



Twin Falls Planning & Zoning Commission Agenda

Tuesday, August 27, 2024, 6:00 PM

203 Main Ave East
Twin Falls, ID 83303

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact: Susan Petruzzelli

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Conflict of Interest Declaration
- 3) Consent Calendar
 - a) Approval of minutes from the following meeting: August 13, 2024
- 4) Items of Consideration
 - a) **PRESENTATION:** Preliminary Presentation for a request for a recommendation to City Council to amend the Federation Point Zoning Development Agreement and Conceptual Plan to specify lot sizes for each building on property located AT 2035 Washington St N c/o EHM Engineers Inc on behalf of Federation Point Property, LLC (PZ24-0081).
By: William Klaver, Senior City Planner
- 5) Public Hearings
 - a) **ACTION ITEM:**
Request for a Special Use Permit for a Motel/Hotel on property located at 195 Avenida Del Rio. c/o Greg Gastineau on behalf of Rimrock Hospitality Twin Falls, LLC (PZ24-0079)
By: Kelli Ebersole
 - b) **ACTION ITEM:** Request for a Special Use Permit to operate a commercial daycare facility on property located at 166 Blake St N. c/o Alexandria Brown (PZ24-0080).
By: Lisa Strickland, City Planner
- 6) Upcoming Meeting(s)
 - a) September 4, 2024 - Work Session - Special guest
September 10, 2024
- 7) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Kelli Ebersole (208) 735-7267 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chair shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chair, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. A City Staff Report shall summarize the application and history of the request.
 4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - **A complete explanation and description of the request.**
 - **Why the request is being made.**
 - **Location of the Property.**
 - **Impacts on the surrounding properties and efforts to mitigate those impacts.**
 5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chair may limit public testimony to no less than two (2) minutes per person.
 - **Individuals are not permitted to give their time to other speakers.**
 - **However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chair. The spokesperson shall be limited to 15 minutes.**
 - **Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.**
 8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond.
 9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chair, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chair may limit the time permitted for the answer.
 10. The Mayor or Chair shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, August 13, 2024, 6:00 PM

203 Main Ave East
Twin Falls, ID 83303

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact: Susan Petruzzelli

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 06:00 PM

Members Attending: Titus,, Rambur, Weatherford, Herrgesell, Zimmerman, Petruzzelli

Staff Attending: Spendlove, Klaver, Strickland, Ebersole, Green, Glaesmann

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Approval of minutes from the following meeting: July 9, 2024

Commissioner Zimmerman made a motion to approve the consent calendar, as presented.

Commissioner Herrgesell seconded the motion.

4) Items of Consideration

5) Public Hearings

- a) Request for an automobile and truck service and/or repair facility with drive-thru on property located at 1552 Sun West Way c/o Gerald Martens (PZ24-0071).

Staff Presentation:

City Planner Ebersole presented the request for an automobile and truck service and/or repair facility with drive-thru on property located at 1552 Sun West Way c/o Gerald Martens (PZ24-0071).

Per City Code 10-13-2.2 The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application. The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void. If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

Conditions may be attached to a Special Use Permit including, but not limited to, those:

- Minimizing adverse impact on other developments.
- Controlling the sequence and timing of development.
- Controlling the duration of development.
- Assuring that development is maintained properly.
- Designating the exact location and nature of development.
- Requiring the provision for on-site or off-site public facilities or services.

- Requiring more restrictive standards than those generally required in this Title.

Review Criteria to Special Uses:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

The property is zoned Commercial Highway with a Planned Unit Development (C-1 PUD), part of the Sun West Lazy J PUD. The property is currently undeveloped.

There are two neighboring properties that have received Special Use Permits recently. Tommy's Express received a permit for a drive-through car wash in June 2018 and Mountain West Motorsports received a permit for automobile and truck sales and service in August 2023. The 2016 Comprehensive Plan; "Grow With Us" designates this area as a transition between the College of Southern Idaho, Mixed Use, Town Neighborhood, and Commercial use.

Staff has reviewed the proposed plan for code conformance. The land use of an automobile and truck service and/or repair is allowed with a SUP in the C-1 zoning district, as well as the Sun West Lazy J C-1 PUD. The proposed site plan appears to meet city code requirements, but the drawings have not been viewed for technical review. All drawings will need to meet current code and standards, when the building permit is submitted for review.

The proposed site plan shows there will be three (3) drive-through bays for the oil change facility. City code 10-10-10 states that a stacking queue of three (3) vehicles per bay is required. Per the narrative, the hours of operation are Monday – Saturday from 7:00 am – 6:00 pm and there will be three to five (3-5) employees on staff.

The entrance to the facility will be located off Sun West Way, a private road. There is only one business using this same access at this time (Tommy's Car Wash), with a second property currently under construction. Staff does not anticipate the traffic from the new facility will be excessive and detrimental to the area.

The Sun West Lazy J PUD has specific landscaping requirements that will need to be met by the applicant, which include a twenty foot (20') average landscape buffer along Cheney Drive

and a fifteen foot (15') average landscape buffer along private roadways. The applicant will need to produce a landscape plan with their building permit application.

The applicant has stated there will be no adverse effects to neighbors due to noise, glare, and fumes. The use is similar to the uses of the neighboring properties and staff has determined the use would be compatible with the pattern of development in that subdivision.

Based on the standards for approval, staff does not foresee negative impacts related to the land use.

Staff has determined the proposed use is compatible with the comprehensive plan, as it meets Land Use Goal 3 to encourage mixed-use developments that provide the benefits of more compact, denser development with a mix of living, shopping and working environments. This project is located near the intersection of two arterial roadways (Pole Line Road and Washington Street North), surrounded by commercial, residential, civic, and educational facilities. The proposed use appears to be compatible with the car wash and auto sales and detail business located directly across Sun West Way. Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

Upon conclusion, should the Commission recommend approval of the request as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

Applicant Presentation:

Gerald Martens explained that he is a developing partner and also owns the property surrounding and feels this is a good fit.

Public Hearing: Opened and closed with no public input.

Discussions Followed:

- Commissioner Rambur stated that there is a similar business in the area and this will fit in.
- Chairperson Titus asked for clarification from staff if this was for an SUP and what exactly was being asked for.
- Planner Ebersole explained that it is for 2 requests, drive-through and vehicle repair/service, if one is not approved then they don't want the permit.

MOTION: Commissioner Herrgesell moved to approve the request for an automobile and truck service and/or repair facility with drive-thru on property located at 1552 Sun West Way c/o Gerald Martens (PZ24-0071). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- b) Request for a home occupation eye lash/spray tanning studio on property located at 1716 Skyline Dr. c/o Tylor Prescott on behalf of LeAndrea Prescott (PZ24-0075).

Staff Presentation:

City Planner Strickland presented the request for a home occupation eye lash/spray tanning studio on property located at 1716 Skylane Dr. c/o Tylor Prescott on behalf of LeAndrea Prescott (PZ24-0075).

Per City Code 10-13-2.2 The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application. The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void. If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

Conditions may be attached to a Special Use Permit including, but not limited to, those:

- Minimizing adverse impact on other developments.
- Controlling the sequence and timing of development.
- Controlling the duration of development.
- Assuring that development is maintained properly.
- Designating the exact location and nature of development.
- Requiring the provision for on-site or off-site public facilities or services.
- Requiring more restrictive standards than those generally required in this Title.

Review Criteria to Special Uses:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

According to county records, the home was constructed circa 1973 and is approximately 960 sq. ft. The property is zoned R-4, Residential Medium Density. Per City Code 10-4-5, a special use permit is required for a home occupation. The applicant has submitted an application for a building permit to convert the garage of the home into a space for the home occupation. Recently, there was a request for a Zoning Development Agreement that was presented to the

Commission and recommended for approval to allow for town homes on property north of South Hills Rd at 1607 Washington St S. and is scheduled for public hearing for Council August 12, 2024.

The narrative states the business will operate Monday-Friday from 12pm - 10 pm, Saturday & Sunday 9:30 to 3pm, with one customer at a time by appointment only. Clients will be directed to park in the applicant's driveway and, should they have to park on the street will be instructed not to block anyone's driveway. We have not received any calls or comments related to this request from the neighbors and the applicant has stated they have been contacted regarding the request and did not receive any negative feedback. The area that will be converted from a garage to a home occupation space is approximately 237 sq. ft well below the maximum allowance. The comprehensive plan identifies this area as town neighborhood with defining characteristics listed as residential in character with clustered development on smaller lots. The property is compliant with the compressive plan designation as it is zoned residential and the current use of the property is residential. The zoning designation allows for home occupations with an approved special use permit.

Potential Impacts:

- Increase of traffic with people visiting the neighborhood. The applicant proposes one (1) customer at a time, by appointment only, with a maximum of six (6) appointments per day. This limitation should mitigate the impact of traffic within the neighborhood.
- The system used for the spray tan is filtered and should produce very minimal odor and a very low probability of it being noticed by neighbors.

If approved, the approval does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project. Should the commission approve this request as presented, Staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and Standards.
2. Subject to the home occupation being limited to the residents of the home, no employees shall be allowed.

Applicant Presentation:

Tylor Prescott explained that they will have appointments that are 2-3 hours for lashes and 30 minutes for spray tans.

PZ/Questions & Comments:

- Commissioner Herrgesell asked if there is only 1 client at a time.
- Tylor Prescott stated that yes only 1 at a time.

Public Hearing: Opened and closed with no public input

Discussions Followed:

- Commissioner Rambur feels the parking will not be an issue.
- Commissioner Petruzzelli likes that the city addressed issues.
- Commissioner Zimmerman feels that with only 1 at a time it will work.
- Chairperson Titus feels if no one showed up then it shouldn't be an issue.

MOTION: Commissioner Petruzzelli moved to approve the request for a home occupation eyelash/spray tanning studio on property located at 1716 Skylane DR c/o Tylor Prescott on

behalf of LeAndrea Prescott (PZ24-0075). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- c) Request for a drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E. c/o Julie Benintendi on behalf of Stan Nicolaysen (PZ24-0076).

Staff Presentation:

City Planner Ebersole presented the request for a drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E. c/o Julie Benintendi on behalf of Stan Nicolaysen (PZ24-0076).

Per City Code 10-13-2.2 The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application. The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void. If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

Conditions may be attached to a Special Use Permit including, but not limited to, those:

- Minimizing adverse impact on other developments.
- Controlling the sequence and timing of development.
- Controlling the duration of development.
- Assuring that development is maintained properly.
- Designating the exact location and nature of development.
- Requiring the provision for on-site or off-site public facilities or services.
- Requiring more restrictive standards than those generally required in this Title.

Review Criteria to Special Uses:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

The property is zoned C-1, Commercial Highway District. The property was once part of a larger lot, combined with 2634 Addison Ave E. Records show the lot was split prior to the year 2000. Staff could not find a record the property has ever been developed and has remained vacant since the property split.

There has been a lot of development in this area in the past few years and many requests have come before the commission. Addison Springs Storage ZDA was recently amended to allow drive-through service to be outright permitted, the property at 2794 Addison Avenue East has rezoned the property to include C-1 for the northern portion of the property, and a Special Use Permit was approved for storage unit rentals on the NW corner of Addison Avenue East and Carriage Lane.

This request follows the development pattern in this area. This area has transitioned from farm grounds to Neighborhood Commercial, with a mix of residential uses, commercial, professional office and services. The addition of a drive-through restaurant to this area fits with this pattern of development.

Staff did receive public comments regarding the request and the comments have been included with the staff report for review.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Neighborhood Commercial", which provides for supporting services and small-scale commercial uses for the surrounding neighborhood.

Based on the standards for approval, staff foresees that while the restaurant use is permitted by right and compatible with the comprehensive plan, the drive-through and extended hours may have potential negative impact(s) due to the proximity of the residences to the south. Potential impacts the Commission may wish to consider are as follows:

Potential Impacts of Drive-through Request:

- The proposed location is close to a residential neighborhood that may be affected by the extended hours request, due to noise and glare from the vehicles in the drive-through. The applicant has shown on the site plan that the menu board is located closer to the northern part of the property to help mitigate speaker noise.
- Noise and glare from headlights could also come from customers waiting for their drive-through orders along the rear of the property. The applicant has addressed it with a six foot (6') tall solid screening fence on the southern property line, along the residential properties, as required by city code. If the commission finds the minimum code requirements for the screening is not sufficient to block potential impacts to the residential neighbors, the commission could condition the materials, height, and/or intensity of screening.
- Per city code, drive-through lanes have a vehicle stacking requirement of five (5) cars per lane from the first window, pickup window, order board, or other stopping point and a single stacking space shall be provided after the final window, order board, or stopping points, to allow vehicles to pull clear of the transaction area prior to entering an intersecting on site driveway or maneuvering aisle.
- Per city code, an escape lane shall be provided for any use containing a drive-through facility. An escape lane shall be nine feet (9') wide and shall provide access around the drive-through facility. An escape lane may be part of a circulation aisle. The applicant has shown the escape lane to run down the west side of the property, next to the drive-through queue. The site plan shows the escape lane does not start until the vehicles reach the menu board. Staff will address this issue at the building permit review. One solution may be to move the menu board further south, fulfilling the escape lane requirement by code.

- Per the site plan, the trash enclosure is located at the southeast corner of the parking lot. To help mitigate disturbances to the residents to the south, staff believes a better location for the enclosure is to place it north of the building.
- The applicants' narrative states they anticipate serving 500 vehicles per day. A drive-through restaurant will add vehicle traffic to this area. Staff believes it will not generate 500 new vehicle trips to this location. Rather, it will serve a combination of vehicles already on the roads plus purpose-driven trips to the area. Addison Avenue East is an arterial street, and has been built to handle the increased traffic. Carriage Lane is a collector, and is also able to handle the anticipated traffic loads.

Potential Impacts of Extended Hour Request:

- Regular allowed retail hours in this zone are 7:00 am - 10:00 pm. The applicant is asking to extend those hours to stay open until 2:00 am, like their other locations. Noise and glare from headlights during the proposed extended hours of operation could impact the residential neighbors to the south. The applicant has addressed it by building a six foot (6') tall solid screening fence on the southern property line, as required by city code. If the commission finds the minimum code requirements for the screening are not sufficient to block potential impacts on residential neighbors, the commission could condition the materials, height, and/or intensity of screening.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

Upon conclusion, should the Commission recommend approval of the request as presented, Staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to the traffic flow of the drive-through does not impact the local public roads.

This application has two (2) desired special uses to be approved, drive-through for the restaurant and extended hours of operation. This leads to several different outcomes. In order to mitigate confusion on what is being voted on, staff asks two (2) main motions to be made. Other motions to add or remove conditions may also be made, but that would be up to the discretion of the Commission. Potential verbiage for the main motions are as follows:

1. Recommend approval for the request of a drive-through, as presented, on property located at 2616 Addison Ave E.
2. Recommend approval for the request of extended retail hours of operation, as presented, on property located at 2616 Addison Ave E.

PZ/Questions & Comments:

- Chairperson Titus asked for clarification on the drive-thru and about if the menu board moves, will they have enough room for car stacking.
- Director Spendlove clarified that they would move it south and it will give more stacking room.
- Commissioner Rambur asked about the south fence and what they propose to use.
- Planner Ebersole said the applicant will address.

- Commissioner Petruzzelli asked about the property to the east and if it has a fence.
- Director Spendlove stated it's chain-link and the Council has dictated that chain-link with privacy slates is not acceptable. The commission can dictate what kind to use.
- Commissioner Petruzzelli asked if they can ask for specific landscape with foliage.
- Director Spendlove explained that they can have them come back and show the landscape plan or be very specific now.
- Commissioner Rambur asked about lighting.
- Planner Ebersole stated there was nothing specific in the narrative.
- Commissioner Weatherford asked for clarification about where the cars are coming in.
- Planner Ebersole showed both entrances and where the drive thru is.

Applicant Presentation:

Stan Nicolaysen, one of the owners, gave a little information about his background and their start-up.

Julie Benintendi is the architect and clarified a few things. She stated that traffic influx will come with growth and they are trying to mitigate with 2 different entrances. The escape lane location was placed because of the setback with the sidewalk. The 5 car stack from window to menu board is that they found that is ideal for food preparation and delivery. They are open to other ideas for the fence and the material. The trash container in the back is to maximize parking stalls also to help with trash pick-up.

PZ/Questions & Comments:

- Commissioner Rambur asked about a landscape plan.
- Julie Benintendi stated they don't yet but they have had discussions on it and they are open to ideas.
- Commissioner Rambur asked about the space to the north and if there will be landscaping.
- Julie Benintendi replied that yes, they will have landscaping there.
- Commissioner Weatherford asked about other taco bell locations and if they are all drive-throughs.
- Julie Benintendi stated that most are
- Commissioner Weatherford asked if they all close in early morning hours.
- Julie Benintendi they have requirements for hours of operations. If there is no demand they don't stay open.
- Commissioner Petruzzelli asked about the existing location and if it has 5 car stack positions.
- Julie Benintendi yes we have more than that.
- Commissioner Herrgesell asked if they would be open to a taller fence if it is necessary.
- Julie Benintendi replied that yes they would.

Public Hearing: Opened

- Kurt Stewart stated he is opposed to the application. He feels the drive-thru will cause problems with the surrounding area. He feels noise and security issues will be concerns. He shared information from an article he read about drive-thru restaurants and the problems they cause the neighbors. He feels this will not improve the neighborhood.
- Kristen Stewart is opposed and she feels the noise will cause problems. She feels crime

will increase.

- Gretchen Scott talked about 3 of the items needed for a Special Use Permit. She feels this will not be harmonious with the surrounding area. She feels there will be an increase of trash, vandalism, loitering, traffic and noise.
- Ron Black is for the application. He would like to be able to walk to the location and have curb and gutter. He doesn't like the extended hours but feels the number of vehicles will be less than stated.
- Chairperson Titus asked about what has to be done with the building permit with regards to curb and gutter.
- Director Spendlove stated that stacking, gutter and sidewalk are all required.
- Floid Gilbert stated he has young children and is nervous about the extra traffic. He feels that the drive-thru customers will park at the local park late at night. He feels this will cause bottleneck and accidents at the intersection.
- Denny Lumsden feels like the decision has already been made and doesn't want it in this location. She feels the noise will scare the elderly people. They already have issues in Thompson park with people screaming.
- Paula Clelland asked if the sidewalk will extend past the neighbors access. She asked if the cars will be able to turn left on Addison or right onto Carriage Ln. She asked how late the current location is open and how many cars will go through in a day. She commented about the canal easement on the back.
- Patti Genther feels the surrounding business will be negatively impacted by this with noise, traffic, trash, lights and smog. There will be trouble getting out of the neighborhood, people drinking late at night will increase and home values will go down.
- Leanne Miller is the property owner south of the location. Her concerns are with traffic and problems getting in and out of her driveway.
- Robert Lowe his thought and feeling have already been previously expressed. He feels the additional traffic will cause problems.
- Tenille Sorenson stated she went by the current taco bell at lunch to see the drive thru. She feels this extra traffic will be a problem at the intersection.
- Bill Sorenson feels this will make the area more congested. He thinks the area should have a traffic counter as he has had previous issues with people in the past. He feels the noise will cause the property values to go down.
- Dennis Gillette owns the business east of the location. He shares the access from Addison. He feels traffic will be backed up due to the stop light. He feels his clients will not have direct access to the business.
- Sam Nevarez has concerns about the safety of his young kids walking with the increased traffic. He also feels that late night traffic will increase the current problem they have with the park.
- Cade Searle is a partner with the business to the east. He has concerns about the easement access. He feels that directing traffic would be helpful.
- Wendy Yoshinaga stated she has no sidewalks or stop sign on her road. She is concerned that people driving east on Addison will turn south and cannot get into Taco Bell they will U-turn on her road.
- Danny Trevino has concerns about the traffic with people at Thompson park. He feels the extended hours aren't needed.
- Erica Akridge has concerns about the extended hours. She works in the medical field and sees people drunk and injured from late night outings.

Julie Benintendi addressed some concerns from the neighbors. They feel that noise, lights and other things are part of living in a city. To avoid traffic turning left on Addison they have the Carriage Lane access. The Taco Bell at the mall location is one of the busiest in Idaho and they don't anticipate this one to be the same. They don't feel that the additional 500 people will be new traffic. The potential of noise from the menu board was looked into and they moved it closer to Addison and placed it in that direction.

Commissioner Petruzzelli asked what they will do about people turning left onto Carriage Lane.

Julie Benintendi stated that would have to be discussed with City Engineers. They will paint directional arrows in the parking lot for traffic.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur asked about the operating hours at sonic and how many cars Addison can handle.
- Director Spendlove stated that Addison and Carriage Ln are still a level "A" and not near capacity and 5:00 is busy in Twin Falls. Addison appears Right in and Right out at the entrance, with the joint access being agreed to by the previous owners. Carriage Ln access will be looked at by the City engine during the building permit stage.
- Chairperson Titus asked if there were any comments from police or from a public safety standpoint.
- Director Spendlove replied that we do not ask for that.
- Commissioner Zimmerman asked what would happen for the police to make a report
- Director Spendlove stated that it would need to be something extraordinary. They will not get involved before issues arise.
- Commissioner Petruzzelli asked if there have been any noise complaints at the current location.
- Director Spendlove replied that nothing had been turned in to code enforcement.
- Commissioner Petruzzelli asked if there are any existing bike lanes.
- Director Spendlove stated that none are planned for that area currently.
- Commissioner Petruzzelli asked if more rigid traffic control on a Special Use Permit have been issued.
- Director Spendlove replied that it hasn't but you can if you feel it is needed.
- Chairperson Titus asked for clarification.
- Director Spendlove explained that the city uses "candle sticks" to keep traffic from turning left.
- Commissioner Petruzzelli asked specifically for Carriage Ln.
- Director Spendlove replied that they should let the city decide if it's warranted and the applicant pays for it.
- Chairperson Titus asked about the other ZDA that was mentioned earlier.
- Planner Ebersole showed the Addison Springs ZDA that was approved for a drive-thru.
- Director Spendlove explained to the audience that the public hearing is closed.
- Chairperson Titus let audience know this time is now for clarification from staff and deliberations for commission.
- Chairperson Titus asked about car stacking and if it exceeded where would they put the cars.
- Julie Benintendi stated that they would loop into the parking lot.
- Commissioner Petruzzelli asked Chairperson Titus about why she asked about the ZDA across the street.
- Chairperson Titus explained that she was looking at the proximity and zoning.
- Commissioner Herrgesell asked if this is subject to review of traffic before a building permit is issued.
- Director Spendlove explained that at that point they will look at minimum requirements. Any conditions placed are then enforced.
- Commissioner Petruzzelli asked when Addison Springs was amended.
- Planner Ebersole stated it was brought at the beginning of the year and the ordinance just finished for approval.

- Commissioner Rambur feels that Addison can handle the increase of traffic.
- Commissioner Weatherford wants to add a condition for fencing. She would like it taller and solid with landscaping, 7-8 feet like the one at McDonalds.
- Commissioner Rambur asked if it is for the south end. Could something be added.
- Director Spendlove explained that screening between commercial and residential is required but not commercial and commercial.
- Commissioner Petruzzelli would like to add landscaping to soften if approved.

Condition #1 - **MOTION:** Commissioner Weatherford moved to add a condition for applicants to construct a 7' CMU wall on the south property line. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- Director Spendlove explained that the commission can ask the applicant to come back to get approval so you know what you are getting.
- Chairperson Titus asked if that is something that is brought back as an Item of Consideration.
- Director Spendlove replied that it is.

Condition#2 - **MOTION** Commissioner Petruzzelli moved to add condition to the Commission reviewing and approving a landscape plan prior to issuing a building permit. Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- Commissioner Petruzzelli feels there should be a condition to help mitigate traffic concerns.
- Commissioner Rambur stated that he feels the Street department does a good job.
- Chairperson Titus asked about placing something if it's deemed necessary.
- Director Spendlove replied that if it's a problem it will come back.
- Commissioner Petruzzelli feels they should encourage a requirement for the traffic.
- Director Spendlove clarified that signage on property is installed with the building permit. The current condition will address any issues that traffic may cause.
- Chairperson Titus feels like lighting is not a concern she feels the condition for the wall will fix any issues.
- Commissioner Petruzzelli had questions about the recourse to come back.
- Director Spendlove explained that traffic accidents or notice from citizens will cause this to come back to the Commission.
- Commissioner Herrgesell wondered about when they open new stores and what that looks like.
- Chairperson Titus thinks that with the fact they have one already it shouldn't be as big of a honeymoon phase and 500 cars will not be "new" traffic.

MOTION: Commissioner Herrgesell moved to approve the request of a drive-through, as presented with staff recommendations and additional conditions, on property located at 2616 Addison Ave E. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 1.

- Director Spendlove stated that retail hours can't be changed. He gave some different options for store hours vs drive-thru.
- Commissioner Petruzzelli asked if they can they asked for something different after.
- Director Spendlove stated that yes they can, they can appeal or come back and ask for more hours.
- Planner Ebersole clarified that they want to be open until 2am.

- Commissioner Weatherford would like to place conditions on the drive through. She feels the neighborhood will be impacted. She would like to allow until 11pm.
- Commissioner Rambur stated he feels different because this is a new area and similar areas have residential. He commented about Blue Lakes having residential behind the restaurants there. He wonders if because it's different if they feel that way.
- Commissioner Herrgesell asked if they can do different hours for weekend vs weekday.
- Commissioner Petruzzelli asked what the noise ordinance is in Twin Falls.
- Director Spendlove stated we don't have on but we do have disturbing the peace.
- Chairperson Titus stated an example of hours being restricted after opening.
- Commissioner Rambur feels if the issue is that the bars closing will have people go to Taco Bell then look at closing earlier.
- Commissioner Herrgesell is in favor of closing earlier and people can go to the other location.
- Commissioner Zimmerman agrees with Commissioner Herrgesell that the other location can be used that late at night.
- Commissioner Herrgesell midnight on Friday and Saturday and 10pm on weekdays.
- Commissioner Weatherford likes that idea.
- Chairperson Titus asked what hours the other businesses run. She feels that as the area builds more it can be revisited.
- Commissioner Petruzzelli asked if it's approved and they receive complaints, can the hours be adjusted.
- Director Spendlove stated yes.
- Commissioner Petruzzelli asked what Thompson park hours were.
- Director Spendlove stated he's not sure.
- Commissioner Zimmerman likes the 10 pm weekdays and midnight weekends Fri- Sat.
- Commissioner Petruzzelli asked if the extended hours are not granted can the applicant come back in a few months and ask for them again.
- Director Spendlove stated that yes they can, there is no set timeframe for that.

Condition #3 **MOTION:** Commissioner Weatherford moved to add condition for extended hours being granted for Friday and Saturday from 10 pm - 12 am. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 1.

MOTION: Commissioner Herrgesell moved to approve the request of extended retail hours of operation, as presented with staff recommendations and added condition, on property located at 2616 Addison Ave E. Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 1.

6) Upcoming Meeting(s)

a) August 27, 2024

7) Adjournment

The meeting adjourned at 08:32 PM

DRAFT



Date: Tuesday, August 27, 2024
To: Planning and Zoning Commission
From: William Klaver, Senior City Planner

PRESENTATION

Request:

Preliminary Presentation for a request for a recommendation to City Council to amend the Federation Point Zoning Development Agreement and Conceptual Plan to specify lot sizes for each building on property located AT 2035 Washington St N c/o EHM Engineers Inc on behalf of Federation Point Property, LLC (PZ24-0081).

Time Estimate:

Fifteen (15) minutes for staff and applicant presentation.

Background:

The applicant, Federation Point Property LLC / Buckley Real Estate Inc, represented by Tim Vawser of EHM Engineers, Inc, is proposing to amend a Zoning Development Agreement (ZDA), "Federation Point" located at approximately 2035 Washington Street North, on one (1) parcel containing approximately 6.18 acres (more or less). This proposed amendment will modify lot size requirements by allowing duplex and four-plex units on parcels of 8,000 SF or greater.

Approval Process:

Per City Code 10-6-1.7 (B) The applicant is required to present a preliminary review prior to a public hearing to the Planning and Zoning Commission in which the Commission may give suggestions and ask questions of the applicant about the proposed ZDA.

Per City Code 10-6-1.7(E) Approval of a ZDA shall be based on the following standards: the proposed uses are not detrimental to surrounding properties; deviations from Title 10 shall be warranted by the design of the conceptual plan; conformance to the Comprehensive Plan, and existing and/or proposed infrastructure must be adequate for the project.

Per City Code 10-14-1 thru 8 Any application for a zoning district change shall follow the procedures outlined in these sections.

Budget Impact:

N/A

Regulatory Impact:

Per City Code 10-6-1.4 (B) The ZDA shall conform to all sections of this title unless specifically addressed in the written commitment document. All applications to the city shall list all requested variations from the standard requirements.

Should this Zoning Development Agreement amendment be approved, the duplex and four-plex buildings may be on their own parcel of 8,000 SF or greater. However, no greater than 90 units shall be placed on the 6.1 acre boundary.

History:

N/A

Analysis:

A full analysis of this application will be provided during the public hearing.

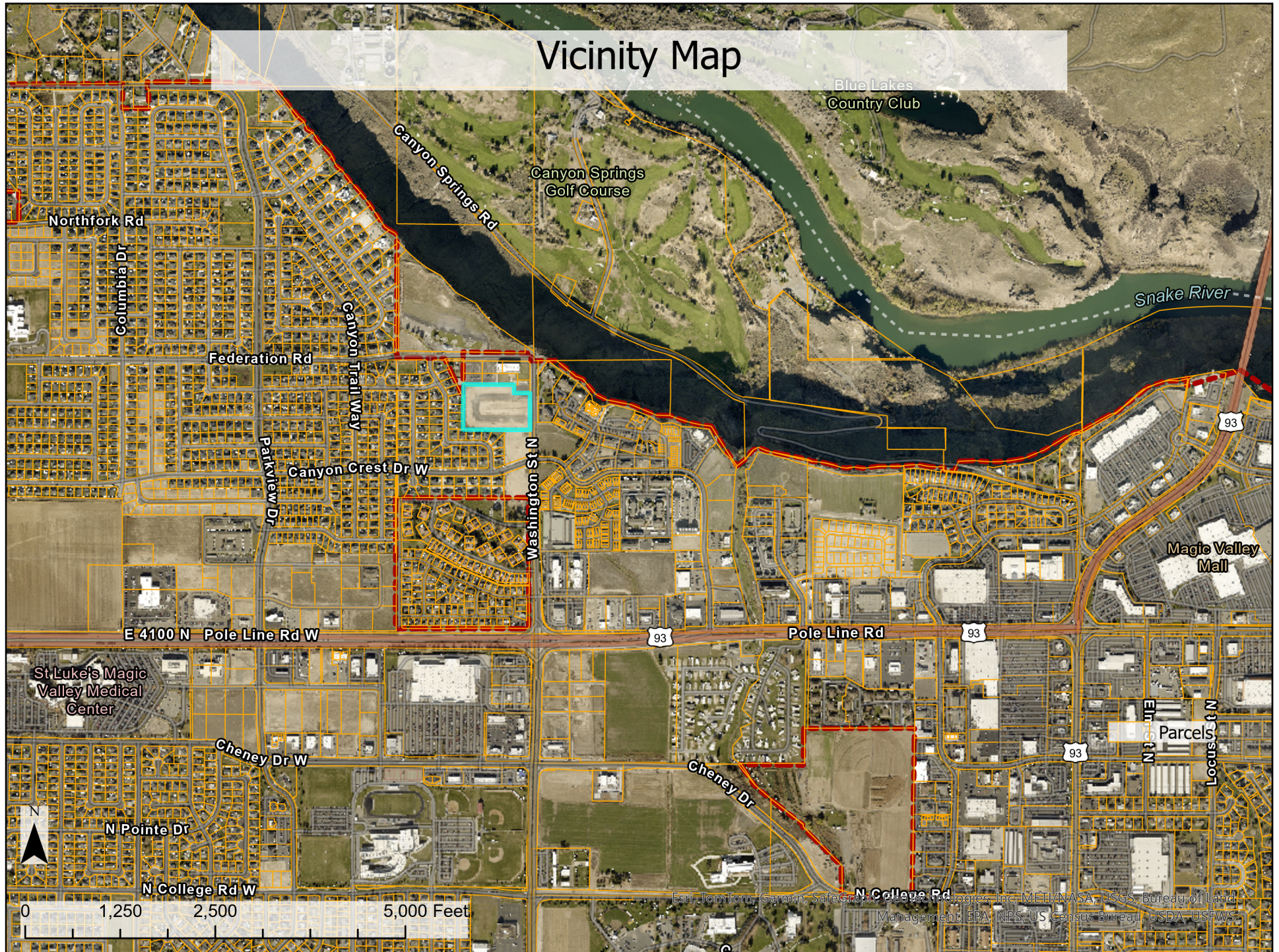
Conclusion:

Staff makes no recommendations at this time. Staff will present a full analysis of the request at the public hearing scheduled for Tuesday, September 10, 2024.

Attachments:

1. PZ24-0081 Vicinity Map
2. PZ24-0081 Applicant Narrative
3. PZ24-0081 Proposed Amendment
4. PZ24-0081 Federation Point Original ZDA 04-28-21
5. PZ24-0081 Federation Point ZDA Amendment 05-24-22

Vicinity Map



FEDERATION POINT, ZDA
APPLICATION NARRATIVE

- 3.a. The proposed change to the ZDA allows individual lots within the multi-family portion of the development to be built in stages. With the current status of the economy being able to develop the property in stages allows the rental rate to grow at a more disciplined rate. Other than development phasing, this is not a change of any of the originally approved standards applied to the ZDA. Zoning, density, and layout is basically the same but an amended is needed due to minimum individual lot size.
- 3.b. An amended master development plan is included depicting the overall development and a colored exhibit of the immediate area.
- 3.c. This development would be basically unchanged from the originally approved ZDA. The changes proposed only reflect individual lots as opposed to one large lot. The change basically allows phased development.
- 3.d. The change will not add any affect to the surrounding area other than to allow the development to proceed with construction in stages as the market determines. The intent and terms of the originally approved ZDA remain intact with a minor change to allow individual lots for each building.

**Amendment to
Federation Point, ZDA
A Residential Mixed Use and Limited Commercial
Zoning Development Agreement**

THIS AGREEMENT, made and entered into this ___ day of _____, 2024, by and between the **CITY OF TWIN FALLS**, a municipal corporation, State of Idaho (hereinafter called "City"), and **FEDERATION POINT, LLC**, an Idaho limited liability company and **BUCKLEY REAL ESTATE, INC**, an Idaho Corporation (hereinafter called "Developers"), whose address is 1460 W. Swede Bay Rd., Coeur D Alene, Idaho 83814.

RECITALS

WHEREAS, the Developers are the owners and the equitable title holders to certain tracts of land in the City of Twin Falls, County of Twin Falls, State of Idaho, more particularly described in Exhibit A attached hereto. The subject land is located in Lot 7, Block 1, Federation Point Subdivision, a ZDA as depicted in and included as Exhibit A(hereinafter referred to as "Property") and;

WHEREAS, the Developers wish to amend and modify the permitted uses within the existing Zoning Development Agreement and;

WHEREAS, the City, by and through its City Council, has agreed to the development of said land and agreed to amendment of the permitted land uses within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which conditions and understandings are the subject of this Agreement.

COVENANTS

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

1. Section 3. Subsection B.2. shall be amended and modified to read as follows:
 2. Multi-family Residential: The lot/parcel area shall be a minimum of six and one-tenth (6.1) acres and shall contain 19 fourplex buildings and 7 duplex buildings with a total of 90 residential units per 6.1 acre parcel as depicted upon the master development plan included as Exhibit B. Fourplex and duplex buildings may be

placed on any individual lot or parcel provided the lot/parcel area of any individual lot or parcel shall not be less than 8,000 square feet in area nor shall the combined total of buildings or units exceed the amount previously stated within this section nor shall the total land area be less than 6.1 acres.

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

“CITY”
CITY OF TWIN FALLS

By: _____
Mayor

ATTEST:

City Clerk

“DEVELOPERS”

Federation Point, LLC

By: _____
David H. Scaggs, Member
Authorized Signer

Buckley Real Estate Inc.

By: _____
Stan Buckley, President

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 20____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ and _____, Known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed the said instrument, and acknowledged to me that such City 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.

By: _____

NOTARY PUBLIC FOR IDAHO

Residing at _____

My commission expires _____

STATE OF IDAHO)
)
) s
County of Twin Falls)

On this _____ day of _____, 20____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared David H. Scaggs, known or identified to me, to be the person who subscribed the foregoing instrument and acknowledged to me that she 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

My commission expires

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 20____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared Stan V. Buckley, known or identified to me, to be the person who subscribed the foregoing instrument and acknowledged to me that she executed the same.

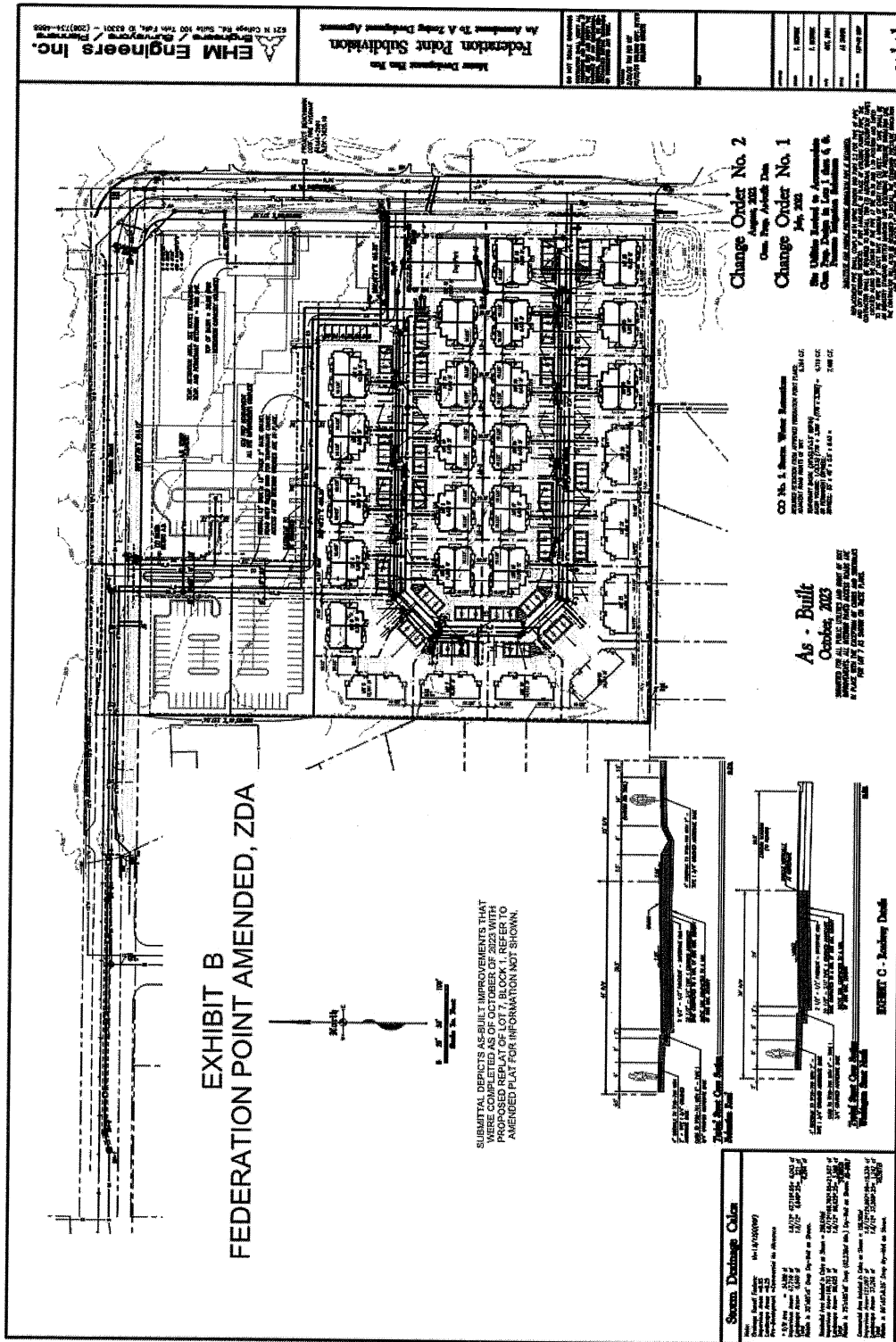
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

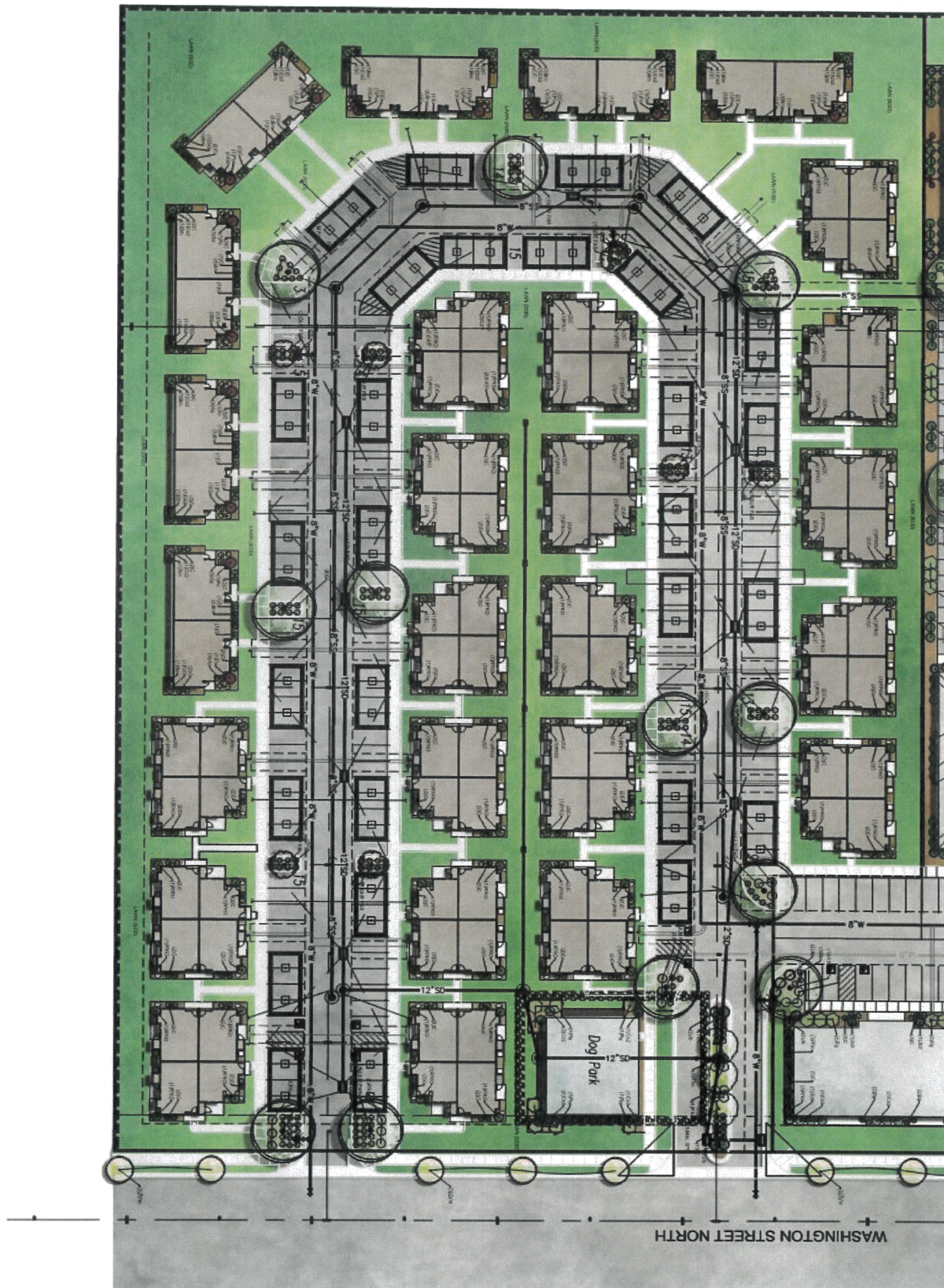
NOTARY PUBLIC FOR IDAHO
Residing at _____
My commission expires _____

**EXHIBIT A
LEGAL DESCRIPTION
TWIN FALLS COUNTY, IDAHO**

Being all of Lot 7, Block 1 as shown on that certain map entitled “Federation Point Subdivision, a ZDA”, recorded April 27, 2022 as Instrument No. 2022-008141 in the office of the County Recorder of Twin Falls County, more particularly described as follows:

End of Description





FEDERATION POINT AMENDED ZDA
EXHIBIT B-2

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

This Zoning Development Agreement (ZDA) is made and entered into this 12th day of APRIL, 2021, by and between the City of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Steve Hepworth (hereinafter called "Developer") for the purpose of developing Residential Mixed Uses and Limited Commercial Uses on property located West of Washington Street North and South of Federation Road, known as Federation Point Subdivision, a ZDA.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 15; RM, Residential Mixed Use District or as amended, Title 10 – Chapter 4 – Section 19; CRO, Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:
2. RM and CRO, Residential Mixed Use District and Canyon Rim Overlay District modified to include the following;
 - A. Permitted uses;
 1. Governmental facilities:
 - a. Governmental office buildings.
 2. Medical facilities:
 - a. Doctor's offices.
 3. Residential:
 - a. Bed and breakfast facilities.
 - b. Household units in the same building as an allowed use by the owner or an employee of the allowed use.
 - c. Household units in the upper floors of commercial or professional buildings.
 4. Retail Trade:
 - a. Antique shop.
 - b. Apparel and accessories.
 - c. Art galleries and frame shops.
 - d. Bakery.
 - e. Bookstore.
 - f. Craft shop, in conjunction with retail business.
 - g. Eating places.
 - h. Florist shop.
 - i. Food, drugs, etc.
 - j. General merchandise.
 - k. Hardware store.
 - l. Hobby and toy store.
 - m. Home décor, excluding appliances

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

- n. Home furnishings and appliances.
- o. Ice cream store.
- p. Import store.
- q. Laundering and dry cleaning.
- r. Laundromats.
- s. Music store.
- t. Sporting goods store.

5. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barber shops.
- d. Cottage businesses.
- e. Finance and investment offices.
- f. Insurance and related business.
- g. Photographic studios.
- h. Professional organizations.
- i. Professional services.
- j. Real estate and related business.

Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

- B. Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the District unless special provisions are taken. Special use permits may be granted for the following uses:

1. Misc.:

- a. Any facility with drive-through service.

2. Parks:

- a. Public parks and playgrounds with crowd attracting facilities.

3. Public Assembly:

- a. Funeral chapels.
- b. Schools – private, single purpose.
- c. Schools - private, vocational and/or academic.
- d. Schools – public.
- e. Theaters – indoor.
- f. Wedding chapels and/or reception halls.

4. Residential:

- a. Accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings except those physically attached garages built at the

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

same time the home is built.

- b. Motels or transient hotels
- c. Nursing homes, rest homes, and assisted living facilities.

5. Retail Trade:

- a. Alcoholic beverages, when consumed on premises where sold.
- b. Permitted retail/trade operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- c. Pet shop.

6. Services:

- a. Dog Grooming.

7. Sports Facilities:

- a. Athletic areas.
- b. Indoor recreation facility.

3. Property Development Standards to be modified to include the following;

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

A. Use Of Lots:

- 1. Each building is not required to be located on a separate lot. If desired, multiple buildings (including dwellings – duplex, triplex, fourplex) may be located on one contiguous lot/parcel.

B. Lot Area:

- 1. Commercial Uses: The lot area for shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. No commercial building shall occupy more than sixty percent (60%) of a lot.
- 2. Multi-family Residential: The lot/parcel area shall be a minimum of six and one-tenth (6.1) acres and shall contain 19 fourplex buildings and 7 duplex buildings with a total of 90 residential units per 6.1 acre parcel as depicted upon the master development plan included as Exhibit B.

C. Yards:

- 1. The front building line shall be as depicted on the master development plan. All front yard building setbacks shall be twenty feet (20') from the property line or when multiple units are on one parcel a minimum of twenty-five feet (25') from the centerline of a private drive.

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

2. The side building line shall not be closer than five feet (5') to the side property line.
3. The rear building line shall not be closer than ten feet (10') to the rear property line for multifamily units or five feet (5') for commercial units.
4. Rear, front, or side building lines adjacent to Federation Road and Washington Street North shall be fifteen feet (15') from the right of way line. No other building setback limitations shall be applicable to this development.
5. Rear, front, or side building lines adjacent to the western and southern boundary of the development shall be twenty feet (20') from the subdivision boundary.

D. Other Development Criteria:

1. Perimeter Landscape Buffer and Screening: A landscaping buffer of twenty-five feet (25'), including sidewalks, shall be installed from back of curb along Washington Street North and Federation Road. A six foot (6') high masonry wall shall be installed along the south and west boundary of the development adjacent to existing residential lots.
2. Streets: Federation Road and Washington Street North shall be constructed per the attached Exhibit C with a ten foot (10') wide concrete path on the north side of Federation Road adjacent to the development boundary for infill of a portion of the Canyon Rim Trail Extension.

Federation Point, ZDA
A Residential Mixed Use and Limited Commercial
Zoning Development Agreement

Developer: Hepworth Family Landholdings, LLC
Steven F. Hepworth, Member

City: City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

"CITY"
CITY OF TWIN FALLS

By: Suzanne Hawkins
Mayor

ATTEST:

Leila Sanchez
City Clerk

"DEVELOPER"
Hepworth Family Landholdings, LLC
Steven F. Hepworth, Member

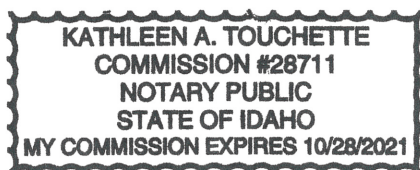
By: Steven F. Hepworth

STATE OF IDAHO)
ss.

County of Twin Falls)

On this 26th day of APRIL, 2021 before me, a Notary Public for said County and State, personally appeared SUZANNE HAWKINS and LEILA SANCHEZ, known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and acknowledged to me that such City 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.



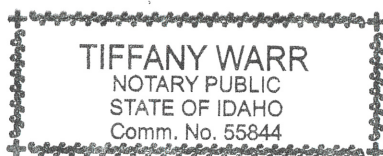
Kathleen A. Touchette

Residing at TWIN FALLS, ID

Commission Expires: 10/28/2021

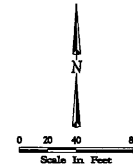
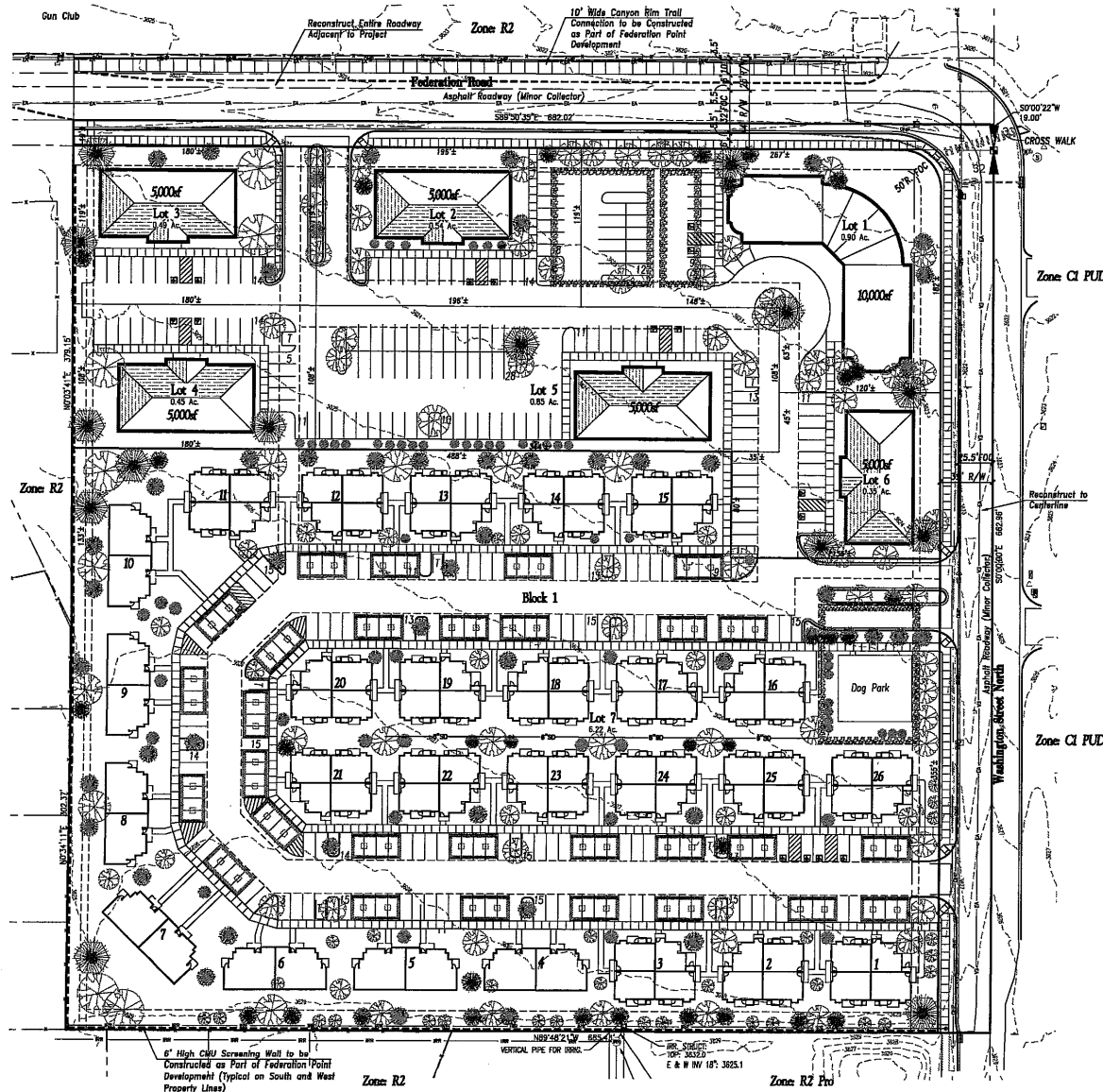
STATE OF Idaho)
)
) SS.
County of Minidoka)

Tiffany Wane



Residing at 701 7th St. Rupert ID
83350

Commission Expires: 3-10-2022



Federation Point Subdivision
 A ZDA
 Located In
 A Portion of
 NE4 SE4 & SE4 NE4, Section 32
 T. 9 S., R. 17 E., BM
 Twin Falls County, Idaho
 2020

Legend	EXISTING	PROPOSED
PROPERTY BOUNDARY LINE	---	---
PROPOSED RIGHT OF WAY	---	---
STREET CENTERLINE	---	---
EASEMENT AS NOTED	---	---
WATER MAIN (FIRE LINE)	FW	FW
8" SEWER MAIN	SW	SW
PRESSURE IRRIGATION	PI	PI
PRESSURE IRRIGATION	PI	PI
UNDERGROUND POWER	UP	UP
NATURAL GAS LINE	NG	NG
FIBER OPTIC LINE	FO	FO
STORM DRAIN	SD	SD
STORM DRAIN & GUTTER	SD/G	SD/G
EDGE OF ASPHALT	EA	EA
CONTOUR LINE	CL	CL
MANHOLE	M	M
FIRE HYDRANT	H	H
GATE VALVE	G	G
WATER SERVICE	WS	WS
SEWER SERVICE	SS	SS
P.I. SERVICE	PS	PS
P.I. FLOW-OFF ASSEMBLY	PSA	PSA
CATCH BASIN	CB	CB
LIGHT POLE	LP	LP
UTILITY RISERS/STRUCTURES	URS	URS
SIGN	S	S
DRAINAGE ARROW	DA	DA

Existing Zone: R2
 Proposed Zone: RM, ZDA

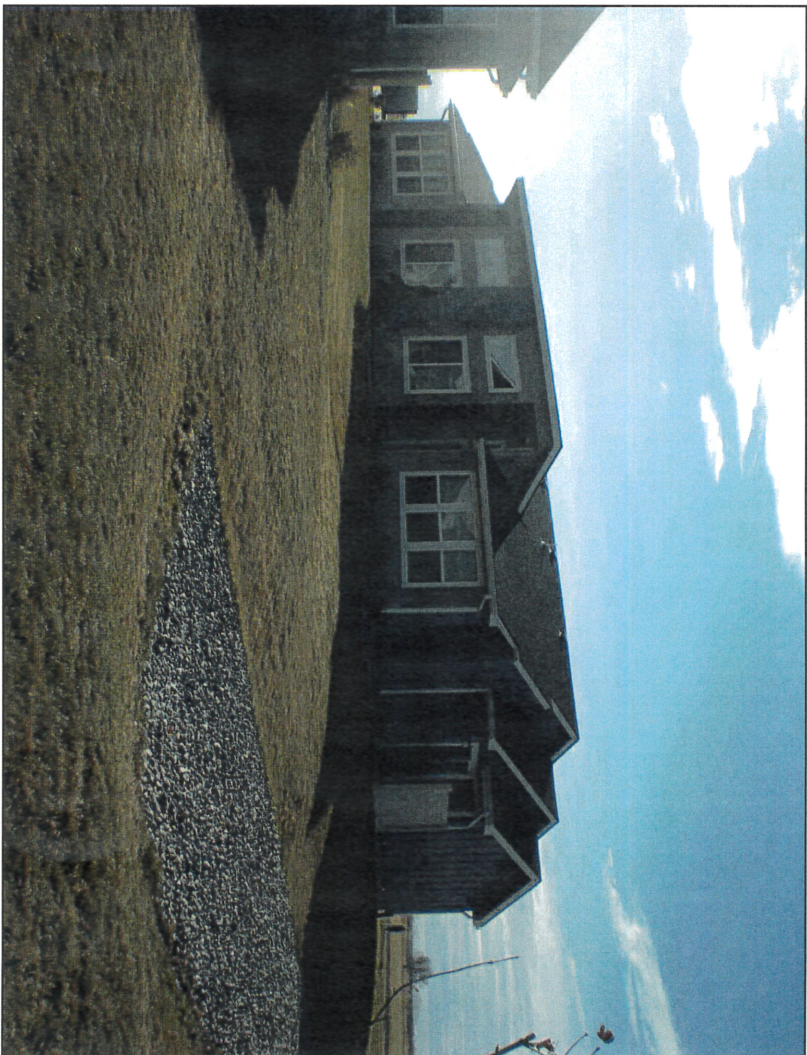
Exhibit B ZDA Master Plan

EHM Engineers, Inc.
 ENGINEERS / SURVEYORS / PLANNERS
 621 North 13th Street, Suite 830
 P.O. Box 134-888, Fr. (208) 734-6909
 www.ehm-inc.com

ZDA Exhibit B For
 FEDERATION POINT Subdivision, A ZDA
 Twin Falls, Idaho

DO NOT SCALE DRAWINGS
 CONTRACTOR SHALL VERIFY ALL
 CONDITIONS AND CONDITIONS AT
 THE SITE. THE ENGINEER SHALL NOT BE
 RESPONSIBLE FOR ANY DISCREPANCIES
 BETWEEN THE DRAWINGS AND THE
 FIELD CONDITIONS.

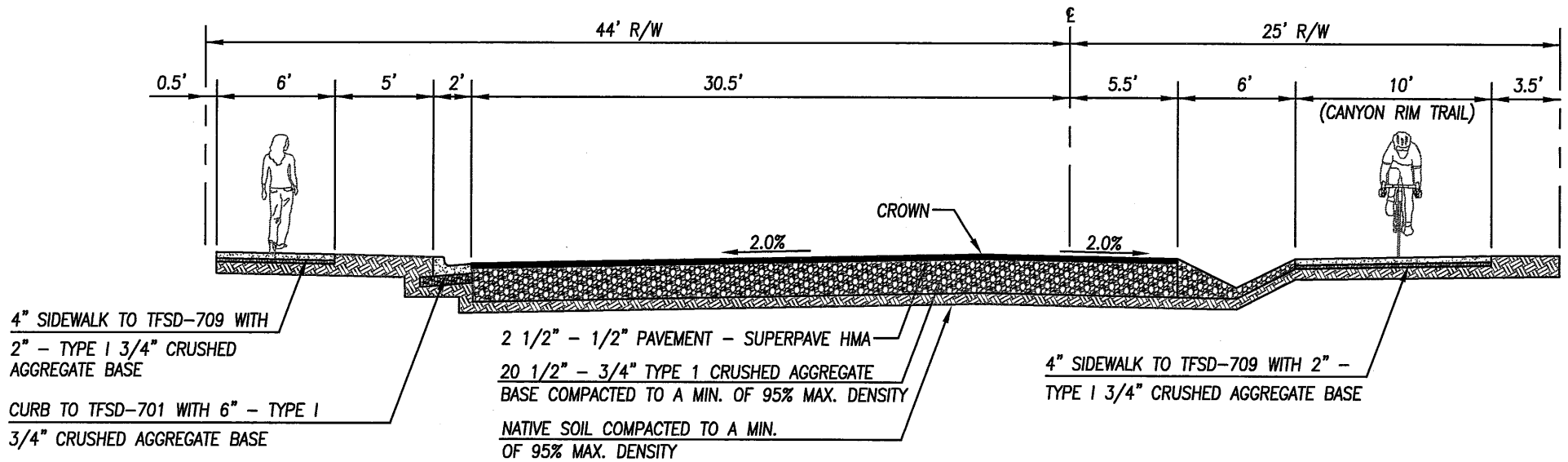
APPROVED	
DATE	T. MCGRIDE
DATE	T. MCGRIDE
DATE	JUNE, 2020
DATE	AS SHOWN
DATE	137-2020A Exhibit B
DATE	137-20



TYPICAL DUPLEX UNIT



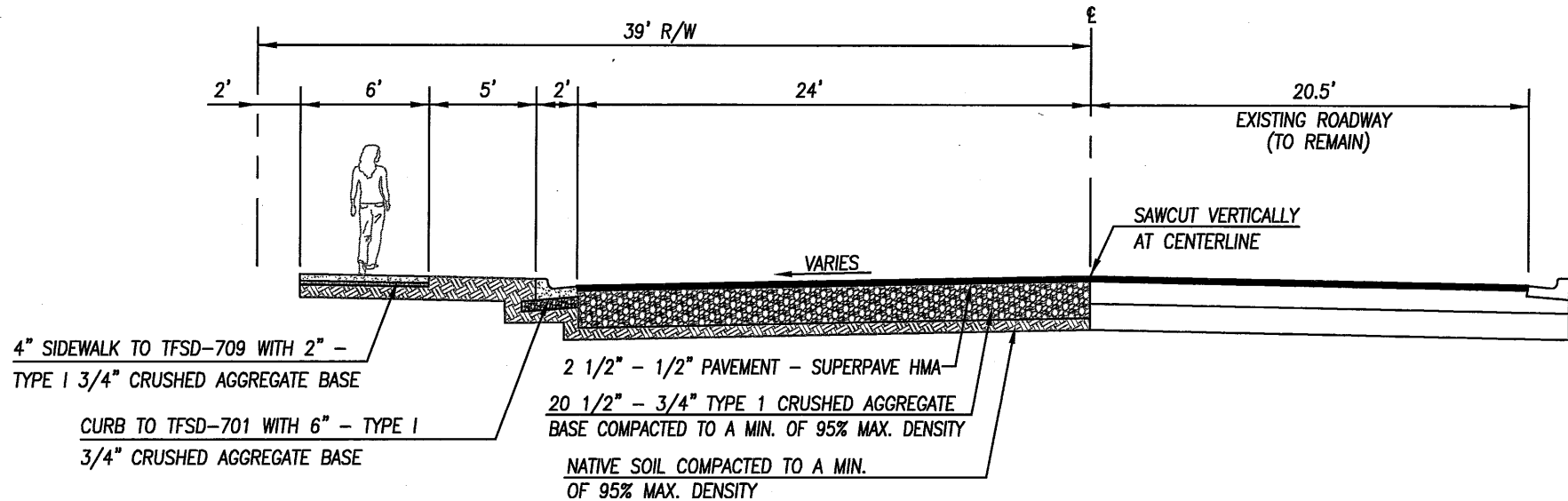
TYPICAL FOUR-PLEX UNIT



Typical Street Cross Section

Federation Road

n.t.s.



Typical Street Cross Section

Washington Street North

n.t.s.

EXHIBIT C - Roadway Details

ORDINANCE NO. O-2022-011

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

WHEREAS, Hepworth Family Landholdings, LLC c/o EHM Engineers, Inc. has made application for an amendment to the Federation Point ZDA to allow "Private" and "Public School" as an outright permitted use and approve an additional Conceptual Site Plan of property located at the southwest corner of Federation Road and Washington Street North; City of Twin Falls, and an amendment of the revised Area of Impact and Comprehensive Plan Land Use Map; and

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 29th day of March, 2022, to consider the Zoning Designation and necessary Zoning & Planning Map amendment upon a rezone of the real property below described, and an amendment to the revised area of Impact and Comprehensive Plan Land Use Map; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 2nd day of May, 2022.

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

SECTION 1. The following described real property located at the southwest corner of Federation Road and Washington Street North is the subject of an amendment to the Federation Point ZDA to allow "Private" and "Public School" as an outright permitted use and approve an additional Conceptual Site Plan.

"Exhibit A"-Legal Description

"Exhibit B"-Zoning Development Agreement

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

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

PASSED BY THE CITY COUNCIL

May 16, 2022

SIGNED BY THE MAYOR

May 16, 2022

Guth Pierce
Mayor

ATTEST:

erin parish
Deputy City Clerk

PUBLISH: Thursday, MAY 19, 2022

Exhibit A

**ZDA Legal Description
Twin Falls County, Idaho**

Being a portion of Lots 10 and 11, Block 1 as shown on that certain map entitled "The Pinnacle Subdivision, A Planned Unit Development", recorded August 26, 1996 as Instrument No. 1996-014850 in the office of the County Recorder of Twin Falls, and a portion of the North half of the Southwest Quarter of Section 33, Township 9 South, Range 17 East, Boise Meridian more particularly described as follows:

Beginning at the Northeast corner of said Lot 10 and being the REAL POINT OF BEGINNING;

Thence, North 87°17'06" East 32.62 feet;

Thence, South 68°44'23" East 84.15 feet to the Northwest corner of that certain map entitled "Westpark Commercial Subdivision No. 4", recorded May 25, 2007 as Instrument No. 2007-012709 in said office of the County Recorder of Twin Falls County;

Thence, along the West Boundary of said map (2007-012709), South 00°13'48" West 405.84 feet to the Southwest corner thereof;

Thence, along the North Right-of-Way of Canyon Crest Drive, along the arc of a non-tangent curve to the left having a radius of 282.00 feet, through a central angle of 05°32'36", an arc distance of 27.28 feet and long chord that bears North 87°38'57" West 27.27 feet;

Thence, continuing along said North Right-of-way, South 89°34'43" West 82.75 feet to the Southeast corner of that certain map entitled "River Vista South Subdivision, A Planned Unit Development", recorded June 29, 2006 as Instrument No. 2006-015859;

Thence, along the East Boundary of said map (2006-015859), North 00°25'15" West 99.11 feet to the Southeast corner of said Lot 11;

Thence, along the South Boundary of said Lot 11, North 89°34'43" West 102.84 feet to the Southwest corner thereof;

Thence, along the West Boundary of said Lot 11, North 00°25'17" East 125.00 feet;

Thence, leaving said West Boundary, North 15°54'11" East 44.87 feet;

Thence, North 00°00'00" East 24.02 feet to a point on the North Boundary of said Lot 11;

Thence, leaving said North Boundary, North 00°00'00" East 50.31 feet;

Thence, North 25°54'11" East 36.50 feet;

Thence, North 00°00'00" East 55.57 feet to a point on the North Boundary of said Lot 10;

Thence, along said North Boundary, North 87°17'06" East 75.11 feet to
said REAL POINT OF BEGINNING.

Containing approximately 1.79 Acres.

End of Description

2022 Amendment to Federation Point, ZDA

A Residential Mixed Use and Limited

This Zoning Development Agreement (ZDA) is made and entered into this day MAY 2 2022, by and between the City of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Steve Hepworth (hereinafter called "Developer") for the purpose of developing Residential Mixed Uses and Limited Commercial Uses on property located West of Washington Street North and South of Federation Road, known as Federation Point Subdivision, a ZDA.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 — Chapter 4 — Section 15; RM, Residential Mixed Use District or as amended, Title 10 — Chapter 4 — Section 19; CRO, Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:
2. RM and CRO, Residential Mixed Use District and Canyon Rim Overlay District modified to include the following;
 - A. Permitted uses;
 1. Governmental facilities:
 - a. Governmental office buildings.
 2. Medical facilities:
 - a. Doctor's offices.
 3. Residential:
 - a. Bed and breakfast facilities.
 - b. Household units in the same building as an allowed use by the owner or an employee of the allowed use.
 - c. Household units in the upper floors of commercial or professional buildings.
 4. Retail Trade:
 - a. Antique shop.
 - b. Apparel and accessories.
 - c. Art galleries and frame shops.
 - d. Bakery.
 - e. Bookstore.
 - f. Craft shop, in conjunction with retail business.
 - g. Eating places.
 - h. Florist shop.
 - i. Food, drugs, etc.
 - j. General merchandise.
 - k. Hardware store.
 1. Hobby and toy store.
 - m. Home décor, excluding appliances

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

- n. Home furnishings and appliances.
- o. Ice cream store.
- p. Import store.
- q. Laundering and dry cleaning.
- r. Laundromats.
- s. Music store.
- t. Sporting goods store.

5. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barber shops.
- d. Cottage businesses.
- e. Finance and investment offices.
- f. Insurance and related business.
- g. Photographic studios.
- h. Professional organizations.
- i. Professional services.
- j. Real estate and related business.

6. Public Assembly:

- a. Schools — private, single purpose.
- b. Schools - private, vocational and/or academic.
- c. Schools — public.

Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

- B. Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the District unless special provisions are taken. Special use permits may be granted for the following uses:

1. Misc.:

- a. Any facility with drive-through service.

2. Parks:

- a. Public parks and playgrounds with crowd attracting facilities.

3. Public Assembly:

- a. Funeral chapels.
- b. ~~Schools — private, single purpose.~~
- c. ~~Schools — private, vocational and/or academic.~~
- d. ~~Schools — public.~~
- e. Theaters — indoor.
- f. Wedding chapels and/or reception halls.

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

4. Residential:

- a. Accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings except those physically attached garages built at the same time the home is built.
- b. Motels or transient hotels
- c. Nursing homes, rest homes, and assisted living facilities.

5. Retail Trade:

- a. Alcoholic beverages, when consumed on premises where sold.
- b. Permitted retail/trade operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- c. Pet shop.

6. Services:

- a. Dog Grooming.

7. Sports Facilities.

- a. Athletic areas.
- b. Indoor recreation facility.

3. Property Development Standards to be modified to include the following;

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

A. Use Of Lots:

- 1. Each building is not required to be located on a separate lot. If desired, multiple buildings (including dwellings - duplex, triplex, fourplex) may be located on one contiguous lot/parcel.

B. Lot Area:

- 1. Commercial Uses: The lot area for shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. No commercial building shall occupy more than sixty percent (60%) of a lot.
- 2. Multi-family Residential: The lot parcel area shall be a minimum of six and one-tenth (6.1) acres and shall contain 19 four plex buildings and 7 duplex buildings with a total of 90 residential units per 6.1 acre parcel as depicted upon the master development plan included as Exhibit B.

C. Yards:

- 1. The front building line shall be as depicted on the master development plan. All front yard building setbacks shall be twenty feet (20') from the property line or when multiple units are on one parcel a minimum of twenty-five feet (25') from the centerline of a private drive.

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

2. The side building line shall not be closer than five feet (5') to the side property line.
3. The rear building line shall not be closer than ten feet (10') to the rear property line for multifamily units or five feet (5') for commercial units.
4. Rear, front, or side building lines adjacent to Federation Road and Washington Street North shall be fifteen feet (15') from the right of way line. No other building setback limitations shall be applicable to this development.
5. Rear, front, or side building lines adjacent to the western and southern boundary of the development shall be twenty feet (20') from the subdivision boundary.

D. Other Development Criteria:

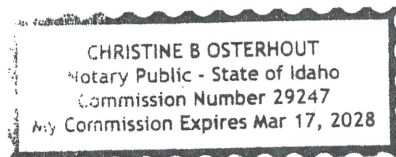
1. Perimeter Landscape Buffer and Screening: A landscaping buffer of twenty- five feet (25'), including sidewalks, shall be installed from back of curb along Washington Street North and Federation Road. A six foot (6') high masonry wall shall be installed along the south and west boundary of the development adjacent to existing residential lots.
2. Streets: Federation Road and Washington Street North shall be constructed per the attached Exhibit C with a ten foot (10') wide concrete path on the north side of Federation Road adjacent to the development boundary for infill of a portion of the Canyon Rim Trail Extension.

Federation Point, ZDA
A Residential Mixed Use and Limited
Commercial Zoning Development Agreement

STATE OF Idaho
County of Minidoka

On this 25 day of April, 2022 before me, a Notary Public for said County and State, personally appeared Steven F. Hepworth, known or identified to me, to be the Member of the Limited Liability Company, that executed said instrument.

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



Christine B Osterhout

Residing at Declo, ID

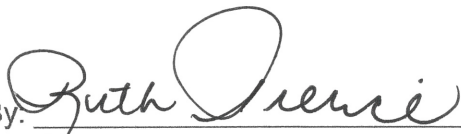
Commission Expires: 3-17-2028

Federation Point, ZDA
A Residential Mixed Use and Limited
Commercial Zoning Development Agreement

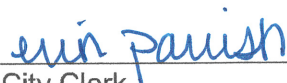
Developer: Hepworth Family Landholdings, LLC
Steven F. Hepworth, Member

City: City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

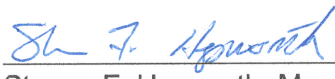
"City"
City of Twin Falls

By. 
Mayor

ATTEST


City Clerk

"DEVELOPER"
Hepworth Family Landholdings,
LLC


Steven F. Hepworth, Member

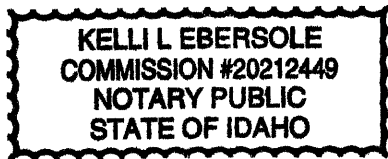
Federation Point, ZDA
A Residential Mixed Use and Limited
Commercial Zoning Development Agreement

STATE OF IDAHO)

County of Twin Falls)^{ss.}

On this 2nd day of MAY, 2022 before me, a Notary Public for said County and State, personally appeared RUTH PIERCE and ERIN DARRISH, known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and acknowledged to me that such City 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.

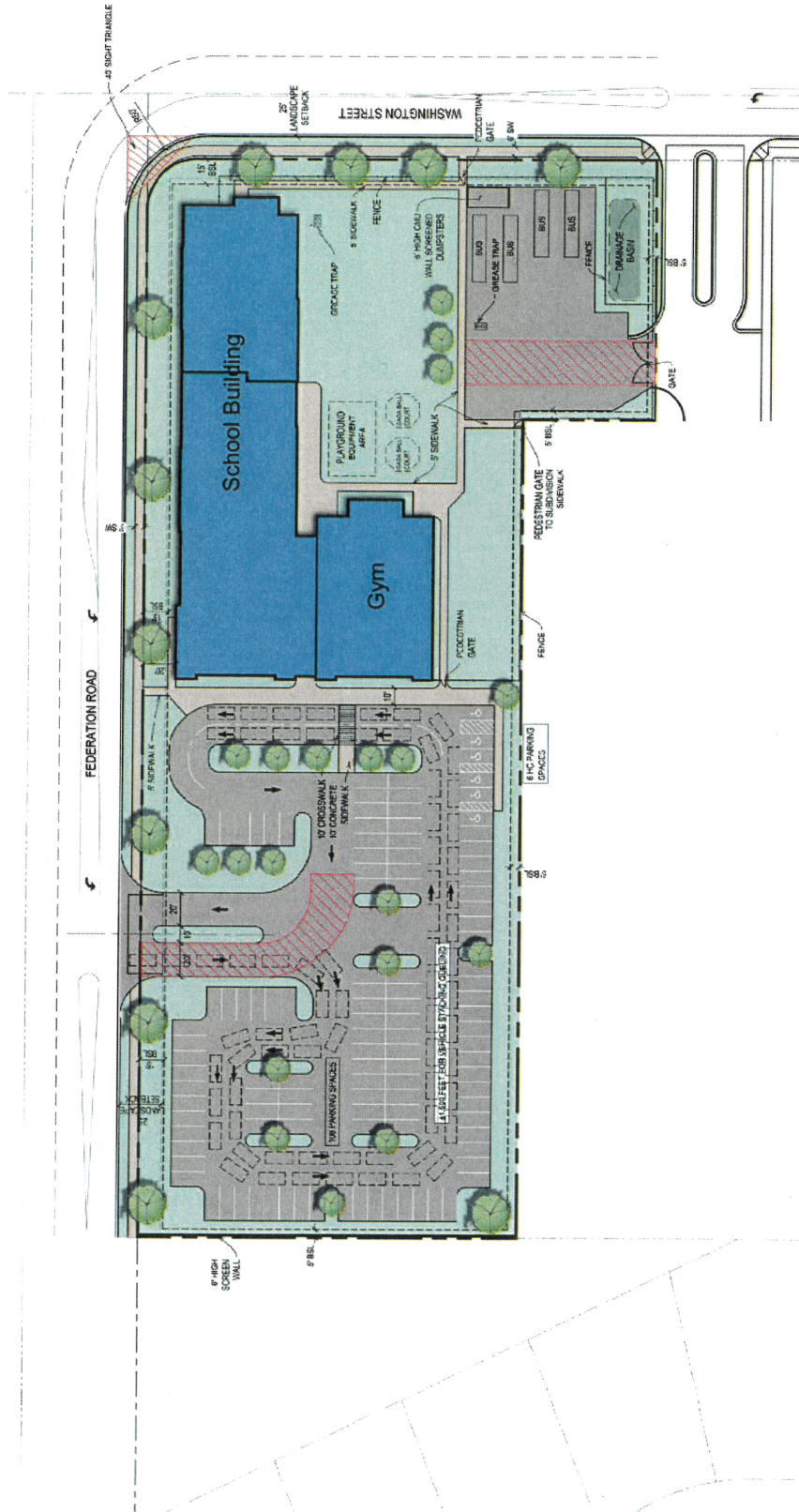


Kelli Ebersole

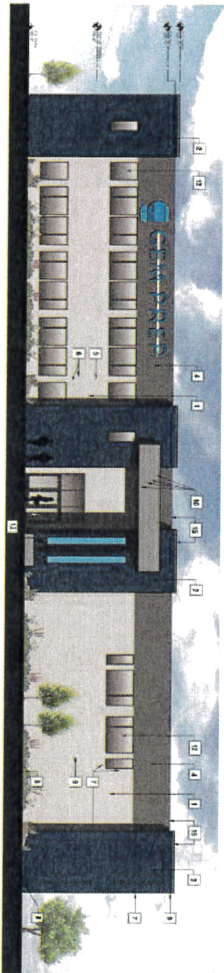
Residing at TWIN FALLS, ID

Commission Expires: May 17, 2027

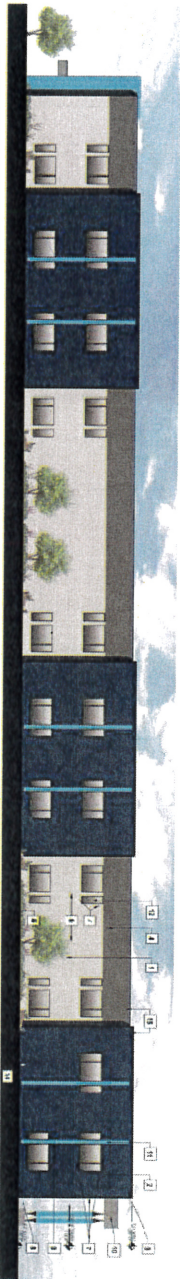
Site Plan



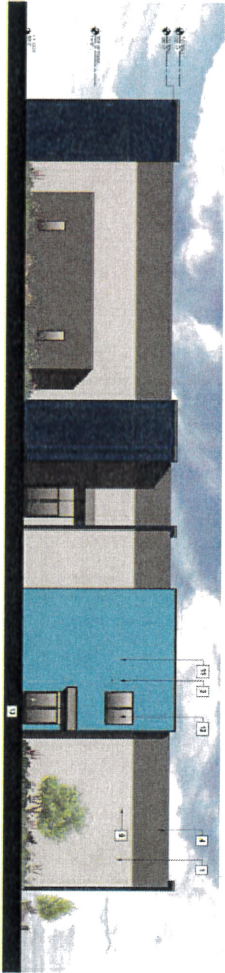
Elevations



4 WEST ELEVATION



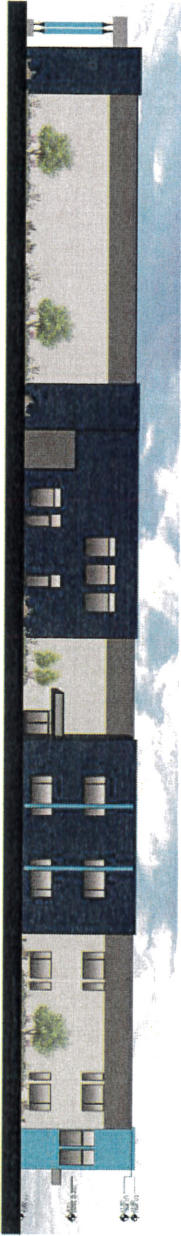
2 NORTH ELEVATION



3 EAST ELEVATION

EXTERIOR FINISHES

FINISH	DESCRIPTION
1	Dark Blue
2	Light Grey
3	Dark Blue
4	Light Grey
5	Dark Blue
6	Light Grey
7	Dark Blue
8	Light Grey
9	Dark Blue
10	Light Grey
11	Dark Blue
12	Light Grey
13	Dark Blue
14	Light Grey



1 SOUTH ELEVATION

Original

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

This Zoning Development Agreement (ZDA) is made and entered into this 12th day of APRIL, 2021, by and between the City of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Steve Hepworth (hereinafter called "Developer") for the purpose of developing Residential Mixed Uses and Limited Commercial Uses on property located West of Washington Street North and South of Federation Road, known as Federation Point Subdivision, a ZDA.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 15; RM, Residential Mixed Use District or as amended, Title 10 – Chapter 4 – Section 19; CRO, Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:
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Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

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Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

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Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

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D. Other Development Criteria:

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Federation Point, ZDA
A Residential Mixed Use and Limited Commercial
Zoning Development Agreement

Developer: Hepworth Family Landholdings, LLC
Steven F. Hepworth, Member

City: City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

"CITY"
CITY OF TWIN FALLS

By: Suzanne Hawkins
Mayor

ATTEST:

Leila Sanchez
City Clerk

"DEVELOPER"
Hepworth Family Landholdings, LLC
Steven F. Hepworth, Member

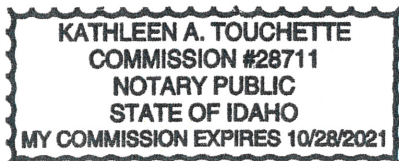
By: Steven F. Hepworth

STATE OF IDAHO)
ss.

County of Twin Falls)

On this 19th day of APRIL, 2021 before me, a Notary Public for said County and State, personally appeared SUZANNE HAWKINS and LEILA SANCHEZ, known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and acknowledged to me that such City executed the same.

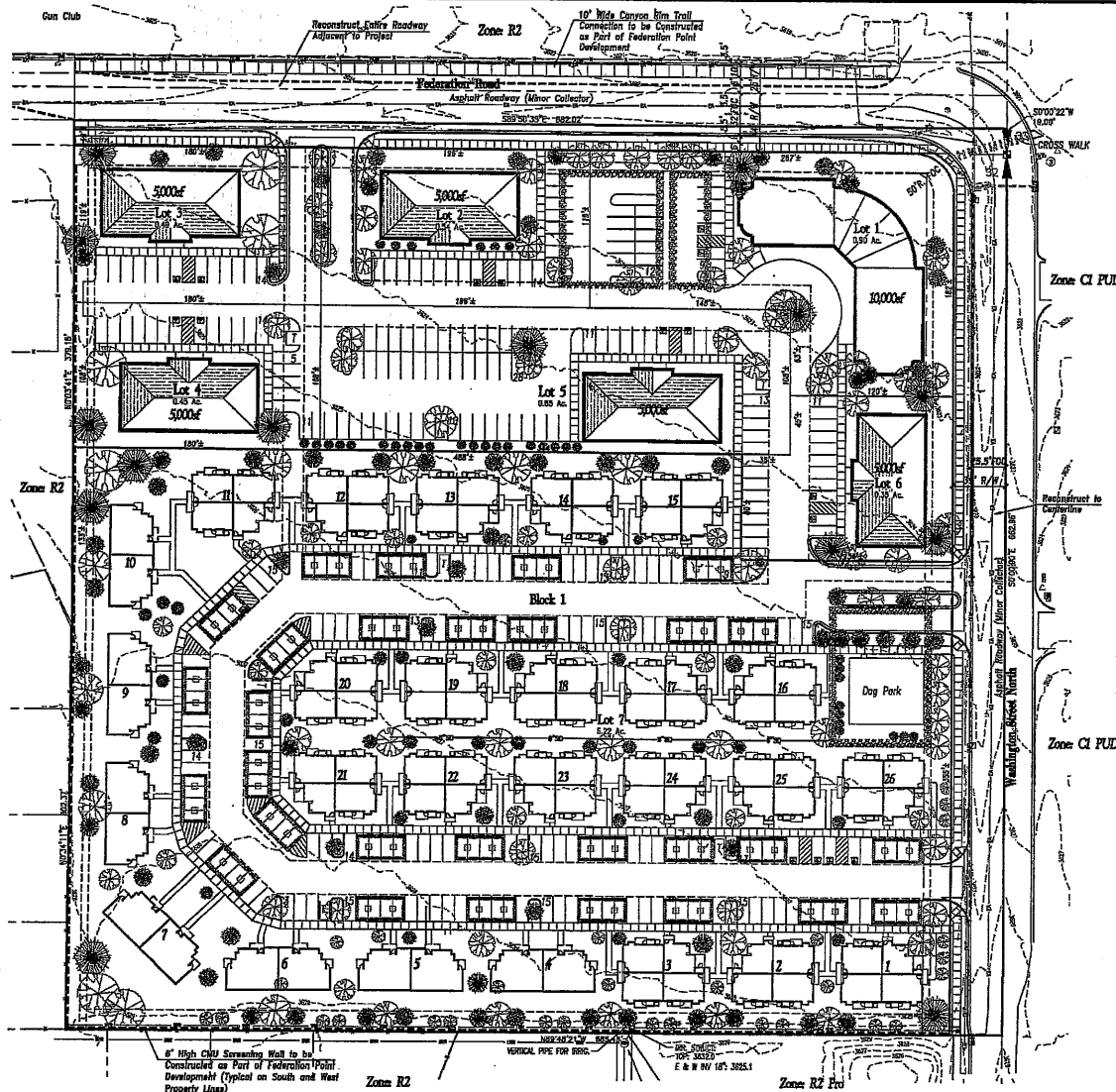
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kathleen A. Touchette

Residing at TWIN FALLS, ID

Commission Expires: 10/28/2021




 Scale In Feet
 0 20 40 60
Federation Point Subdivision
 A ZDA
 Located In
 A Portion of
 NE4 SE4 & SE4 NE4, Section 32
 T. 9 S., R. 17 E., BM
 Twin Falls County, Idaho
 2020

Legend

	EXISTING	PROPOSED
PROPERTY BOUNDARY LINE	---	---
PROPOSED RIGHT OF WAY	---	---
STREET CENTERLINE	---	---
EXISTING AS NOTED	---	---
WATER MAIN (FIRE LINE)	---	---
AT SEWER MAIN	---	---
PRESSURE CONDUIT	---	---
PRESSURE CONDUIT	---	---
UNDERGROUND POWER	---	---
NATURAL GAS LINE	---	---
FIBER OPTIC LINE	---	---
SEWER MAIN	---	---
STANDARD CURB & GUTTER	---	---
EDGE OF ASPHALT	---	---
CONTOUR LINE	---	---
MANHOLE	---	---
FIRE HYDRANT	---	---
GATE VALVE	---	---
WATER SERVICE	---	---
SEWER SERVICE	---	---
P.L. SERVICE	---	---
P.L. RUN-OFF ASSEMBLY	---	---
CATCH BASIN	---	---
UTILITY POLE	---	---
UTILITY RISERS/STRUCTURES	---	---
SEAL	---	---
DRAINAGE ARROW	---	---

Existing Zone: R2
 Proposed Zone: RM, ZDA

Exhibit B ZDA Master Plan

EHM Engineers, Inc.
 Registered Professional Engineers
 601 North College Blvd., Suite 200
 Twin Falls, Idaho 83401
 P (208) 734-1888 F (208) 734-6949 www.ehm-inc.com

ZDA Exhibit B Plan
 FEDERATION POINT SUBDIVISION, A ZDA
 Twin Falls, Idaho

DO NOT SCALE DIMENSIONS

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND PROCEEDING AS THE JOB SITS AND VERIFY THE LOCATION OF ALL DIMENSIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES BETWEEN THE DIMENSIONS AND THE FIELD.

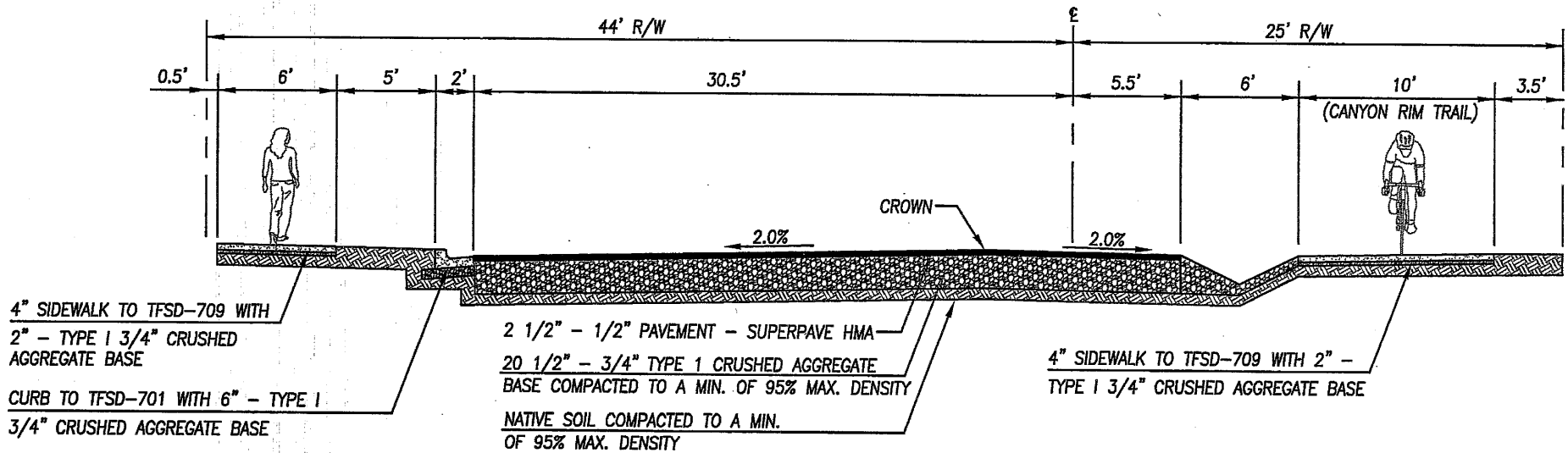
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12/15/2019	6. REVISION
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12/15/2019	8. REVISION
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TYPICAL DUPLEX UNIT



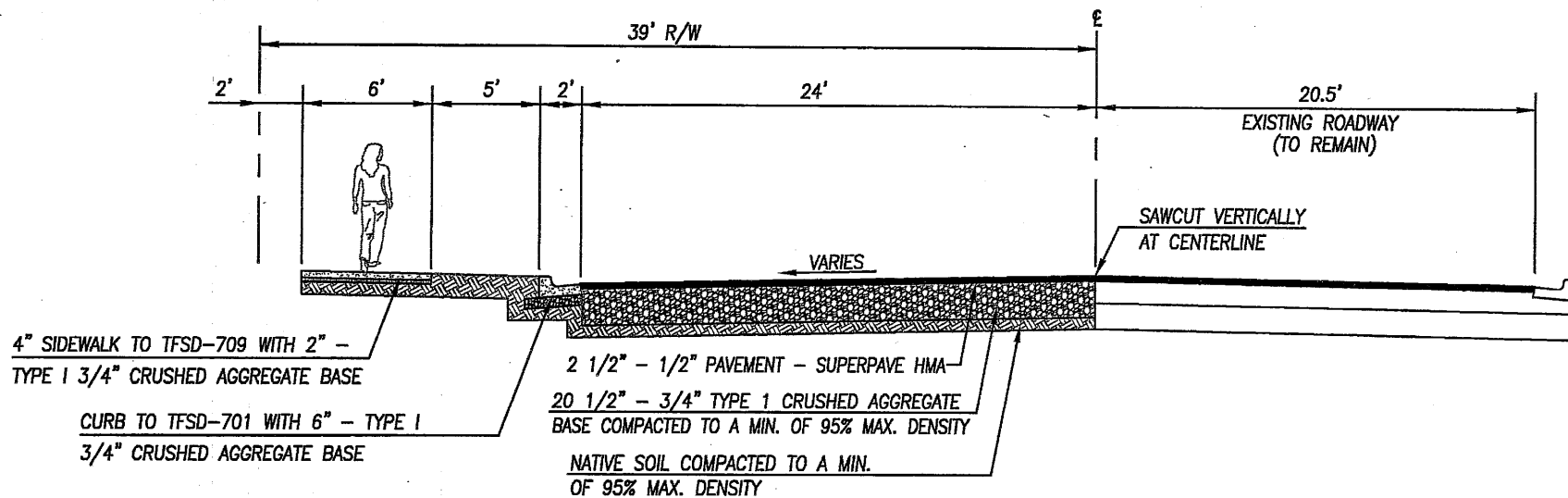
TYPICAL FOUR-PLEX UNIT



Typical Street Cross Section

Federation Road

nts.



Typical Street Cross Section

Washington Street North

nts.

EXHIBIT C - Roadway Details

ORDINANCE NO. O-2021-006

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

WHEREAS, Hepworth Family Landholdings, LLC c/o Steve Hepworth has made application for annexation of property located at the southwest corner of Federation Road and Washington Street North; and,

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 22nd day of February, 2021, to consider the Zoning Designation and necessary Area of Impact and Zoning District Maps amendment upon annexation of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 29th day of March, 2021, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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

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

"Exhibit A"- Legal Description

"Exhibit B" - ZDA Master Plan

"Exhibit C" - Roadway Details

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

SECTION 2. The real property described in Section 1 hereof be and the same is hereby zoned RM, ZDA.

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or

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

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

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

PASSED BY THE CITY COUNCIL

April 19, 2021

SIGNED BY THE MAYOR

April 19, 2021

Sueanne Hawkins
Mayor

ATTEST:

[Signature]
Deputy City Clerk

PUBLISH: Thursday, APRIL 22, 2021

Exhibit A
Legal Description
Annexation
Twin Falls County, Idaho

Being a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Beginning at the East Quarter corner of said Section 32 as shown on that certain map entitled "Northern Sky Subdivision", recorded November 21, 2007 as Instrument No. 2007-030627 in the office of the County Recorder of Twin Falls County and being the REAL POINT OF BEGINNING;
Thence, along the East Boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, South 00°00'00" East 662.96 feet to a point on the Boundary of said map;
Thence, along said Boundary, North 89°48'21" West 685.43 feet;
Thence, continuing along said Boundary, North 00°34'11" East 302.37 feet;
Thence, leaving said Boundary, North 00°03'41" East 404.15 feet to a point on the centerline of Federation Road;
Thence, North 00°03'41" East 25.00 feet to a point on the North right of way of Federation Road;
Thence, along said right of way, South 89°50'35" East 681.97 feet to a point on the East Boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32;
Thence, along said East Boundary, South 00°00'22" West 69.00 feet to said REAL POINT OF BEGINNING.

Containing approximately 11.47 acres.

End of Description



Date: Tuesday, August 27, 2024
To: Planning and Zoning Commission
From: Kelli Ebersole, City Planner

ACTION ITEM

Request:

Request for a Special Use Permit for a Motel/Hotel on property located at 195 Avenida Del Rio. c/o Greg Gastineau on behalf of Rimrock Hospitality Twin Falls, LLC (PZ24-0079)

Time Estimate:

Approximately 5-10 minutes for the presentation with questions/comments to follow.

Background:

This is a request for a special use permit from Rimrock Hospitality Twin Falls, LLC, represented by Greg Gastineau, to construct and operate a hotel on property located at 195 Avenida Del Rio. The property is approximately 2.5 acres with a proposed building of approximately 57,830 sq. ft. The owner of the property is currently in the platting process to subdivide the larger parcel of approximately 376,000 sq. ft into smaller lots.

Approval Process:

Per City Code 10-13-2.2 The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard in regard to the application.

The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

Standards Applicable to Special Uses:

- Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
- Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
- Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Per City Code 10-4-8.2 states “a special use permit is required for “Motels and transient hotels.”

10-13-2-2: Upon Granting a Special Use Permit, Conditions May Be Attached To A Special Use Permit Including, But Not Limited To, Those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in this Title.

Budget Impact:

N/A

Regulatory Impact:

Approval of this Special Use Permit request will allow the applicant to complete the platting process, then submit for a building permit to construct the hotel, as approved with this Special Use Permit.

History:

The property is zoned C-1 PUD, as part of the Northbridge PUD. The Planned Unit Development (PUD) was established in 1993 and amended in 2009. The PUD states C-1 use allowances are to follow city code. City code, Title 10-4-8.2, states that a Motel/Hotel may be allowed in the zone with an approved Special Use Permit.

Analysis:

The applicant is requesting to build an Everhome Suites, an extended stay hotel. The hotel will operate seven (7) days per week, twenty-four (24) hours a day, including holidays.

The hotel will be four (4) stories tall, with 114 guest rooms, and amenities for hotel guests. The maximum building height in the C-1 zone is fifty (50') feet.

Full staffing consists of eleven (11) full-time employees, with 5–7 employees on site at any given time.

Traffic generated at this location is estimated to be eighty-one (81) new external trips per average AM peak weekday hour, and eighty-seven (87) new external trips per PM peak weekday hour. The City Engineer is aware of this project and does not have major concerns regarding the trip count coming off Washington Street North. Avenida Del Rio is a private road, maintained by the local property owners, not the city.

The applicant has stated that there will be no food service restaurants or other commercial establishments at this location. There will be no rooftop mounted HVAC equipment. Because of these things, staff has determined there will be minimal impact to neighboring properties due to noise and odor.

Possible glare from hotel room windows and vehicle headlights will be similar to the two hotel properties to the west. Staff does not believe there will be an increased adverse impact to the neighboring properties due to glare.

The PUD has specific landscape requirements that will have to be followed and a detailed landscape plan will need to be submitted with the building permit for review. The site plan shows a sketch of where the landscape will be located.

City code 10-11-3 requires screening to be installed between commercial and residential uses, except screening shall not be required if a public traffic way, other than a service road, separates the two (2) uses. Vermont Street is a private road that runs directly to the north of the property, separating it from the residential homes to the north, therefore, a solid screening fence would not be required. The applicant does show a four (4') foot steel fence on the site plan.

The comprehensive plan designates this area as Mixed Use. The Mixed Use designation denotes uses such as, but not limited to, retail, office, restaurants, townhomes, hotels, and plazas/parks. The surrounding uses align with this mix of development with two hotels directly to the west of this property, professional offices, with the intertwining of food/drink establishments with spurts of residential ranging from duplexes to the River Crest apartment community.

This area north of Pole Line has grown over recent years. A drive-through oil change facility was recently opened just south of this location. Another hotel (Field and Stream) was approved for a Special Use Permit on the canyon rim next to Elevation 486 earlier this year. There is also a building permit in review for a large professional office building near the canyon rim.

Staff has determined the proposed use is compatible with the current growth of the area and the comprehensive plan. Based on the standards for approval, staff does not foresee negative impacts related to the land use.

Conclusion:

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

Upon conclusion should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

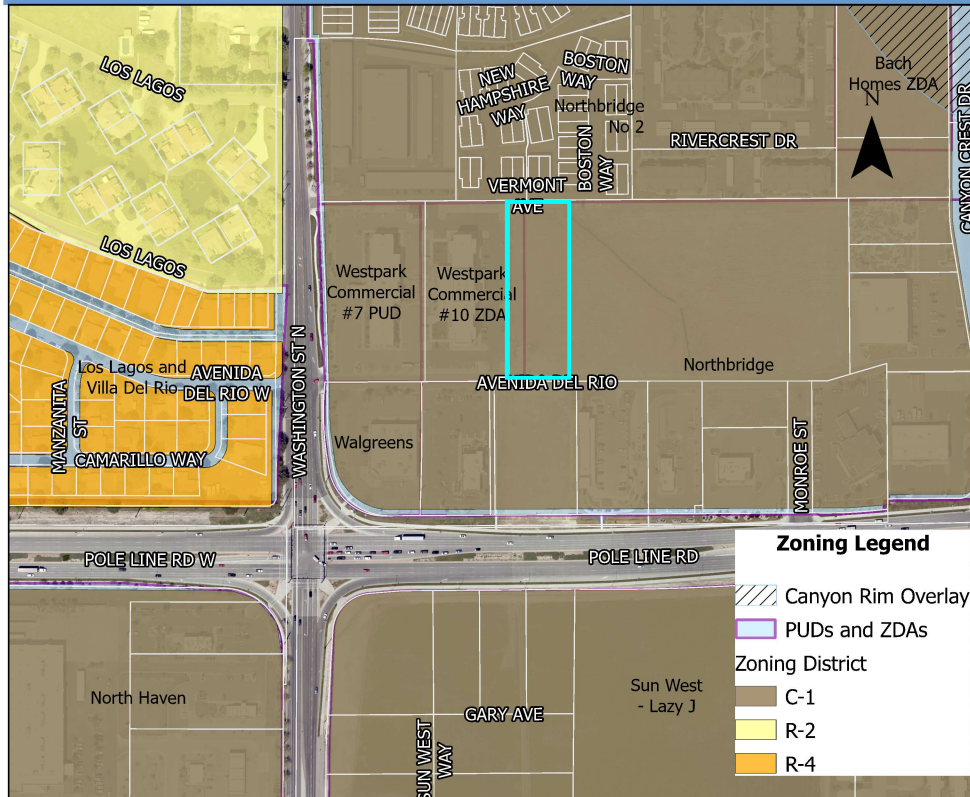
Attachments:

1. PZ24-0079 Vicinity Layout
2. PZ24-0079 Presentation Map
3. PZ24-0079 Applicant Narrative
4. PZ24-0079 Proposed Site Plan
5. PZ24-0079 Proposed Elevations
6. PZ24-0079 Proposed Exterior Examples
7. Northbridge PUD Amended C-2185 recorded 02-13-09 (#252) Walgreens

Request for a Special Use Permit for a Motel/Hotel on property located at 195 Avenida Del Rio.



ZONING MAP



Zoning

Current Zoning: C-1 Commercial, Northbridge PUD

Current Land Use: Vacant

Proposed Zoning: N/A

Proposed Land Use: Hotel

Surrounding Area

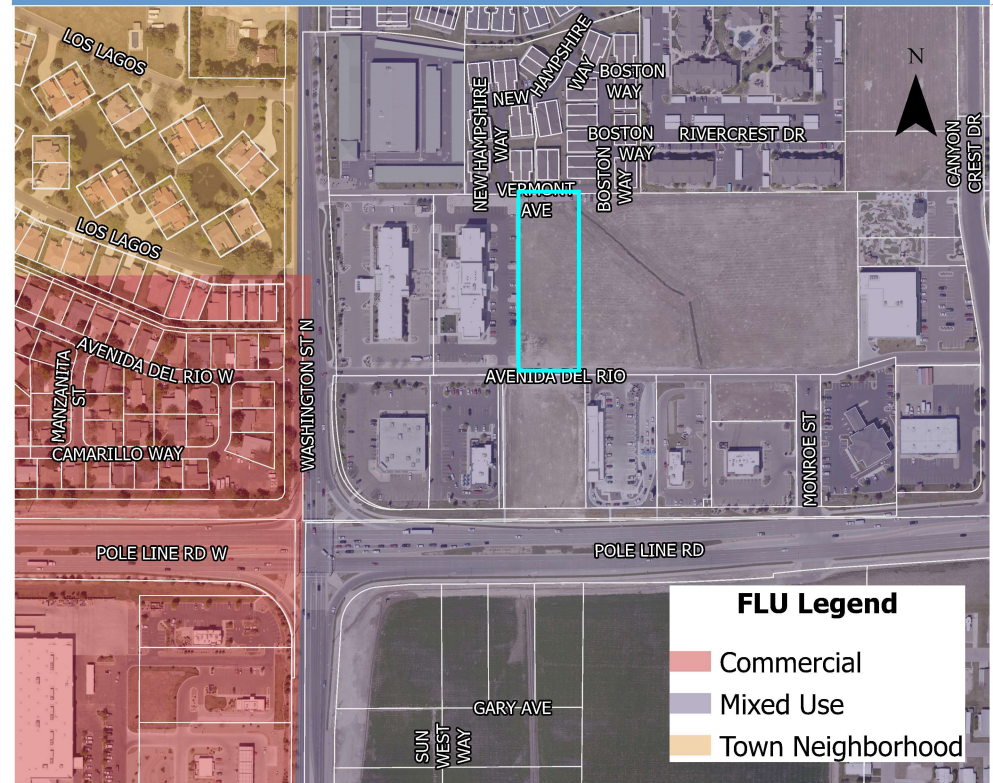
North: Residential

South: Commercial Uses

East: Hotels

West: Vacant

FUTURE LAND USE MAP



Regulations

10-4-8.2, 10-13-2.2

FLU Category

Mixed Use:

Serves local and regional commercial

- Siting at intersections of major arterials
- Typically anchored by a grocery store, civic, or entertainment uses
- Allows high-intensity mixed use development in a compact, pedestrian oriented environment.
- Pedestrian activity is the highest priority; buildings should be located close to the street.

Wide sidewalks, street furniture, and other amenities are strongly encouraged

July 16, 2024

City of Twin Falls
Planning & Zoning Department
203 Main Ave. E.
Twin Falls, ID 83301

**RE: Proposed Everhome Hotel
TBD Avenida Del Rio Road**

To Whom It May Concern:

This letter serves as the Detailed Written Statement required as part of our Special Use Permit application for the property and project referenced above (the "Property").

Through discussions with the City's Planning Department and various other City agencies, we became aware that the Property's current zoning designation of C-1 Commercial would require a Special Use Permit for our proposed use of an extended stay hotel. It would appear that the two neighboring parcels located just west of the Property have gone through a similar process and were granted similar Special Use Permits.

Our project is not too dissimilar from those adjacent hotels in terms of size and architecture. We are proposing a 4-story, wood framed structure that contains 114 guest rooms with amenities such as a fitness center, guest laundry, and outdoor recreation area for the exclusive use of the guests. There will be no commercial space included, such as a restaurant or other food service, for the general public's use.

The hotel would operate 7 days a week, 24 hours a day, including holidays, as is typical of such a use. Full staffing would consist of 11 full time employees (front desk, maintenance, housekeepers), and 4 part time housekeepers. Typically, there are 5-7 employees on site at any given time. Traffic impacts are estimated to include 81 new external trips per average weekday during AM peak hours, and 87 new external trips per average weekday during PM peak hours.

We know of no impacts to the adjoining properties regarding noise, glare, or odors. There will be no rooftop mounted HVAC equipment, there will be no food service as mentioned above, and any window glare would be similar if not identical to the hotel properties located next door.

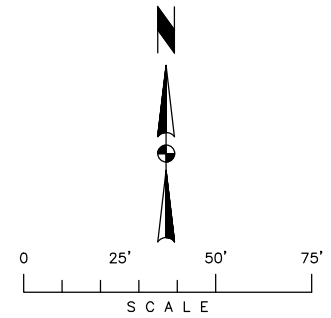
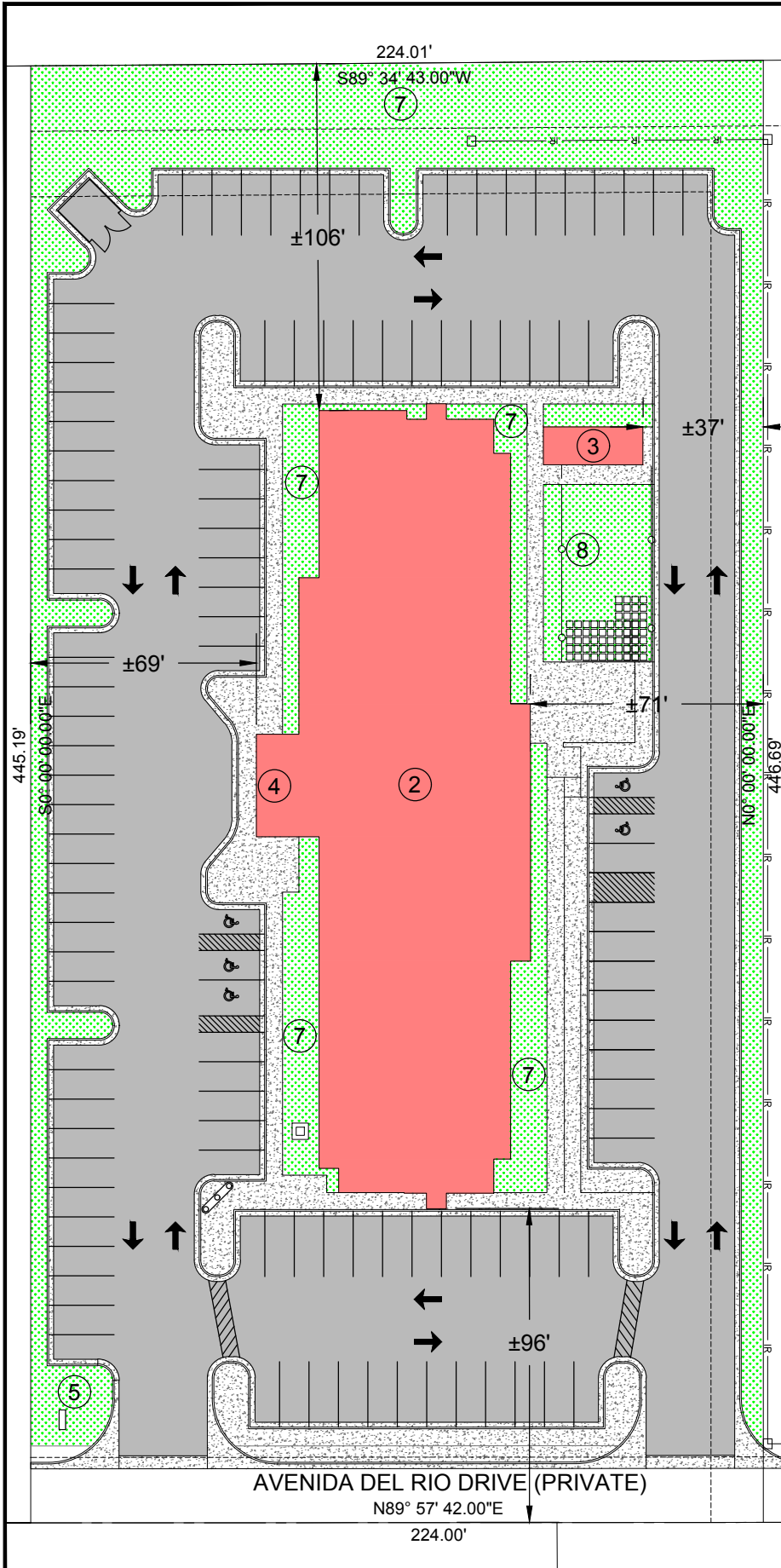
We look forward to answering any questions that the Board may have.

Sincerely,



Greg Gastineau
Rimrock Hospitality, LLC

PRINTED 2024-07-15, BY CHEVY L. BAILY, I:\2024\TWF\TF24-019 EXTENDED STAY HOTEL\06_CADD\CIVIL\TF24-019 DESIGN TOPO ALT 3.DWG



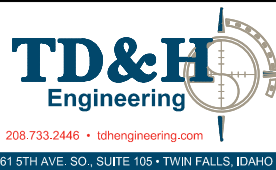
SITE NOTES

1. OWNER/DEVELOPER
DAVID SHOTWELL
5166 W HIDDEN SPRINGS DR
BOISE, ID 83714
(208) 741-3730
2. EXTENDED STAY HOTEL
±15,200 SF - FOOTPRINT
4 FLOORS
239' X 70'
3. AMENITY & STORAGE BUILDING
±353 SF
11.5' X 30.5'
4. FRONT ENTRANCE
5. SIGN
6. PARKING SPACES
TOTAL: 119
REQUIRED: 114
7. LANDSCAPING
SHOWN: ±18,799 SF
REQUIRED: ±4,600 SF
8. FENCE
4 FOOT STEEL FENCE

EXTENDED STAY HOTEL
TWIN FALLS, ID

A PORTION OF LOT 4 BLOCK 2

WESTPARK COMMERCIAL SUBDIVISION NO. 3, A PUD

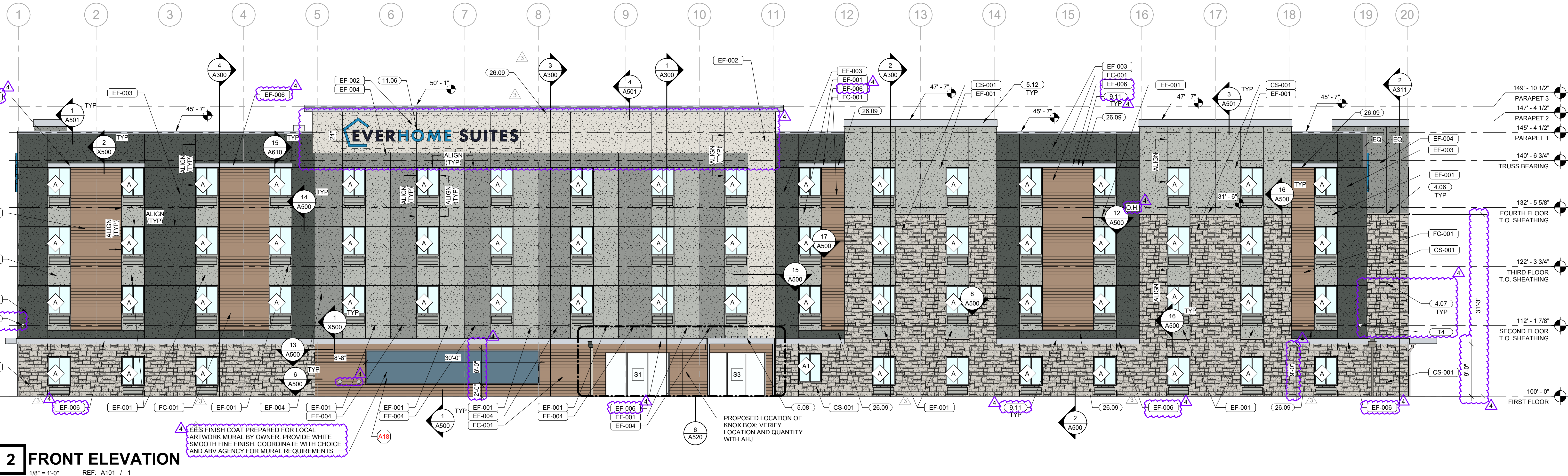


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DESIGNED BY:	LD
QUALITY CHECK:	CLB
DATE:	7-10-24
JOB NO.	TF24-019
CAD	TF24-019 DESIGN TOPO ALT 3

SHEET

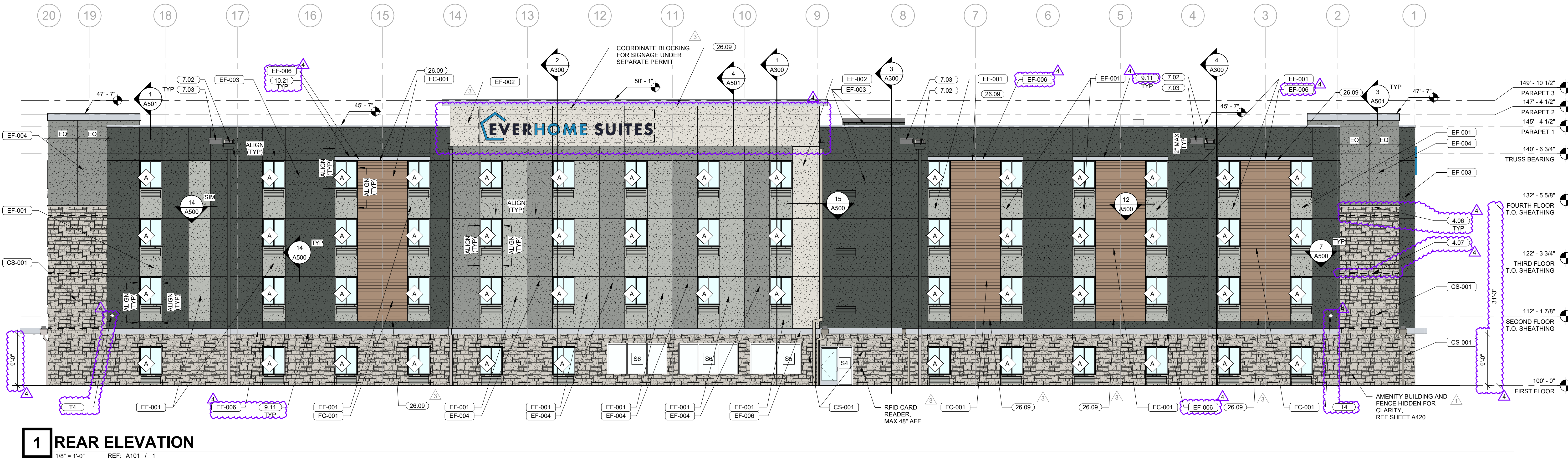
1

12/28/2023 4:14:06 PM



2 FRONT ELEVATION

1/8" = 1'-0" REF: A101 / 1



1 REAR ELEVATION

1/8" = 1'-0" REF: A101 / 1

KEYNOTES	
Tag	Keynote Description
4.06	ADHERED STONE VENEER CAP
4.07	CULTURED STONE EXPANSION JOINT. SPACING NOT TO EXCEED 10'-0" IN EITHER DIRECTION. REF MANUFACTURER REQ
5.08	METAL TRELLIS
5.12	PARAPET COPING, REF A500
7.02	COLLECTOR HEAD AND DOWNSPOUT. COLOR TO MATCH ADJACENT OVERFLOW SCUPPER AND COLLECTOR HEAD. COLOR TO MATCH ADJACENT
9.11	EIFS BUMP OUT ACCENT BAND, REF A500
10.21	WOOD FRAMED WINDOW BAND
11.06	BUILDING SIGNAGE UNDER SEPARATE PERMIT. PROVIDE BLOCKING AND COORDINATE LOCATION AND CONNECTION REQUIREMENTS POWER WITH SIGNAGE VENDOR
26.09	EXTERIOR LIGHTING, REF MEP
FINISH KEYNOTES	
Tag	Keynote Description
CS-001	CULTURED STONE - EL DORADO "GRAND BANKS LIMESTONE"
EF-001	EIFS - SW 2850 "CHELSEA GRAY"
EF-002	EIFS - SW 7066 "RESERVED WHITE"
EF-003	EIFS - SW 7062 "ROCK BOTTOM"
EF-004	EIFS - SW #163 "TIN LIZZIE"
EF-006	EIFS ACCENT BAND - DRYVIT REFLECTIT 255 "TINMAN"
FC-001	FIBER CEMENT - NICHIA VINTAGEWOOD "SPRUCE"
TECHNOLOGY NOTES	
Tag	Keynote Description
T4	(6) EXTERIOR CAMERAS TO BE INSTALLED 12FT ABOVE GROUND
NOTES TO DESIGNER	
Tag	Keynote Description
A18	REQUIRED LOCAL ARTWORK MURAL. COORDINATE WITH CHOICE APPROVED VENDOR. ABV AGENCY

SHEET NOTES

- DOOR HOODS, HOLLOW METAL DOORS, FRAMES, EXPOSED METAL FLASHING, AND EXPOSED MISCELLANEOUS STEEL SHALL MATCH ADJACENT BUILDING COLOR UNO. IF THERE ARE TWO ADJACENT COLORS AT DOORS USE THE BOTTOM COLOR FOR THE ENTIRE DOOR.
- GC TO COORDINATE SIGNAGE WITH SELECTED SIGN VENDOR. PROVIDE POWER, BLOCKING, ETC. AS REQUIRED
- ALL REVEALS AND JOINTS SHALL BE ALIGNED ACROSS BUILDING ELEVATION FACES AND WINDOW JAMBS
- PROVIDE CULTURED STONE LATICRETE SYSTEM IN ENTIRETY. REFERENCE SPECIFICATIONS
- WRAP WEATHER BARRIER MIN 4" AT ALL LOCATIONS
- PAINT ALL LOUVERS TO MATCH ADJACENT EXTERIOR FINISH

COPYRIGHT NOTICE

These documents are provided by Choice Homes International to establish the design and standards criteria for the Everhome Suites prototype. The documents were developed in accordance with the 2018 International Building Code for a hypothetical site in the United States.

These documents are not intended for construction. It is the responsibility of the Architect and appropriate consulting registration in the jurisdiction of the proposed building site to adhere to these standards and applicable requirements and codes. Adherence to Choice design standards and documents shall not relieve the franchisee and their architect and consultants of the responsibility to develop unique and specific appropriate construction documentation that conforms to current applicable codes, standards, site specific conditions, governmental requirements, and accessibility requirements that apply to the location of the proposed building site.

ISSUES & REVISIONS

NO.	DATE	DESCRIPTION
1	1/9/22	Bulletin #1
2	8/10/22	Bulletin #2
3	10/20/23	Bulletin #3
4	12/28/23	Bulletin #4

PROJECT NAME

Everhome Suites Prototype

PROJECT ADDRESS
Address, City, ST ZIP

EVERHOME SUITES

DOCUMENT DATE:

XX/XX/XX

PROTOCOL:

V2.4 (12/28/2023)

BULLETINS THROUGH:

4

PROJECT NO.

XXXXXXXXXX

PROJECT PHASE

Construction Documents

NOT FOR CONSTRUCTION

SHEET TITLE

EXTERIOR ELEVATIONS

SHEET NO.

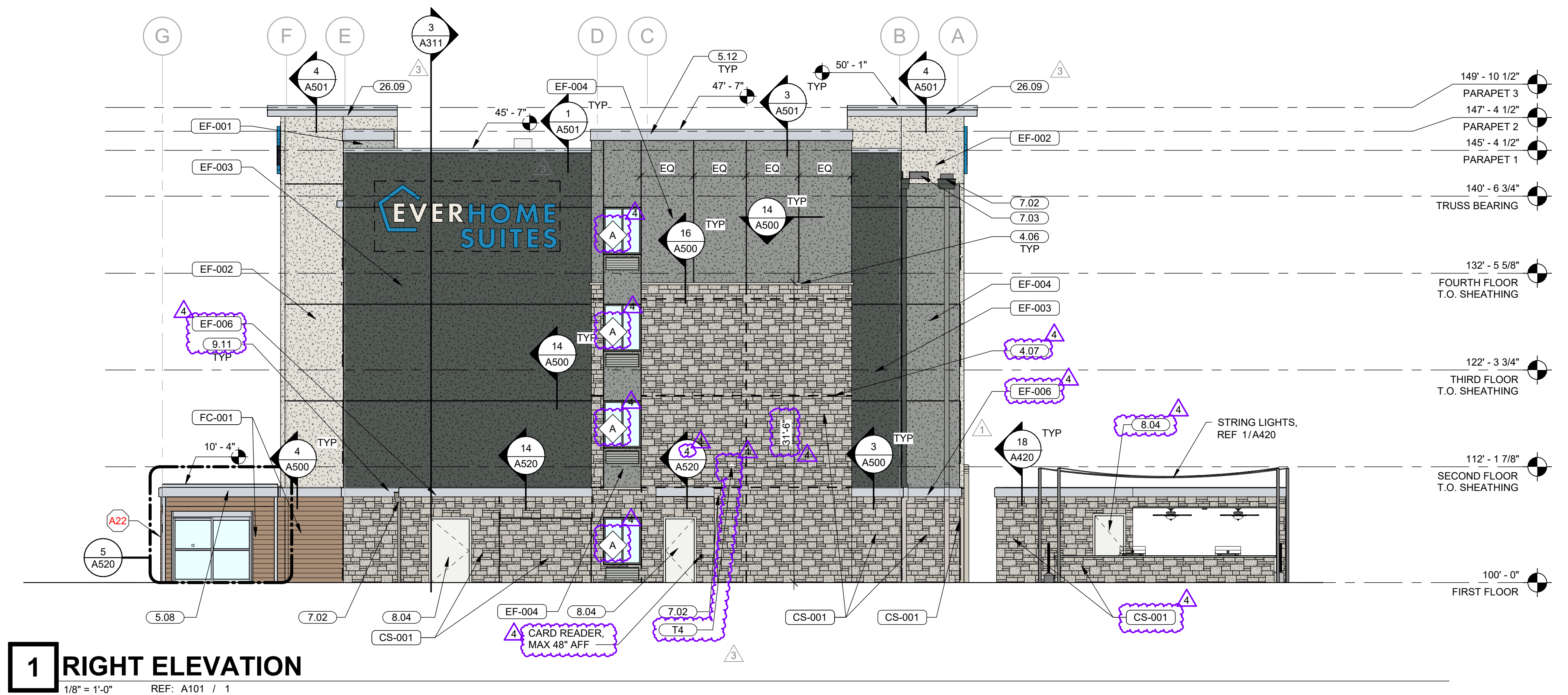
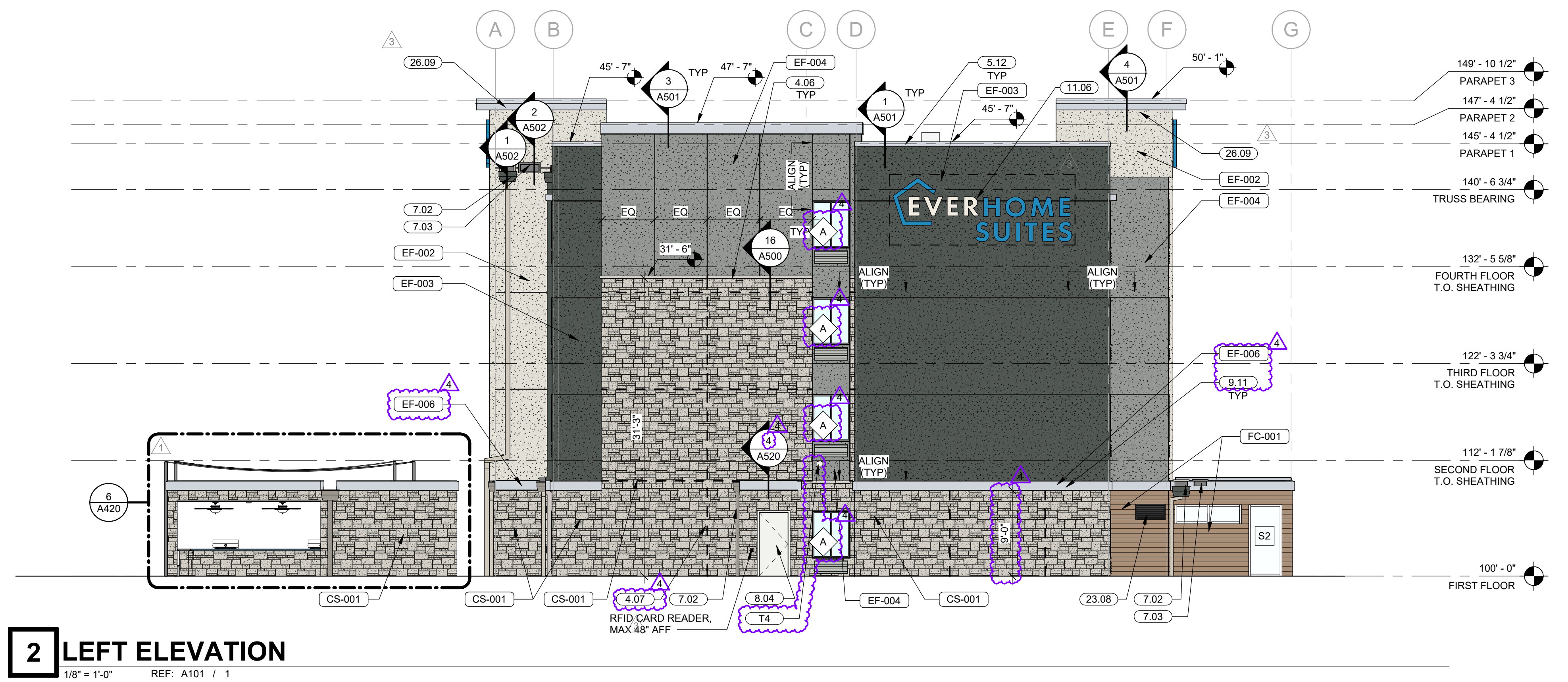
A200

© BHR Original printed on recycled paper

EVERHOME SUITES

- 1 DOOR HOODS, HOLLOW METAL DOORS, FRAMES, EXPOSED METAL FLASHING, AND EXPOSED MISCELLANEOUS STEEL, SHALL MATCH ADJACENT BUILDING COLOR UNO. IF THERE ARE TWO ADJACENT COLORS, IT SHOULD USE THE BOTTOM COLOR FOR THE ENTIRE DOOR.
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- 4 PROVIDE CULTURED STONE LATITECRE SYSTEM IN ENTIRETY. REFERENCE SPECIFICATIONS
- 5 WRAP WEATHER BARRIER MN 4" AT ALL LOCATIONS.
- 6 PAINT ALL LOUVERS TO MATCH ADJACENT EXTERIOR FINISH

KEYNOTES	
Tag	Keynote Description
A-0.06	ADHERED STONE VENEER CAP
4.07	CULTURED STONE EXPANSION JOINT: SPACING NOT TO EXCEED 14" IN EITHER DIRECTION, REF MANUFACTURER REQ
5.08	METAL TRILLS
5.12	PARAPET COPING, REF A500
7.02	COLLECTOR HEAD AND DOWNSPOUT, COLOR TO MATCH ADJACENT
7.03	OVERFLOW SCUPPER AND COLLECTOR HEAD, COLOR TO MATCH ADJACENT
8.04	HOLLOW METAL DOOR AND FRAME, PAINT TO MATCH ADJACENT FINISH
9.11	EIFS BUMP OUT ACCENT BAND, REF A500
11.06	BUILDING SIGNAGE UNDER SEPARATE PERMIT; PROVIDE BLOCKING AND COORDINATE LOCATION AND CONNECTION REQUIREMENTS' POWER WITH SIGNAGE VENDOR
23.08	EXTERIOR VENT, REF MECHANICAL PLANS, PAINT TO MATCH ADJACENT FINISH
26.09	EXTERIOR LIGHTING, REF MEP
FINISH KEYNOTES	
Tag	Keynote Description
CS-001	CULTURED STONE - EL DORADO "GRAND BASKETS LIMESTONE"
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FC-001	FIBER CEMENT - NICHHA VINTAGEWOOD "SPRICE"
TECHNOLOGY NOTES	
Tag	Keynote Description
T4	(6) EXTERIOR CAMERAS TO BE INSTALLED 12FT ABOVE GROUND
NOTES TO DESIGNER	
Tag	Keynote Description
AZZ	PROVIDE MANUFACTURER CORNER PIECE IN LIEU OF TRIM BOARDS



These documents are provided by Choice Hotels International to establish the design and standards criteria for the Everhome sites prototype. The documents were developed in accordance with the 2018 International Building Code for a hypothetical site in the United States.

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SUES & REVISIONS

NO.	DATE	DESCRIPTION
1	1/31/22	Bulletin #1
3	03/02/23	Bulletin #3
4	12/28/23	Bulletin #4

[illegible]

PROJECT NAME

Everhome Suites Prototype

PROJECT ADDRESS
Address, City, ST ZIP

EVERHOME
SUITES

DOCUMENT DATE:
X/XX/XX

CYCLE:
2.4 (12/28/2023)
BULLETINS THROUGH:

PROJECT NO. _____
XXXXXXXXXX

PROJECT PHASE
- - - - -
Construction Document

NOT FOR CONSTRUCTION

SHEET TITLE

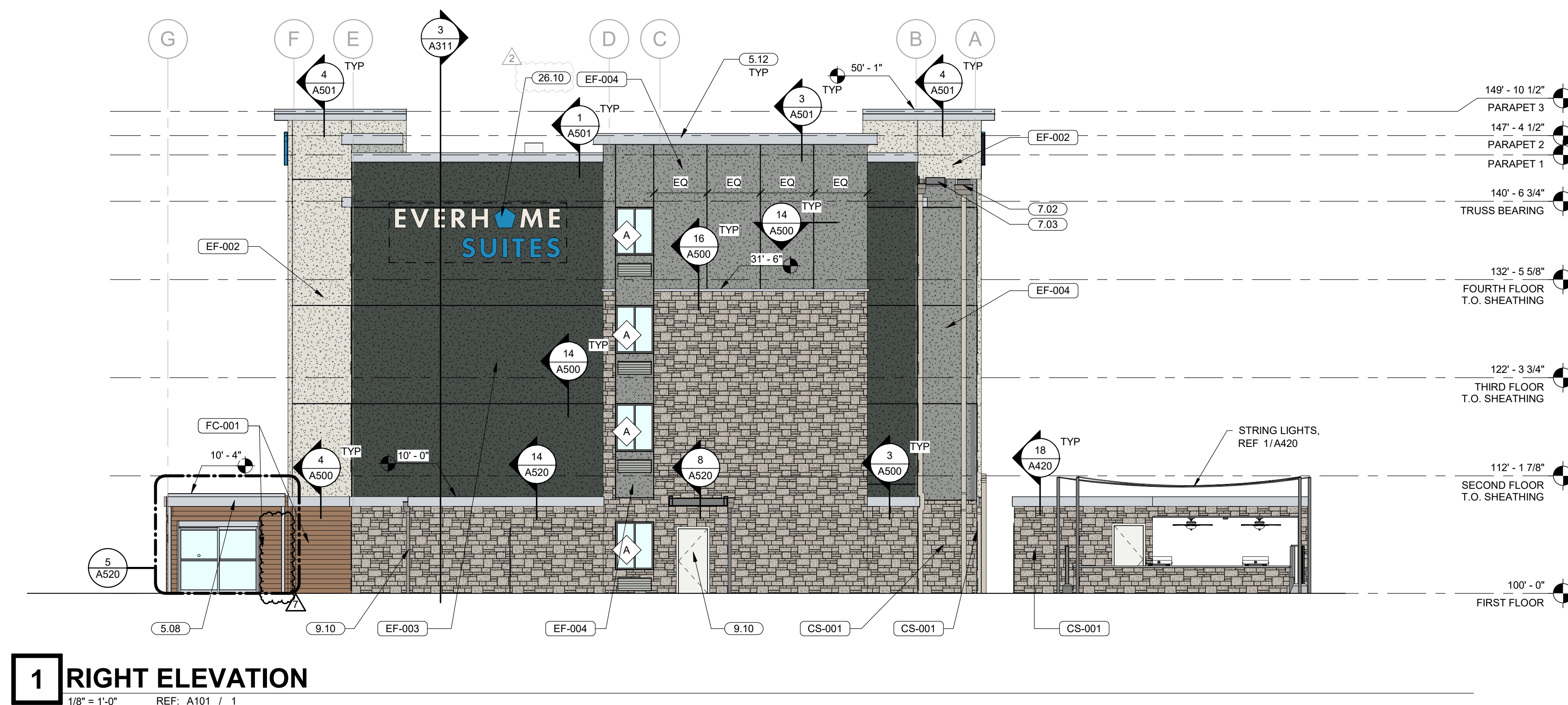
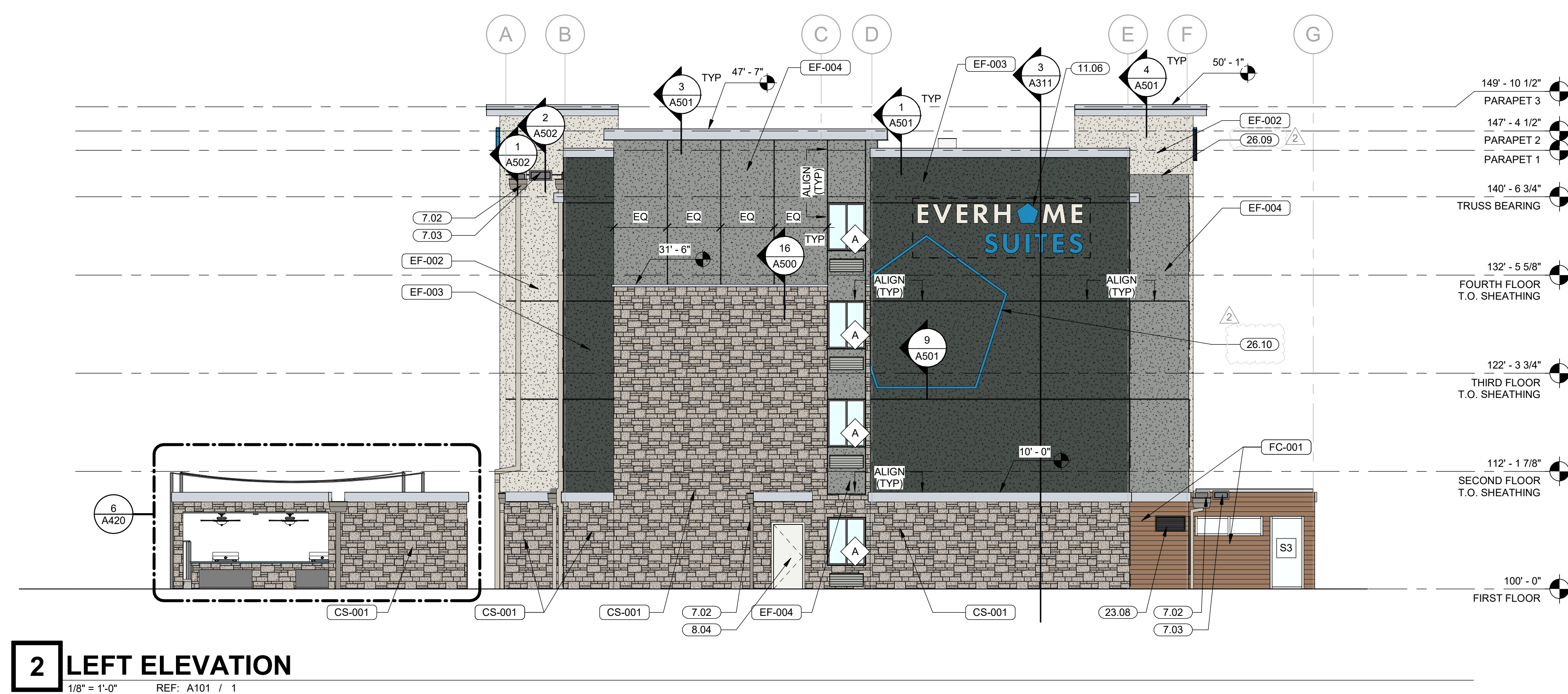
EXTERIOR ELEVATIONS

A201

- 1 DOOR HOODS, HOLLOW METAL DOORS, FRAMES, EXPOSED METAL FLASHING, AND EXPOSED MISCELLANEOUS STEEL SHALL MATCH ADJACENT BUILDING COLOR AND THERE ARE TWO ADJACENT COLORS AT DOORS USE THE BOTTOM COLOR FOR THE ENTIRE DOOR.
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- 3 ALL REVEALS & JOINTS SHALL BE ALIGNED ACROSS BUILDING ELEVATION FACES AND WINDOW JAMBS
- 4 PROVIDE CULTURED STONE LATITRICE SYSTEM IN WEATHER, REFERENCE SPECIFICATIONS
- 5 WRAP WEATHER BARRIER MIN 4" AT ALL LOCATIONS
- 6 PROVIDE ALL LOUVERS TO MATCH ADJACENT EXTERIOR FINISH
- 7 EXTERIOR EIFS SYSTEM TO BE 0'-1 1/2" MIN THICK

KEYNOTES	
Tag	Keynote Description
5.08	METAL TRELLIS
5.12	BRAKE METAL WRAPPED PARAPET COPING, REF A500
6.02	COLLECTOR HEAD AND DOWNSPOUT, COLOR TO MATCH ADJACENT FINISH
7.03	OVERFLOW SCUPPER
8.04	HOLLOW METAL DOOR AND FRAME, PAINT TO MATCH ADJACENT FINISH
9.10	PAINT TO MATCH ADJACENT
11.06	BUILDING SIGNAGE UNDER SEPARATE PERMIT; PROVIDE BLOCKING AND COORDINATE LOCATION AND CONNECTION REQUIREMENTS POWER WITH SIGNAGE VENDOR
23.08	EXTERIOR VENT, REF MECHANICAL PLANS, PAINT TO MATCH ADJACENT FINISH
26.09	EXTERIOR DOWNGLIGHT, COORDINATE LOCATION AND CONNECTION REQUIREMENTS WITH LIGHTING VENDOR
26.10	ACCENT LIGHTING, COORDINATE LOCATION AND CONNECTION REQUIREMENTS WITH LIGHTING VENDOR

FINISH KEYNOTES	
Tag	Keynote Description
CS-001	CULTURED STONE - EL DORADO "GRAND BANKS LIMESTONE"
EF-002	EIFS - SW 7056 "RESERVED WHITE"
EF-003	EIFS - SW 7062 "ROCK BOTTOM"
EF-004	EIFS - SW 9163 "TIN LIZZIE"
FC-001	FIBER CEMENT - NICHIAH "VINTAGEWOOD "SPRUCE"





**PUD AGREEMENT AMENDMENT
FOR NORTHBRIDGE PUD, dated July 1, 1993
2008**

THIS AMENDMENT, made and entered into this 3rd day of February, 2009, by and between the **CITY OF TWIN FALLS**, a municipal corporation, State of Idaho (hereinafter called "**City**"), and **GRH Glenwood and C&J Idaho**, whose address is 855 W. Broad Street, Suite 300, Boise, Idaho 83702, and **Westpark Partners, LLC**, whose address is Whitewater Ranch, HC 83 Box 8020, Cascade, Idaho 83611, hereinafter called "**Developer**",

TWIN FALLS COUNTY
RECORDED FOR:
TWIN FALLS, CITY OF
10:33:59 am 02-13-2009
2009-002944
NO. PAGES: 15 FEE: \$
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CNICE

RECITALS

WHEREAS, the Developer is requesting an amendment to the C-1 & R-4 PRO Planned Unit Development Agreement – Northbridge, dated July 1, 1993, hereinafter called "The Agreement", and

WHEREAS, the Developer is the owner of a certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit "A", attached hereto, hereinafter called the "Subject Property", and which "Subject Property" is described as follows:

LEGAL FOR PARCEL (4.5 (+/-) ACRES), see attached Exhibit "A", and

WHEREAS, Developer has made request of the City for a Zoning District Change and a Zoning Map Amendment from R-4 PRO PUD to C-1 PUD for property described as Lot 6 in the Northbridge Planned Unit Development to allow a commercial development to include a retail pharmacy on a portion of said lot 6, more particularly described in Exhibit "B"- "Master Development Plan," attached hereto, hereinafter called the "Master Development Plan," and which has been reviewed by the Planning and Zoning Commission on August 28, 2007 and on May 28, 2008. The "Master Development Plan," was approved for development on the "Subject Property" by the City Council on September 24, 2007 and on July 14, 2008, and

WHEREAS, City, by and through its City Council, has agreed to the development of said "Master Development Plan," on the "Subject Property" within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this agreement.

COVENANTS

NOW THEREFORE, in consideration of the foregoing recitals and the mutual promises and covenants contained herein, the Developer and the City agree to amend the Agreement as follows:

1. **NATURE OF THE AGREEMENT.** This amendment shall become part of the Agreement with respect to the "Subject Property" and the development of the "Master Development Plan," upon its full execution and recording. Developer and its assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.

2. **NATURE OF THE DEVELOPMENT.** It is agreed by the parties hereto that certain language and requirements pertaining to the "Subject Property" and the development of the "Master Development Plan," shall be interpreted as follows:

A. **LOT 6.** All references in the Agreement to "R-4 PRO" zoning designation shall be deleted and substituted and therefore shall be designated as a "C-1" zoning designation with respect to the "Subject Property" and development consistent with the "Master Development Plan."

B. **USES** The use language of the underlying "C-1" zone existing at the time of the execution of this agreement or as hereafter amended shall apply with regard to permitted uses, special uses, and prohibited uses on the "Subject Property" or any portion thereof.

C. **LANDSCAPING REQUIREMENTS** Landscaping requirement remains as established in the Northbridge PUD Agreement along Pole Line Road and Washington Street North and shall comply with the language of the C-1 Zone, Gateway Arterial Landscaping requirements or as per this agreement, whichever is greater at the time of development.

D. BUILDING PERMIT APPROVAL. Prior to issuance of a building permit, all plans shall be subject to appropriate building, engineering, fire and zoning officials to ensure compliance with all applicable City Code requirements and standards.

E. ENTIRE AGREEMENT. This Amendment, together with the Agreement, constitutes the entire agreement between the City and the Developer as to the development of the Subject Property and supersedes any and all prior and/or contemporaneous oral or written negotiations, agreements or understandings pertaining to the "Subject Property" described as Exhibit "A".

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

CITY OF TWIN FALLS

ATTEST: Luis O. Sanchez
Deputy City Clerk

BY: [Signature]
Mayor

DEVELOPER

ATTEST: Brandon Whallon

[Signature]
GRH Glenwood

ATTEST: Brandon Whallon

[Signature]
C&J Idaho

ATTEST: Kelly Wink

[Signature]
Westpark Partners, LLC

C-2184

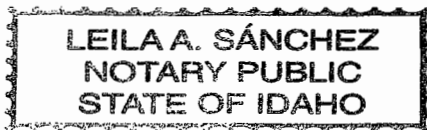
ACKNOWLEDGEMENTS

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

On this 3rd day of February, ²⁰⁰⁹~~2008~~, before me, the undersigned, a Notary Public in and for said State and County, personally appeared Lance W. Clow, known to me to be the **Mayor of Twin Falls**, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

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

Leila A. Sanchez
NOTARY PUBLIC FOR IDAHO



Residence of Twin Falls

My Commission Expires May 18, 2012

ACKNOWLEDGEMENTS

STATE OF IDAHO)
 Ada)ss.
COUNTY OF ~~TWIN FALLS~~)

On this 26th day of January, ²⁰⁰⁹~~2008~~, before me, the undersigned, a Notary Public in and for said State and County, personally appeared Gary R. Hawkins, known to me to be the person(s) whose name(s) are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

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



Deidre A. Henry
NOTARY PUBLIC FOR IDAHO

Residence of Meridian, ID

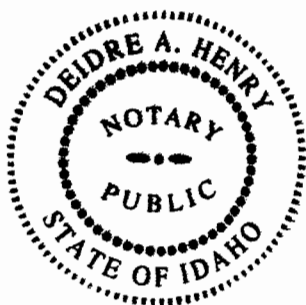
My Commission Expires Nov 14, 2012

ACKNOWLEDGEMENTS

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

On this 26th day of January, ²⁰⁰⁹~~2008~~, before me, the undersigned, a Notary Public in and for said State and County, personally appeared Colby Halker, known to me to be the person(s) whose name(s) are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

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



Deidre A. Henry
NOTARY PUBLIC FOR IDAHO

Residence of Meridian, ID

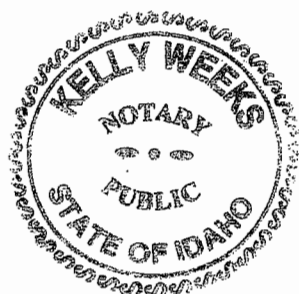
My Commission Expires Nov 14, 2012

ACKNOWLEDGEMENTS

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

On this 29th day of January, 2008, before me, the undersigned, a Notary Public in and for said State and County, personally appeared Steve Shotwell, known to me to be the person(s) whose name(s) are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

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



Kelly Weeks
NOTARY PUBLIC FOR IDAHO

Residence of Kimberly

My Commission Expires 10/26/2012

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

WHEREAS, Hawkins Companies had made application for a rezone of property located at northeast corner of Washington Street North and Pole Line Road; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 28th day of August, 2007, and on the 28th day of May, 2008, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon a REZONE of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing to consider the same matter on the 24th day of September, 2007, and on the 14th day of July, 2008.

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

SECTION 1. That the following described real property located at the northeast corner of Washington Street North and Pole Line Road is the subject of a Zoning District Change and Zoning Map Amendment from R-4 PRO PUD to C-1 PUD:

SEE ATTACHMENT "A"

SECTION 2. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The zoning of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

SECTION 3. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the rezoning of the real property above described.

PASSED BY THE CITY COUNCIL

, 20__

SIGNED BY THE MAYOR

, 20__

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday,

, 20__

ATTACHMENT "A"

A parcel of land located in the S1/2 of the SW1/4 of Section 33, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being a portion of Lot 4, Block 2, Westpark Commercial Subdivision Number 3, Book 16, page 25, plat records of said Twin Falls county, more particularly described as follows:

COMMENCING at a found brass cap monument, CP&F Instrument Number 909920, corner records of said Twin Falls County, marking the Southwest corner of said Section 33 from which a found aluminum cap monument, marking the West ¼ corner of said Section 33, CP&F Instrument Number 019108, corner records of said Twin Falls County, bears North 00°00'03" East, a distance of 2641.01 feet;

THENCE North 00°00'03" East, a distance of 355.61 feet on the West boundary of said Section 33 to a point;

THENCE South 89°59'57" East, a distance of 83.18 feet to a found ½ inch iron pin on the East right-of-way boundary of Washington Street North, being the TRUE POINT OF BEGINNING.

THENCE On said East right-of-way boundary of Washington Street North, 170.05 feet on the arc of a curve to the left, said curve having a radius of 8257.86 feet, and a long chord which bears North 01°28'02" West, a distance of 170.04 feet to a point;

THENCE North 89°34'43" East, a distance of 296.19 feet to a point;

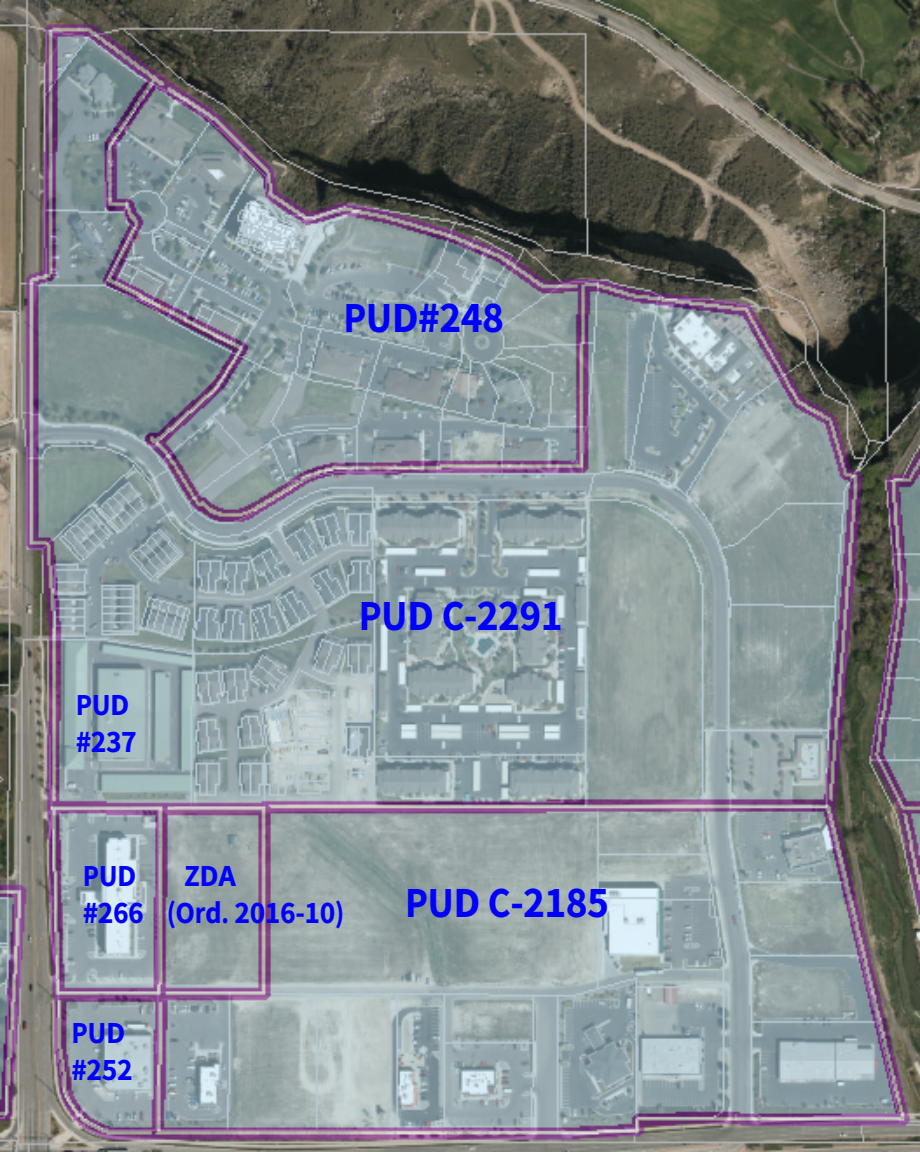
THENCE South 00°00'03" West, a distance of 169.98 feet to a point on the South boundary of said Lot 4, Block 2, Westpark Commercial Subdivision Number 3;

THENCE South 89°34'11" West, a distance of 291.83 feet on said South boundary of Lot 4, Block 2, Westpark Commercial Subdivision Number 3 to the POINT OF BEGINNING.

TOGETHER WITH

Lot 6, Block 2, Westpark Commerical Subdivision Number 3, Twin Falls County, Idaho, according to the official plat thereof recorded in Book 20 of Plats, page 28, records of Twin Falls County, Idaho.

Containing approximately 4.13 acres.



PUD#248

This aerial map shows several land parcels outlined in purple. The parcels are labeled with their respective designations: PUD#248, PUD C-2291, PUD #237, PUD #266, ZDA (Ord. 2016-10), PUD C-2185, PUD #252, and PUD #237. The map also shows a river or stream flowing through the area, and various buildings and parking lots within the parcels.

PUD C-2291

PUD
#237

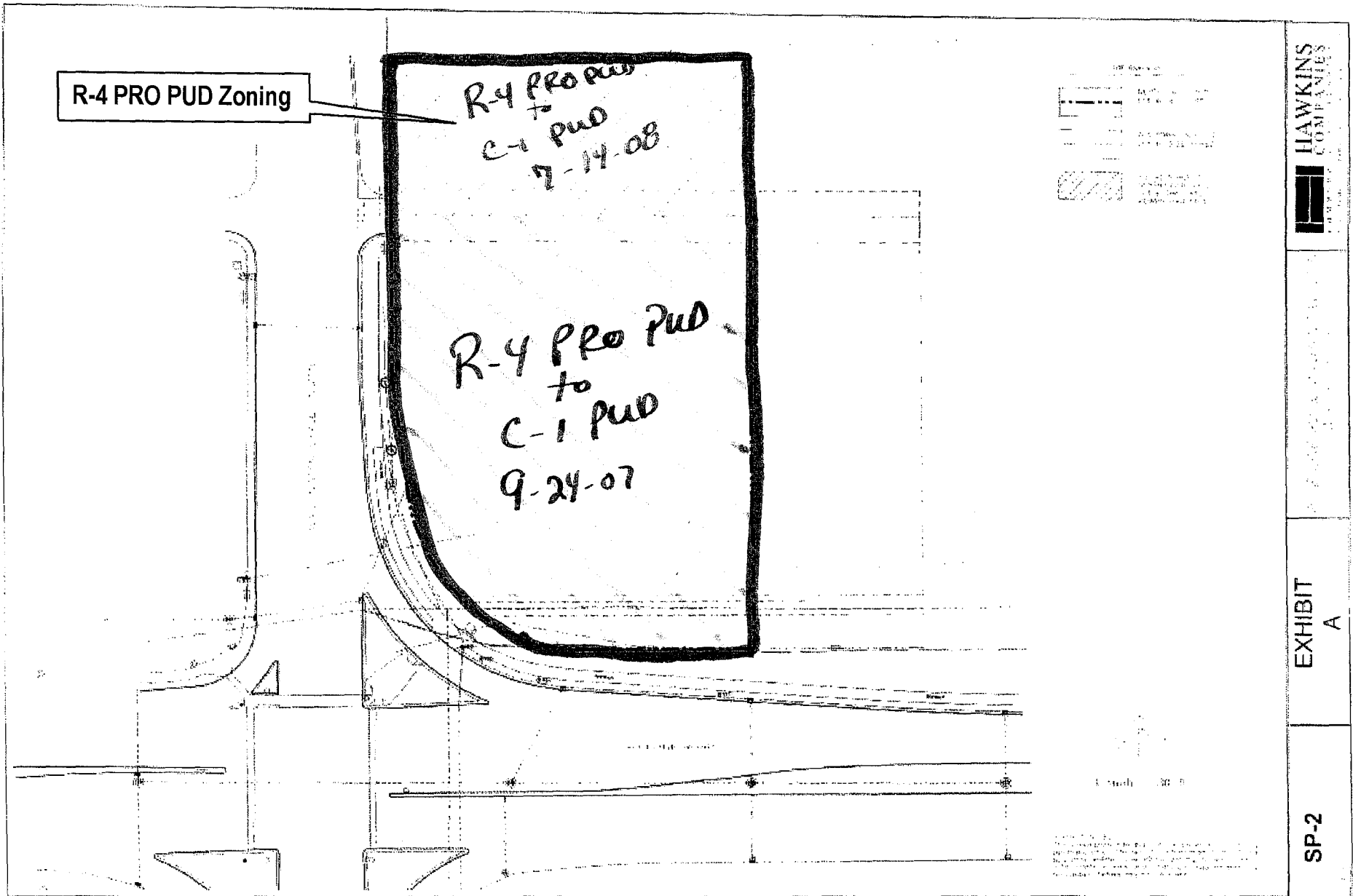
PUD
#266

ZDA
(Ord. 2016-10)

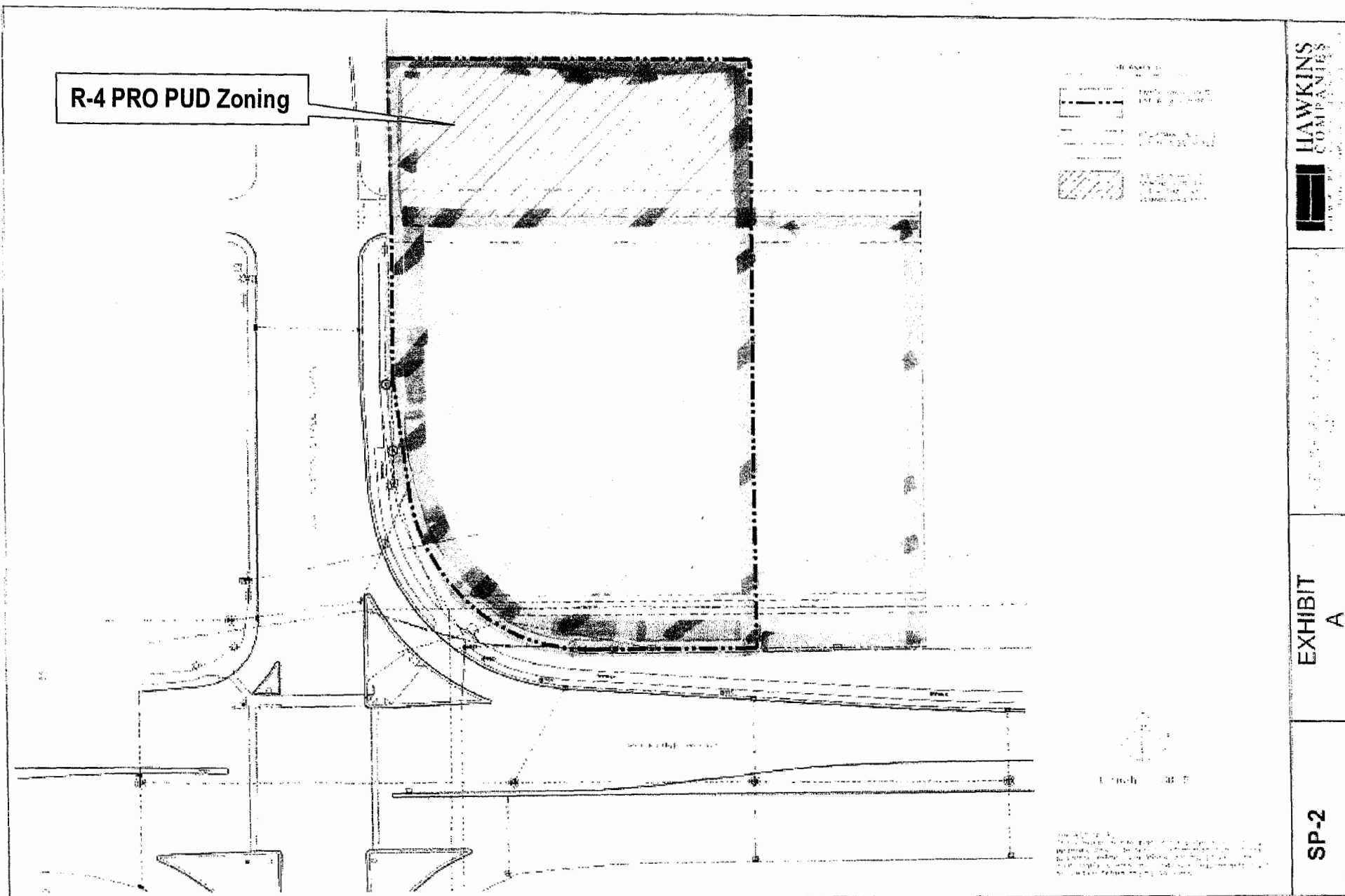
PUD C-2185

PUD
#252

5815



5810-22





Council Meeting: Monday, February 02, 2009

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Director

Re

AGENDA ITEM II-

Time Estimate:

Staff presentation will be approximately five (5) minutes.

Request:

Consideration of adoption of the following ordinance:

History:

Request for a PUD Modification of the Northbridge PUD for a Zoning District Change and Zoning Map Amendment for 4.5 acres ± located at the northeast corner of Washington Street North and Pole Line Road from R-4 PRO to C-1 to allow for commercial development, c/o Hawkins Companies. (app. 2221) Ordinance # 2961

In 1993 the City Council approved a request to rezone this area, consisting of 55 +/- acres, from R-1 43,000 to C-1 & R-4 PRO PUD. The Northbridge PUD Agreement was recorded in July 1993. The PUD Master Development Plan recognized a 4.5 +/- acre parcel located at the northeast corner of Washington Street North and Pole Line Road with an R-4 PRO zoning designation with the remaining property zoned as C-1.

The Westpark Commercial Subdivision PUD, No.3 was recorded in 2005. The plat consisted of 24 acres with 3 lots. Lot 6, Block 2 is a 3 +/- acre lot located at the northeast corner of Washington St N and Pole Line Road. The 4.5 acre parcel that was zoned R-4 PRO was split during the platting so that 3 +/- acres was in Lot 6 and the remaining 1.5 acres was located within Lot 4.

On September 24, 2007 the City Council unanimously approved an amendment to the Northbridge PUD to rezone 3 acres of the 4.5 acre parcel from R-4 PRO to C-1 to allow for a Walgreen's Pharmacy to be built subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to the zoning of Lot 6, Block 2, Westpark Commercial Subdivision No. 3 being amended from R-4 PRO PUD to C-1 PUD. The language of the PUD Agreement would remain C-1 and R-4 pro PUD to protect the 1.5 (+/-) acre parcel remaining zoned R-4 PRO.
3. Subject to landscaping requirements remaining as established in the Northbridge PUD Agreement along Pole Line Road and Washington St. North and to comply with gateway landscaping requirements, whichever is greater.

At the time the applicants only owned the 3 acre platted lot, aka Lot 6, Block 2, Westpark Commercial Subdivision, No 3. This rezone left the remaining 1.5 acre parcel to the north zoned R-4 PRO. The applicants have since signed an earnest money agreement to purchase the remaining property within Westpark Commercial Subdivision PUD, No.3.

In 2008 the applicants submitted a request to rezone the remaining 1.5 acre parcel from R-4 PRO to C-1 and on July 14, 2008 the City Council unanimously approved the request as presented subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to omitting any reference to the R-4 PRO portion of the development within the Northbridge PUD Agreement.

Analysis:

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

Budget Impact:

Approval of this request will not impact the City budget.

Regulatory Impact:

The Council's adoption of the ordinance will allow for commercial development consistent with the Northbridge PUD Agreement .

Conclusion:

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

Attachments:

1. **Proposed Ordinance # 2961**

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING

Mayor

Vice Mayor



MINUTES

Meeting of the Twin Falls City Council
MONDAY, September 24, 2007
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

4:30 P.M.

A Special Meeting of the Twin Falls City Council and Twin Falls School District 411 to discuss the following:

1. Consideration of a trade agreement between the City of Twin Falls and the Twin Falls School District No. 411 regarding land exchanges, fee waivers, and development requirements.

AGENDA ITEMS

IV. PUBLIC HEARINGS: 6:00 P.M.

4. *Request for a PUD Modification of the Northbridge PUD Agreement to rezone (3 +/-) acres located at the northeast corner of Washington Street North and Pole Line Road from R-4 PRO to C-1 PUD to allow for commercial/retail development and to amend the landscape requirements for this parcel as specified within the Northbridge PUD Agreement to require the landscaping, for this parcel only, to comply with minimum City code landscaping standards for commercial development on a gateway arterial, c/o Hawkins Companies. (app.2161)*

Vice Mayor Dwight made the motion for approval of the PUD Modification of Northbridge PUD to rezone approximately 3 acres at the northeast corner of Washington and Pole Line Road as presented, subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to the zoning of Lot 6, Block 2, Westpark Commercial Subdivision No. 3 being amended from R-4 PRO PUD to C-1 PUD. The language of the PUD Agreement would remain C-1 and R-4 PRO PUD to protect the 1.5 (+/-) acre parcel remaining zoned R-4 PRO.
3. Subject to landscaping requirements remaining as established in the Northbridge PUD Agreement along Pole Line Road and Washington St. North and to comply with gateway landscaping requirements, whichever is greater.

The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. **The motion passed. Vote 6 to 0.**

COUNCIL MEMBERS:

LANCE
CLOW

TRIP
CRAIG

DON
HALL

LEE
HEIDER

DAVID E.
JOHNSON

WILLIAM A.
KEZELE

GREG
LANTING

Mayor

Vice Mayor



AMENDED MINUTES

Meeting of the Twin Falls City Council

July 14, 2008

City Council Chambers

305 3rd Avenue East Twin Falls, Idaho

IV. PUBLIC HEARINGS: 6:00 P.M.

Request for a PUD Modification of the Northbridge PUD for a Zoning District Change and Zoning Map Amendment for 1.5 acres ± located at the northeast corner of Washington Street North and Pole Line Road from R-4 PRO to C-1 to allow for commercial development, c/o Hawkins Companies. (app.2221)

MOTION:

Councilperson Johnson made the motion to approve the PUD Modification of the Northbridge PUD for a Zoning District Change and Zoning Map Amendment for 1.5 acres ± located at the northeast corner of Washington Street North and Pole Line Road from R-4 PRO to C-1 to allow for commercial development, c/o Hawkins Companies. (app.2221) with the following conditions:

- 1. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.**
- 2. Subject To Omitting Any Reference To The R-4 PRO Portion Of The Development Within The Northbridge PUD Agreement.**

The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. **The Motion Passed With A Vote Of 5 To 0.**

V. ADJOURNMENT: 6:19 P.M.

Leila A. Sanchez
Deputy City Clerk





RECEIVED

SEP 21 2015

CITY OF TWIN FALLS
BUILDING DEPT.

September 18, 2015

City of Twin Falls
Planning & Zoning Department
231 2nd Avenue East
Twin Falls, Idaho 83301

Re: Sign Coordination Plan on behalf of Westpark Partners

To Whom It May Concern:

In accordance with Twin Falls City Code 10-9-16, we are submitting a proposed Sign Coordination Plan on behalf of Westpark Partners located on Pole Line Rd in Twin Falls, Idaho. The intent of this plan is to provide (1) free standing tenant sign for the Westpark Commercial properties (parcel A, B, C, D, E & F). We have enclosed a sign sketch showing sign dimensions, materials, and have also included a site plan for the sign location. It is the intent of Westpark Partners that this Sign Coordination Plan allow for (1) tenant directory sign for the development no larger than 300 sq ft and no taller than 35'-0" and be placed in the designated spot on Pole line rd as shown on the site plan. This plan does meet with current Twin Falls City sign code and requires any future tenant signs to follow these guidelines and conform to current Twin Falls City Sign code.

If you have any questions or require additional information, please do not hesitate to contact me at 733-1739. Thank you.

Sincerely,

Nathan Fuller

Enclosure

15-2374

Rev #1

DEPICTION OF PROPERTY EXHIBIT A



CORE/0832570.0014_0001/107674829.3

EXHIBIT B₁

DEPICTION OF SIGN LOCATION

Legal Description
Tract A (Project Sign Parcel)
Lot 4, Westpark Commercial Subd. No. 3 (2006-011944)
Twin Falls, Idaho

Being a portion of Lot 4, Block 2, as said Lot 4, Block 2 is shown and so designated on that certain plat entitled "WESTPARK COMMERCIAL SUBD. NO. 3", filed May 18, 2006, as instrument no. 2006-011944 of official records, in the office of the county recorder of Twin Falls County, more particularly described as follows:

Beginning at a point on the South boundary of said Lot 4, Block 2, said point being the Southwest corner of Lot 1, Block 1, as said Lot 1, Block 1 is shown and so designated on that certain plat entitled "WESTPARK COMMERCIAL SUBDIVISION NUMBER 8", filed March 25, 2014, as Instrument no. 2014-004817 of official records, in said office of the county recorder of Twin Falls County and being the REAL POINT OF BEGINNING;

Thence, South 89°34'43" West 20.00 feet along said South boundary of Lot 4, Block 2 (2006-011944);

Thence, leaving said South boundary, North 00°25'17" West 20.00 feet parallel with and twenty (20.00) feet Easterly of the West boundary of said Lot 1, Block 1 (2014-004817);

Thence, North 89°34'43" East 20.00 feet a parallel with and twenty (20.00) feet Northerly of said South boundary of said Lot 4, Block 2 (2006-011944) to a point on said West boundary of Lot 1, Block 1 (2014-004817);

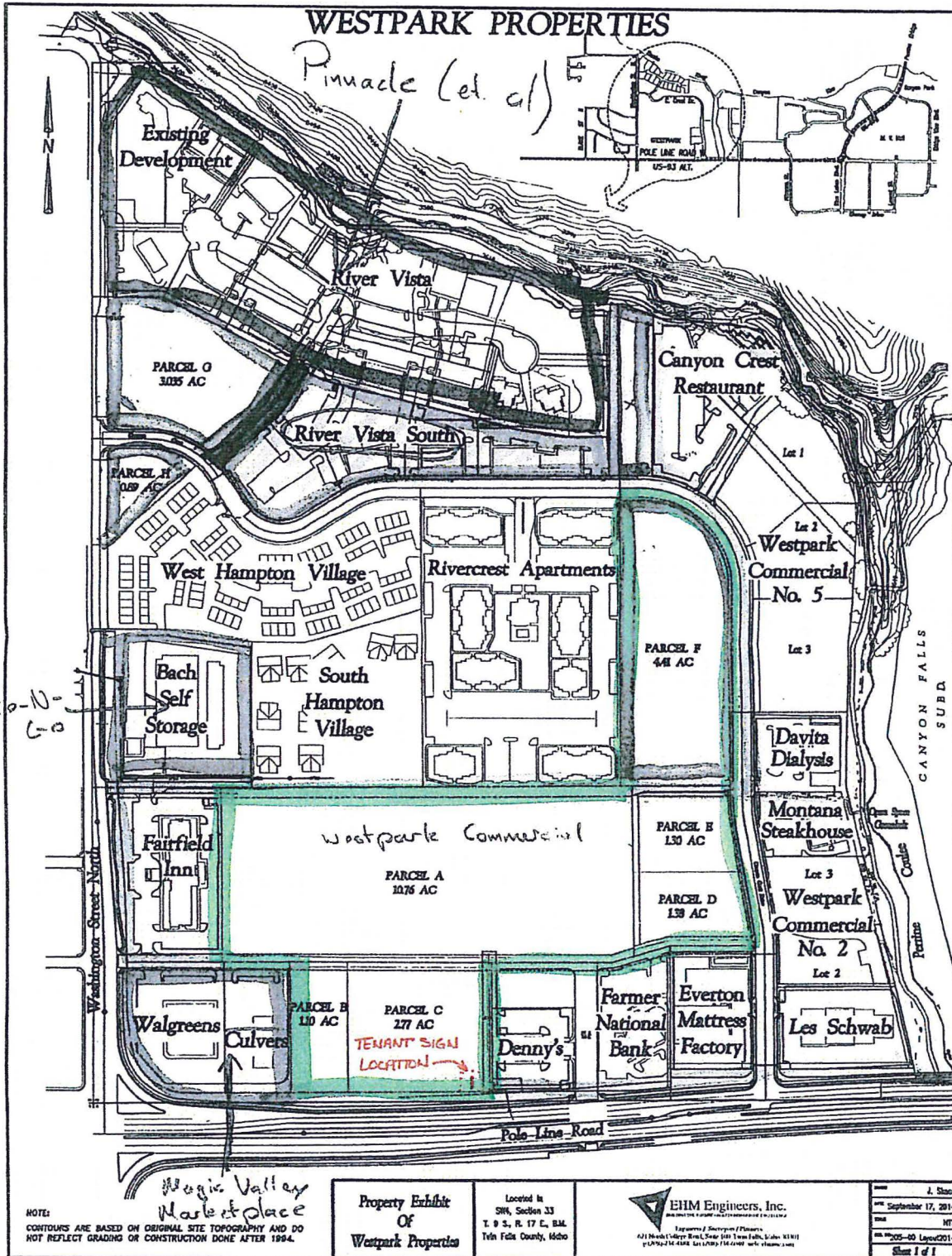
Thence, South 00°25'17" East 20.00 feet along said West boundary to said REAL POINT OF BEGINNING.

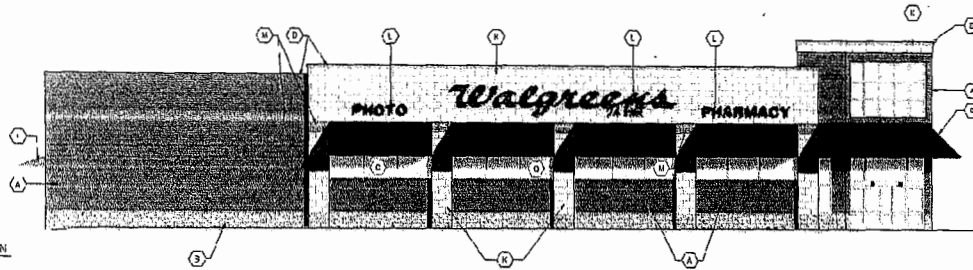
Containing approximately 400 square feet.



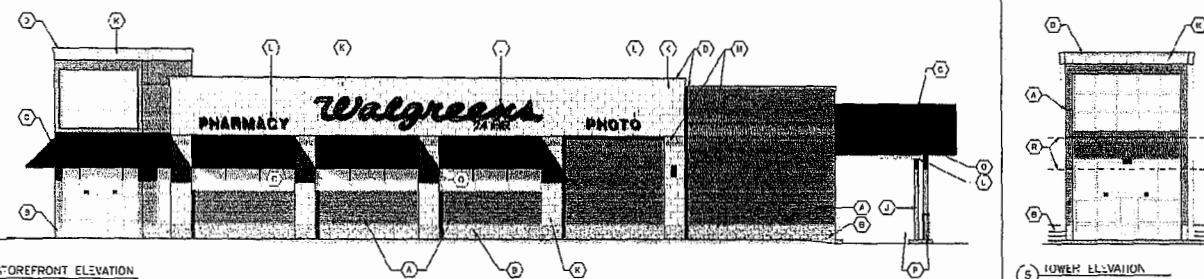
End of Description

A handwritten signature in black ink, appearing to be "Duf".



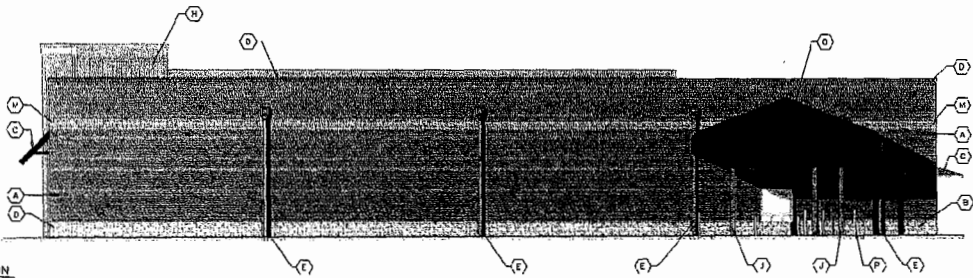


1 STOREFRONT ELEVATION

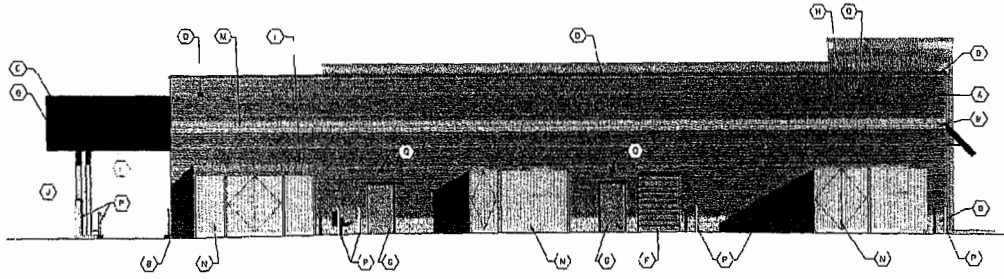


2 SIDE ELEVATION

3 LOWER ELEVATION



4 DRIVE-THRU ELEVATION



5 RECEIVING ELEVATION

PROJECT DATA	
DESCRIPTION	
A	VULCANITE FACE BRICK, COLOR: COPPER
B	SPLIT FACE CHALK BLOCK, COLOR: GRAY (SEE SPEC)
C	SHIMMER SLAM METAL ROOFING, COLOR: FOREST GREEN WITH CLEAR PULC-GLASS SHOW-WAY
D	PRE-FINISHED STEEL METAL FLASHING, COPIES CAP AND TRIM, COLOR: SEMI-TAN
E	PRE-FINISHED DIMENSIONAL: FINISH: KERRA TAN
F	OVERHEAD COILING 200R, PAINTED COLOR: ALEXANDRIA BEIGE
G	EXTERIOR DOORS AND FRAMES, PAINTED COLOR: ALEXANDRIA BEIGE
H	TOWER STEEL VERTICAL COILING, COLOR: DIEMMA TAN
I	SHIMMER SLAM METAL ROOFING, COLOR: SEMI-TAN WITH CLEAR PULC-GLASS SHOW-WAY
J	EXTERIOR COILING-SHIMMER COILING, PAINTED COLOR: ALEXANDRIA BEIGE
K	MANUFACTURED LIMESTONE, COLOR: BEIGE "SEE SPEC"
L	WALGREENS SCRIPT AND INDIVIDUAL LETTERS, COLOR: RED
M	SMOOTH FACE CHALK BLOCK, COLOR: GRAY (SEE SPEC)
N	CLEAR FENCE FLASH/DIL STORMER ENCLOSURES
O	STEEL BRONZE FLUSH METAL PROFILE, COLOR: FOREST GREEN STEEL COILING (SEE SPEC)
P	PAINTED STEEL BOLLARDS, COLOR: OSH-YELLOW
Q	PRE-FINISHED DARK BRONZE LIGHTING FIXTURES
R	PAINTING DASHED FOR CLARITY

Walgreens
FACILITIES PLANNING AND DESIGN
1000 N. 10TH ST.
KANSAS CITY, MO 64105

PROJECT DATA			
TYPE	GENERAL SALES	FOOD MART	
NEW FACILITY	☒	☒	
RENOVATION	☐	☐	
REUSE	☐	☐	
REUSE	☐	☐	

DATE	BY	REVISION
10/1/85	JRS	1

DATE	BY	REVISION
10/1/85	JRS	1

DATE	BY	REVISION
10/1/85	JRS	1

DATE	BY	REVISION
10/1/85	JRS	1

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DATE	BY	REVISION
10/1/85	JRS	1

DATE	BY	REVISION
10/1/85	JRS	1

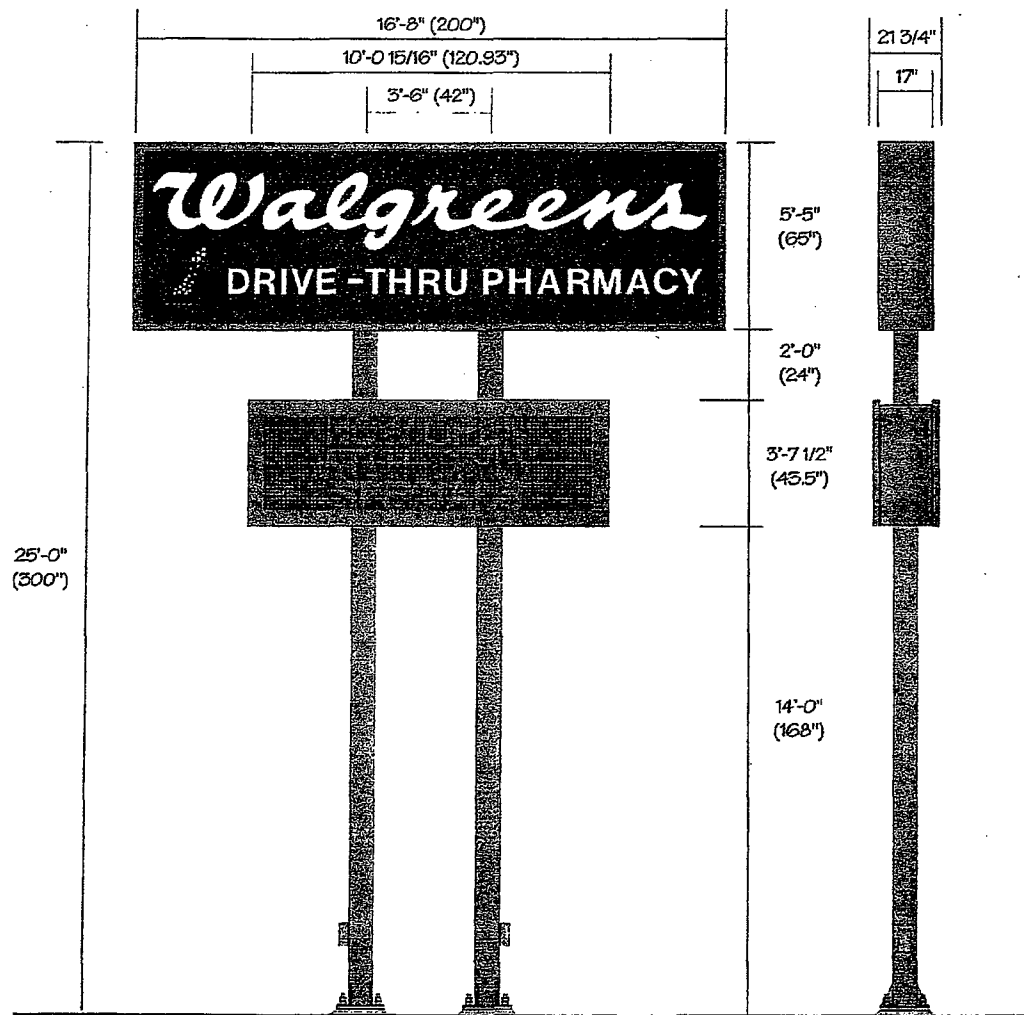
DATE	BY	REVISION
10/1/85	JRS	1

2185

PRO-203
C-2185

FABRICATE AND INSTALL ONE(1) DOUBLE FACE ILLUMINATED MONUMENT SIGN AS PER DRAWING.

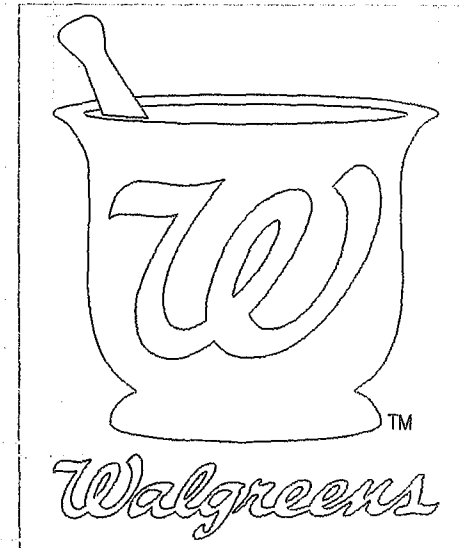
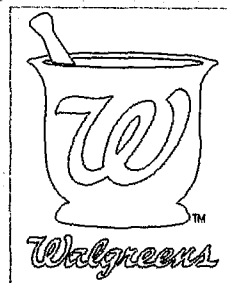
- * ALUMINUM CONSTRUCTION CABINET WITH CWOHO FLUORESCENT ILLUMINATION PAINTED DARK BRONZETONE.
- * PANAFLEX FACES WITH VINYL #3630-73 RED AND #3630-36 BLUE APPLIED.
- * ALUMINUM CONSTRUCTION L.E.D. (24X80) DISPLAY WITH HINGED FACES PAINTED BRONZETONE TO MATCH.
- * STEEL SQUARE TUBE POLES PAINTED BRONZETONE TO MATCH.



SCALE: 1/4" = 1'-0"

Coordinator Approval _____ Production Approval _____ Ground Due Date _____

FLUORESCO LIGHTING & SIGNS Since 1981 ARIZONA CALIFORNIA NEVADA		WALGREENS#0000 CITY, STATE AS NOTED 00-00-03 WALGREENS#0000_CITY.cdr		STD. 25' FLYON LED CHAMPION'S FC-0000-03 FILE 1 OF 4	
This original unpublished drawing is submitted for use in connection with a project being designed for you by Fluoresco. It is not to be shown to anyone outside of your organization, reproduced or used in any fashion without expressed written approval.					



Walgreens
 FACILITIES PLANNING, DESIGN & ENGINEERING
 100 PRUDY ROAD
 DEERFIELD, IL 60015-1616

REV. DATE BY AREA OF WORK
 REVISIONS
 STORE NUMBER 12200
 PROJECT NAME
 WALGREENS STORE
 ONE WASHINGTON AVE. FINE
 FAIRFAX, VA

DESIGNED BY
 CHECKED BY
 DATE: 11/14/00
 DRAWN BY
 DATE: 11/14/00
 PROJECT NO.
 SHEET NO. 1 OF 1

PRELIMINARY
 THIS DRAWING IS TO CONVEY DESIGN INTENT ONLY. THE REGISTERED ARCHITECT RESPONSIBLE FOR THIS PROJECT SHOULD INCORPORATE THIS DRAWING'S DATA ALONG WITH GRADES, RESTRICTIONS, STRUCTURAL REQUIREMENTS, GOVERNING CODE RESTRICTIONS OR ANY OTHER FACTORS THAT MAY ALTER THIS DRAWING.

D5

8/18/00



CITY OF TWIN FALLS
Planning & Zoning Commission

321 Second Ave E
Twin Falls, ID 83301
PH: 208-735-7267 FAX: 208-736-2641

SPECIAL USE PERMIT

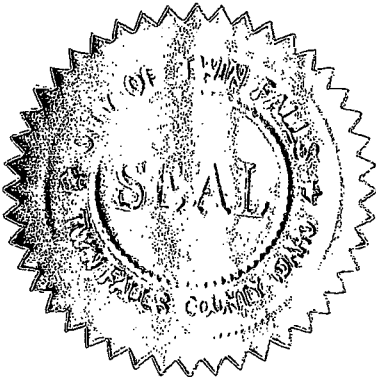
Permit No. 1068

Granted by the Twin Falls City Planning and Zoning Commission on January 8, 2008, to Hawkins Company whose address is 8654 W Franklin Road Boise, ID 83709 for the purpose of operating a retail business outside the permitted hours of operation of 7:00 am to 10:00 pm, to operate a drive-through facility, and to operate a 32 sq. ft message center sign on property located at the northeast corner of Washington Street North and Pole Line Road, Twin Falls, ID 83301 and legally described as Twin Falls Westpark Commercial Subdivision No. 3 Lot 6, Block 2 (33-9-17SW)

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

This permit corresponds to Application No. 2176

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Hours of operating being permitted as 24 hours a day, 7 days a week for the store and drive-through window.
3. Subject to a minimum of six (6) vehicles stacking spaces, as per City Code 10-7-13.
4. Assure compliance with all requirements of Twin Falls City Code 10-9-2 (L) and 10-9-2(Q) regarding free standing signage and message center signs.
5. Message Center sign approved as presented; hours of operation to be consistent with the operation of the store, 32 sq. ft. in sized LED sign as part of a new freestanding sign with no animation or flashing.
6. Subject to full compliance with the Northbridge PUD Agreement and the Northbridge PUD Amendment.



Chairman

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

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

cc: Building Inspection



**CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Work Session: JANUARY 2, 2008 12:00P.M.
Public Hearing: JANUARY 8, 2008 6:00 P.M.**

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

City Limits:

Ryan Horsley	Bonnie Lezamiz	Gerardo Muñoz	Bernice Richardson	Karen Stroder	Cyrus Warren	Carl Younkin
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Chairman

Vice-Chairman

Area of Impact:

R. Erick Mikesell Dusty Tenney

ATTENDANCE

PLANNING AND ZONING MEMBERS:

<u>Present</u>	<u>Absent</u>
Horsley	Richardson
Lezamiz	Stroder
Munoz	
Warren	
Younkin	

AREA OF IMPACT MEMBERS:

<u>Present</u>	<u>Absent</u>
Mikesell	
Tenney	

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Collins, Jones, Weeks, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

MINUTES

I. CALL MEETING TO ORDER:

Chairman Horsley called the meeting to order at 6:00 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

A: PUBLIC HEARING ITEMS:

1. Request for a Special Use Permit to operate a retail business outside the permitted hours of operation of 7:00 a.m. to 10:00 p.m., to operate a drive-through facility, and to operate a 32 sq. ft. message center sign on property located at the northeast corner of Washington Street North and Pole Line Road by Hawkins Company. (app. 2176)

APPLICANT PRESENTATION:

Brandon Whallon, representing Hawkins Companies, stated he is here to seek approval of their request to operate a retail business outside the permitted hours of operation of 7:00 a.m. to 10:00 p.m., to operate a drive-through facility, and to operate a 32 sq. ft. message center sign on property located at the northeast corner of Washington Street North and Pole Line Road. Previously this property was approved for a PUD Amendment to allow the rezone of this piece of property from R-4 PRO to C-1. He stated they are anticipating a Walgreens will be going in at this site similar to the one located on Blue Lakes Boulevard. Currently the Walgreens has not indicated that they want to operate 24 hours a day but the request has included the extended hours so that they would have the ability to do so without having to come through this process again in the future. The site of the drive through has been placed on the east side of the building to shield the residential area to the west; the message center sign it will be



approximately 32 sq. ft. and the impacts to the surrounding area should be minimal. The Walgreens on Blue Lakes Boulevard has had minimal impacts to the neighbors and they hope to have the same success at this location.

QUESTIONS/COMMENTS:

- Commissioner Warren asked about the other pads associated with this property.
- Mr. Whallon stated that these pads are speculative retail spaces that are not spoken for at this time. He stated that Hawkins Companies does the development portion and leases out the space. Walgreens will be leasing this space and the remaining sites will eventually be leased as well.
- Commissioner Munoz asked about the developments to the east and the traffic flow through the Hawkins Companies property.
- Mr. Whallon stated that Hawkins Companies is aware that a larger commercial development is planned for the land to the east of their property and that cross-use agreements will be necessary to assist with the traffic flow through the site.

STAFF REVIEW:

Planner I Westenskow stated that this is a request to operate a retail business outside the permitted hours of operation of 7:00 a.m. to 10:00 p.m., to operate a drive-through facility, and to operate a 32 sq. ft. message center sign on property located at the northeast corner of Washington Street North and Pole Line Road. This property recently came through for a zoning request to change this property from R-4 PRO to a C-1 designation. The property is currently vacant; the zone change was made to assist with the development of the property. The request shows a 14,820 sq. ft Walgreens Store and Pharmacy with a possible 24 hour operation should the market support the extended hours with a drive-through and a message center sign. The drive-through area has been designed to accommodate at least 6 cars which meets the codes requirement for stacking. The message center sign will be located along Pole Line Road and will be approximately 32 sq. ft. as part of a free standing sign for the Walgreens. The sign would operate in conjunction with the store hours and will likely be single color. City code does not permit animation or flashing. The sign as presented meets the code requirements for a message center sign and the applicant doesn't anticipate that the sign will have a negative impact on the surrounding areas.

Planner I Westenskow stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request, if granted:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Hours of operating being permitted as 24 hours a day, 7 days a week for the store and drive-through window.
3. Subject to a minimum of six (6) vehicles stacking spaces, as per City Code 10-7-13.
4. Assure compliance with all requirements of Twin Falls City Code 10-9-2 (L) and 10-9-2(Q) regarding free standing signage and message center signs.
5. Message Center sign approved as presented; hours of operation to be consistent with the operation of the store, 32 sq. ft. in size, LED sign as part of a new freestanding sign with no animation or flashing.
6. Subject to full compliance with the Northbridge PUD Agreement and Northbridge PUD Amendment.



QUESTIONS/COMMENTS:

- Commissioner Tenney asked if this request is just for Walgreens or if some other business would like to go in at this site if they would have to come through this process. He asked about the flashing requirements related to the sign and how high the sign message center sign will be placed because he is concerned is the impact on the residential area.
- Planner I Westenskow stated that this request is specific to Walgreens. As for the location of the message center sign it will be placed approximately 8 feet above the base of the sign.

PUBLIC HEARING: Public hearing was opened and closed without any public input.

DELIBERATION FOLLOWS:

- Commissioner Tenney stated his only concern with this is the location of the sign and where the housing is located, however with the height of the sign it may or may not have an impact on the residential area.
- Commissioner Horsley stated that he would be concerned as well but if you look at the lighting and everything else that is going in along Pole Line Road it has become a super highway. The impact that this message center sign will have will be minimal especially if it is anything like the one located at the Walgreens on Blue Lakes Boulevard.
- Commissioner Munoz stated that the neighbors in this area are very vocal and the fact that they are not here tonight, makes him lean towards approving the request. The concern he had was the light from the message center sign shining into the residential area however with the height of the message center sign he feels it won't have much of an impact.

MOTION:

Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Munoz seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Hours of operating being permitted as 24 hours a day, 7 days a week for the store and drive-through window.
3. Subject to a minimum of six (6) vehicles stacking spaces, as per City Code 10-7-13.
4. Assure compliance with all requirements of Twin Falls City Code 10-9-2 (L) and 10-9-2(Q) regarding free standing signage and message center signs.
5. Message Center sign approved as presented; hours of operation to be consistent with the operation of the store, 32 sq. ft. in size, LED sign as part of a new freestanding sign with no animation or flashing.
6. Subject to full compliance with the Northbridge PUD Agreement and Northbridge PUD Amendment.

C-1 & R-4 PRO PLANNED UNIT DEVELOPMENT AGREEMENT

NORTHBRIDGE

THIS AGREEMENT, made and entered into this 1st day of July 1993, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and M.O.V.E. a partnership (hereinafter called "Developer"), whose address is P. O. Box 223, Twin Falls, Idaho 83303-0223.

RECITALS

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit "A", attached hereto, which land is bounded by Washington Street North to the West, Pole Line Road to the South, and Harrison Street Extended to the East, known as Northbridge C-1 PUD.

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 commercial subdivision ("Project") on the Property and has submitted to the City a master plan thereof which has been approved for development as a "C-1 and ~~R-4~~ PRO PUD" by the Planning and Zoning Commission and City Council of the City; and

TWIN FALLS COUNTY, IDAHO
RECORDED FOR:

1993 SEP 29 A 9:17

40000
ROBERT S. FORT
EX-OFFICIO RECORDER / F

City of Twin Falls
19930142711

WHEREAS, City, by and through its' City Council, has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this agreement.

COVENANTS

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

1. NATURE OF THE AGREEMENT. This agreement shall become part of the "C-1 and ~~R-4~~ ~~PRO~~ PUD" zone with respect to the Property upon its full execution and recording. Developer and its assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.

2. NATURE OF THE DEVELOPMENT. It is agreed by the parties hereto that certain language and requirements pertaining to the "C-1 and ~~R-4~~ ~~PRO~~ PUD" zone shall be interpreted as follows:

A. OPEN SPACE. The Developer has proposed to dedicate to the City of Twin Falls a strip of land situated along Perrine Coulee and as shown on the Master Plan. This property shall be dedicated to the public upon filing of the final plat on lands adjacent to the Open Space.

The uses by the City of the Open Space, shall be those specified by the City Zoning Code for Open Space. The City agrees to abide by the requirements of the governmental agencies having jurisdiction over the lands and/or water within the Open Space.

The Open Space shall be maintained for the benefit of the public by the City. The Developer shall construct a 10 foot wide paved bicycle path the length of the open space to be tied to proposed development to the North. Construction of the bike path will not need to be completed until development to the North is completed.

The City shall allow the Developer unrestricted underground utility access, across the Open Space, as well as such above ground access easement as are necessary for the reasonable development of the property.

B. USES. The use language of the underlying "C-1" zone existing at the time of the execution of this agreement or as hereafter amended shall apply with regard to permitted uses, special uses, and prohibited uses on the Property or any portion thereof ~~except Lot 6. The use language of the underlying "R-4 PRO" zone existing at the time of the execution of this agreement or as hereafter amended with regard to permitted uses, special uses, and prohibited uses shall apply for Lot 6.~~

C. 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, buildings and lots on the Master Plan are conceptual and changes therefrom shall not provide basis for disapproval of

any final plat. There shall be no minimum or 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 and drainage systems on the Property and adjacent right-of-way (hereinafter "Improvements") as described herein in accordance with City standards. Adjacent right-of-way is defined as that portion of Pole Line Road and Washington Street North dedicated under Paragraph 7.

Due to surface drainage limitations, storm run-off from Lots 5 and 6 shall be retained on Lots 5 and 6 for floods under a 50 year storm. Should in the future the problem be resolved by the construction of a storm drain piping system or other means the Developer will be allowed to drain onto Washington Street, Pole Line Road, or Perrine Coulee. Proposed landscaping area may be used as part of retention area.

A one foot reserved, no access strip will be used along the East side of Harrison Street for control of future access by the City.

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 Improvement shown thereon shall meet the approval of the City,

which approval shall be given if such plans conform with published City requirements, the master plan and this PUD Agreement.

B. IMPROVEMENT DESIGN AND CONSTRUCTION. Developer shall cause to be designed, constructed and installed, in accordance with the approved Improvement Plans and at its expense, except as contained therein, all Improvements shown on the Improvement Plans. Notwithstanding the forgoing, nothing in this agreement shall prohibit City participation in the cost or financing of improvements on the Property if mutually agreed to by the parties hereto.

C. PHASED CONSTRUCTION. Developer may install the Improvements all at once or in phases. Developer shall provide the City with written notification of when and of what portion, or portions, of said Improvements it intends to complete at that time; and agrees to make such modifications and/or construct any temporary facilities necessitated by such phased construction work as shall be required and approved by the City, which approval shall not be unreasonably withheld.

D. CONSTRUCTION SUPERVISION. Developer shall use a qualified construction engineer or supervisor 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 requirements with regard to the installation of said Improvements are not complied with, the City shall give written notice to

Developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice (or, in the case of non-compliance that will take in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion). In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within that phase of such "PUD" until such time as all requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy should be issued. The City Council shall then in good faith and in an objective manner decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of the parties are preserved at law and equity.

F. FEES. Developer shall pay, or cause to be paid, to 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. All water service connections shall be

installed prior to construction of Pole Line Road, bored under Pole Line Road or the water main may be moved to the North side of Pole Line Road.

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. Developer agrees to file with City a preliminary plat, prepared by a registered professional engineer, of the real property which is the subject of this agreement. 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 Developers Agreement. It is agreed that said plats and any amendments thereto must first be approved by 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 shall first be approved by City and meet City standards, which approval shall not be unreasonably withheld.

B. BUILDING SETBACKS. All buildings on lots adjacent to Pole Line Road are to be constructed with a minimum setback as

required to meet the Twin Falls City Code 10-7-6 and Twin Falls City Code 10-4-8.3 (1).

C. LANDSCAPING. Perimeter landscaping along Pole Line Road and Washington Street North 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 for the proposed vegetation. Such landscaped perimeter shall be installed from the back of the sidewalk in the public rights-of-way along Washington Street North and Pole Line Road, and shall be extended to the dimensions set forth below.

A 35 foot landscape buffer including a 5 foot wide City standard sidewalk shall be required from the back of the curb or defined future curb along Washington Street North and Pole Line Road. ~~A landscaped buffer shall be required to be installed along the North boundary of Lot 6 as determined by the Commission and Council upon approval of the development as provided in Paragraph 56 below.~~ A 30 foot wide landscaped buffer shall be required along Washington Street North extending 500 feet North of the Northerly boundary of Lot 6. This buffer is in lieu of landscaping that portion of the West boundary of Lot 5 extending North of Lot 6. This buffer shall be installed prior to the development of Lot 5. This landscaped buffer shall contain a 6 foot high berm with 4 foot trees along the entire length and contain sufficient trees and plant material to create an effective buffer and visual screen of

Post-It® Fax Note 7671		Date 4-6-98	# of pages 3
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Co./Dept. Baumgart	Co. City of Twin Falls		
Phone #	Phone # 208-736-1524		
Fax # 384-9315	Fax #		

the proposed commercial development. Lot 5 shall meet the landscaping or buffering requirements of the C-1 zone.

Each property owner shall be required to meet minimum landscaping requirements, if required, in addition to the 30 feet of perimeter landscaping in accordance with an approved design submitted with building permit application.

Each property owner shall maintain the landscaping on his property and in the public rights-of-way adjacent thereto. Notwithstanding the foregoing, in the event Developer chooses to designate certain landscaped areas and other areas as "common area", Developer shall have the right to create an association which shall be responsible for the maintenance of "common area".

D. LANDSCAPING PLAN. At the time of development, 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 30" requirement may be lowered to 24"). The landscape perimeter shall be planted in grass with a minimum of one tree per five hundred (500) square feet of landscape area and a minimum of one 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 following groups: Austrian Pine, Green Ash, Honey Locust and Flowering Crab, Plum or Cherry.

Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet (4') when planted. These requirements apply to the landscaped buffer along Pole Line Road and Lot 6 bordering Washington Street North. Landscaping shall be provided as required by City Code and as provided in 5C above.

E. BUILDING STANDARDS. Buildings and improvements shall comply with the following standards.

1. OUTSIDE STORAGE. Refuse and outside storage areas shall be visibly screened from streets and adjacent properties. All such areas shall be located to the rear of the building or to the side of a building, other than street side.

2. UTILITIES. All on-site utility service lines, including electrical lines and telephone 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 appropriate screening material. Relocation and undergrounding of electrical lines does not apply to transmission lines currently located on the property. The City shall endeavor to work with the Developer and utility companies to move existing transmission lines to an area outside the ultimate roadway on Pole Line Road and Washington Street North.

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

~~6. CONTROL DURING DEVELOPMENT OF INDIVIDUAL PARCELS.~~

~~Lot 6 shall be required to be submitted to the City Planning and Zoning Commission and City Council for approval of development and for a PRO Overlay Special Use Permit, if required, prior to development of any use on it.~~

6. ACCESS TO POLE LINE ROAD AND WASHINGTON STREET NORTH.

Developer and subsequent property owners agree to limit the number of accesses to Pole Line Road and Washington Street North. The location of said approaches shall be as shown on the approved preliminary plat or at locations subsequently approved by City.

7. WIDENING OF POLE LINE ROAD AND WASHINGTON STREET NORTH.

Developer hereby agrees to convey to the City, as part of the final platting for phases abutting Pole Line Road and Washington Street North, the area under the Developer's control. Those parts of the development phases abutting Pole Line Road and Washington Street North shall be widened at the Developer's expense pursuant to the Standard Developer's Agreement, bringing Pole Line Road and Washington Street North improvements to a 32' width from said section line. Any future widening shall be handled outside the scope of this agreement.

8. TIME LIMITATION. "C-1 PUD" zone designation on the property described in Exhibit "A" attached hereto is expressly conditioned upon submission to the City Council of a final development plan of the first phase within one (1) year from the date hereof. The Developer may apply for one year extensions

provided application is made in advance of the one year expiration. Approval shall not unreasonably be withheld.

9. STANDARD DEVELOPER'S AGREEMENT. It is understood and agreed by the parties hereto that it shall be necessary for Developer to execute 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 addresses last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested". On the date of this agreement, the addresses of the parties are as follows:

DEVELOPER:

M.O.V.E
Attn: R. G. Messersmith
1615 Addison Avenue East
P O Box 223
Twin Falls, Idaho 83303-0223

City:

City of Twin Falls
321 Second Avenue East
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 novation 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 warrant that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing and that this agreement is binding on, and enforceable against, such entity.

H. EFFECTIVE DATE. This "PUD" agreement shall become valid and binding only upon its approval by City, through its' City Council, and upon its execution by the Mayor and Developer.

I. ATTORNEY FEES. In the event that either party should be required to retain an attorney because of the default or breach of the other or to pursue any other remedy provided by law, that party which prevails in any 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 hereof as if set forth in full.

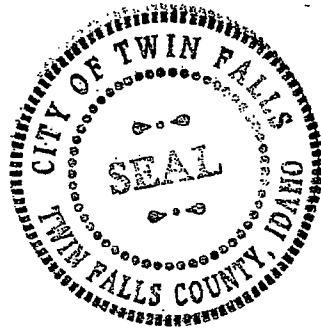
L. CAPTIONS. The captions, section and paragraph numbers appearing in this agreement are inserted only as a matter of convenience and shall in no way effect interpretation of this agreement.

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

CITY OF TWIN FALLS

ATTEST: Judy Hall
Deputy City Clerk

BY: Edward L. Allen
Mayor



M.O.V.E

BY: R. G. Messersmith
R. G. Messersmith

Bruce P. Olsen
Bruce P. Olsen

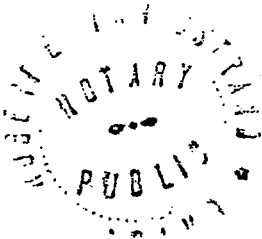
Douglas D. Vollmer
Douglas D. Vollmer

ACKNOWLEDGEMENTS

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

On this 12TH day of AUGUST, 1993, before me, the undersigned, a Notary Public in and for said State and County, personally appeared HOWARD ALLEN known to me to be the MAYOR of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

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



Robert E. Vollmer
NOTARY PUBLIC FOR IDAHO

Residence of TWIN FALLS IDAHO

My Commission Expires 10-2-93

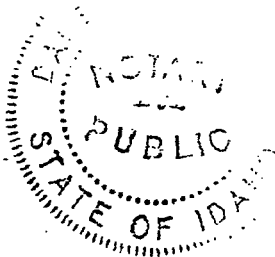
STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 9th day of August, 1993, before me personally appeared R. G. Messersmith, Bruce P. Olsen, Douglas D. Vollmer to me personally known, who, being by me duly sworn, did each for himself say that he is an authorized attorney-in-fact for that certain partnership know as M.O.V.E. by virtue of authority granted in said partnership's partnership agreement and that the within instrument was executed by them for and on behalf of said partnership pursuant to said partnership's partnership agreement.

Douglas D. Vollmer
NOTARY PUBLIC FOR IDAHO

Residence of Twin Falls, Idaho

My Commission Expires 2/20/98



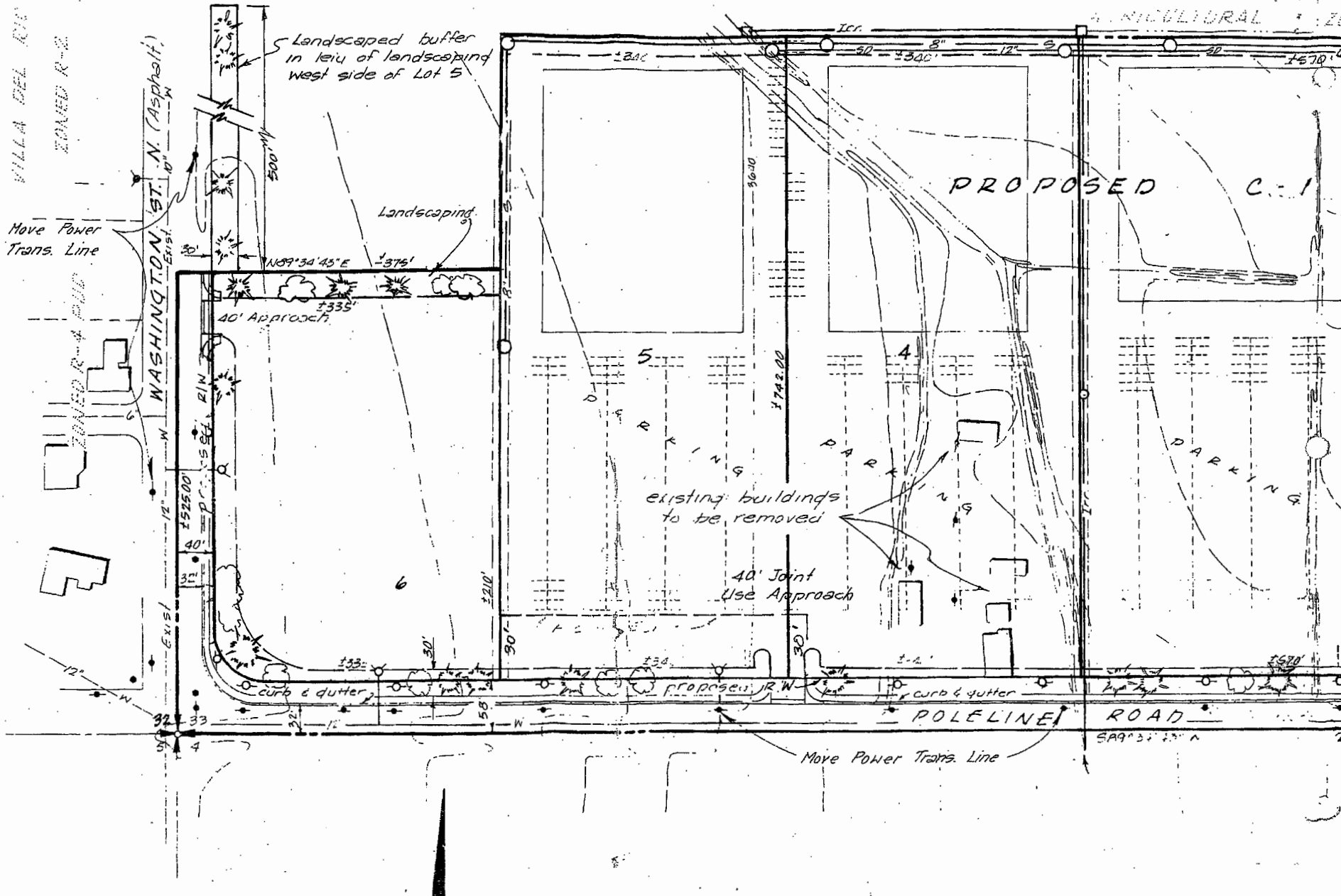
DETAIL A-A

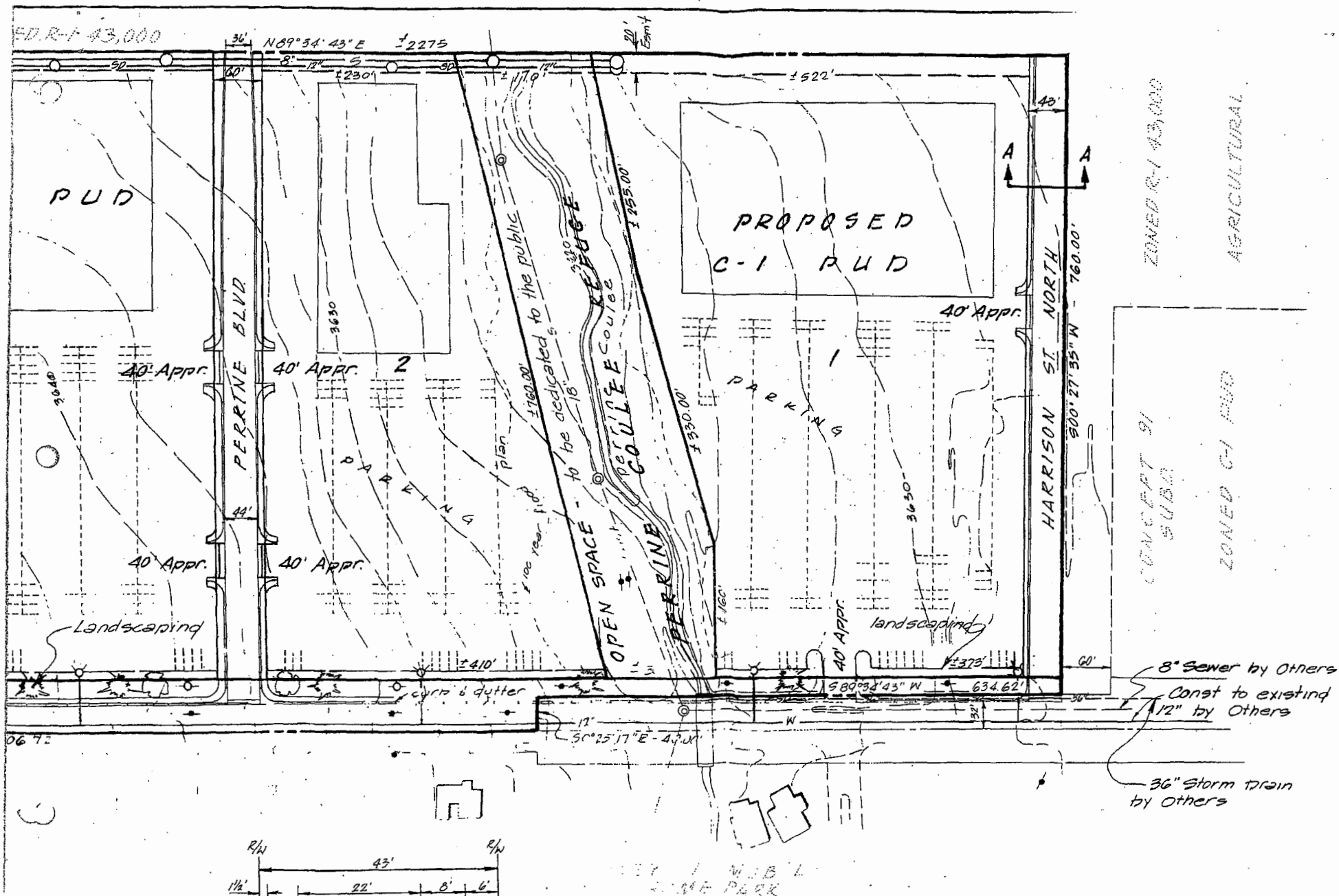
N.T.S.

NOTES:

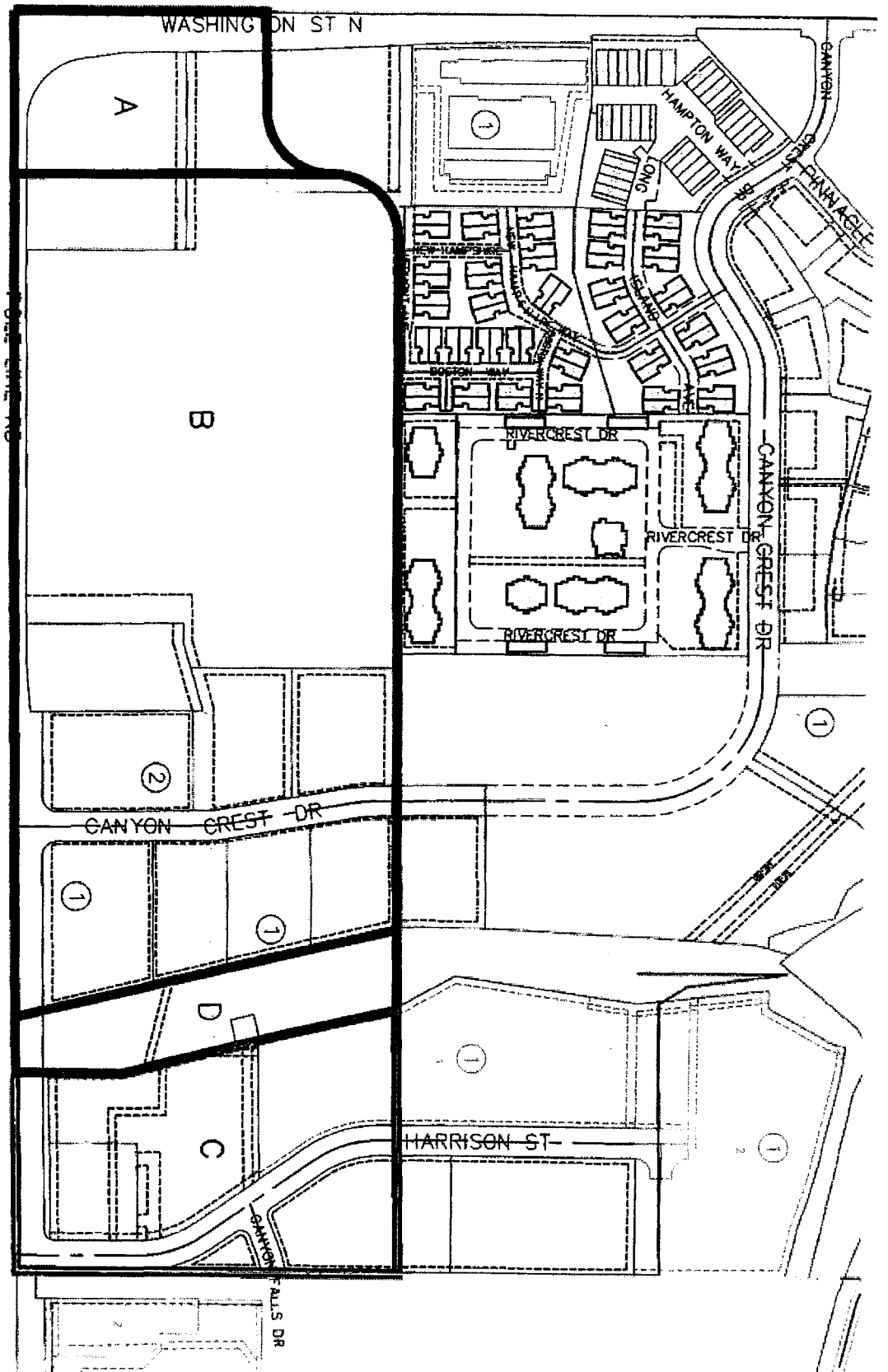
1. An easement 5' in width and adjacent to the street shall be reserved as a utility easement.
2. Telephone, power, cable t.v., sewer, water and gas shall be located within easements and street rights-of-way.
3. Existing zoning - R-1 43,000.
4. Proposed zoning - C-1 PUD & OS.
5. Existing use - Agriculture.
6. Proposed use - ~~Lots 1-5 commercial, Lot 6 PRO Overlay~~
7. Streets to be paved and curb, gutter and sidewalk to be provided as per the current ordinance.
8. All easements are 7.5' from property lines except as shown.
9. Proposed easements are for utilities and drainage.
10. All utilities are shown in approximate location only.
11. Development contains 46 acres more or less.
12. Lots 1 and 2 shall reserve 4 parking places each for public access to the Perrine Coulee Open Space.
13. ~~Lot 6 use is restricted to the uses under an R-4 PRO District.~~

VILLA DEL RIO ESTATES
LOS LAGOS
VILLA DEL RIO
ZONED R-2
ZONED R-4 PUD

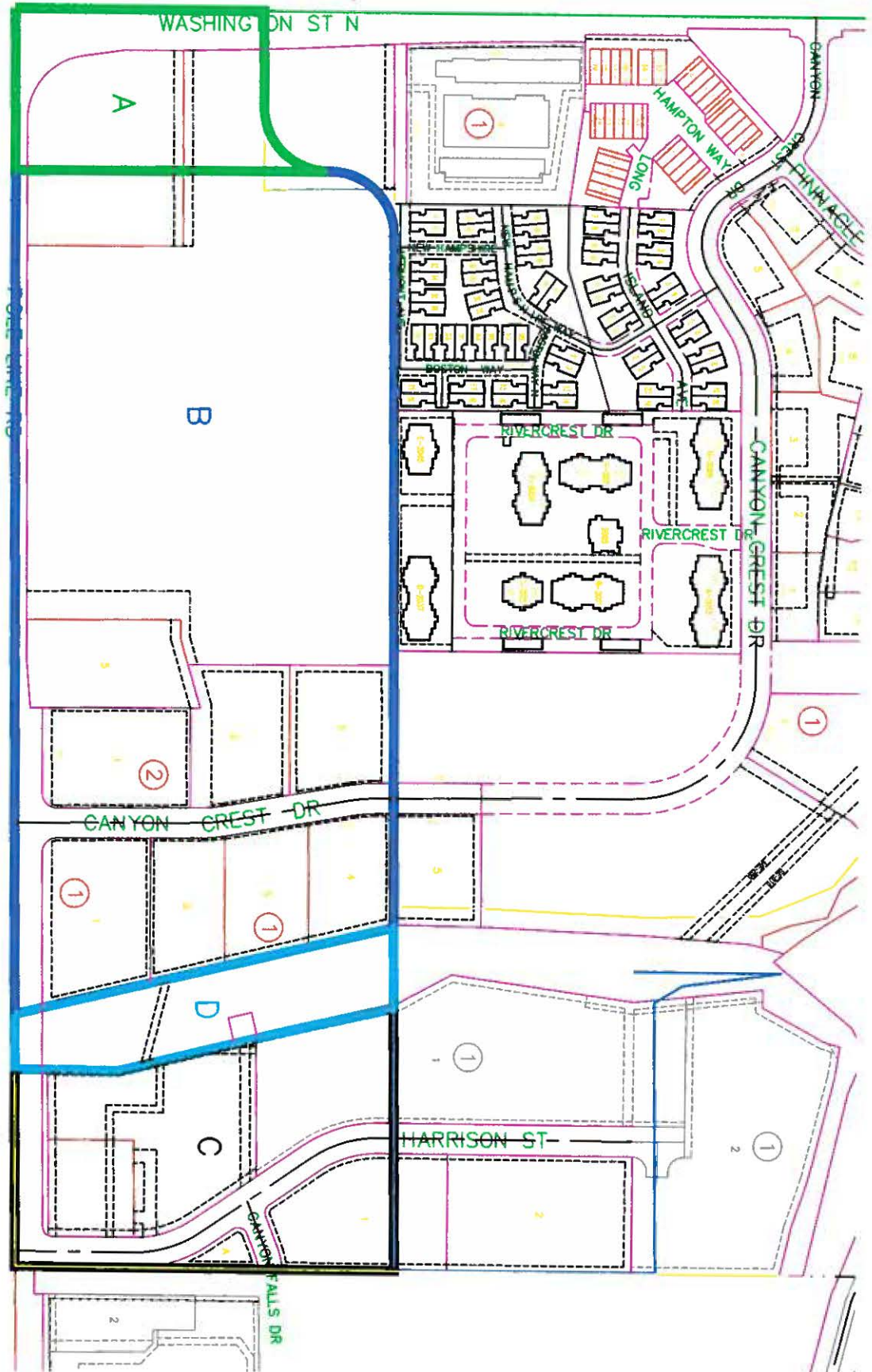


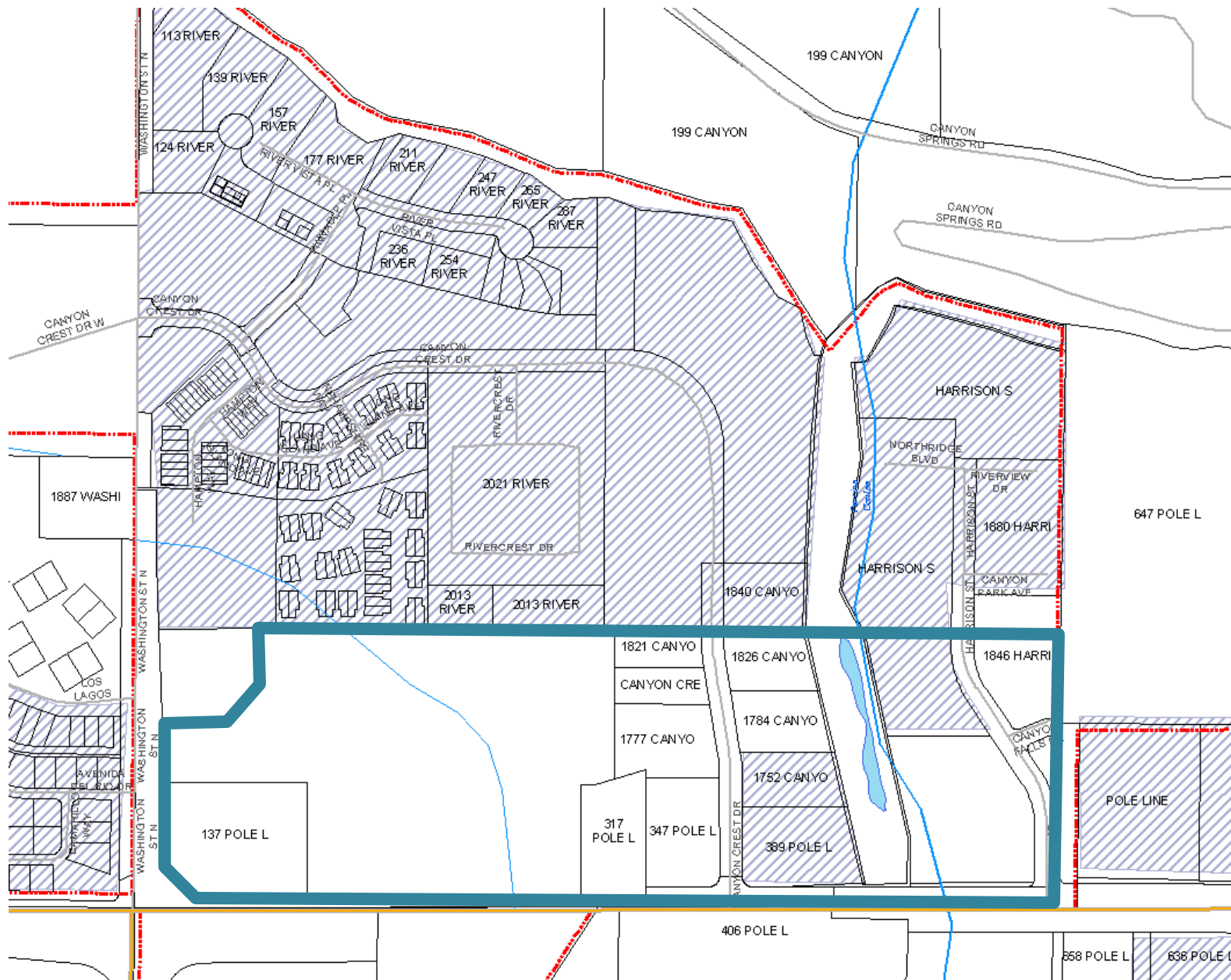


Northbridge
PUD



Northbridge
PUD







Date: Tuesday, August 27, 2024
To: Planning and Zoning Commission
From: Lisa Strickland, City Planner

ACTION ITEM

Request:

Request for a Special Use Permit to operate a commercial daycare facility on property located at 166 Blake St N. c/o Alexandria Brown (PZ24-0080).

Time Estimate:

Approximately 5-10 minutes for the presentation with questions/comments to follow.

Background:

This is a request from Alexandria Brown to allow for a commercial daycare facility for children ages 0-12 from 5am to 8pm M-F on property located at 166 Blake St.

Approval Process:

Per City Code 10-13-2.2 The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application. The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void. If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

Conditions may be attached to a Special Use Permit including, but not limited to, those:

- Minimizing adverse impact on other developments.
- Controlling the sequence and timing of development.
- Controlling the duration of development.
- Assuring that development is maintained properly.
- Designating the exact location and nature of development.
- Requiring the provision for on-site or off-site public facilities or services.
- Requiring more restrictive standards than those generally required in this Title.

Review Criteria to Special Uses:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.

5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Budget Impact:

NA

Regulatory Impact:

Approval of the special use permit would allow the applicant to operate a commercial daycare for up to forty (40) children ages 0-12. Special Use Permits are attached to the property unless otherwise specified by the commission. Upon sale or transfer of the property, the the land use may continue provided the land use has not been discontinued for more than a year and the new owners operate under the same provisions.

History:

The building located at 166 Blake St N is a modular building that was originally owned by the Twin Falls School District for a modular classroom. The occupancy of this building is limited to educational use for school-aged children. An architectural analysis of the building to change the occupancy will be required in order to make changes to accommodate a daycare serving children ages 0-12. To the west of the property is an assisted living/memory care facility and a women's health services office adjacent to Blake St N. To the south of the property is a motel with a fuel station southeast of the location. Along the northern boundary is a head-start facility offering care for 47 children and a residential property to the northeast. There have not been any recent zoning actions within the area but it is an area that contains a mix of commercial, residential and professional office land uses.

Analysis:

The applicant's narrative states she would like to operate a commercial daycare Mon-Fri 5am - 7pm with staff leaving around 8pm after cleaning the facility. The applicant is proposing to have up to eight (8) employees including herself and would like to care for up to forty (40) children between the ages of 0 and 12 years old.

The property is zoned R-6 PRO. Per City Code 10-4-6 and 10-4-18 a special use permit is required for a commercial daycare. The comprehensive plan has designated this area as Neighborhood Commercial with Mixed Use to the south. Generally, the neighborhood commercial designation allows for support services and small scale commercial that complements the neighborhood. The land use proposed is compatible with the designation as it would provide a support service for the neighborhood. The assisted living/memory care facility to the west provides services for its residents 24/7. The Sage Women's medical office to the east provides services Mon-Fri from 10am to 5pm by appointment.

Staff has concluded that the proposed and current uses should have minimal impact on one another. The

majority of children would likely be dropped off prior to the medical office opening and picked up after the office closes. While there could be an occasion for some cross over use of the parking area and access, there is a cross-use agreement for this development on file. Staff would recommend that the applicant clearly identify the parking area with staff and the customers. Based on the proposed maximum number of eight (8) employees, the code would require twelve (12) parking spaces. The site plan shows fifteen (15) spaces which exceed the minimum requirement. For commercial daycare, the code also requires a loading and unloading space to be provided. However, in this circumstance, staff would recommend the applicant educate the customers to avoid stacking vehicles in the drive aisle and utilize the parking spaces for drop off. This will help reduce the impact on the neighboring businesses that utilize the shared access driveway. The applicant plans to have drop off times limited to fifteen (15) minutes and educate parents not to disrupt the other businesses that share the access and parking area for this development. The children will be dropped off throughout the day, but should there be an issue with traffic circulation due to multiple vehicles at one time, the applicant has offered to create a drop-off schedule to reduce impacts to neighboring businesses. Staff has concluded that the use of the parking spaces for drop off should minimize impacts, however the commission could require a drop-off schedule as a condition.

The property is located within the city limits and is connected to city water and sewer services. Shoup Avenue is a local road that provides access to commercial, residential and professional offices in the area. Blake Street North is a local road that connects this area to Addison Avenue West a gateway arterial to the south. Access to and from this location is viable and the amount of traffic generated by the business would be minimal as this is a well traveled system that is able to withstand additional vehicles this business may generate.

Staff does not anticipate the approval of this land use would create additional burden on the current system or additional costs for public services. The services are already in place and the road system is adequate to support the business. The use would not require the use of any dangerous/hazardous materials that would generate a concern for public safety. Operation of the land use will not result in the destruction, loss or damage of natural scenic or historic features of major importance.

Conclusion:

Upon conclusion, Staff does not foresee negative impacts associated with the operation of a commercial daycare in this area. Should the commission approve this request as presented, Staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and Standards.
2. Subject to the maximum number of children being limited to forty (40) as stated by the applicant.

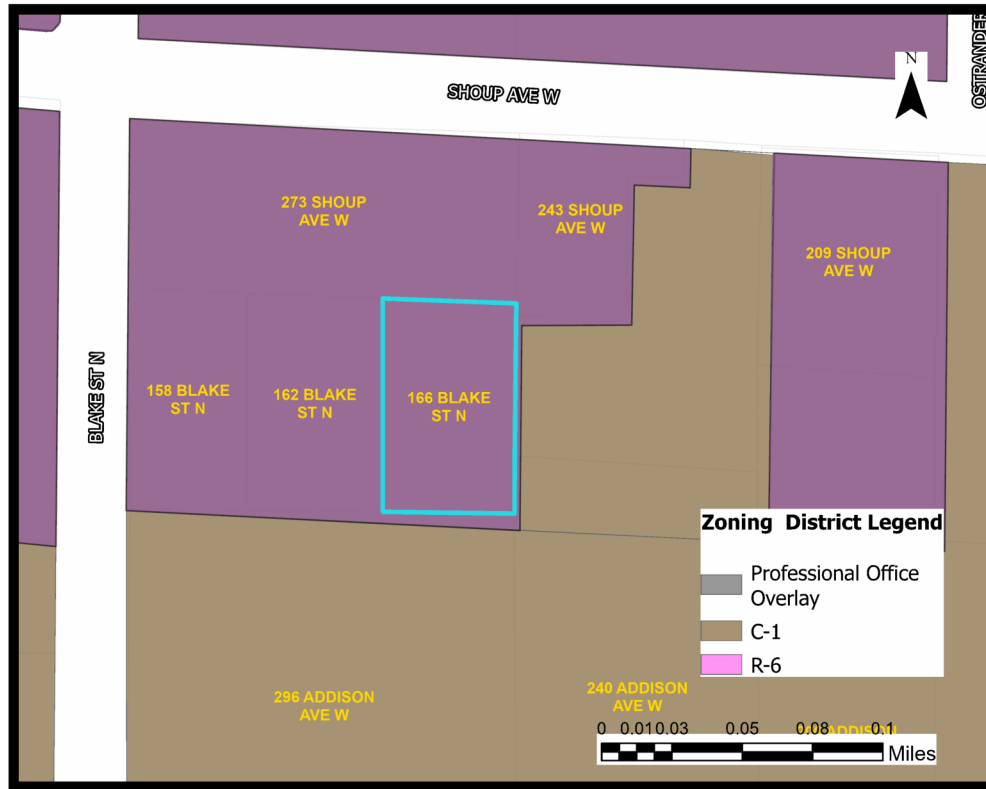
Attachments:

1. PZ24-0080 Vicinity Map
2. PZ24-0080 Presentation Maps
3. PZ24-0080 Applicant Narrative
4. PZ24-0080 Property Site Plan
5. 1. Public Comment 8-23-24

**Request for a Special Use Permit to operate a commercial daycare on property located at
166 Blake St N (PZ24-0080)**



ZONING MAP



Zoning

Current Zoning: R-6 PRO

Current Land Use: Existing Building (unoccupied)

Proposed Zoning: N/A

Proposed Land Use: Commercial Daycare

Surrounding Area

North: Commercial Daycare

South: Professional Office

East: Parking Lot

West: Assisted Living Facility

FUTURE LAND USE MAP



Regulations

10-4-6 R-6 & 10-4-18 PRO
10-13-2 Special Use Permit

FLU Category

Neighborhood Commercial

- Provides supporting services and small-scale commercial and is designed to complement the neighborhood

Land Use Mix

- Neighborhood-serving commercial
- Townhomes • Condominiums • Apartments
- Senior /student housing • Small-scale office and retail

The daycare would operate from the hours of 5am to 8pm, 7pm is when the children would leave and staff would be there for an hour to have enough time to sanitize the building and clean up from the day.

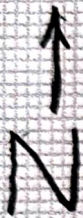
Parents would be dropping off in the front of the building there would be a 15 minute drop off time.

Employees would park behind the drop off area in front of the building.

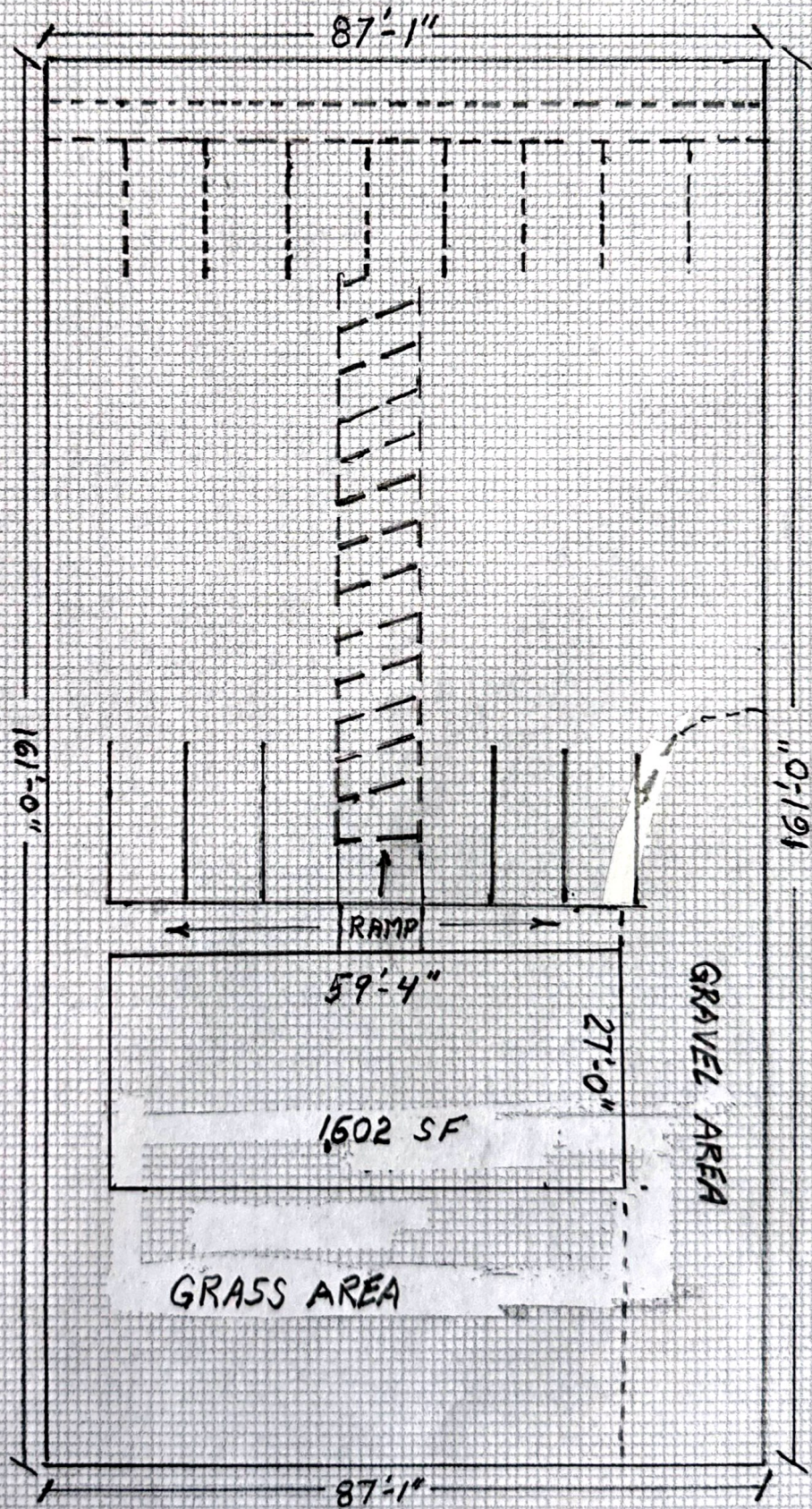
Children that would be attending the daycare would be ages 0-12 years old.

I plan on having at most 8 employees including myself.

The occupancy of children would be 40 if allowed.



SCALE: 1" = 20'



Jody Green

From: No Reply
Sent: Friday, August 23, 2024 11:19 AM
To: Kelli Ebersole; Will Klaver; Jody Green; Lisa Strickland; Jonathan Spendlove
Subject: Public Comment Notice for PZ24-0080

A public comment has been submitted for PZ24-0080 presented at the Planning and Zoning Meeting on 8/27/2024.

Name: Nicki Kroese
Email: director@sagewomenscenter.org
Comments:

To the Planning and Zoning Committee,

We respectfully request that you deny the Special Use Permit PZ24-0080 for the proposed daycare facility at 166 Blake St. North. Sage Women's Center owns one of the three buildings at this address, which shares a property line with the Apollo Inn motel. According to the Twin Falls County Sheriff's Office, the Apollo Inn is home to two registered sex offenders. The motel's bathroom windows directly overlook the backyards of all three buildings on the property, including ours.

We recognize the important role that the Apollo Inn plays in providing housing for individuals facing difficult circumstances, and we acknowledge the complex nature of this population. However, not all individuals who may pose a risk to the community are officially listed, and some of the residents may engage in behaviors that could potentially endanger vulnerable populations.

Given the nature of the daycare's proposed location, we believe there is a legitimate risk to the safety and well-being of children who would be playing in the backyard. Risks such as voyeurism, grooming, and even the potential selection of victims are possible concerns that should not be taken lightly.

For these reasons, we strongly urge you to deny the application for a daycare facility at this location in the interest of protecting the children from potential harm.

Respectfully Submitted, Nicki Kroese, Executive Director; Andy Gardner, Board President; Board Members: Karen Hefner, Steve Schmid, Molly Arrossa, Julie Overacre, Mark Browne; Amber Madsen, R.N. Nurse Manager; Jessica McDonald, Services Coordinator.