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

ITEM IV-

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

Time Estimate:

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

Background:

Applicant:	**Status:** Owner/Developer	**Size:** 160 (+/-) acres
Canyon Properties, LLC c/o Gary N. Nelson 5422 North 400 East Hagerman, Idaho 83332 736-8400/731-5030 Nelsonandco@cableone.net	**Current Zoning:** C-1 PUD	**Requested Zoning:** Amendment to Canyon Properties PUD Agreement #229 and Master Development Plan
	Comprehensive Plan: Commercial/retail and residential	**Lot Count:** PUD
	Existing Land Use: Mixed Use PUD; Residential, and undeveloped professional/commercial	**Proposed Land Use:** Mixed Use Planned Unit Development
Representative:	**Zoning Designations & Surrounding Land Use(s)**	
EHM Engineers, Inc. c/o Tim Vawser 621 North College Rd, ste 100 Twin Falls, Idaho 83301 208-734-4888 tvawser@ehminc.com	**North:** R-2; Federation Road - Northern Passage Sub/residential;	**East:** R-4 PUD Aol/R-2; Villa Del Rio PUD Subdivision; residential/Northern Sky Subdivision; residential
	South: C-1 PUD; Pole Line Road-St Luke's/Wal-Mart-portions of undeveloped commercial PUD's	**West: R-2 & C-1 PUD;** Columbia Dr/Grandview Estates Subdivision-undeveloped residential subdivision & Center Point PUD; undeveloped professional/commercial PUD
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-6-1, 10-10-1 through 3, 10-11-1 through 9, 10-14-1 through 7	

Approval Process:

10-6-1.4(E) Approval of a PUD Sub-District:

1. Preliminary Development Plan. The petitioner for a planned unit development sub-district may, after pre-application conferences with the planning staff, submit a preliminary development plan to the Commission for review, which development plan shall include the following: a. The proposed site plan, showing building locations and land use areas; b. Proposed traffic circulation, parking areas, pedestrian walks and landscaping; c. Proposed construction sequence for buildings, streets, spaces and landscaped areas; d. Existing zoning district boundaries; e. A survey of the property, including topography, buildings, watercourses, trees over six inches (6") in trunk diameter, streets, utility easements, drainage patterns, right of way and land use; f. Other requirements that the Planning Department, Planning Commission, or legislative body may request.

2. After Commission review, a public hearing shall be held before the Commission and Council for a zoning district and zoning map amendment. (Ord. 2124, 10-15-1984)

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to proceed with recording an amended Planned Unit Development Agreement and proceeding with development as approved.

History:

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

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

Analysis:

This is a request for amendments to the Canyon Properties P.U.D. – C-1 Mixed-Use Planned Unit Development Agreement and Master Development Plan. There are four (4) amendments being proposed:

- Allow for a maximum building height of 28 feet – measured from the highest point of the top of curb or future curb adjacent of the subject property within 500' of the centerline of Blake St -- Currently the maximum height allowed is 24' measured above the nearest point of Villa Del Rio Subdivision,
- Allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 -- this land use is not specifically listed as an allowed use within the commercial designations,
- Allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10 -- hours of operation are limited to 8:00 am to 8:00 pm within 500' of the centerline of Blake St,
- and allow up to eight (8) off-premise signs as shown on the Amended Master Sign Plan – multi tenant off-premise signs are limited by code.

Although the zoning of the property was approved in 1999 the current Canyon Properties PUD Agreement was not recorded until 2003. The developer worked diligently with the adjacent neighborhood(s) and as a result there were a number of restrictions placed on the uses and property development standards for lots adjacent to the Villa Del Rio and Los Lagos residential areas. Uses were restricted to not allow for a stand-alone rehabilitation facility and any use requiring a Special Use Permit was not allowed within 500' from the center line of Blake Street. Building heights in this area are restricted to single story, a maximum of 24' in height-measured, and a pitched roof. There is also a requirement of a 20' landscaping buffer of which the 10' closest to Blake Street is maintained by the Los Lagos Home Owner's Association and the next 10' is maintained on the private lots.

The applicant is working with a client that would like to develop a transitional care and rehabilitation facility on lots 24, 27, and 28 of Block 13 of the Canyon Trails Subdivision No. 10. The facility would accommodate patients recently leaving the hospital but needing additional care and rehabilitation before returning home. The facility would operate 24-hours a day as there would be patients and staff on-site but there would not be any type of emergency facilities or processing of patients or visitors outside of typical office and visiting hours. A conceptual elevation drawing of a building for the site is included and it is single story with a pitched roof however the applicants would like to be allowed to go to a height of 28' to accommodate their design. The PUD Agreement states a height of 24' and the applicant would also like to clarify the term "height" by

including its definition per City Code 10-2-1 that height is measured from the top of curb or future curb. The applicant has reviewed their proposal for a building height of 28', the allowance of a transitional care and rehabilitation facility, and 24-hour operation with the Villa Del Rio Estates Property Owners' Association and the Los Lagos Home Owner's Association. Both home owners associations have submitted letters in support of the proposal and the changes affecting the specified lots.

City Code requires that the applicants make a preliminary PUD presentation to the Commission and to the public. This presentation, which took place on April 26, 2011, allowed the Commission and the public to become familiar with the project prior to the public hearing. At the presentation there were questions on the number of off-premise signs being proposed. The applicant's representative indicated that the proposal involved four (4) off-premise signs on Park View Drive and four (4) to be allowed along Pole Line Road. The City's sign code does not allow for an off-premise sign. This would be a sign advertising a single tenant with the sign located on a lot other than the lot that the facility is physically located on. The sign code does allow for "multi-tenant" signs per City Code 10-9-8(M). Multi-tenant signs would be allowed in this development and would allow for directing attention and traffic along the private roads to development within the subdivisions. Staff would recommend that off-premise signs not be permitted as they would be individual signs directing traffic to a single tenant and as they are not defined in the City Code there is not any guidance to how they would be regulated in terms of size and separation allowances and placement criteria. Staff would recommend that signage be allowed per the City sign code.

The proposed development and amendment are still in compliance with the Comprehensive Plan which designates this area as appropriate for Commercial and Retail development.

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

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

STAFF CONCURS WITH THE COMMISSION'S RECOMMENDATION

Attachments:

1. Reason for Request
2. Vicinity Map
3. Area Zoning Map
4. Aerial Map
5. Canyon Trails Subdivision, phases 1-10
6. Portion of Canyon Properties PUD Agreement #229
7. Approved Canyon Properties Master Development Plan
8. Proposed Amended Canyon Properties Master Development Plan
9. Proposed Master Sign Plan
10. New Building site plan
11. New Building Elevation
12. New Building Floor Plan
13. Map 2-4 Future Land Use, Comprehensive Plan
14. Letter of support from Villa Del Rio Estates Property Owners' Association Board of Directors
15. Letter of Support for the Los Lagos Property Owners Association
16. Proposed Addendum to Canyon Properties PUD Agreement
17. Portion of April 26th and May 10th, 2011, Planning and Zoning Commission public meeting

1. REASON FOR THE REQUEST:

Canyon Properties, PUD
Addendum to C-1 Planned Unit Development Agreement Statement

B.1. Allow for a building height of 28 feet measured from the highest point of the top of curb or future curb adjacent to the subject property in the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions.

2. Allow for a transitional care and physical rehabilitation facility with the 500' buffer zones from the Los Lagos and Villa Del Rio Subdivisions.

3. Allow unlimited hours of operation for buildings constructed on Lots 24, 27, and 28, Block 13, Canyon Trails Subdivision No. 10.

4. Include off premises signs providing no more than two (2) off premise signs may be allowed on the west side of Park View Drive and no more than two (2) off premise signs may be allowed on the east side of Park View Drive adjacent to Pole Line Road. In addition, two (2) off premise signs may be placed on both the east and west side of the roadway adjacent to Park View Drive. Off premise signs adjacent to Pole Line Road to have a minimum separation of 500' from another off premise sign.

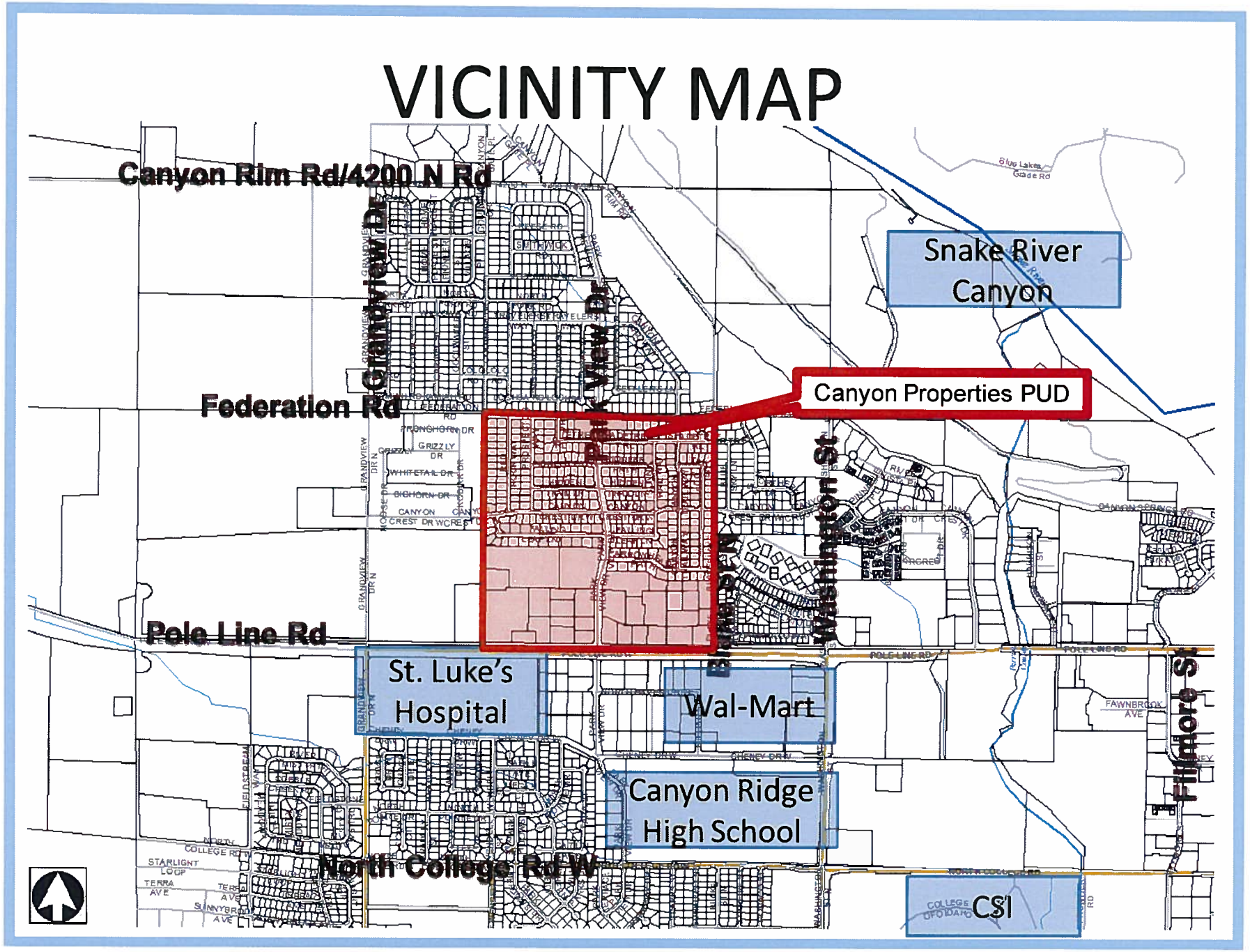
C.3a. The reason for the request is to allow for allowable building height increase from 24' to 28' and to clarify the point of origin from where that height is measured, consistent with the City's Zoning Ordinance. It would allow a transitional care and physical rehabilitation facility and supporting office to be constructed on lots within the buffer zones that would be in compliance with the amended PUD. It would also allow off premise signs adjacent to Pole Line Road for recognition of businesses within the development.

3b. See attached.

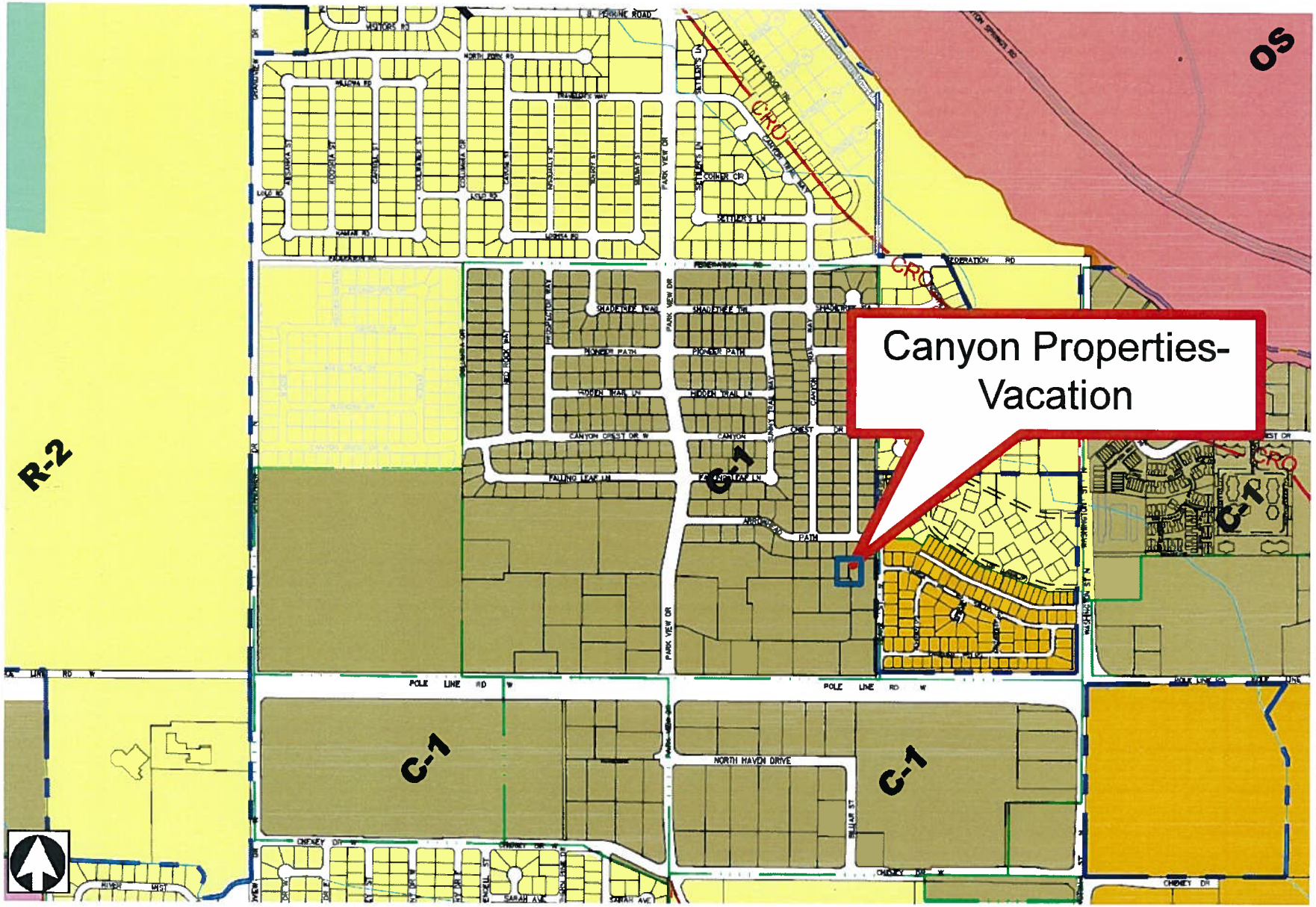
3c. This change would have a negligible effect in the development based on building height. The change of operating hours would also be negligible since the intent is basic to the facility being able to house patients and operate a small amount of staff at off-peak hours to provide for their needs. Off premise signage along Pole Line Road and Park View Drive will provide direction for visitors to various businesses within the development thus alleviating confusion on busy corridors.

3d. This change would not adversely affect the surrounding area. It would provide an aesthetically pleasing facility to the immediate neighborhood and provide an additional buffer to possibly higher activity, allowed uses within the area. Overall, it will add a positive impact to the surrounding area.

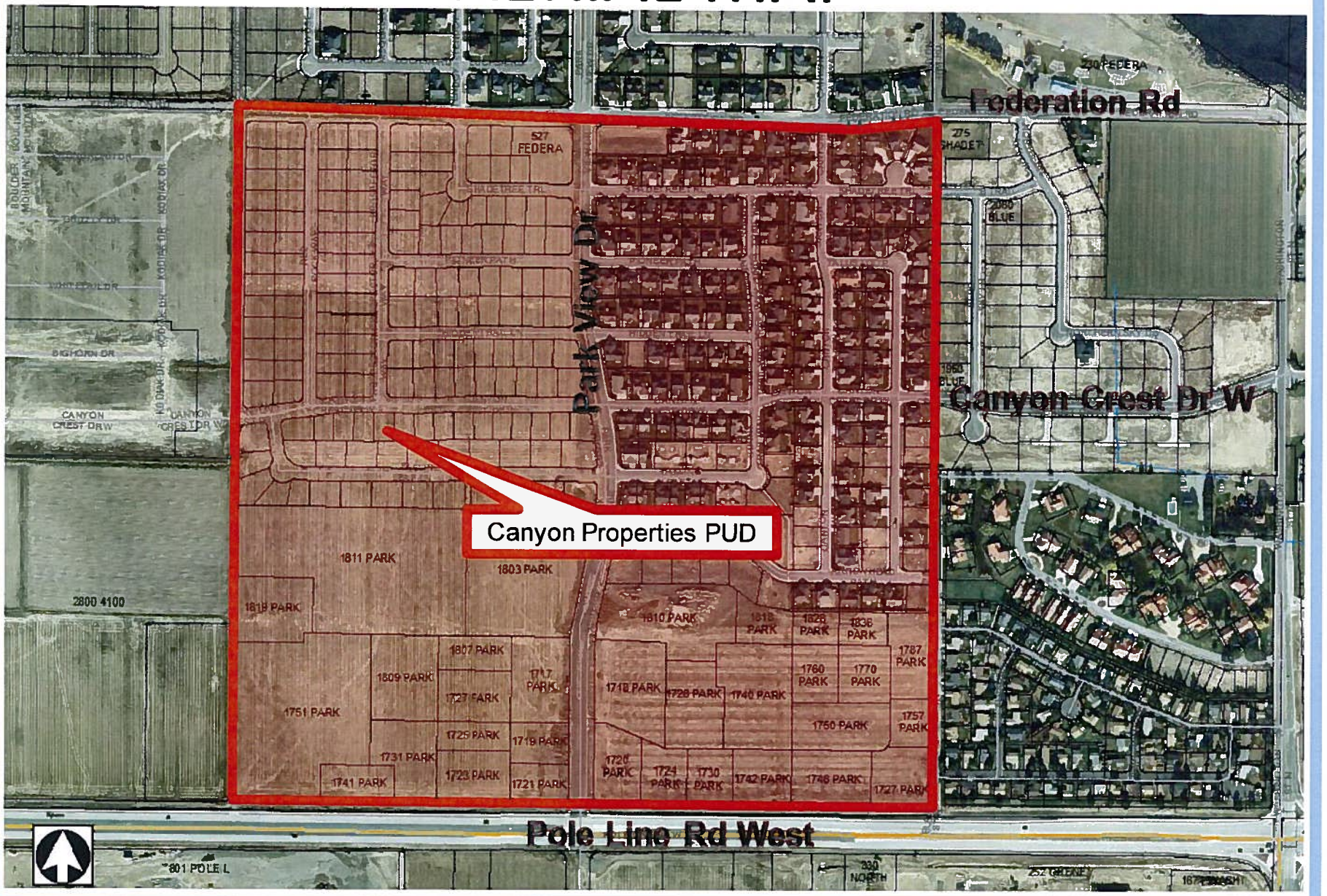
VICINITY MAP

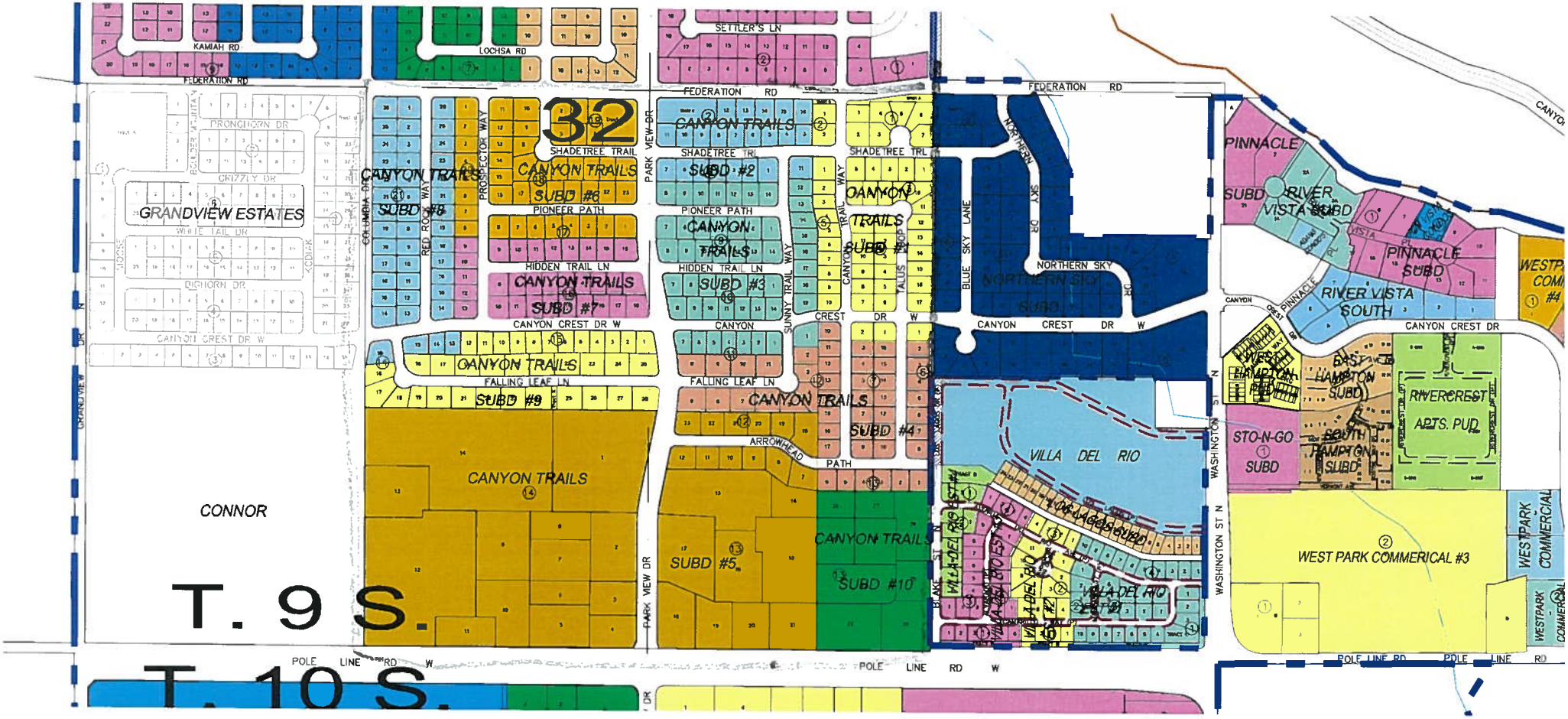


ZONING MAP


Canyon Properties-
Vacation
R-2
C-1
C-1
C-1
C-1
OS
CRD
CRD
CRD
POLE LINE RD W
NORTH HAVEN DRIVE
PARK VIEW DR
FEDERATION RD
CHENEY DR W

AERIAL MAP


Federation Rd
Park View Dr
Canyon Crest Dr W
Pole Line Rd West
Canyon Properties PUD
527 FEDERA
1811 PARK
1803 PARK
1819 PARK
1810 PARK
1807 PARK
1809 PARK
1727 PARK
1751 PARK
1725 PARK
1719 PARK
1731 PARK
1723 PARK
1741 PARK
1721 PARK
1718 PARK
1728 PARK
1740 PARK
1760 PARK
1770 PARK
1787 PARK
1750 PARK
1757 PARK
1720 PARK
1724 PARK
1730 PARK
1742 PARK
1746 PARK
1727 PARK
2800 4100
801 POLE L
330 NORTH


32
KAMIAH RD
FEDERATION RD
LOCHSA RD
SETTLER'S LN
PRONGHORN DR
GRIZZLY DR
WHITE TAIL DR
BIGHORN DR
GRANDVIEW ESTATES
CANYON CREST DR W
CANYON TRAILS
SUBD #6
SUBD #8
SHADETREE TRAIL
PIONEER PATH
HIDDEN TRAIL LN
SUBD #7
SUBD #2
SUBD #3
SUBD #9
SUBD #4
SUBD #5
SUBD #10
FALLING LEAF LN
ARROWHEAD PATH
PARK VIEW DR
PROSPECTOR WAY
RED ROCK WAY
SUNNY TRAIL WAY
CANYON TRAIL WAY
TALUS LOOP
CANYON CREST DR
NORTHERN SKY
BLUE SKY LANE
VILLA DEL RIO
VILLA DEL RIO EST #1
VILLA DEL RIO EST #2
VILLA DEL RIO EST #3
VILLA DEL RIO SUBD
BLAKE ST N
WASHINGTON ST N
PINNACLE SUBD
RIVER VISTA SUBD
RIVER VISTA SOUTH
WESTPARK COMM #4
EAST HAMPTON SUBD
WEST HAMPTON SUBD
SOUTH HAMPTON SUBD
RIVERCREST APTS. PUD
STO-N-GO SUBD
WEST PARK COMMERICAL #3
WESTPARK COMMERCIAL
CONNOR
T. 9 S.
T. 10 S.
POLE LINE RD W

PUD 229

Twin Falls County, Idaho
Recorded for:
TWIN FALLS, CITY OF
12:45pm Aug.22,2003
2003 – 021968
No. of Pages: 15 Fee: $45.00
KRISTINA GLASCOCK
County Clerk
Deputy CD

C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

CANYON PROPERTIES, P.U.D.

THIS AGREEMENT made and entered into this 26th day of March, 2003, by and between the **CITY OF TWIN FALLS**, a municipal corporation, State of Idaho (hereinafter called "City"), and **CANYON PROPERTIES, L.L.C.**, an Idaho limited liability company (hereinafter called "Developer"), whose address is 5422 North 400 East, Hagerman, Idaho, 83332.

RECITALS:

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, County of Twin Falls, State of Idaho, more particularly described in Exhibit "A" attached hereto (the "Property"), which Property is North of Pole Line Road and West of Blake Street, Extended to the North, known as Canyon Properties, PUD; and

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

WHEREAS, Developer has made request of the City to develop a mixed use subdivision (the "Project") on the Property and has submitted to the City a Master Plan (Exhibit "B") thereof which has been approved for development as a "C-1 PUD" by the Planning and Zoning Commission and City Council of the City; and

WHEREAS, City, by and through its City Council, has agreed to the development of said Project within the City of Twin Falls, Idaho area of impact, subject to certain terms, conditions and understandings, which terms, conditions and understands are the subject of this Agreement.

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

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

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

A. Uses. (See attached map of the Project, Exhibit "B").

1. Commercial: Development shall meet the requirements of the C-1 Zone for all uses and property development standards, except as provided herein:

(a) The following uses shall not be permitted anywhere within the PUD:

i. Amusement Parks
ii. Animal Hospital – Large Animal
iii. Bulk Fuel Sales
iv. Cemeteries
v. Fairgrounds
vi. Go Cart Tracks
vii. Jails, Detention Centers, Or Work Release Centers
viii. Judicial Facilities
ix. Outdoor Theaters
x. Residence Halls, Residence Hotels, Rooming Houses
xi. RV And Camping Parks
xii. Shelter Homes And/Or Facilities
xiii. Stand Alone Drug And Alcohol Treatment And/Or Rehabilitation Centers
xiv. Tattoo Parlors
xv. Zoos

(b) The following uses shall not be permitted East of the Roadway Designated as North Pointe Drive:

i. Bus Facilities Including Pick Up Shelters
ii. Car Dealerships
iii. Fire Stations And Police Stations
iv. Freight Transfer And Trucking Facilities
v. Golf Courses Or Golf Driving Ranges
vi. Hospitals
vii. Large Implement And Heavy Equipment Sales And/Or Rentals
viii. Manufactured/Mobile Home Sales/Rentals
ix. Miniature Golf Courses
x. Motels
xi. Open Parking Lot Or Garage For Trucks, Trucking Facilities And Buses Larger Than 5,000 Square Feet
xii. Outdoor Public And Commercial Swimming Pools And/Or Tennis Courts
xiii. Packing And Crating Facilities Larger Than 5,000 Square Feet
xiv. Public And Commercial Ice And Roller Skating Facilities
xv. Schools And Churches
xvi. Sports Arenas
xvii. Taxi Cab Facilities

2. Limited Commercial: Development shall meet the requirements of the C-1 Zone for all uses and property development standards, except as provided herein:

(a) The same provisions stated in items (a) and (b) above shall apply to Limited Commercial.

(b) Buildings within five hundred (500) feet of the centerline of Los Lagos Dr. f.k.a. Blake Street North shall be limited to single story construction not to exceed 24' in height.

(c) No use requiring a Special use Permit shall be permitted within five hundred (500) feet of the centerline of Los Lagos Dr. f.k.a. Blake Street North.

3. Multi-Family/Professional: Development shall meet the requirements of the R-6 PRO Zone for all uses and property development standards, except as provided herein:

(a) Buildings within five hundred (500) feet of the centerline of Los Lagos Dr. f.k.a. Blake Street North shall be limited to single story construction not to exceed 24' in height.

(b) No use requiring a Special Use Permit shall be permitted within five hundred (500) feet of the centerline of Los Lagos Dr. f.k.a. Blake Street North.

4. Residential - A: Development shall meet the requirements of the R-2 Zone for all uses and property development standards, except as provided herein:

(a) No use requiring a Special Use Permit shall be permitted within five hundred (500) feet of the centerline of Los Lagos Dr. f.k.a. Blake Street North.

5. Residential - B: Development shall meet the requirements of the R-4 Zone for all uses and property development standards,

6. Limited Residential: Development shall meet the requirements of the R-2 zone for all uses and property development standards, except as provided herein:

(a) Structures within this area shall be limited to single family, single story construction and lot sizes shall be no less than 8,000 sq. feet. This restriction applies to all residential uses within five hundred (500) feet of the centerline of Los Lagos Dr. f.k.a. Blake Street North.

(b) No use requiring a Special Use Permit shall be permitted within five hundred (500) feet of the centerline of Los Lagos Dr. f.k.a. Blake Street North.

B. Phasing of Development. Developer shall be permitted to develop the Property in phases, so long as those phases are in compliance with the Master Plan, this PUD Agreement, and an approved preliminary plat. 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 and a three (3) year maximum time limit between phases.

3. STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS. Developer shall be responsible for the design and construction of street, sewer, water, pressurized irrigation and drainage systems on the Property (hereinafter "Improvements") as described herein in accordance with City Standards. The Developer shall transfer a warranty deed for the eastern ten (10) feet of property contained within the twenty (20) foot buffer area, as shown on the zoning exhibit, to the Los Lagos and/or Villa Del Rio Property Owners' Association, or such other grantee as acceptable to the City. Upon delivery of the warranty deed by the Developer, the Los Lagos and/or Villa Del Rio Property Owners' Association, or the receiving grantee, shall become responsible for landscaping, planting, water and maintenance of the eastern ten (10) foot portion of the twenty (20) foot buffer zone as set forth in separate agreements between Developer and Los Lagos and Developer and Villa Del Rio, respectively. The western ten (10) foot portion of said twenty (20) foot buffer zone shall be initially maintained by the developer, and then such responsibility shall pass to subsequent owners upon the sale of individual parcels adjacent to the buffer zone.

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

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

1. Developer agrees to extend the gravity sewer system to the original property line (prior to the vacating of Blake St.)of the development adjacent to the

existing wastewater lift station currently serving the Villa Del Rio Subdivision and the Los Lagos Development. The gravity sewer extension shall be at a depth and alignment to allow connection to the inlet of the existing wastewater lift station. The actual connection and abandonment of the lift station shall not be the responsibility of the developer. A connection fee pursuant to Resolution No. 1651 shall be charged at the time of the connection.

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

D. Construction Supervision. Developer shall use a registered professional engineer to supervise the construction, inspection and testing of the work as necessary, to ensure that all such Improvements are constructed in accordance with the approved Improvement Plans.

E. Non-Compliance. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty (30) days of its receipt of notice or, in the case of non-compliance that will take in excess of thirty (30) days to cure, Developer shall commence to cure within thirty (30) days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as all requirements specified in this Section 3 have been complied with; provided, however, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy would be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of the parties are preserved at law and equity.

F. Fees. Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.

G. Maintenance of Improvements. City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.

4. PLATS. Canyon Properties, L.L.C. agrees to file with City a preliminary plat, or plats in phases, prepared by a registered professional engineer, of the Property which is the subject of this Agreement. Preliminary and final plats for phases to be developed shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-way the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plats and any amendments thereto must first be approved by the City.

5. INDIVIDUAL PARCEL DEVELOPMENT CRITERIA. The Property or any portion thereof shall be developed in accordance with criteria set forth in this Section 5.

A. Approval and Construction. All Improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld, it being understood by the Developer that the City does not guarantee availability of sewer, water and other services.

B. Landscaping. Perimeter landscaping along interior streets in commercial and professional areas shall be required to be installed on each parcel of the Property and in the public rights-of-way adjacent thereto at the time site and building Improvements are completed thereon, or by the next planting season. Such landscaped perimeter shall be installed and extend to a depth of 20' from the back of the curb in the public rights-of-way.

Landscaping shall be provided on the north side of all Commercial or Professional buildings that are adjacent to Multifamily, Limited Residential, Residential-A or Residential-B areas.

Each property owner shall maintain the landscaping and vegetation on his property and in the public rights-of-way adjacent thereto. Notwithstanding the foregoing, alternately, in the event Developer chooses to designate certain landscaped areas and other areas as "common area" or "parkland", the Developer may choose to form an association of those property owners for the maintenance of said areas. The Developer may also choose to dedicate these areas to the City, by City approval, to be incorporated with facilities for the requirements of storm water retention, utility and irrigation purposes.

Each property owner shall be required to utilize the Development's pressurized irrigation system or future systems as required by the City for their landscaped area.

C. Landscaping Plan. For each buffer area, at the time set forth in paragraph 5(B), each parcel shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen inches (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30") in height (except in front of car dealerships the thirty inch (30") requirement may be lowered to twenty four inches (24")). The landscape perimeter shall contain a minimum of one (1) tree per five hundred (500) square feet of landscaped area and a minimum of one (1) shrub per one hundred (100) square feet of landscaped area. At least fifty percent (50%) of the shrubs and trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from the groups last approved by the Tree Commission. Trees and shrubs may be grouped, but there shall be no space greater than seventy five (75) feet between tree and shrub groupings. All trees shall have a height of at least four (4) feet when planted.

To help mitigate the negative impact of parking areas in addition to the perimeter landscaping seven percent (7%) of the parking area shall be required to be landscaped within the commercial and professional areas of the development. The use of planters and landscaped islands within parking lots is required to reduce visual impact of large paved areas and these shall be planted with shade trees and shrubbery. Landscaping shall be required where commercial and professional uses are adjacent to residential uses. A ten (10) foot buffer is required to provide sound and visual buffering. The buffer area is to be landscaped with coniferous and deciduous trees and/or solid fencing with shrubs, berms, wall and/or planter boxes to create a dense buffer in a relatively short period of time. In all cases landscaping will meet or exceed the minimum landscaping requirements of the City of Twin Falls Zoning and Subdivision Regulations.

Landscaping adjacent to Pole Line Road shall comply with Gateway Arterial Landscaping standards.

D. Trails/Walkways. In addition to the connection to existing City of Twin Falls Trail System, Developer agrees to construct two (2) interior trails connecting the commercial and residential portions of Developer's Property. The proposed trails are illustrated on Exhibit "B". The interior trails shall be constructed and maintained by the developer or his successors or assigns. Signage and steel barrier posts shall restrict usage to pedestrians and non-motorized vehicles only. The connection from Blake Street to an interior trail shall be for pedestrians only.

Unobstructed and defined walkways, consisting of pavers, bricks, colored and/or scored concrete, colored stamped asphalt, or other similar materials shall be used for all crossings of North Pointe Drive and connecting all commercial buildings larger than 50,000 square feet to adjacent street sidewalks.

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

1. Design Standards. Commercial, Limited Commercial or Professional Office Buildings shall have pitched roofs or mansard roofs to preclude visibility of the roof surfaces of "flat" roofs. Roofs shall have vertical variations, cornices or other accents to reduce the box like appearance. Building faces shall be broken up with windows, recesses, awnings or other architectural features that break up large flat surfaces.

Commercial buildings shall be low reflective, neutral or earth tones. Neon accent lighting shall be oriented as to not be visible from Limited Residential, Residential-A and Residential-B areas.

2. Outside Storage/Loading Docks: Loading docks, trash containers, outdoor storage and such facilities shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or vision barrier fencing. Screening shall be approved by the Developer and city P&Z Department or its assigns.

3. Utilities: All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material. Relocation and undergrounding of electrical lines does not apply to transmission lines currently located on the south boundary of the property.

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

6. ILLUMINATION/SOUND SUPPRESSION.

A. Illumination. Illumination shall be installed to minimize the effect, harshness and glare of exterior lighting on adjacent properties.

B. Sound Suppression. The use of an outdoor sound, paging, music or public address system, whether permanent or temporary, shall not be permitted. Organizations of public safety such as fire or police stations and public schools shall be excluded from this restriction.

7. WIDENING OF POLE LINE ROAD. In the event the Idaho Transportation Department (ITD) proceeds with the construction of Pole Line Road or the acquisition of right-of-way for

said construction, the Developer shall be entitled to sell the required right-of-way to ITD in accordance with ITD procedures for acquisition of right-of-way at pre-rezoned value. This Agreement does not require dedication of any right-of-way prior to recordation of the final plat for any phase of the project abutting Pole Line Road. In the event the ITD project is not developed along Pole Line Road, then the Developer agrees to comply with the construction standards and dedication of right-of-way as set forth in the City of Twin Falls Standard Development Agreement. Access to Pole Line Road is limited to the area shown as North Pointe Drive as depicted in Exhibit "B". The Developer agrees to share in the cost, at the rate of one-fourth (1/4) of the cost, of the initial installation of a traffic signal at the intersection of North Pointe Drive and Pole Line Road with the understanding that that cost shall only include reasonable signal and signal related appurtenances, not including any road construction, associated with adequate access to the development addressed in this Agreement. This Agreement does not include any costs related to a system which would be required due to roadway construction, wider than five lanes of traffic or any other travel way modifications.

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

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

10. GENERAL PROVISIONS.

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

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

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

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

PUD 229

Developer:	Canyon Properties, L.L.C. 5422 North 400 East Hagerman, ID 83332
City:	City of Twin Falls P.O. Box 1907 Twin Falls, Idaho 83303-1907

E. Successors and Assigns. This Agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this Agreement with respect to said transferred property.

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

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

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

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

J. Construction. Should any provision of this Agreement require judicial interpretation, the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

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

PUD 229

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

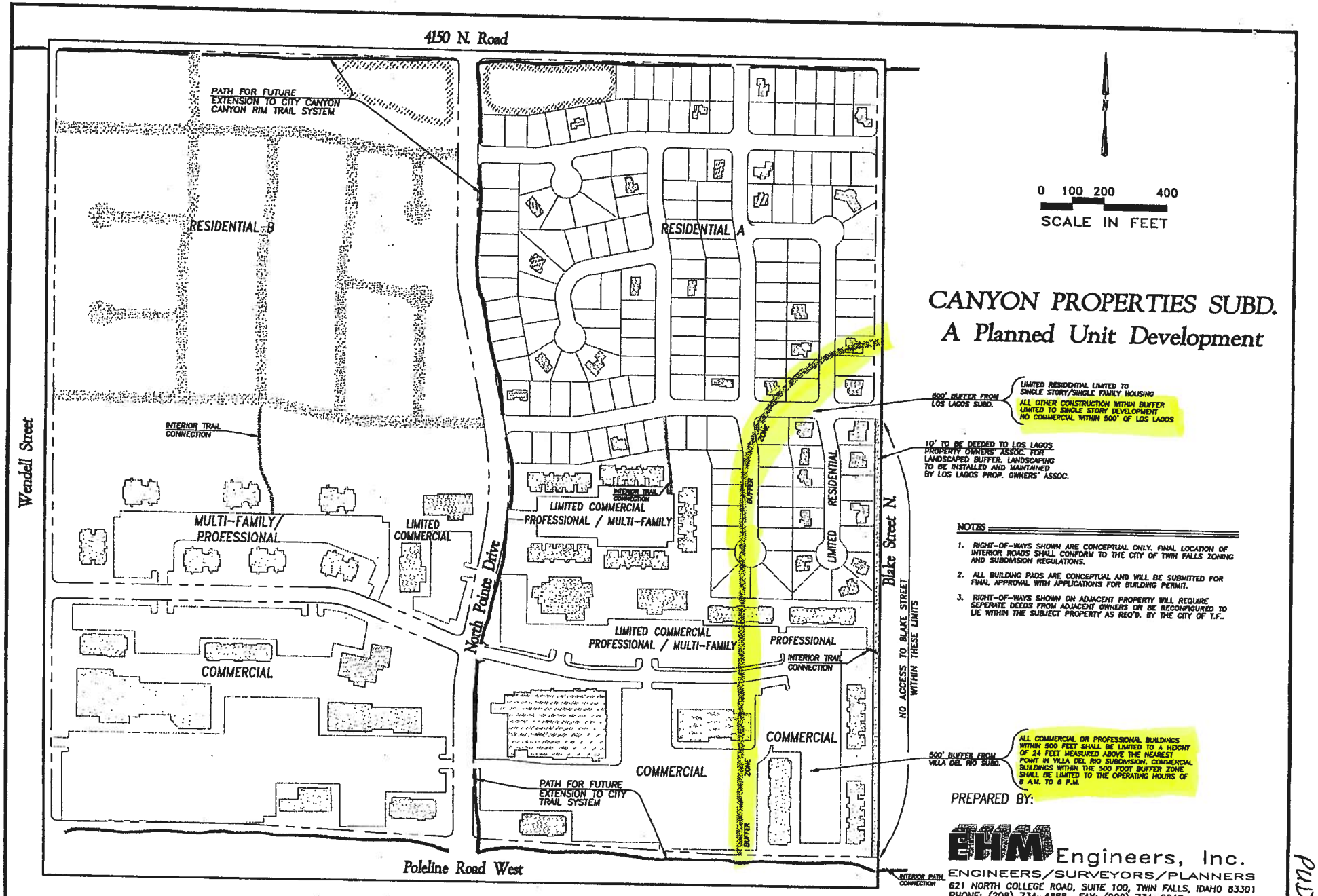
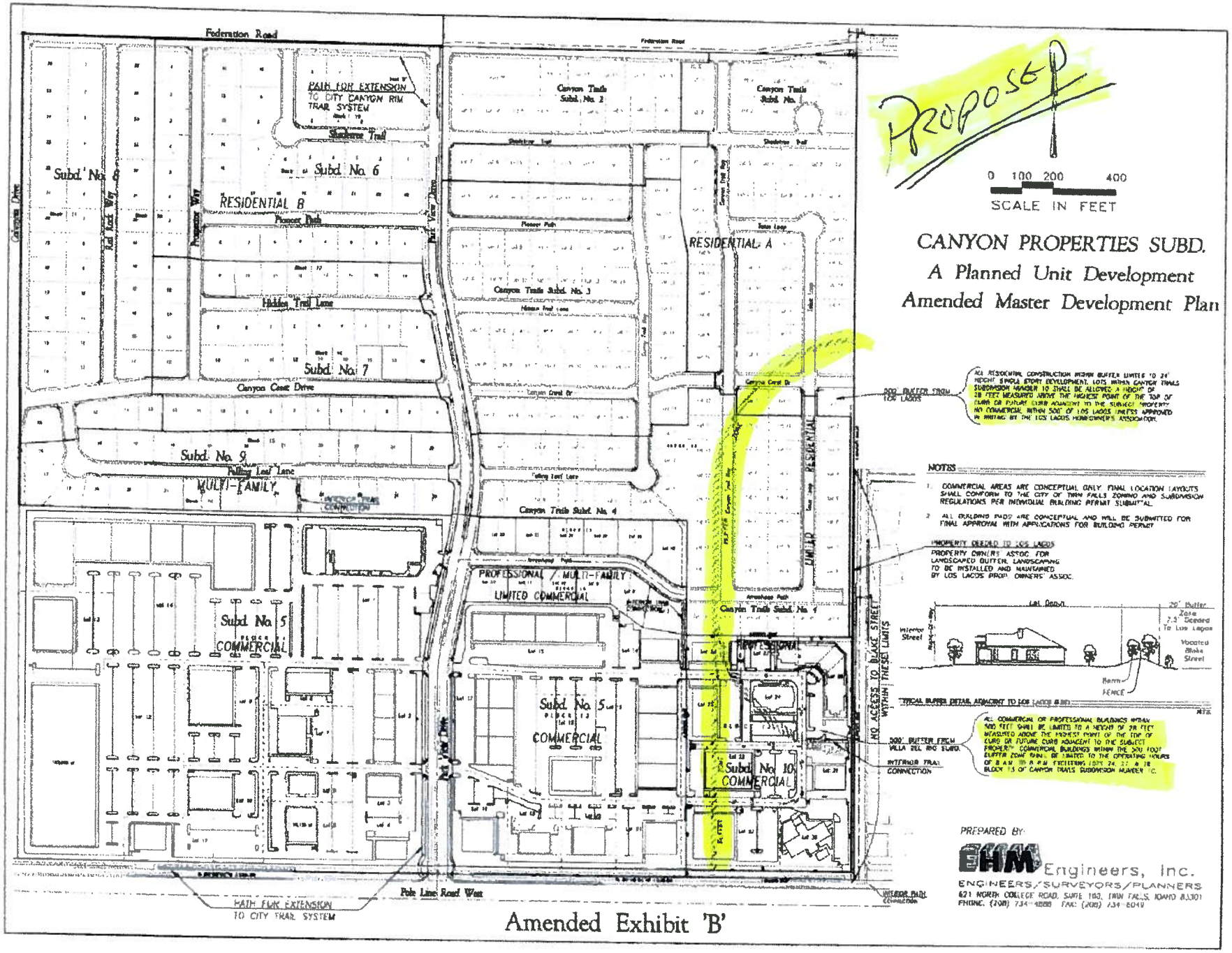


Exhibit 'B'

PUD 629



Amended Exhibit 'B'

CANYON PROPERTIES COMMERCIAL

A Planned Unit Development

Master Sign Plan

Sign Key:

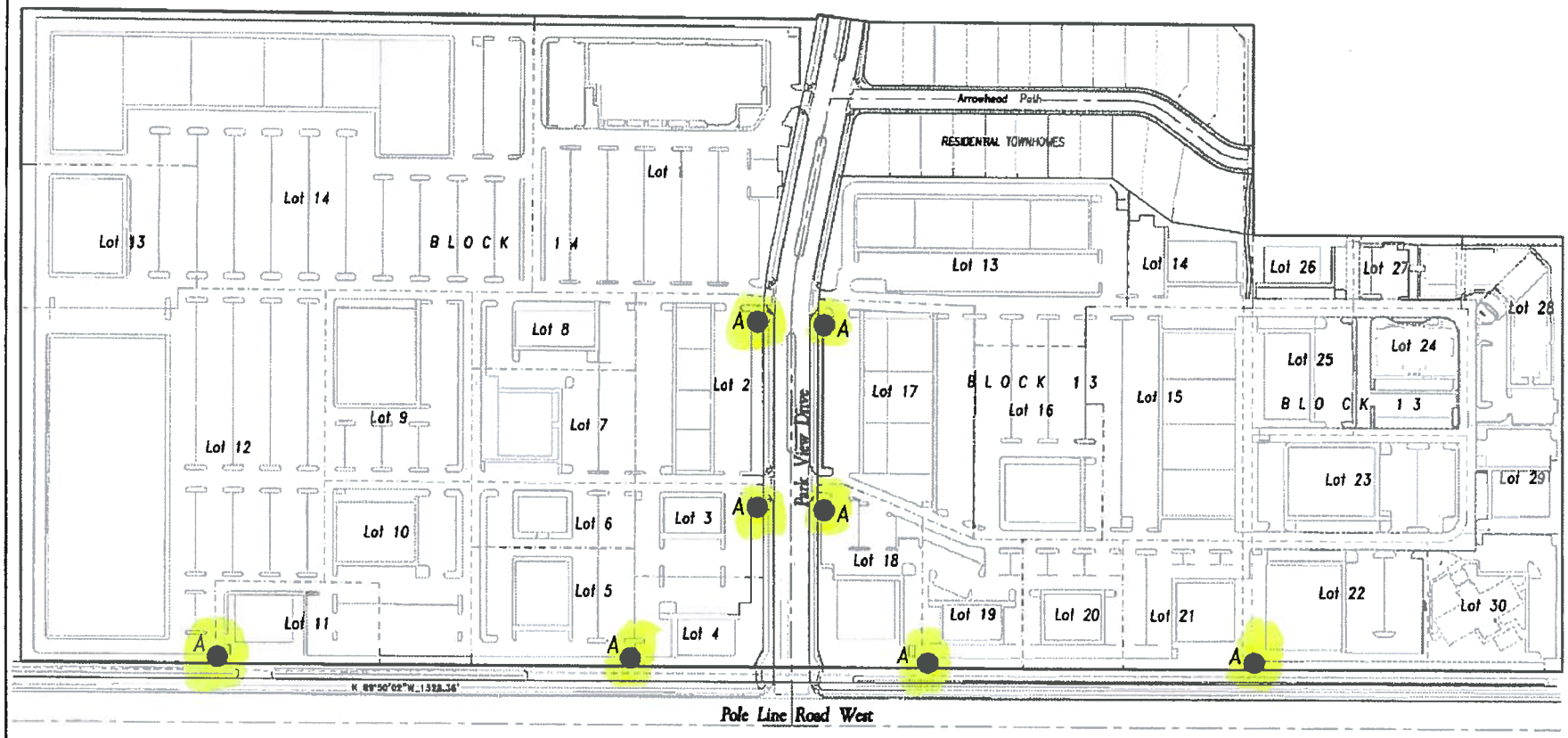
A ● OFF PREMISE MULTI-USER SIGN (MIN. 500' SPACING APART)

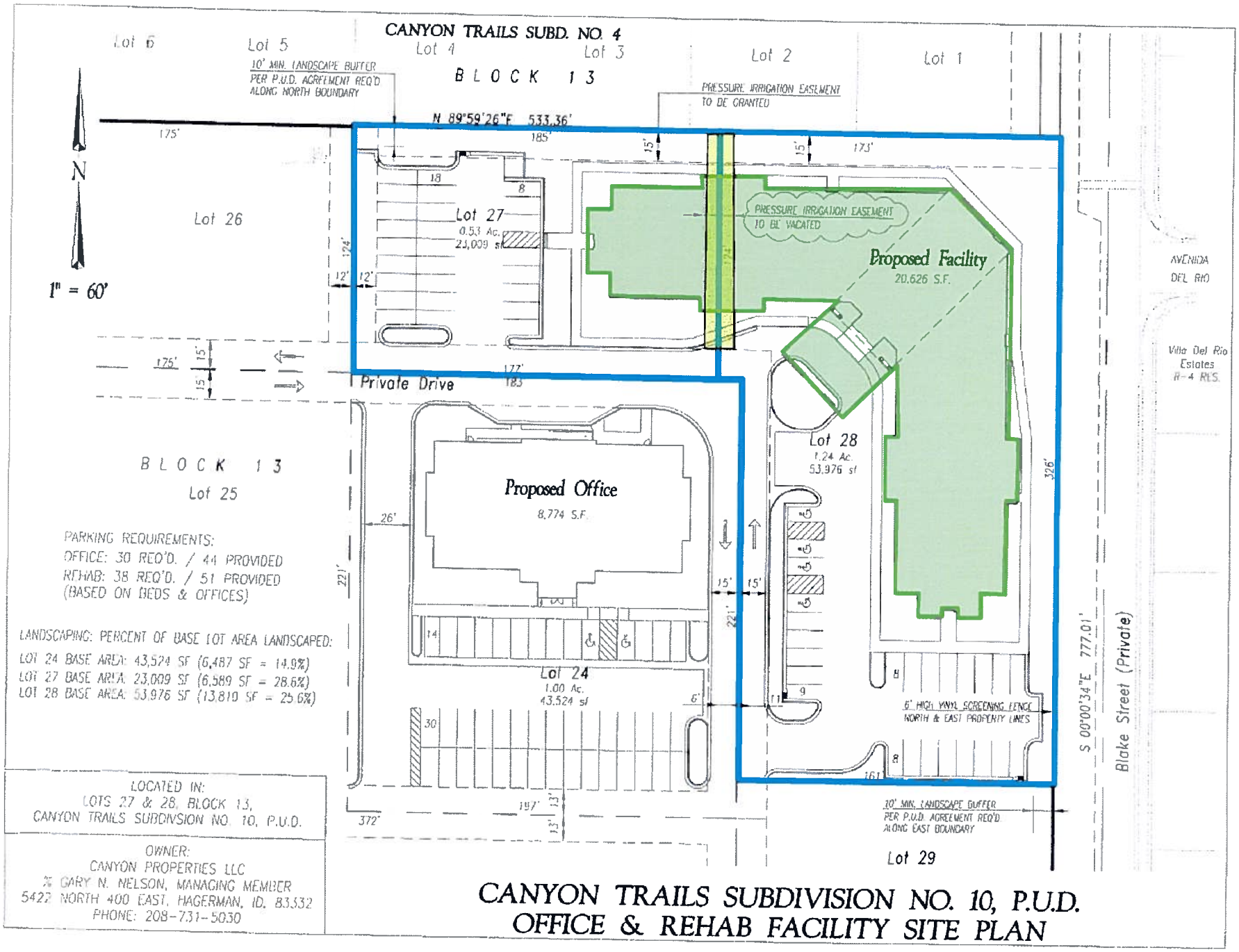
ALL LOTS SHALL BE ALLOWED ADDITIONAL SIGNAGE (MONUMENT, FREE-STANDING, ETC.) PER CITY SIGN REGULATIONS.

SIGN LOCATIONS SHOWN ARE PRELIMINARY. FINAL LOCATIONS WILL BE DETERMINED PER INDIVIDUAL SITE PLANS.

N

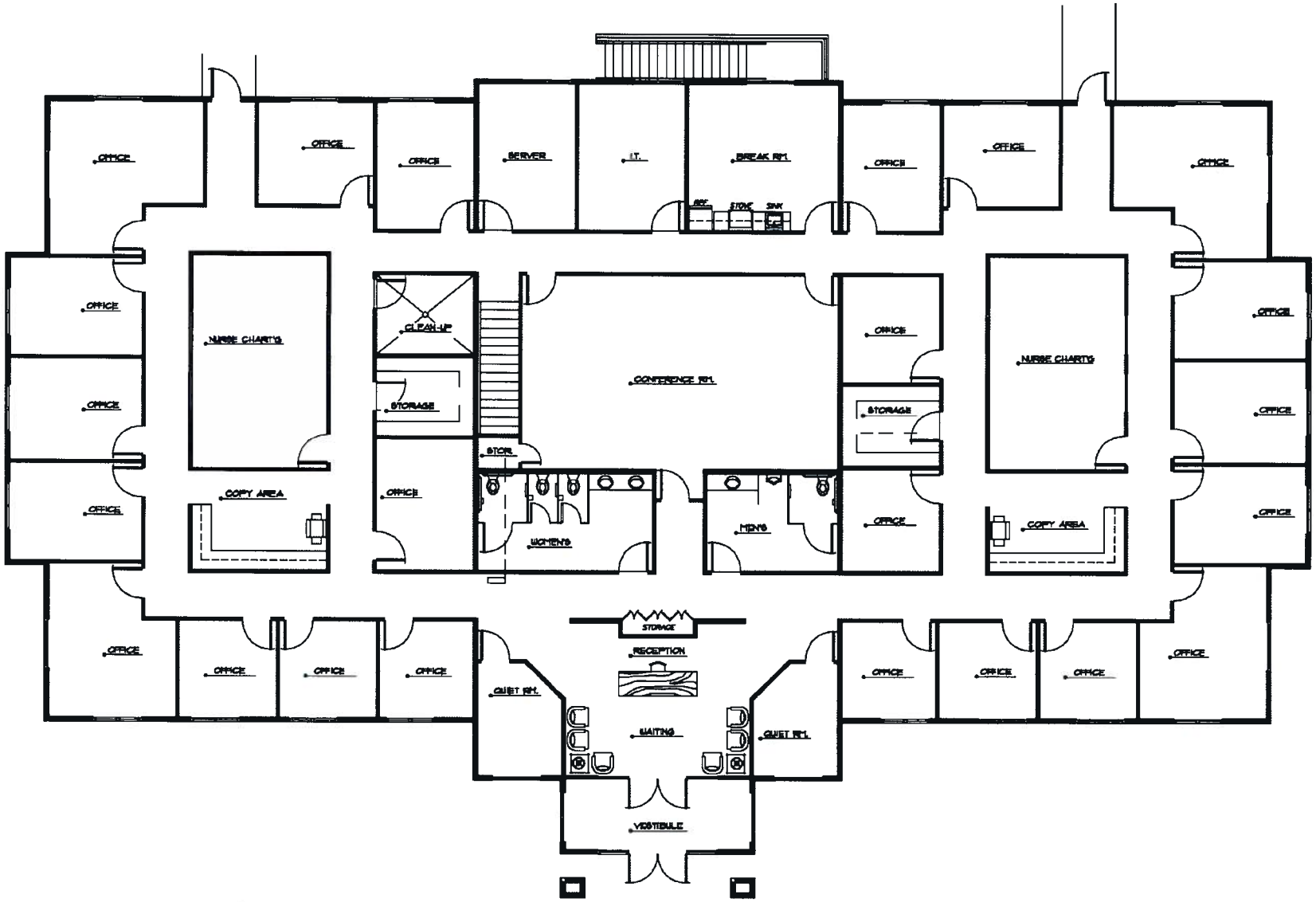
n.t.s.




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

SOUTH BUILDING ELEVATION

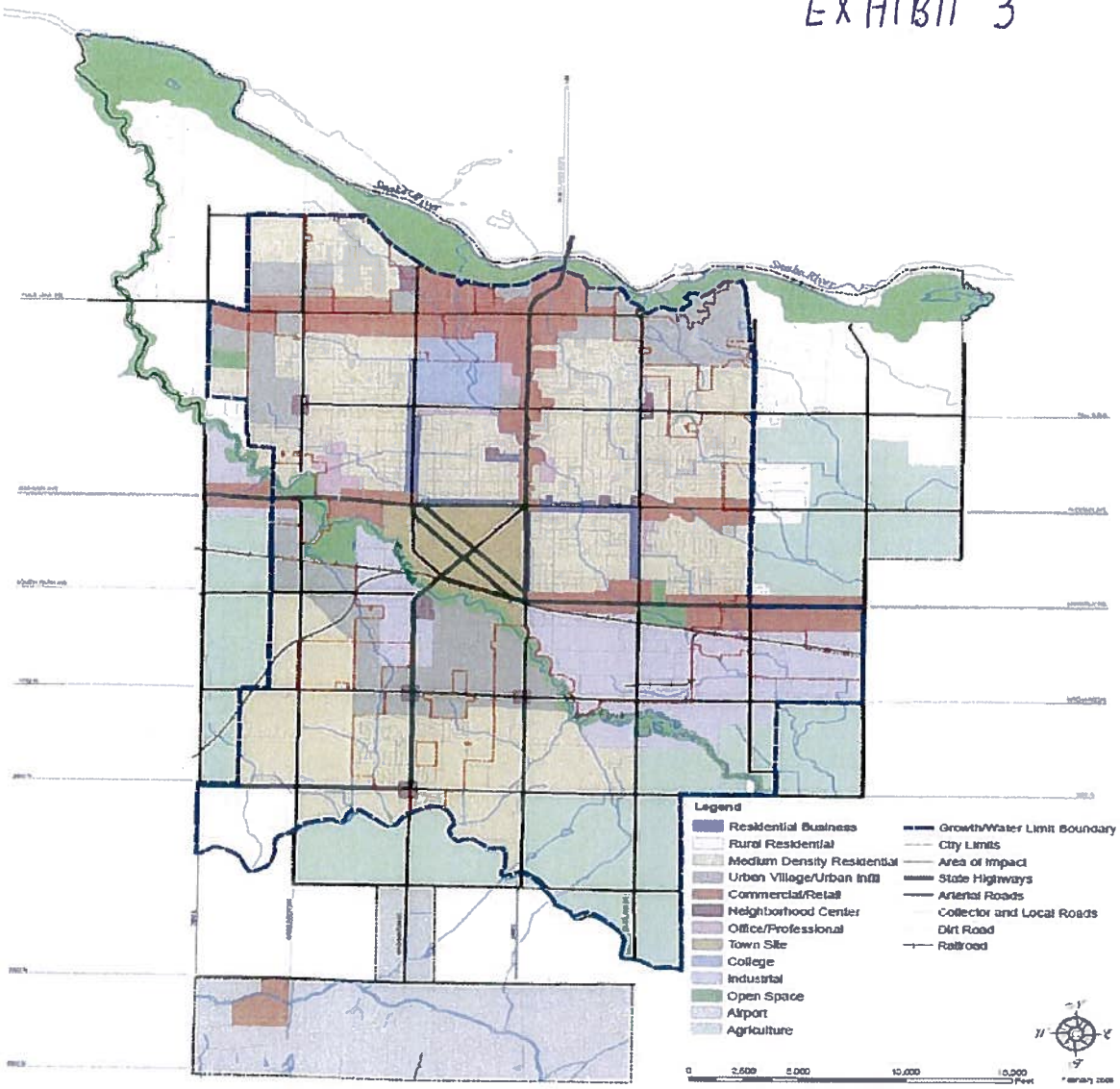
WEST BUILDING ELEVATION



PROPOSED FLOOR PLAN

SCALE: 3/16" = 1'-0"

EXHIBIT 3



Twin Falls Comprehensive General Plan Update

Map 2-4:
Future Land Use

Villa Del Rio Estates Property Owners Association
Board of Directors
c/o Jana L. Peck, CPA
1982 Floral Avenue
Twin Falls, ID 83301

Gary Nelson Property Development Co.
454 Falling Leaf
Twin Falls, ID 83301

10 March 2011

Dear Gary,

Thanks for informing us of your plans to construct a physical rehabilitation facility on your property to the West of Blake Street North. The Board of Directors of the Villa Del Rio Estates Property Owners Association is in agreement with the plans you have proposed and believes the building height and operation of the facility as you have described will have no negative impact to our subdivision and would be a good neighbor to the properties on Blake Street North in our subdivision adjacent to your project. We support approval of a special use permit under consideration by County Planning and Zoning.

Regards,

Board of Directors
Villa Del Rio Estates Property Owners Association

Doran Peck

Gene Lefler

Sharon Crowser

Jobey Tyree

Jim Gomm

Submitted 5-10-11 at PSZ PH

Los Lagos Property Owners Association
P. O. Box 5134
Twin Falls, ID 83301

March 17, 2011

City of Twin Falls
Attn: Planning and Zoning
Twin Falls, ID 83301

To Whom It May Concern:

We have met with Gary N. Nelson (Managing Member, Canyon Properties, LLC) and Jerry Gunter and Tami Slatter (Members, TGS, LLC) and do hereby approve the transitional care and physical rehabilitation facility they propose to build on Lots 24, 27, 28 in Canyon Trails Subdivision #10. We hereby approve the construction of the single-story building that would be located to the west of our subdivision. We understand and agree that a portion of this building will exceed the original 26 foot height limitation as per the PUD agreement, but will not exceed 28 feet. We do also hereby agree to a modification in the PUD agreement that will allow this facility to operate 24 hours per day. We further understand the need for off-site signage that will provide direction to businesses that are located away from the main access roadways.

We are writing this letter to inform the City Council and Staff of the City of Twin Falls that after having reviewed the plan as presented, we are in agreement with their proposal.

Respectfully,

Roxanne Paulson

Roxanne Paulson
President
Los Lagos Property Owners Association

ADDENDUM TO C-1 PLANNED UNIT DEVEOPMENT AGREEMENT

CANYON PROPERTIES, P.U.D.

The Addendum 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 **CANYON PROPERTIES LLC**, An Idaho limited liability company (hereinafter called "Developer"), whose address is 5422 North 400 East, Hagerman, Idaho, 83332.

RECITALS:

WHEREAS, the City and Developer entered into a C-1 Planned Unit Development Agreement for the development of Canyon Properties, P.U.D. dated March 26, 2003;

WHEREAS, the C-1 Planned Unit Development agreement specifies the areas to be developed within Canyon Properties, P.U.D.;

WHEREAS, Canyon Properties LLC, has requested a PUD agreement modification to allow for modifications within buffer zones for additional allowable building height, allowance of certain uses and extended hours of operation for those uses, and inclusion of off-premise signs;

WHEREAS, the city, at a meeting of its City Council held on _____, 2011 considered and approved the proposed PUD agreement modification to allow for the modifications within buffer zones for additional allowable building height, allowance of uses and extended hours of operation within buffer zones, and inclusion off premise signs, and consented to their inclusion in the Planned Unit Development agreement, subject to certain terms and conditions hereinafter specified; and

WHEREAS, the parties hereto now desire to amend the above referenced C-1 Planned Unit Development agreement to allow for the modifications within buffer zones for additional allowable building height, allowance of uses and extended hours of operation, and off premise signs at Canyon Properties, P.U.D.;

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

1. To allow for a building height of 28 feet measured from the highest point of the top of curb or future curb adjacent to the subject property within Canyon Trails Subdivision Number 10 in the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions.
2. To allow for a transitional care and physical rehabilitation facility within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions.
3. To allow unlimited hours of operation for buildings constructed on Lots 24, 27, and 28, Block 13, Canyon Trails Subdivision No. 10.
4. To include off premises signs providing no more than two (2) off premise signs may be allowed on the west side of Park View Drive and no more than two (2) off premise signs may be allowed on the east side of Park View Drive adjacent to Pole Line Road. In addition, two (2) off premise signs may be placed on both the east and west side of the roadway adjacent to Park View Drive. Off premise signs adjacent to Pole Line Road to have a minimum separation of 500' from another off premise sign.

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

City of Twin Falls,
a Municipal Corporation

_____
By: Don Hall, Mayor

Canyon Properties LLC,
An Idaho Limited Liability Corporation

By: _____
Gary N. Nelson, Managing Member

STATE OF IDAHO)
:ss.
COUNTY OF TWIN FALLS)

On this _____ day of _____, 20_____, before me, a Notary Public in and for said County and State, personally appeared Don Hall, Mayor of Twin Falls, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

_____
NOTARY PUBLIC FOR IDAHO
Residing at _____ Idaho
My commission expires:_____

STATE OF IDAHO)
:ss.
COUNTY OF TWIN FALLS)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Gary N. Nelson, to me personally known who, being by me duly sworn, did for himself say that he is the Managing Member for that certain company known as Canyon Properties LLC, an Idaho limited liability company, and that the within instrument was executed by him, for and on behalf of said limited liability company.

_____
Notary Public
My commission expires:_____

MINUTES
Twin Falls City Planning & Zoning Commission
April 26, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

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

ATTENDANCE

PLANNING & ZONING MEMBERS		**AREA OF IMPACT MEMBERS**	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Bohrn		DeVore	
Cope		Mikesell	
Derricott			
Ihler			
Jacobson			
Schouten			
Sharp			

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

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

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

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a religious facility on property located at 204 Main Avenue North, c/o Greg "Bear" Morton on behalf of Magic Valley Bible Church. (app. 2431)
2. For a Special Use Permit to operate a U-Haul truck / trailer rental business in conjunction with an existing convenience store, gas station and car wash business on property located at 688 Pole Line Road, c/o Lori Donaldson on behalf of Twin Stop, LLC. (app. 2441)

DRAFT

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **April 12, 2011**
2. Approval of Findings of Fact and Conclusions of Law:
   Jeremy Shafer (SUP 04-12-11) Amanda Larson (SUP 04-12-11) The Mail Room (SUP 04-12-11)
   Charles Wright (SUP 04-12-11) Aretam Petroysan (SUP 04-12-11)

MOTION:

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

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

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

Commissioner Mikesell stepped down

APPLICANT PRESENTATION:

Tim Vawser, EHM Engineering, Inc., representing the applicant, stated the area in question is in the south east portion of the Canyon Trails Subdivision. There was orginally an agreement made with the Los Lagos & Villa Del Rio's home owners association that limited building sizes to single story and 24' high and in order to maintain a 5/12 pitch in a building that is large enough but keeps a residential feel they are requesting that the height restriction be raised to 28' and reducing the roof pitch would take away from the appearance of the building. The hours of operation need will be 24 hours in the physical and rehabilitation center with staff and limited visiting hours, so extended hours of operation will be requested as well. Also as part of this request, the City Code does not allow for off premise signs unless they are approved through a PUD Agreement and with all of these properties tucked in on private roads it would be more beneficial to have multi tenant directional signs posted along Pole Line Road and Park View Drive making it easier for people to find their destination easier. The public hearing for this request is scheduled for May 10, 2011.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this is a request for a Planned Unit Development Agreement Amendment to the to Canyon Properties PUD Agreement #229, this is a mixed use, professional, limited commercial Planned Unit Development. The request is to amend the Planned Unit Development Agreement, as described by the applicant representative. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, May 10, 2011 further staff analysis will be given at that time.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

PZ QUESTION/COMMENTS:
Commissioner Schouten asked where are the signs going to be located.
Mr. Vawser explained there will be four (4) on Pole Line Road and four (4) along Park View Drive and will be multi tenant directional signs with a minimum of 500 ft distance between them on Pole Line Road. There may not be a need for all of them but they want to be prepared for directing traffic.

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

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn **Chairman** Kevin Cope **Vice-Chairman** Jason Derricott Terry Ihler V. Lane Jaboson Jim Schouten Chuck Sharp

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	
Cope	
Derricott	
Ihler	
Jacobson	
Schouten	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
Mikesell	DeVore

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

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

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

IV. PUBLIC HEARING ITEMS

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

DRAFT

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

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

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

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

APPLICANT PRESENTATION:

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

STAFF PRESENTATION:

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

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

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

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

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

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

PUBLIC COMMENT: **OPENED & CLOSED WITHOUT PUBLIC CONCERN**

P&Z QUESTIONS/COMMENTS: **NONE**

PLANNING & ZONING PUBLIC HEARING SCHEDULED FOR MAY 24, 2011

IV. PUBLIC HEARING ITEMS

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

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

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

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

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

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

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

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

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

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

P&Z COMMENTS/QUESTIONS:

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

PUBLIC HEARING: OPENED

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

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

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

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

DELIBERATIONS FOLLOWED:

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

MOTION:

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

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

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

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

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

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

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

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

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

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

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

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

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL

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

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JUNE 06,2011

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

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

P&Z COMMENTS/QUESTIONS:

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

STAFF PRESENTATION:

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

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

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

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

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

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

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

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

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

PUBLIC HEARING: **OPENED & CLOSED WITHOUT PUBLIC CONCERN**

DELIBERATIONS FOLLOWED: **WITHOUT CONCERNS**

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

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL

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

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JUNE 06,2011

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

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

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

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

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

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

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

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

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

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

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

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

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

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

VI. UPCOMING MEETINGS:

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

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:02 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department