



NOTICE OF AGENDA
TWIN FALLS CITY PLANNING & ZONING COMMISSION
July 26, 2016 6:00PM
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): **07-12-16 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Wheeler Dealer (SUP 07-12-16)

III. ITEMS OF CONSIDERATION:

1. A **Preliminary Presentation** for the Commission's recommendation on a request for an Amendment to the Latitude-42 PUD Agreement #272 to modify collector and arterial development requirements on property located at the northwest corner of Cheney Drive West and Field Stream Way c/o Gerald Martens on behalf of McCormick, Nelson, Sletter, Robertson, Gibson, Konen, George and Dahl (app. 2803)
2. A **Preliminary Presentation** for the Commission's recommendation on a request for Annexation with a Zoning District Change and Zoning Map Amendment from SUI AoI to R2, R6 and C-1 CRO ZDA (Zoning Development Agreement) to allow a planned mixed use development for 28.84 (+/-) acres located on the north side of the 1800 & 1900 blocks of Pole Line Road East. c/o EHM Engineers, Inc. on behalf of Notch Butte Farms, LLC (app. 2804)

IV. PUBLIC HEARINGS: None

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- **August 3, 2016**
2. Public Hearing- **August 9, 2016**

VIII. ADJOURN MEETING:

IX.

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.



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
July 12, 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

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Dawson
 Frank
 Grey
 Muñoz
 Musser
 Reid

ABSENT

Tatum

AREA OF IMPACT MEMBERS

PRESENT

Higley
 Woods

ABSENT

CITY STAFF: Carraway-Johnson, Nope, Spendlove, Strickland, Vitek

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **June 28, 2016 PH**
2. Approval of Findings of Fact and Conclusions of Law: **None**

III. ITEMS OF CONSIDERATION:

1. Reconsideration of the **Initiation of the Revocation** of Special Use Permit #1313 granted on April 22, 2014 to Mark Gordoski dba Marky's Supertow to operate an automotive impound facility on property located at 198 Gem Street. c/o City of Twin Falls (app. 2616)

Applicant Presentation:

Mark Gordoski, stated that he is working on getting his permit for fencing of the property. He has submitted his application and is waiting to hear back from staff.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated in March 2016 of this year, staff received a complaint regarding the status of the Special Use Permit conditions of approval. Over the ensuing month letters and other correspondence was sent to Mr. Gordoski informing him of the non-compliance. No response was made by Mr. Gordoski until staff scheduled an item on the May 24th agenda. Prior to the meeting Mr. Gordoski made contact, and he attended the meeting to explain his case.

During the meeting, Mr. Gordoski agreed to accomplish the conditions of the Special Use Permit. The Commission placed a date of July 12th to reconsider this item and to receive an update on the progress.

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Since the May 24th meeting, Mr. Gordoski has submitted a Building Permit to construct the 8 ft fence. That permit is in the process of being reviewed. Due to the height of the fence, Engineering calculations are required. Mr. Gordoski has expressed the timeframe for his Engineer to work on such a small project has pushed him behind other larger projects. He has indicated all the materials have been purchased, he is simply waiting for the plan to be drawn, submitted and approved by the City Building Department.

The commission is tasked with reviewing the facts and circumstances of this case and vote for one of the following: initiate the process for revocation, table the item and bring it back at another public meeting, or not initiate the revocation process.

PZ Questions/Comments:

- Commissioner Munoz asked about the other conditions attached to the Special Use Permit he understands the issue was one concern but asked if the other conditions have been met.
- Planner I Spendlove addressed each condition and explained a plan for storm water retention has not been provided, a plan for managing particulate matter and vehicle fluids has also not been provided. The deferral documents will be acquired as part of the building permit.
- Commissioner Higley asked approximately how long before the fence permit is approved.
- Planner I Spendlove stated approximately 4-6 weeks from the time of submittal is the average timeframe, there are 4 people that review commercial plans and this timeframe can be impacted by their workload and other duties. However, for a fence it may not take as long.
- Commissioner Grey asked about the process for ensuring the other conditions are met, it seems these things have not been dealt with up until this point.
- Planner I Spendlove explained the applicant would need to provide plans and documentation to meet the conditions. Staff would then review the documents for compliance.
- Commissioner Frank asked the applicant thinks if 30 days is a reasonable deadline for meeting these conditions.
- Mr. Gordoski stated he thinks that would be enough time however he is not sure how to meet the condition regarding the storm water retention requirements.
- Assistant City Engineer Vitek stated if the area is dirt currently and the applicant decides to add gravel to the site more water will run off, the applicant has to retain the increase amount of water on site.
- Commissioner Reid stated he doesn't have issues with giving him some extra time but he also wants to be realistic with a timeframe. Things are in process and it is obvious he is working on compliance.
- Commissioner Munoz agreed, he has seen progress but would recommend that the applicant speak to Engineering to ensure he is aware and understands the storm water retention condition.
- Commissioner Frank stated he would be fine with making a final decision around August 9, 2016.
- Commissioner Reid stated he wants to make sure there is enough time to comply with all the conditions.
- Commissioner Munoz stated even if at the August 9, 2016 it is determined revocation should be done, there is still a public hearing required and additional time for the applicant to comply.
- Planner I Spendlove explained the Commission can table the item until August 9, 2016 and decided at that meeting whether or not to begin revocation, table the item again or accept that the conditions have been met.

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Motion:

Commissioner Grey made a motion to table this item until August 9, 2016. Commissioner Musser seconded the motion. All members present voted in favor of the motion.

[Tabled for August 9, 2016 Planning & Zoning Commission Meeting](#)

2. Consideration of a request from Wayne Swearingen to consider changes to Special Use Permit 1367, granted on June 9, 2015 to allow the operation of a 24-hour Commercial Daycare, as presented and subject to conditions, on property located at 870 Eastland Drive. c/o Kendra Jenks on behalf of Wayne Swearingen

Applicant Presentation:

Wayne Swearingen, the applicant, stated he is here to request that the Commission review a few changes to the original request and operation of the daycare. This property use to be one lot and has since been divided into two lots. On the existing permit there were no issues with the use of this property as a daycare because it was all one large lot with access into and out of the property not being a concern. Because the property has been divided agreements have been made between both lots to allow for cross-use of the access and parking. The other condition of concern was the restricted hours of drop off and pick-up for the children. He would like to be able to allow parents that work slightly different swing shift hours the ability to drop off their children before and after their shift, which may or may not comply with the condition listed on the permit. The impacts of this change would be minimal and more the exception than the norm.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the original Special Use Permit #1367 was granted on June 9, 2015. Since that time, the original applicant secured a different location. The owner continued to market the property for use as a Daycare, among other allowed uses. The owner then continued with the required building permits to convert the space into a commercial daycare when Mr. Swearingen portrayed interest.

In early June of this year, staff was approached by Mr. Swearingen regarding minor changes to the site plan and operating procedures. After a general review by staff, it was determined the revision should be presented to the commission during a public meeting.

The changes to the site plan consist of the 2 lots now being under different ownership. The western lot was purchased by an entity to the south for use of the parking lot. This means the daycare owner doesn't have the right to access Eastland Drive. A recorded Cross-Use Agreement has been submitted with this request. This document will grant the applicant the right to cross the neighboring property and use their parking lot. However, that cross use agreement could be terminated in the future by the lessor. If that occurs the applicant shall be required to submit a new special use permit.

Additionally, the applicant's narrative describes changes to the operation which could be in conflict with condition #2 on the original Special Use Permit. This presentation was not notified as a public hearing; therefore, the Commission couldn't legally change a condition on the Special Use Permit.

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The commission is tasked with reviewing the facts and circumstances of this case, along with the surrounding area, and determine if there have been substantial changes to the site plan, or the operation which would require a new Special Use Permit prior to this business being legally established.

Planner I Spendlove stated upon conclusion if the commission finds the revised site plan and operations as presented, to be in substantial conformance to the original. Staff has encouraged the applicant to operate their business in compliance with the conditions listed on the Special Use Permit, however in the future if there is a need to amend the conditions they can make a request to amend the Special Use Permit through a public hearing process.

PZ Questions/Comments:

- Commissioner Woods clarified with regards to the cross-use agreement that if the other lot get sold or built upon the owner is taking a risk that their parking and access may go away.
- Zoning & Development Manager Carraway-Johnson explained a review by staff would be needed at that time of the business and its operations. She feels that these concerns could be addressed even if the other lot sold or was built upon in the future.
- Commissioner Munoz asked if the building is non-conforming because of this property split.
- Assistant City Engineer Vitek stated there is a no build easement for 10 ft. of the east property line on the vacant lot. Until that porte cochere goes away there is a no build easement.
- Commissioner Grey asked for clarification the gates and fence exhibit provided by the applicant.
- Planner I Spendlove stated that would be reviewed by the Fire Department.

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

Closing Statement:

Mr. Swearingen clarified that within the easement and cross-use agreement there are provisions that carry the conditions forward even with a new property owner. He clarified what areas on the exhibit will be fence and which will be gates. The backyard will be a potential gathering spot if there were to be a fire and there are several egress exits.

Deliberations Followed:

Commissioner Higley explained the only issue that may be necessary in the future is the hours of operation. Mr. Swearingen stated that he would be happy to comply with the conditions on the Special Use Permit until they come back through for an amendment to the Special Use Permit.

Motion:

Commissioner Higley made a motion to approve the request, as presented, with staff recommendations. Commissioner Grey 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 the earliest Drop off/Pick up time being 5:00 AM, and the latest Drop Off/Pick up time being 10:00 PM.

IV. PUBLIC HEARINGS:

1. Recommendation on the [Zoning Designation for a request to Annex](#) approximately 3.86(+/-) acres located at 2521 Stadium Boulevard. c/o EHM Engineers, Inc. on behalf of David Kemp (app. 2798)

WITHDRAWN TO BE RESCHEDULED

2. Request for a [Special Use Permit](#) to establish a used vehicle dealership on property located at 611 Blue Lakes Boulevard North c/o Wheeler Dealer, LLC/Kenneth Kuntz (app. 2799)

Applicant Presentation:

Mr. Kuntz explained that he had a Special Use Permit approved for the adjacent property to operate a used auto dealership. His business has been a success and he would like to operate the same business on the adjacent property. He is here tonight to request a special use permit to operate a use auto dealership.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated in 2003, Special Use Permit 819 was issued for a Coffee Shop to operate a Drive-thru window on the lot south of this requested site. There were conditions placed on that permit. However, the use changed in 2007-2008 when a larger modular building was placed on the lot to accommodate a Pay Day Loan business. In January 2016, a Special Use Permit was issued to the applicant for a Car Dealership located immediately to the south of this proposed property. There were conditions on that permit.

The request is to establish a retail vehicle sales business on property located at 611 Blue Lakes Boulevard North. The property is zoned C-1. To operate a retail vehicle sales business in the C-1 Zoning District requires a special use permit. The applicant's narrative indicates they will employ 7-8 individuals and offer a greater selection of vehicles. The applicant claims there will be no impacts to neighboring property owners due to no in-house mechanic shop or outside speakers.

Per City Code 10-4-8: The C-1 Commercial Highway Zoning District requires automobile and truck sales and/or rentals businesses to acquire a Special Use Permit prior to being legally established. During the Special Use permit process, the Commission should look at all impacts the proposed land use will incur on the surrounding area.

Per City Code 10-10: The retail use of an automobile sales site has a parking requirement of one (1) parking space per five hundred (500) square feet of the associated structure. The building is listed at approximately 5000 square feet, which equals a minimum of ten (10) parking spaces. These spaces are to be used for customer and employee parking only and not for vehicle displays. The applicants' site plan shows that number being exceeded. However, the commission may wish to require a minimum of ten (10) parking spaces be "designated" for customer parking only.

Per City Code 10-11-1 thru 8: Required improvements include streets, water and sewer, drainage and storm water. These required improvements would be evaluated and all applicable code requirements will be enforced at the time of building permit submittal. However, we do not anticipate a building permit being required for this project – there is a good likelihood a "Change of Use" permit will be by

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the building department. As a result, the commission may wish to evaluate this project for any improvements it feels are necessary to mitigate any impacts that could occur.

Retail Vehicle Sales lots can have impacts on neighboring properties. Typically, these impacts include noise from comings and goings of customers and employees. As well as light infiltration from the parking lot and security lighting. The applicant clearly stated in their narrative no vehicles will be repaired on-site and there will be no outside speaker system. Staff does not foresee excessive negative impacts associated with the proposed operation of a vehicle sales lot on this particular property if operated as presented.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented; staff recommends approval be subject to 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 the screening fence on the Western side of the property being maintained in good repair.
3. Subject to no audio or announcement system being utilized on this property.
4. Subject to no vehicle service or repair taking place on the property.
5. Subject to light source for security and parking areas being shielded from view of neighboring properties.
6. Subject to a minimum of ten (10) parking spaces being "designated" for customer parking only.

PZ Questions/Comments:

- Commissioner Grey asked if this change would require additional landscaping along the front.
- Planner I Spendlove stated restaurant and a car dealership fall into the retail category therefore it is not a change of use. If this were a change of use the maximum would have been 10 ft. which is what is currently in place.
- Commissioner Grey asked about the smaller building located on the adjacent lot.
- Mr. Kuntz clarified they will be using both buildings for the business.
- Commissioner Woods asked if there is anything in the regulations that prevents the display of RV's or trailers.
- Planner I Spendlove stated the application was for vehicles, code defines RV's and sporting vehicle differently in the code and would require an amendment to the Special Use Permit.

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

Deliberations Followed:

- Mr. Kuntz explained there are existing lights on the property and as for shielding he is not sure what would be needed.
- Commissioner Grey asked if the condition applies to existing or new lights.
- Planner I Spendlove explained there have not been any complaints about the existing lighting, shielding would typically apply to new lights however if a complaint was received about the existing lights shielding would need to be addressed.
- Commissioner Frank stated he would be concerned for the applicant's security along the back end of the property. He thinks this would be a good use for the property.

**Planning & Zoning Commission Minutes
July 12, 2016**

Motion:

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations. Commissioner Higley 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 the screening fence on the Western side of the property being maintained in good repair.
3. Subject to no audio or announcement system being utilized on this property.
4. Subject to no vehicle service or repair taking place on the property.
5. Subject to light source for security and parking areas being shielded from view of neighboring properties.
6. Subject to a minimum of ten (10) parking spaces being "designated" for customer parking only.

V. GENERAL PUBLIC INPUT: None

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

- Zoning & Development Manager Carraway-Johnson reminded the Commission of the public meeting scheduled for July 13, 2016 at Noon to discuss the Comprehensive Plan Draft. The City Fair is also at 3:30 pm July 13, 2016 at the new City Hall location. She explained that the meeting on July 26, 2016 does not have any public hearing items, there are several requests in the process however they are not ready to be scheduled. She stated that Megan Moore, from Logan Simpson will be present at the meeting tomorrow and will also be attending the City Fair.
- Assistant City Engineer Vitek presented some information regarding the discussion about Blue Lakes Boulevard North access next to Zions Bank. Blue Lakes Boulevard is an Idaho Transportation Department road so the City has to work with them when issues arise along this road. They have looked at traffic data for this area and there have only been two accidents in the last five years at this location. The next step would be to create a left turn pocket in this area. The other question was the light at Fillmore and Blue Lakes Boulevard North, staff has recommended a protected left be installed at this intersection, however the Perrine Bridge was not built for static loads which creates some retrofitting requirements.

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

1. Joint Public Meeting: CPAC & P&Z – **July 13, 2016 noon to 2pm**
2. Public Hearing-**July 26, 2016**
3. Work Session- **August 3, 2016**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:05 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



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

In Re:)
)
Special Use Permit, Application,) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
Wheeler Dealers, LLC)
Kenneth Kuntz)
 Applicant(s)) AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on **July 12, 2016** for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of **establishing and operating a used automobile sales lot located at 611 Blue Lakes Boulevard 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 applied for a Special Use Permit for the purpose of **establishing and operating a used automobile sales lot located at 611 Blue Lakes Boulevard North**
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **June 23, 2016**
3. The property in question is zoned C-1 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Commercial/Retail 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, **Commercial/Business**; to the south, **Commercial/Business**; to the east; **Blue Lakes Boulevard North/Commercial/Business**; and to the west, **Residential**.

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 **establishing and operating a used automobile sales lot located at 611 Blue Lakes Boulevard North** is consistent with the purpose of the C-1 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 C-1 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 **establishing and operating a used automobile sales lot located at 611 Blue Lakes Boulevard North** 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 **establishing and operating a used automobile sales lot located at 611 Blue Lakes Boulevard North** 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.

DATE

"EXHIBIT NO. A"

1. Subject to the site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to the screening fence on the Western side of the property being maintained in good repair.
3. Subject to no audio or announcement system being utilized on this property.
4. Subject to no vehicle service or repair taking place on the property.
5. Subject to light source for security and parking areas being shielded from view of neighboring properties.
6. Subject to a minimum of ten (10) parking spaces being "designated" for customer parking only.

APPLICATION #2799
SUP# 1399



**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. **1399**

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **July 12, 2016** to **Wheeler Dealers, LLC c/o Kenneth Kuntz** whose address is **607 Blue Lakes Boulevard North Twin Falls, ID 83301** for the purpose of **establishing and operating a used automobile sales lot** located at **611 Blue Lakes Boulevard North** and legally described as **RPT0201001006A Twin Falls Beatty Subd E ½ Exc E 7 ½' Lot 6 Block 1 (9-10-17 NE)**

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.2799

1. Subject to the site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to the screening fence on the Western side of the property being maintained in good repair.
3. Subject to no audio or announcement system being utilized on this property.
4. Subject to no vehicle service or repair taking place on the property.
5. Subject to light source for security and parking areas being shielded from view of neighboring properties.
6. Subject to a minimum of ten (10) parking spaces being "designated" for customer parking only.

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



Preliminary PUD Presentation: TUESDAY, July 26, 2016

PUBLIC HEARING: TUESDAY, August 9, 2016

To: Planning & Zoning Commission

From: Jonathan Spendlove, Planner 1

AGENDA ITEM III-1

Request: A **Preliminary Presentation** for a request for the Commission's recommendation on an annexation with a zoning district change and zoning map amendment from SUI to R2, R6 and C-1 CRO ZDA (Zoning Development Agreement) for approximately 28.84 (+/-) acres located on the north side of the 1800 & 1900 blocks of Pole Line Road East c/o EHM Engineers, Inc on behalf of Notch Butte Farms, LLC (app. 2804)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. There is no Staff presentation this evening.

Background:

Applicant:	Status: Partner/Property Owner	Size: 28.8 (+/-) acres
Notch Butte Farms LLC 136 Bridon Way Jerome, ID 83338	Current Zoning: SUI - AOI	Requested Zoning: C-1 ZDA, R-2 ZDA, R-6 ZDA
	Comprehensive Plan: Commercial/Retail & Urban Village/Infill	Lot Count: 7 Lots/Parcels
	Existing Land Use: Un-platted Residential/Pasture land/ Undeveloped Parcels	Proposed Land Use: ZDA with Commercial, Office, and Residential Elements
Representative:	Zoning Designations & Surrounding Land Use(s)	
EHM Engineers INC Dave Thibault 621 North College Rd Ste 100 83301 208-734-4888 dthibault@ehminc.com	North: OS in Area of Impact	East: SUI in Area of Impact
	South: C-1 and R-4, Undeveloped Agricultural	West: C-1, Assisted Living / Senior Housing
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-6-1.6, 10-7-3,	

Approval Process:

As per Twin Falls City Code 10-6-1.6-procedure for conformance with a ZDA:

Final development plans, including plats, construction plans, and/or site plans, submitted for the development of the ZDA subject parcel shall conform to the approved conceptual development plan. Details on the final development plan(s) with minor variations from the conceptual development plan may be approved by the administrator, or designated city official without public hearing. If it is determined that a proposed change(s) constitutes a departure from the conceptual development plan and/or the development standards, the ZDA written commitment document shall be adequately amended using the initial approval process contained herein. ***Changes to any of the following items constitute a departure from the conceptual development plan and/or development standards, thus changing the basic relationship of the proposed development to the adjacent property:***

The permitted uses, Increase in density, Increase in building height, Increase in building coverage of the site, Reduction in the off street parking ratio, Reducing the building setbacks provided at the boundary of the site, Reduction of any open space plans, or Alteration of the overall design theme, primary architectural elements, or building materials. (Ord. 3082, 12-8-2014)

Budget Impact:

Approval of this request may have a financial impact on the City budget as commercial 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:

Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed.

This group of properties is currently located outside the City Limits and has no further zoning history.

Analysis:

This is a preliminary review for a request to make a recommendation on an appropriate Zoning Designation for property to be Annexed. The requested Zoning is for a Zoning Development Agreement consisting of various Residential and Commercial activities.

The applicant has supplied the required MOU's for the Areas to be distinctly zoned. These MOU's detail the variants from the base zoning code they are requesting. It should be noted; the Canyon Rim Overlay applies to a large portion of this property as depicted on Attachment #2.

A public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting [Tuesday, August 9, 2016](#). A comprehensive Staff analysis will be provided at that time.

Conclusion:

Staff makes no recommendation at this time.

Attachments:

1. Narrative
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Master Development Plan
5. Memorandum Of Understanding's for Areas 1-4

Rio Vista

Supplemental Information

The subject property is proposed for annexation into the City Limits of the City of Twin Falls and therefore a zoning designation is required to be assigned to the property. The property is proposed to be included within a "mixed-use" development with an associated ZDA zoning and development agreement.

The comprehensive plan encourages land use to include "mixed-use" developments. Additionally, neighborhood centers and similar destinations should be encouraged within new residential neighborhoods as part of these projects. The proposed ZDA development is exactly a mix of residential, neighborhood commercial, and destination establishments. The Future Land Use Map developed and adopted by the City of Twin Falls anticipates the land to be used for commercial/retail and urban village/urban infill. The proposed development project will include each of these anticipated land uses.

The subject property is immediately adjacent to the Bridgeview Estates and Sportsman's Warehouse which border the subject property along the west boundary. Properties to the south and to the east of the subject property include single family residences and undeveloped/vacant ground. The subject property is located along the south side canyon rim of the Snake River Canyon. The subject property surrounds the currently developed and established YMCA facility along Pole Line Road East.

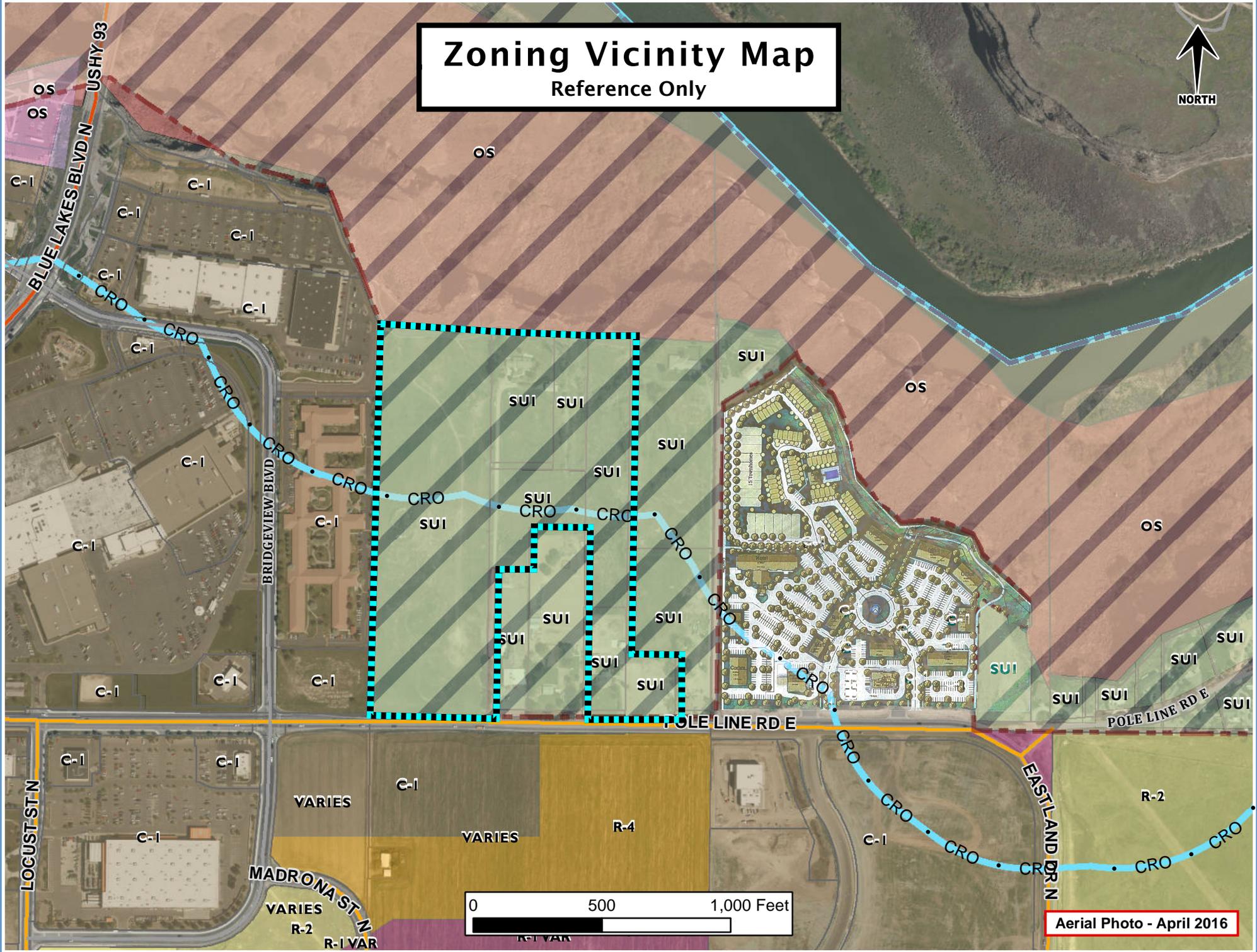
The proposed development of the property includes the following:

- Property adjacent to Pole Line Road East will be reserved primarily for commercial/retail/office use and development.
- The center of the project localized to the western edge will be designated for mixed-use residential including townhomes, condominiums, and multi-family residential uses.
- The center of the project localized to the eastern edge will be designated for single family residential development with gated access.
- The northern edge of the property along the canyon rim will be used for hospitality/retail/restaurant uses and may include residential development.
- Lands immediately adjacent to the canyon rim and abutting the proposed site development and desired natural landscaping will be reserved for connection of the Twin Falls Trail System and open space.

The sequence of construction for this proposed development is anticipated to be an accordance with the following: underground utilities and service line extensions will be installed, followed by roadway and drainage facility construction, with the proposed building structures developed in conjunction with the associated parking lots of each pad.

Zoning Vicinity Map

Reference Only



Aerial Photo - April 2016

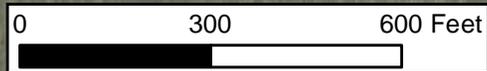
Aerial Photo Map

Reference Only



BRIDGEVIEW/BLVD

POLE LINE RD E



Aerial Photo - April 2016



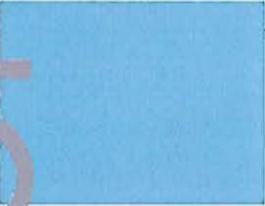
MASTER PLAN



- COMMERCIAL/RETAIL/OFFICE
- HOSPITALITY
- RESTAURANT
- RESIDENTIAL LOTS
- RESIDENTIAL TOWNHOMES
- RESIDENTIAL CONDOMINIUMS
- OPEN SPACE/AMENITIES

- 1** COMMERCIAL C-1/RETAIL/OFFICE/RESIDENTIAL
- 2** RESIDENTIAL TOWNHOMES/CONDOMINIUMS R-6 DENSITY
- 3** RESIDENTIAL LOTS - GATED ACCESS R-2 DENSITY
- 4** HOSPITALITY/RESTAURANT/OFFICE/RESIDENTIAL

USE INFORMATION PLAN A



COMMERCIAL/RETAIL/OFFICE

THIS PLAN PROVIDES:

4 LOTS
 4,800 SQ. FT. BLDGS. 1 STALL
 .46-1 ACRE LOTS 250 SQ. FT. 19 PARKING REQUIRED PER LOT
 23-48 RANGE OF PARKING PROVIDED PER LOT



HOSPITALITY

THIS PLAN PROVIDES:

4.12 ACRES
 40,000 SQ. FT. BLDG. 182 PARKING PROVIDED 159 PARKING REQUIRED

WITH THE PERFECT SPOT FOR VIEWS OF THE BRIDGE AND PILLAR FALLS, THIS HOTEL LOCATION WILL BE A LUXURIOUS ADDITION TO THIS AREA OF TWIN FALLS PROVIDING A GREAT LOCATIONS FOR WEDDINGS, MEETINGS, AND REUNIONS.



RESTAURANT

THIS PLAN PROVIDES:

2 LOTS
 2,100 SQ. FT. BLDG. 22 PARKING PROVIDED 21 PARKING REQUIRED
 10,000 SQ. FT. BLDG. 133 PARKING PROVIDED 133 PARKING REQUIRED

WITH THE PERFECT SPOT FOR VIEWS OF THE BRIDGE AND PILLAR FALLS, THIS HOTEL LOCATION WILL BE A LUXURIOUS ADDITION TO THIS AREA OF TWIN FALLS PROVIDING A GREAT LOCATIONS FOR WEDDINGS, MEETINGS, AND REUNIONS.



USE INFORMATION

PLAN A

RESIDENTIAL LOTS

THIS PLAN PROVIDES:

2 .5 ACRE+ LOTS

16 .23 ACRE+ LOTS

HAVING THESE LOTS ON THE EAST SIDE OF THE PROPERTY ALLOWS FOR A SMOOTH TRANSITION INTO WHAT THE NEXT ADJACENT PROPERTY PLAN COULD EVENTUALLY INCLUDE. THE HALF ACRE LOTS WOULD BE GATED AND SECURE WITH THE QUARTER ACRE LOTS PROVIDING GREAT CONNECTIONS TO SHOPPING AND AMENITIES IN THIS URBAN INFILL AREA.



RESIDENTIAL TOWNHOMES

THIS PLAN PROVIDES:

7.5 ACRES

43 UNITS

112 PARKING PROVIDED 86 PARKING REQUIRED

THESE 2000 SQ. FT. TOWNHOMES OFFER A TWO STORY, 3 BEDROOM, 2.5 BATH HOME WITH A 2 CAR GARAGE THAT CAN TAPER WITH THE TOPOGRAPHY OF THE LAND TO PROVIDE SEPERATION BETWEEN HOMES. THERE IS A SHARED CLUBHOUSE WITH AMENITIES FOR RESIDENTS.



RESIDENTIAL CONDOS

THIS PLAN PROVIDES:

4.4 ACRES

32 UNITS

118 PARKING PROVIDED 80 PARKING REQUIRED

WITH THREE FLOORPLAN OPTIONS, THESE CONDOS ARE BETWEEN 2,200 - 2,600 SQ.FT. WITH 3 BEDROOMS, 2.5 BATHS, AND A 2 CAR GARAGE WITH ACCESS ON THE BACK ALLEY. THERE IS A SHARED CLUBHOUSE WITH AMENITIES FOR RESIDENTS.

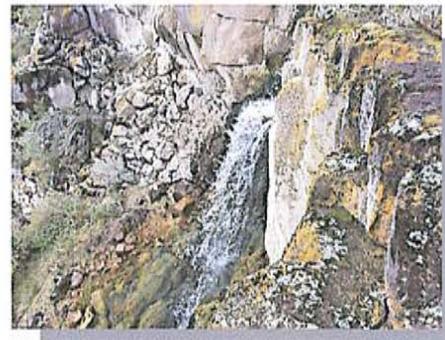


OPEN SPACE/AMENITIES

THIS PLAN PROVIDES:

1.53 ACRES

PARK AREA FOR DRAINAGE, RETENTION, NATURAL WATERWAYS, AND NATURAL FOLIAGE. THIS AREA COULD CONTAIN A PAVILION WITH EXQUISITE VIEWS OF THE BRIDGE AND PILLAR FALLS. THROUGH THE SITE THERE ARE WALKWAYS CONNECTING ALL AREAS TO THE EXISTING PATHWAY ALONG THE CANYON RIM.



Rio Vista – Mixed Use Residential & Commercial Development**Memorandum of Understanding
Pursuant to Area 1 of the Planning Exhibit**

Development and Improvements shall conform to the following standards and regulations:

(1) USE REGULATIONS

Development shall meet the requirements of the City's Commercial Highway District (C-1) zone of City Code and may include multi-family residential uses as provided in Twin Falls City Code (10-4-8.2) as codified for all uses and property development standards, except as provided herein:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. No Change Requested

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. No Change Requested

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

1. Amusement Parks
2. Animal Hospital – Large Animal
3. Bulk Fuel Sales
4. In Home Day Care Centers
5. Cemeteries
6. Fairgrounds
7. Go Cart Tracks
8. Jails, Detention Centers, or Work Release Centers
9. Judicial Facilities
10. Outdoor Theaters
11. RV and Camping Parks
12. Shelter Homes and/or Facilities
13. Stand Alone Drug and Alcohol Treatment
14. Tattoo Parlors
15. Zoos

(2) PROPERTY DEVELOPMENT STANDARDS

PLANNING & COMMUNITY DEVELOPMENT
CITY OF DENVER

The following property development standards shall apply to all land and buildings in the C-1 district of City Code:

(A) Lot Area

- 1. No Change Requested

(B) Lot occupancy

- 1. No Change Requested

(C) Building Height

- 1. No Change Requested

(D) Yards

- 1. No Change Requested

(E) Access

- 1. No Changed Requested

(F) Landscaping

- 1. No Change Requested

(G) Parking

- 1. Off Street Parking
a. No Change Requested
- 2. Parking Areas
a. No Change Requested

(H) Signage

- 1. Signs shall comply with the requirements and General Sign provisions contained in Chapter 9 of City Code

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping

- 1. No Change Requested

(3) OTHER SITE DEVELOPMENT CRITERIA - IF APPLICABLE

(A) Pathways

- 1. Internal connections to the existing Canyon Rim Trail may be provided as part of the development. Connection locations to be agreed upon by the developer and the City during the Platting Process in order to coordinate the most appropriate location for current and future needs.

(B) Screening

- 1. No Change Requested

(4) ARCHITECTURAL STANDARDS

(A) Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces

(B) Architectural standards shall be approved through the ZDA process for buildings within the business park.

(C) All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with screening material such as landscaping or another approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located along Pole Line Road East

(5) MANAGEMENT ASSOCIATIONS

(A) A management association may be implemented at the Developer's discretion.

(6) HOURS OF OPERATION

(A) Hours of Operation

1. The hours of operation for all activity within Area 1 shall not be limited.

(7) PROJECT PHASING

(A) The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constructed without first meeting the approval of the City for inter-connection of utilities and/or construction of temporary facilities required to accommodate a particular phase

(B) Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and a five (5) year maximum time limit between phases unless an extension of time is granted by the Twin Falls City Council

JUN 20 2016

Rio Vista – Mixed Use Residential & Commercial Development**Memorandum of Understanding****Pursuant to Area 2 of the Planning Exhibit**

The Canyon Rims Overlay District zone may affect a portion of the property identified as Area 2. The requirements of the CRO will remain in effect where applicable.

Development and Improvements shall conform to the following standards and regulations:

(1) USE REGULATIONS

Development shall meet the requirements of the City's Residential Multi-Household District (R-6) zone and may include multi-family residential uses as provided in (10-4-6.2) of City Code for all uses and property development standards, except as provided herein:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Sanitary sewers lift stations and appurtenances, buildings, and facilities.
2. Pressurized irrigation pump stations and appurtenances, buildings, and facilities.

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. No Change Requested

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination City Code is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

1. Amusement Parks
2. Animal Hospital – Large Animal
3. Bulk Fuel Sales
4. In Home Day Care Centers
5. Cemeteries
6. Fairgrounds
7. Go Cart Tracks
8. Jails, Detention Centers, or Work Release Centers
9. Outdoor Theaters

- 10. RV and Camping Parks
- 11. Shelter Homes and/or Facilities
- 12. Stand Alone Drug and Alcohol Treatment
- 13. Tattoo Parlors
- 14. Zoos

(2) PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings in the R6 district except as provided by section 10-12-5-6 of City Code for zero lot line subdivisions:

(A) Use of Lots

- 1. No Change Requested

(B) Lot Area

- 1. No Change Requested

(C) Lot occupancy

- 1. No Change Requested

(D) Building Height

- 1. No Change Requested

(E) Yards

- 1. No Change Requested

(F) Access

- 1. No Change Requested

(G) Landscaping

- 1. No Change Requested

(H) Parking

- 1. Off Street Parking
 - a. No Change Requested
- 2. Parking Areas
 - a. No Change Requested

(I) Signage

- 1. Signs shall comply with the requirements and General Sign provisions contained in Chapter 9 of City Code

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping

- 1. No Change Requested

(3) OTHER SITE DEVELOPMENT CRITERIA - IF APPLICABLE

(A) Pathways

- 1. Internal connections to the existing Canyon Rim Trail may be provided as part of the development. Connection locations to be agreed upon by the developer and the City during the Platting Process in order to coordinate the most appropriate location for current and future needs.

(B) Screening

- 1. No Change Requested

(4) ARCHITECTURAL STANDARDS

- (A)** Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces
- (B)** Architectural standards shall be approved through the ZDA process for buildings within the business park. (Ord. 3082, 12-8-2014)
- (C)** All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with screening material such as landscaping or another approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located along Pole Line Road East

(5) MANAGEMENT ASSOCIATIONS

- (A)** A management association may be implemented at the Developer's discretion.

(6) HOURS OF OPERATION

- (A)** Residential and residential support facilities shall not be limited. The hours of operation for all other activities within Area 2 shall be between the hours of seven o' clock (7:00) A.M. to ten o' clock (10:00) P.M. unless otherwise authorized by the City of Twin Falls through the Special Use Permit Process for extended hours of operations.

(7) PROJECT PHASING

- (A)** The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constructed without first meeting the approval of the City for inter-connection of utilities and/or construction of temporary facilities required to accommodate a particular phase
- (B)** Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and a five (5) year maximum time limit between phases unless an extension of time is granted by the Twin Falls City Council

RECEIVED

JUN 20 2013

CITY OF TWIN FALLS
PLANNING

Rio Vista – Mixed Use Residential & Commercial Development

Memorandum of Understanding

Pursuant to Area 3 of the Planning Exhibit

The Canyon Rims Overlay District zone may affect a portion of the property identified as Area 3. The requirements of the CRO will remain in effect where applicable.

Development and Improvements shall conform to the following standards and regulations:

(1) USE REGULATIONS

Development shall meet the requirements of the City's Residential Single Household or Duplex District (R-2) zone of City Code for all uses and property development standards

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. No Change Requested

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. No Change Requested

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination of City Code is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

1. Amusement Parks
2. Animal Hospital – Large Animal
3. Bulk Fuel Sales
4. In Home Day Care Centers
5. Cemeteries
6. Fairgrounds
7. Go Cart Tracks
8. Jails, Detention Centers, or Work Release Centers
9. Judicial Facilities
10. Outdoor Theaters
11. RV and Camping Parks
12. Shelter Homes and/or Facilities
13. Stand Alone Drug and Alcohol Treatment
14. Tattoo Parlors

15. Zoos

(2) PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings in the R2 district except as provided by section 10-12-5-6 of City Code for zero lot line subdivisions:

(A) Use of Lots

1. No Change Requested

(B) Lot Area

1. No Change Requested

(C) Lot occupancy

1. No Change Requested

(D) Building Height

1. No Change Requested

(E) Yards

1. No Change Requested

(F) Access

1. No Change Requested

(G) Landscaping

1. No Change Requested

(H) Parking

1. Off Street Parking
 - a. No Change Requested
2. Parking Areas
 - a. No Change Requested

(I) Signage

1. Signs shall comply with the requirements and General Sign provisions contained in Chapter 9 of City Code

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping

1. No Change Requested

(3) OTHER SITE DEVELOPMENT CRITERIA - IF APPLICABLE

(A) Pathways

1. Internal connections to the existing Canyon Rim Trail may be provided as part of the development. Connection locations to be agreed upon by the developer and the City during the Platting Process in order to coordinate the most appropriate location for current and future needs.

(B) Screening

1. Screening Required:
 - a. No Change Requested

(4) ARCHITECTURAL STANDARDS

- (A) Architectural Standards:** All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces

- (B) Architectural standards shall be approved through the ZDA process for buildings within the business park.
- (C) All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with screening material such as landscaping or another approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located along Pole Line Road East

(5) MANAGEMENT ASSOCIATIONS

- (A) A management association may be implemented at the Developer's discretion.

(6) HOURS OF OPERATION

- (A) Residential and residential support facilities shall not be limited. The hours of operation for all other activities within Area 3 shall be between the hours of seven o' clock (7:00) A.M. to ten o' clock (10:00) P.M., unless otherwise authorized by the City of Twin Falls through the Special Use Permit Process for extended hours of operation

(7) PROJECT PHASING

- (A) The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constructed without first meeting the approval of the City for inter-connection of utilities and/or construction of temporary facilities required to accommodate a particular phase
- (B) Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and a five (5) year maximum time limit between phases unless an extension of time is granted by the Twin Falls City Council

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JUN 20 2016

Rio Vista – Mixed Use Residential & Commercial Development CITY OF TWIN FALLS

Memorandum of Understanding

Pursuant to Area 4 of the Planning Exhibit

The Canyon Rims Overlay District zone may affect a portion of the property identified as Area 4. The requirement of the CRO will remain in effect where applicable.

Development and Improvements shall conform to the following standards and regulations:

(1) USE REGULATIONS

Development shall meet the requirements of the City's Commercial Highway District (C-1) zone of City Code and may include multi-family residential uses as provided in Twin Falls City Code (10-4-8.2) for all uses and property development standards, except as provided herein:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Sanitary sewer lift stations and appurtenances, buildings, and facilities
2. Pressurized irrigation pump stations and appurtenance, buildings, and facilities

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. No Change Requested

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination of City Code is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

1. Amusement Parks
2. Animal Hospital – Large Animal
3. Bulk Fuel Sales
4. In Home Day Care Centers
5. Cemeteries
6. Fairgrounds
7. Go Cart Tracks
8. Jails, Detention Centers, or Work Release Centers
9. Judicial Facilities
10. Outdoor Theaters
11. RV and Camping Parks
12. Shelter Homes and/or Facilities

13. Stand Alone Drug and Alcohol Treatment
14. Tattoo Parlors
15. Zoos

(2) PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings in the C1 district:

(A) Lot Area

1. No Change Requested

(B) Lot occupancy

1. No Change Requested

(C) Building Height

1. Buildings located within the CRO designated portion of property within this ZDA which are "hotel/convention centers" uses as defined in city code shall be permitted height beyond 35' by request of special use permit and application to Planning and Zoning Commissions.

(D) Yards

Front yards shall conform to the following standards:

1. No Change Requested

(E) Access

1. No Change Requested

(F) Landscaping

1. No Change Requested

(G) Parking

1. Off Street Parking
 - a. No Change Requested
2. Parking Areas
 - a. No Change Requested

(H) Signage

1. Signs shall comply with the requirements and General Sign provisions contained in Chapter 9 of City Code

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping

1. No Change Requested

(3) OTHER SITE DEVELOPMENT CRITERIA – IF APPLICABLE

(A) Pathways

1. Internal connections to the existing Canyon Rim Trail may be provided as part of the development. Connection locations to be agreed upon by the developer and the City during the Platting Process in order to coordinate the most appropriate location for current and future needs.

(B) Coverage

1. No Change Requested

(C) Screening

1. Screening Required:

- a. No Change Requested
- 2. Minimum Standards:
 - a. No Change Requested

(4) ARCHITECTURAL STANDARDS

- (A)** Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces
- (B)** Architectural standards shall be approved through the ZDA process for buildings within the business park.
- (C)** All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with screening material such as landscaping or another approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located along Pole Line Road East

(5) MANAGEMENT ASSOCIATIONS

- (A)** A management association may be implemented at the Developer's discretion.

(6) HOURS OF OPERATION

- (A)** Hours of Operation
 - 1. The hours of operation for all activity within Area 4 shall not be limited

(7) PROJECT PHASING

- (A)** The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constructed without first meeting the approval of the City for inter-connection of utilities and/or construction of temporary facilities required to accommodate a particular phase
- (B)** Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and a five (5) year maximum time limit between phases unless an extension of time is granted by the Twin Falls City Council



Preliminary PUD Presentation: TUESDAY, July 26, 2016

PUBLIC HEARING: TUESDAY, August 9, 2016

To: Planning & Zoning Commission

From: Jonathan Spendlove, Planner 1

AGENDA ITEM III-1

Request: A **Preliminary Presentation** for the Commission's recommendation on a request for an Amendment to the Latitude-42 PUD Agreement #272 to modify collector and arterial development requirements on property located at the northwest corner of Cheney Drive West and Field Stream Way c/o Gerald Martens on behalf of McCormick, Nelson, Sletter, Robertson, Gibson, Konen, George and Dahl (app. 2803)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. There is no Staff presentation this evening.

Background:

Applicant:	Status: Partner/Property Owner	Size: NA
Latitude 42 Partners Box 6004 Twin Falls, ID 83301	Current Zoning: C-1 PUD	Requested Zoning: No change
	Comprehensive Plan: Commercial/Retail	Lot Count: NA
	Existing Land Use: Platted undeveloped agricultural	Proposed Land Use: No change
Representative:	Zoning Designations & Surrounding Land Use(s)	
EHM Engineers INC Gerald Martens 621 North College Rd Ste 100 83301 208-734-4888 gmartens@ehm-inc.com	North: Pole Line Rd W, R-2 AOI Agricultural	East: C-1, Reformed Church
	South: R-6 PUD; Senior/Assisted Living	West: R1 VAR, Residential and Undeveloped Agricultural
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-6-1.6, 10-7-3, Latitude 42 PUD #272	

Approval Process:

As per Twin Falls City Code 10-6-1.6-procedure for conformance with a ZDA:

Final development plans, including plats, construction plans, and/or site plans, submitted for the development of the ZDA subject parcel shall conform to the approved conceptual development plan. Details on the final development plan(s) with minor variations from the conceptual development plan may be approved by the administrator, or designated city official without public hearing. If it is determined that a proposed change(s) constitutes a departure from the conceptual development plan and/or the development standards, the ZDA written commitment document shall be adequately amended using the initial approval process contained herein. ***Changes to any of the following items constitute a departure from the conceptual development plan and/or development standards, thus changing the basic relationship of the proposed development to the adjacent property:***

The permitted uses, Increase in density, Increase in building height, Increase in building coverage of the site, Reduction in the off street parking ratio, Reducing the building setbacks provided at the boundary of the site, Reduction of any open space plans, or Alteration of the overall design theme, primary architectural elements, or building materials. (Ord. 3082, 12-8-2014)

Budget Impact:

Approval of this request may have a financial impact on the City budget as commercial 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:

Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed.

In January 2011, the City Council approved the request to rezone the above listed property from C-1 to C-1 PUD with conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code Requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls, and to be rebuilt, or built, to current City standards upon development of the property.
3. Subject to complete the design approval of Cheney Drive West being constructed to ½ width and per City Standards.
4. Subject to an approved and recorded PUD Agreement, to include a Master Development Plan, prior to approval and recordation of a Final Plat.

The PUD Agreement was signed in March and recorded in April 2016. The Latitude 42 No 1, a single lot plat, was recorded on March 27, 2106.

Analysis:

This is a preliminary review for a recommendation on a request to amend the Latitude 42 PUD Agreement. The applicant is requesting a modification to allow Cheney Drive West to be constructed to a narrower width than current code permits for Collector Streets.

The applicant has supplied a Narrative detailing their request, and proposed PUD Amendment language.

A public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting [Tuesday, August 9, 2016](#). A comprehensive Staff analysis will be provided at that time.

Conclusion:

Staff makes no recommendation at this time.

Attachments:

1. Narrative
2. Zoning Vicinity Map
3. Future Land Use Map
4. Proposed PUD Amendment



Latitude 42 - PUD Amendment Narrative

EHM Engineers, Inc. has been retained to represent the owners of the Latitude 42 development and to prepare this PUD Amendment Request. The Latitude PUD included language which is very standard and common place which was issued by City Council as a condition of approval reads, "Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls, and to be rebuilt, or built, to current City Standards upon development of the property." This standard condition of approval differs from the Master Development Plan and the planning negotiations and development plans prepared for the development and was not identified at the time of approval of the PUD Agreement.

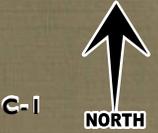
The standard condition was applied to the original PUD Agreement prior to development of final plats and construction plans for the subject property and surrounding properties. However, as part of the development process negotiations and discussions with City Staff and the property owners of the subject property and surrounding properties have resulted in a design for Cheney Drive West extended which differs from the Master Transportation Plan collector street and right of way width(s).

At the connection to Grandview Dr. N. the available width is limited to 38 feet. The extension of Cheney Dr. W. has been a point of emphasis with the surrounding property owners and City Staff as increased traffic volumes have been experienced on North College Road West. Therefore, the surrounding property owners have entered into an agreement amongst themselves to get Cheney Dr. W. built and constructed to Creekside Way. As part of this agreement roadway design plans have been developed and approvals have been granted by the City of Twin Falls for a roadway width of 38 feet for Cheney Dr. W. These approvals are applicable to Fieldstone Professional Subdivision, WS & V Subdivision, and the first phase final plat of Latitude 42 Subdivision. Additionally, final plats have been prepared, reviewed, approved and recorded on those properties to the east and to the south of the remaining portion of Latitude 42 with the roadway right of way and collector street widths differing from the Master Transportation Plan.

Presently, an agreement among landowners, negotiations with City Staff, and approved plan sets all reflect the understanding of a modified street width through this section of Cheney Dr. West. However, it has been brought to our attention that the conditions to the approval of the PUD agreement for Latitude 42 include language which specifically states that arterials and collector streets will be constructed in accordance with City Standards. The request before you is to grant an amendment to the Latitude 42 PUD Agreement for the development of Cheney Dr. West to continue to Creekside Way after the manner and fashion previously approved and slated for constructed this season with a modified street width. This request will allow for a uniform right of way and roadway width through these developments and come in alignment with what was originally understood as acceptable.

Zoning Vicinity Map

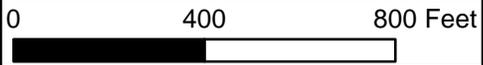
Reference Only



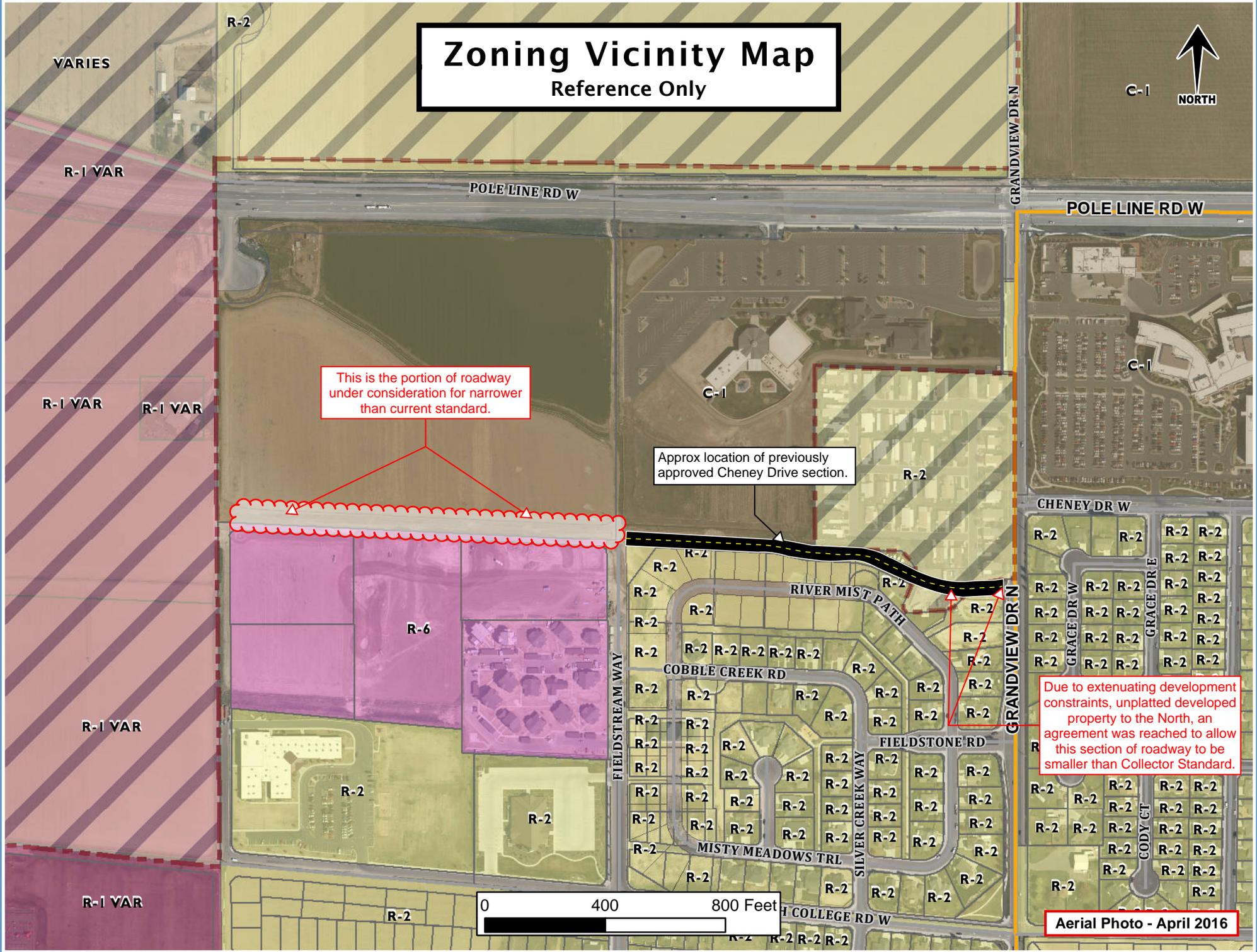
This is the portion of roadway under consideration for narrower than current standard.

Approx location of previously approved Cheney Drive section.

Due to extenuating development constraints, unplatted developed property to the North, an agreement was reached to allow this section of roadway to be smaller than Collector Standard.



Aerial Photo - April 2016



Future Land Use Map

Reference Only



Commercial/Retail Designation

Commercial/Retail Designation

This is the portion of roadway under consideration for narrower than current standard.

Urban Village/Infill Designation

Approx location of previously approved Cheney Drive section.

POLE LINE RD W

CHENEY DR W

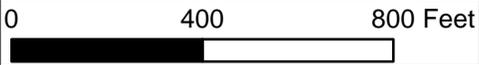
Urban Village/Infill Designation

Due to extenuating development constraints, unplatted developed property to the North, an agreement was reached to allow this section of roadway to be smaller than Collector Standard.

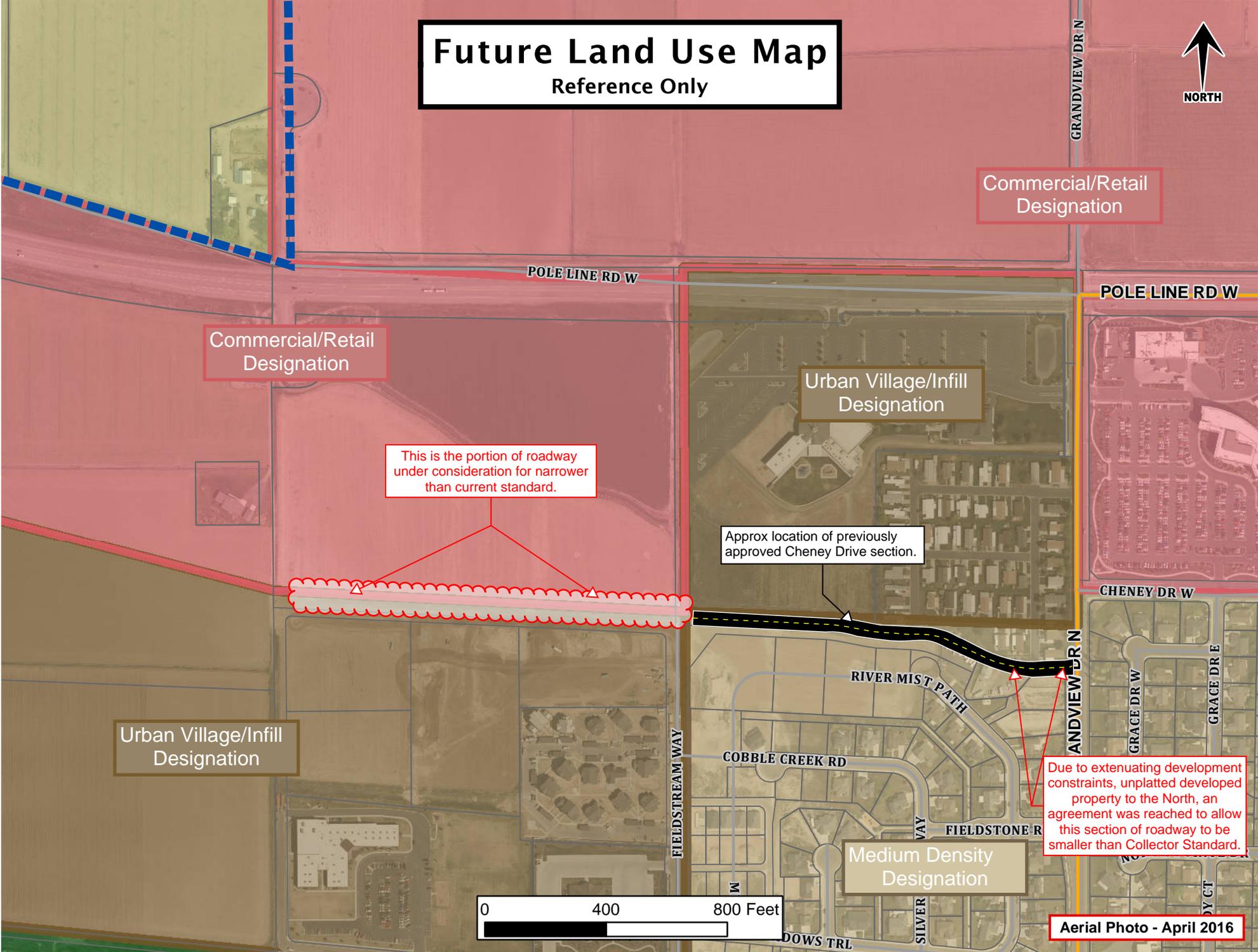
RIVER MIST PATH

COBBLE CREEK RD

Medium Density Designation



Aerial Photo - April 2016



AMENDMENT TO C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

LATITUDE 42, PUD

The Amendment to the Agreement is made and entered into as of the _____ day of _____, 20____, by and between the CITY OF TWIN FALLS, a Municipal Corporation (hereinafter called "City") and James and Anna McCormick, Gary Nelson, Blass, Inc., Gary Slette, Gerald Martens, Evan Robertson, Dirk Gibson, Daniel Konen, Stephen George, Kirby Dahl (hereinafter called "Developer"), whose address is PO Box 6004, Twin Falls, Idaho 83303-6004.

RECITALS:

WHEREAS, the City and Developer entered into a C-1 Planned Unit Development Agreement for the development of Latitude 42, PUD. dated March 28, 2016;

WHEREAS, the C-1 Planned Unit Development agreement identifies areas to be developed within Latitude 42, PUD;

WHEREAS, the parties hereto desire to amend the above referenced C-1 Planned Unit Development agreement in regards to the development of Cheney Drive West on the south boundary of the Developer's property in Latitude 42, PUD;

NOW, THEREOF, the parties hereto, agree to amend the PUD agreement as follows:

1. Cheney Drive West is to be constructed to a total width of 38 feet, measured from the face of curb to face of curb with half that width defined as 19 feet from the centerline of the Cheney Drive West roadway to the face of curb. Right of way for Cheney Drive West will be a total width of 50 feet, measured 25 feet each side of centerline.
2. Notwithstanding anything to the contrary in the PUD Agreement, the language herein contained shall control the width of Cheney Drive West along the entire southern boundary of the Developer's property.

IN WITNESS WHEREOF, this Amendment Agreement has been executed on the day and year first above written.

City of Twin Falls,
a Municipal Corporation

Developer,

By: _____
Shawn Barigar, Mayor

By: _____
Gerald Martens, Managing Member