley seconded the motion.

Discussion Followed:

- Commissioner Tatum asked if there needed to be a statement added to condition number two allowing the Engineering Department the opportunity to review the construction plan for Valencia St.
- Commissioner Frank stated this is a condition City Council can amend or remove.
- Planner I Spendlove clarified the Commission has the same option either to approve the condition as is, amend the condition or remove this condition.

Motion Amendment #1:

Commissioner Tatum made a motion to add "subject to Engineering review of the plat" to condition number 2 of the staff recommendations. Commissioner Munoz seconded the motion. Commissioner Woods abstained and all other members present voted in favor of the motion.

Discussion Followed:

- Commissioner Grey stated he thinks that clarification on the fencing should be included in condition number 3 of the staff recommendations making it clear when fencing needs to be completed throughout development.

Motion Amendment #2:

Commissioner Grey made a motion to add "for each phase of the project" to the Condition No. 3 of the staff recommendations. Commissioner Tatum seconded the motion. Commissioner Woods abstained and all other members present voted in favor of the motion

Final Motion with Amended Conditions:

1. Subject to site plan amendments as determined by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and Standards.
2. Subject to the entirety of Valencia Street being constructed in the first phase, **subject to Engineering review of the plat.**
3. Subject to the perimeter fence being installed prior to issuance of a building permit, **for each phase of the project.**
4. Subject to a final plat being recorded prior to any development.

Final Vote:

Commissioner Grey and Frank voted in favor of the motion and Commissioners Reid, Dawson, Munoz, Tatum, Higley and Woods voted against motion.

**Recommended Denial by a vote of 2 for and 6 against
City Council Public Hearing To Be Scheduled at a Later Date**