



Twin Falls Planning & Zoning Commission Agenda

Tuesday, September 10, 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 meeting minutes from the following meeting: August 27, 2024
- 4) Items of Consideration
- 5) Public Hearings
 - a) **ACTION ITEM:** 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
 - b) **ACTION ITEM:** Request for a recommendation to City Council on the appropriate zoning designation for a proposed annexation of approximately 2 acres located on the SW corner of Park Ave. and Washington St. South c/o Gem State Dairy Products, LLC (PZ24-0082).
By: Lisa Strickland, City Planner
- 6) Upcoming Meeting(s)
 - a) September 23, 2024 - Combined work session with City Council
 - b) September 24, 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 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

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

Members Attending: Titus, Campbell, Weatherford, Herrgesell, Zimmerman

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

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Approval of minutes from the following meeting: August 13, 2024

Commissioner Herrgesell made a motion to approve the consent calendar, as presented. Vice-Chair Campbell seconded the motion.

4) Items of Consideration

- a) 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).

Staff Presentation:

Senior Planner Klaver presented the 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).

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.

N/A

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

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.

PZ/Questions & Comments:

- Chairperson Titus asked for clarification about the size of the lots being asked for.
- Senior Planner Klaver explained the difference from the original plat to this one is for the allowance of individual lots, and allow them to be smaller. This will keep the original 90 total units, but allow smaller individual lots for the duplexes and fourplexes.
- Chairperson Titus asked if it still meets the minimum density requirements.
- Senior Planner Klaver stated it would meet requirements for the duplex size but not the fourplex size. This approval will allow for that.
- Director Spendlove explained that the developer needs to make the lots individual to sell. The original was 1 large lot and now they are splitting them up. The lots for the fourplex need to be smaller than code requires.
- Vice-Chair Campbell asked how much smaller they are going to be.
- Senior Planner Klaver explained the R-4 zone for a duplex requires 7000 sq feet, this will be on 8000 square feet. The requirement for a fourplex would need 11,000 sq feet, this will balance it out.

Applicant presentation:

Tim Vawser from EHM explained in more detail why they are asking for this. He explained the financing part of this and why it's different when it's 1 lot vs individual lots.

PZ/Questions & Comments:

- Commissioner Herrgesell asked what will be the final square foot per lot.
- Tim Vawser responded it will be no less than 8000 square feet per lot.
- Commissioner Herrgesell asked if without this amendment would it be harder to develop.
- Tim Vawser stated that the only changes are that some buildings are moved to accommodate setbacks. They are wanting to do this in phases.
- Senior Planner Klaver clarified that this is informational only.
- Chairperson Titus asked about the original having to be built all at once, with this change will there be any current requirement for completed construction of internal connection, sidewalks or common areas at the moment attached to the ZDA.
- Senior Planner Klaver explained that the internal loop has been completed and most of the infrastructure if not all is in.
- Tim Vawser stated that all sewer/water, pressure irrigation and asphalt has been done. To get a Certificate of Occupancy on any unit all the other improvements on those individual lots would need to be in place.

5) Public Hearings

- a) 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)

Staff Presentation:

Planner Ebersole presented the 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)

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.

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.

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.

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.

PZ/Questions & Comments:

- Vice-Chair Campbell asked what the 2 hotels next to it are.
- Planner Ebersole stated they are both owned by Fairfield.
- Commissioner Herrgesell asked why they need a Special Use Permit.
- Planner Ebersole stated it is not an outright permitted use in the C-1 zone.

Applicant Presentation:

Greg Gastineau explained that it will be similar in size and shape to the existing hotels. They like the location because of the retail businesses near and feel this will be a good fit for everyone in the area.

- Commissioner Herrgesell asked about the difference in extended stay and regular stay.
- Greg Gastineau stated it is no different, nationally it's a 27 night stay for extended stay and is set up differently with weekly cleaning instead of daily. From the outside it is no different.
- Chairperson Titus asked if it is just for the use with no additional requests.
- Planner Ebersole responded that it is not above height and they are asking for no additional requests.

Public Hearing: Opened and closed with no public input.

Discussions Followed:

- Commissioner Herrgesell feels this is harmonious with the surrounding.
- Commissioner Zimmerman feels it looks compatible.
- Vice-Chair Campbell nice for with existing services needed.
- Chairperson Titus with no issues with the existing hotels.

MOTION: Vice-Chair Campbell moved to approve the 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). Commissioner Herrgesell seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- b) 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).

Staff Presentation:

Planner Strickland presented the 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). 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 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.

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.

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.

PZ/Questions & Comments:

- Commissioner Zimmerman asked what the cross agreement looks like.
- Planner Strickland stated that the parking and access are shared with all 3 properties.

Applicant Presentation:

Alexandria Brown responded to the letter that was sent in and explained that they will have cameras and a teacher will be present at all times. No phones will be allowed outside with the kids. This is her lifelong dream and she found a building that will work.

PZ/Questions & Comments:

- Commissioner Herrgesell asked where the hotel is in proximity to the property.
- Alexandria Brown showed the buildings on the map.
- Director Spendlove stated it's south of the property.
- Alexandria Brown stated that there is no telling what room is occupied by a sex offender.
- Chairperson Titus asked about the drop off time.
- Alexandria Brown explained that they have 15 minutes to be parked for drop off.
- Vice-Chair Campbell asked about what experience or certifications the applicant has.
- Alexandria Brown listed her accomplishments, licenses and experience over the last 6 years.
- Vice-Chair Campbell asked if there is a fence around the property.
- Alexandria Brown stated that the back is fenced but she will need to fence off to the west to separate the two businesses.
- Commissioner Weatherford asked how tall the fence that is there is or what the new one will be.
- Alexandria Brown stated she doesn't know.
- Vice-Chair Campbell asked if there is a grassed area.
- Alexandria Brown stated it is grassed.

Public Hearing: Opened

- Nicki Kroese the Executive Director of Sage Women's Center stated they have not signed an agreement for the shared driveway. She feels like 40 cars traveling in and out will cause problems because the driveway is narrow. She is concerned about the windows at the motel behind the properties.
- Amber Madsen is a nurse manager at Sage Women's Center. The Apollo Inn is their concern. The parking lot is full and having cars in and out with children there is a concern.
- Johnathan Garner explained that there is no fence now but something can be done. The other speaker deals with pregnant women and children but she doesn't have a fence either. The children come first. If the other business is still there then maybe there isn't a problem. Parking won't be an issue as dropping off children doesn't take that long.
- Alexandria Brown stated she will always keep the safety of the kids. She can build a fence high enough to block the windows of the hotel if needed.
- Commissioner Herrgesell asked staff if the hotel was one story.
- Director Spendlove stated yes.
- Alexandria Brown explained that they will be open at 5 am and close at 7 pm for people who need the earlier and later hours and feels that the parking lot shouldn't be an issue with those hours.
- Vice-Chair Campbell asked staff about the road agreement.
- Director Spendlove clarified that the agreement was signed in 1996. Cross-use agreements are used to access building that are not on a road frontage.
- Vice-Chair Campbell asked if there were any stipulations on how many cars.
- Director Spendlove read the agreement.

Public Hearing: Closed

Discussions Followed:

- Vice-Chair Campbell asked the others if they have any feelings about sex offenders. Her house has a lot of offenders and she feels that it would be hard to find an area without any.
- Commissioner Herrgesell asked for clarification if this can only be used for educational.
- Planner Strickland explained that it started with the school district. It fits for children and might need more requirements with the building occupancy.
- Commissioner Herrgesell asked if that would that be handled during the building permit stage.
- Planner Strickland stated yes.
- Chairperson Titus asked if there are any requirements for enclosures or fenced in areas with daycares in City Code.
- Planner Strickland replied that not per city code. There is no screening required. The back of the hotel is a solid brick wall with some windows. Any person wanting to be near the other property would have to be intentional and be on the other persons property. The windows are not egress windows.
- Commissioner Herrgesell asked if there was any concern with the commission recommending a certain height of a fence.
- Director Spendlove responded that they can put a requirement for a permit. When the application is submitted the owner has agreed to the process. He said to give a good reason as to why you are making them build a fence.
- Commissioner Herrgesell feels the proximity of the motel without a fence.
- Commissioner Weatherford stated that the fact you can look out a window concerns her.
- Commissioner Zimmerman asked if there is a fence separating the motel from the other properties.
- Director Spendlove responded that the state might require something with the license.
- Chairperson Titus would want a fence for containment and safety of the children. This has the containment already and she feels this is sufficient.
- Director Spendlove asked the commission to go through the 9 criteria and see if any stand out. The state will have their own rules for safety with the children during the licensing process.
- Chairperson Titus went through the criteria and feels things have been addressed and there will be no problems with them.
- Vice-Chair Campbell stated that you would have to put a fence up everywhere if you wanted to fence out sex offenders. If the applicant isn't opposed to a fence then maybe that would work to block the windows. She wonders if the applicant could make a circular drop off to keep vehicles from backing up.
- Commissioner Zimmerman feels the parking lot will need to be used for parents to walk their children in.
- Vice-Chair Campbell feels if they have 15 spaces and have to plan for 12 with 8 for employees, that might take up a lot of parking spaces with people backing up a circular pattern for drop off might make it easier.
- Chairperson Titus feels the parking spaces need to be used with the fact it's little children that will be walked in by their parents.
- Vice-Chair Campbell feels the applicant addressed the hotel issue and doesn't feel requiring that the windows be obstructed. She likes this application.
- Chairperson Titus feels the use is appropriate.
- Vice-Chair Campbell asked if the parking space number is sufficient for employees or

customers.

- Director Spendlove explained that depending on occupancy of the building and number of children and employees the parking stalls will be required during building permit process.
- Chairperson Titus asked if that would need to be met.
- Director Spendlove stated that yes it would for minimum code requirements.

condition: Vice-Chair Campbell made a motion to add a condition that the applicant needs to obscure the view by putting up fence or other material that would block the children in the back playing from the view of the window of the motel. Commissioner Weatherford seconded the motion.

- Commissioner Herrgesell thought that the licensing piece would take care of whether there needed to be an obstruction of the view.
- Director Spendlove stated he is not intimately familiar with licensing requirement but the safety from the state is of the upmost.
- Commissioner Herrgesell asked if you didn't put up a fence how else would you block the view.
- Planner Strickland explained that there are no property setbacks so the building is on the property line.
- Vice-Chair Campbell asked if no fence is required then can the kids touch the windows.
- Director Spendlove explained to the commission that they need to think about the safety access the windows might need.
- Vice-Chair Campbell withdrew her motion.
- Commissioner Herrgesell asked if they are in the backyard then you could touch the other building.
- Planner Strickland explained that there are powerlines that run along the building so there is an easement.
- Commissioner Weatherford would be more concerned if it was a permanent home and not temporary stay.
- Chairperson Titus doesn't feel that it is in planning and zonings jurisdiction to dictate that.
- Commissioner Herrgesell feels that should be on the owner and state if they feel it's a good location or an issue.

MOTION: Commissioner Weatherford moved to approve the 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). Commissioner Herrgesell seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 1.

6) Upcoming Meeting(s)

- a) September 4, 2024 - Work Session - Special guest
September 10, 2024

7) Adjournment

The meeting adjourned at 07:22 PM

DRAFT



Date: Tuesday, September 10, 2024
To: Planning and Zoning Commission
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

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:

Approximately 15 minutes for staff presentation, and 15 minutes for the applicant's presentation. Questions and public input are excluded from this time estimate.

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:

The Federation Point Zone Development Agreement (ZDA) was created in 2021. In 2022, the Federation Point ZDA was amended to accommodate the Gem Prep charter school.

A preliminary presentation before the Planning and Zoning Commission was presented at the August 27, 2024, Planning and Zoning Meeting, satisfying the requirement of City Code 10-6-1.7 (B).

Analysis:**Proposed Changes are as follows:**

1. Modifying Section 3, Subsection B.2 to allow for duplex and four-plex buildings to be on lots no less than 8,000 SF.

The base zoning (RM) is allowed to have duplexes on 7,000 SF lots and four-plex units on 11,000 SF lot. The current ZDA Documents allow for the following: *"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 plan included as Exhibit B"*. The proposed amendment before you today keeps this verbiage.

However, it adds the following clarification: *"Four-plex 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"*.

The applicant narrative states the purpose for this amendment is to "allow individual lots within the multifamily portion of the development to be built in stages". This is necessary for the applicant due to the "current status of the economy". No other changes are being proposed in this amendment. The density, uses, layout, etc. all remain the same. The applicant concludes the narrative with "The change will not add any effect 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."

Staff would agree with this statement and would recommend approval of the proposed amendment.

Conclusion:

The Commission is tasked with making a recommendation on the Amendment of "Federation Pointt ZDA" to allow, by right, duplex and four-plex on their own parcel of 8,000 SF or greater, with a max density of 90 units on 6.1 acres.

Staff proposes the following conditions:

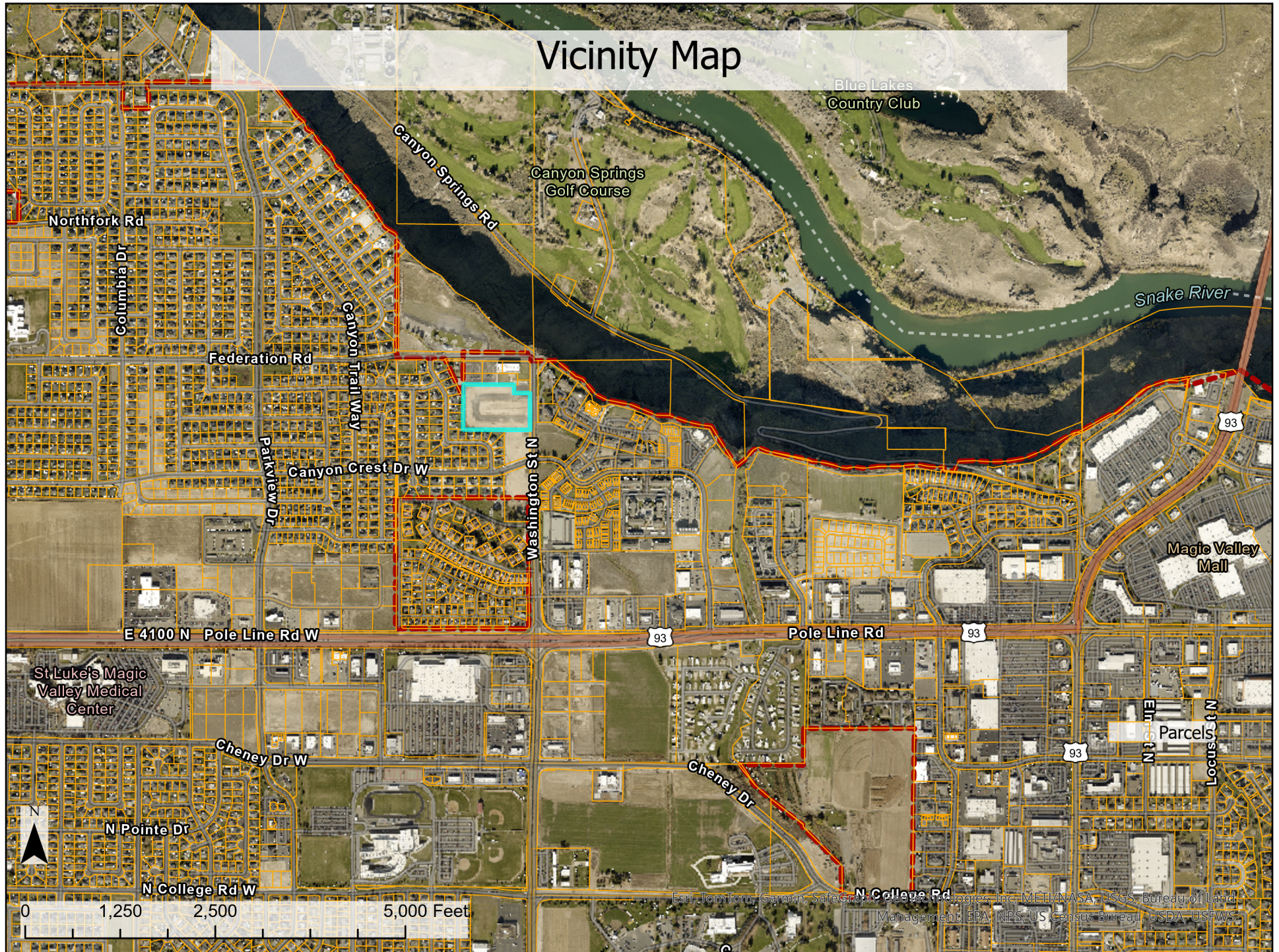
1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

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



Esri, TomTom, Garmin, SafeGraph, OpenStreetMap contributors, Mapbox, Mapbox Data Services, Inc., METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS

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)
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

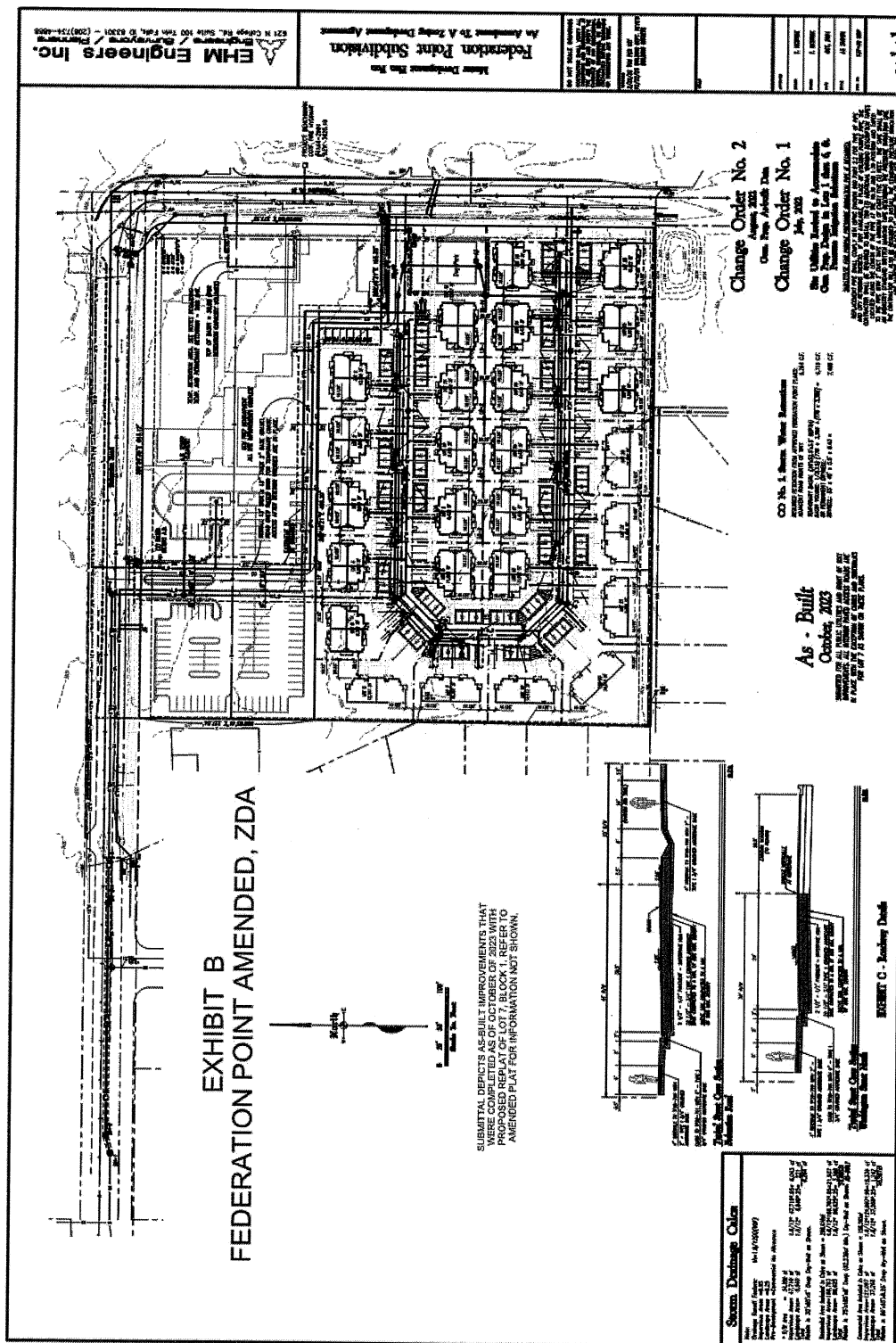
Residing at _____

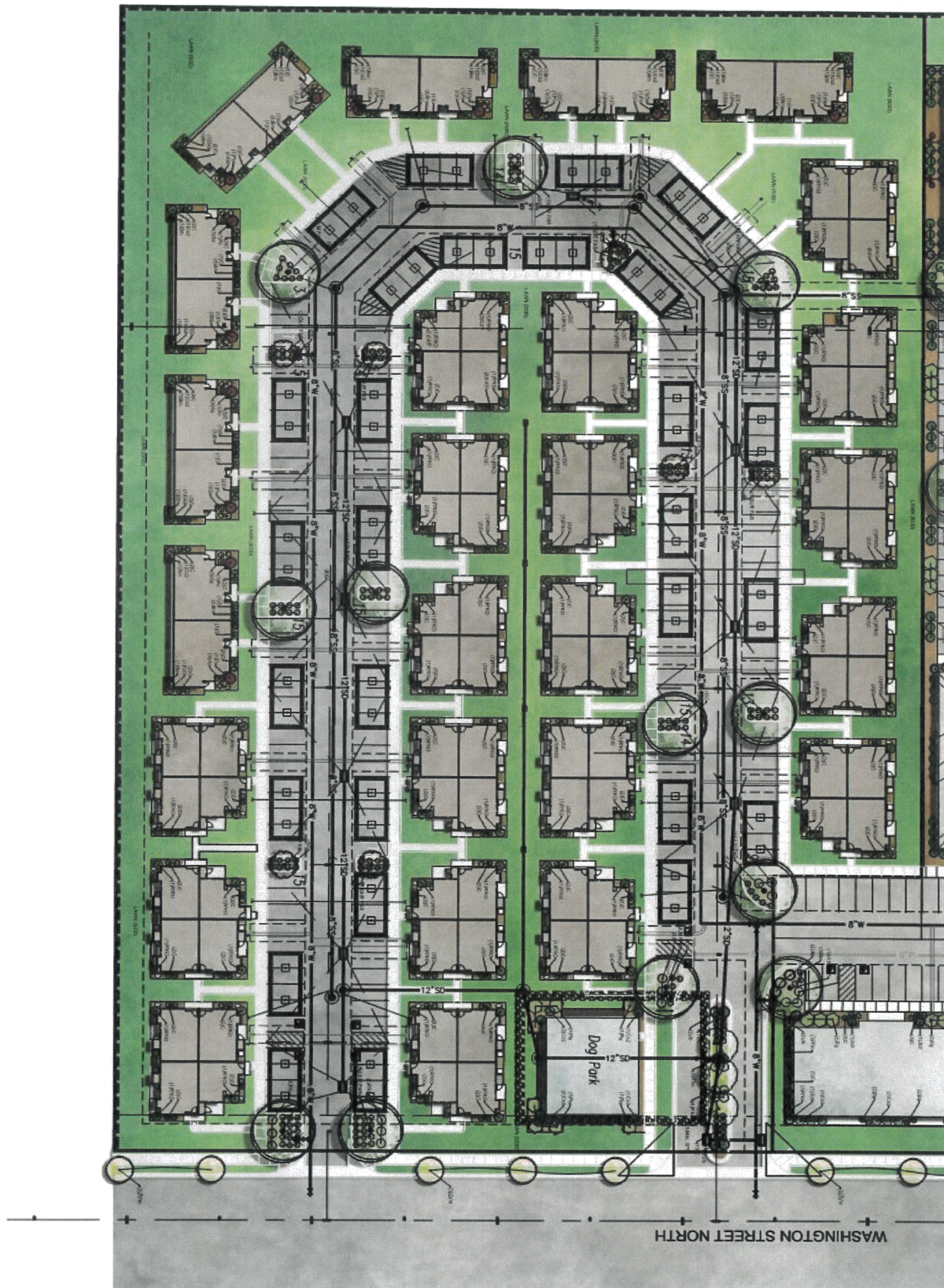
My commission expires _____

**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

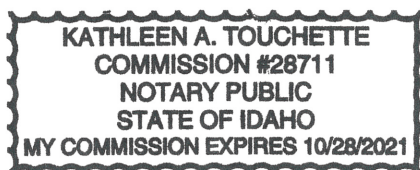
By: Steven F. Hepworth

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.



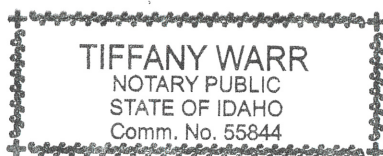
Kathleen A. Touchette

Residing at TWIN FALLS, ID

Commission Expires: 10/28/2021

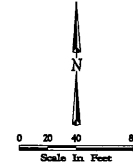
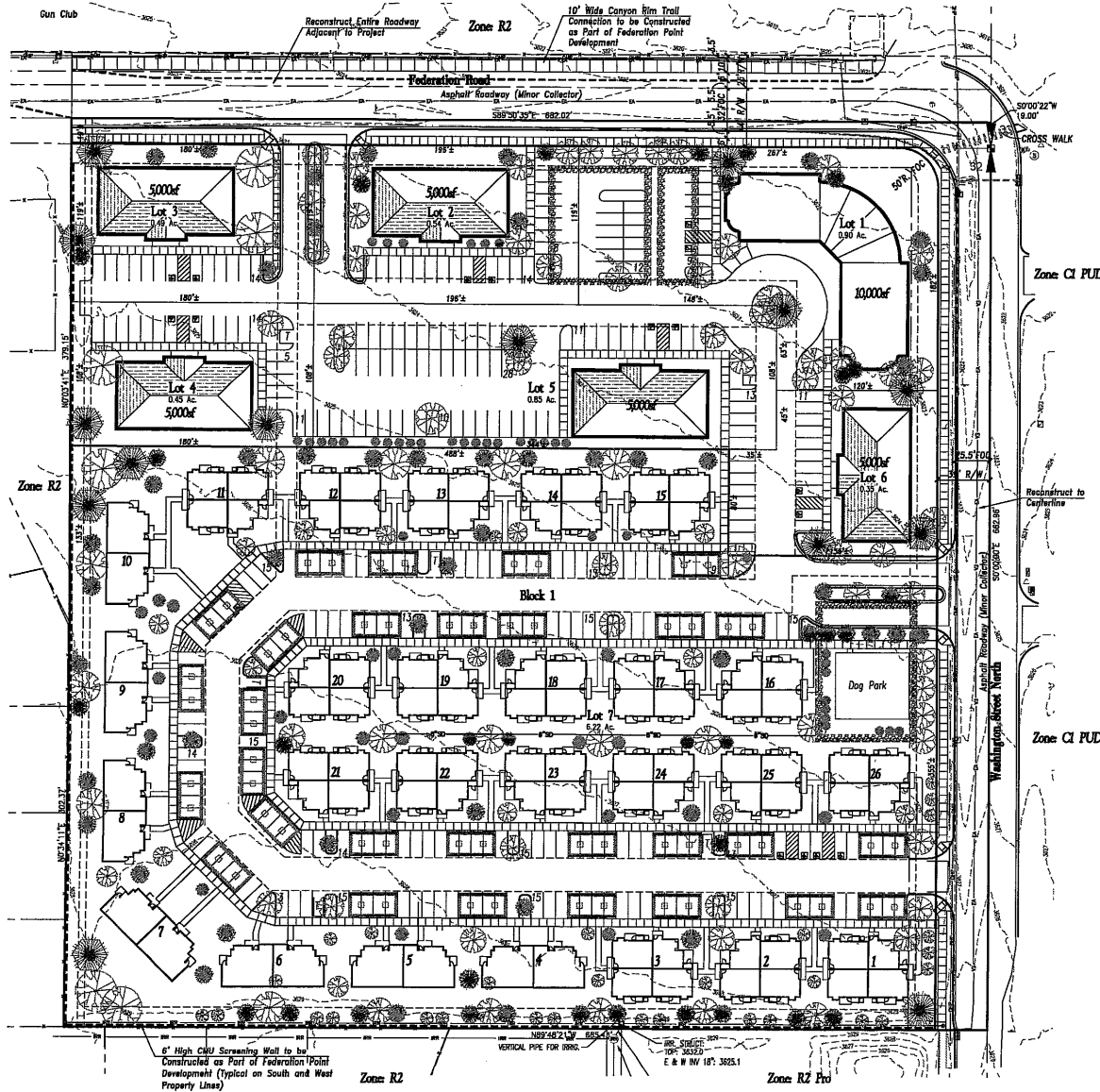
STATE OF Idaho)
)
) SS.
County of Minidoka)

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	FH	FH
GATE VALVE	GV	GV
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

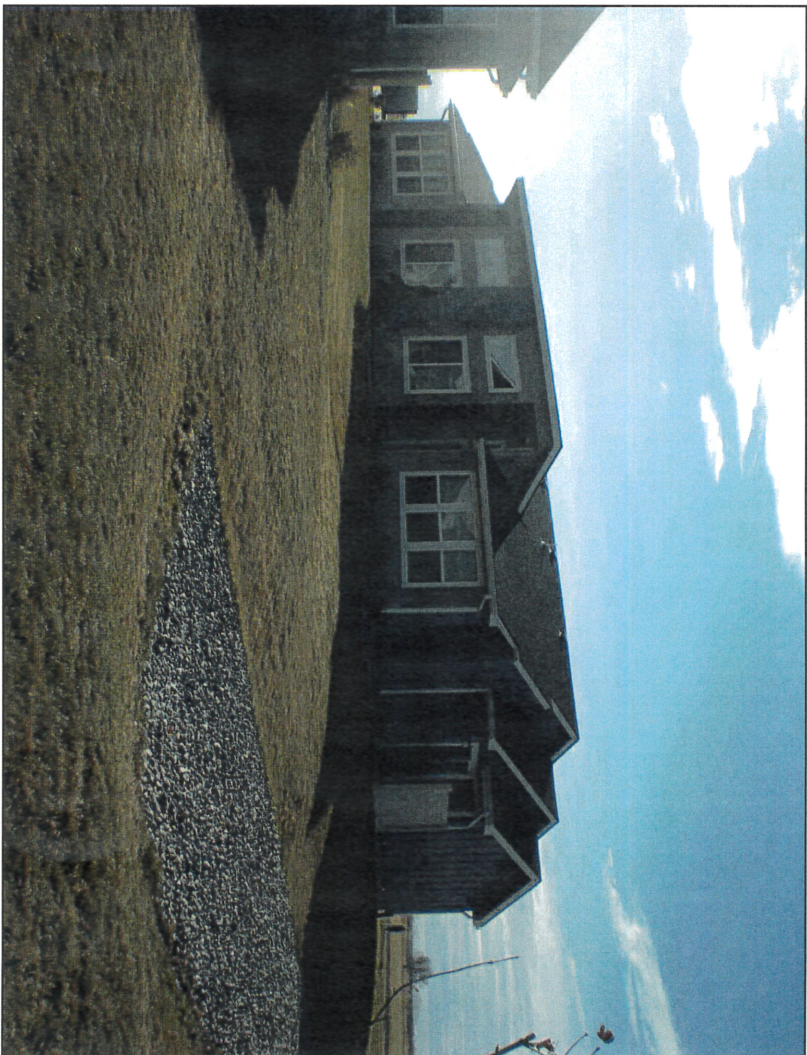
EHM Engineers, Inc.
Engineers / Surveyors / Planners
We make the world a better place to live.
621 North 234th Street, Suite 8300
P.O. Box 734-888, Inc. (208) 734-6909
www.ehm-inc.com

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

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL
DIMENSIONS AND LOCATIONS AT
CONSTRUCTION SITE. VERIFY THE
CORNER OF ANY TRIANGULAR
LOT. DIMENSIONS ARE NOT
GUARANTEED WITHOUT RECORDING
OR HARBORING ANY WORK.

APPROVED	
DATE	T. MCBRIDE
DATE	T. MCBRIDE
DATE	JUNE, 2020
DATE	AS SHOWN
DATE	FOR 137-2020A EXHIBIT B
DATE	137-20

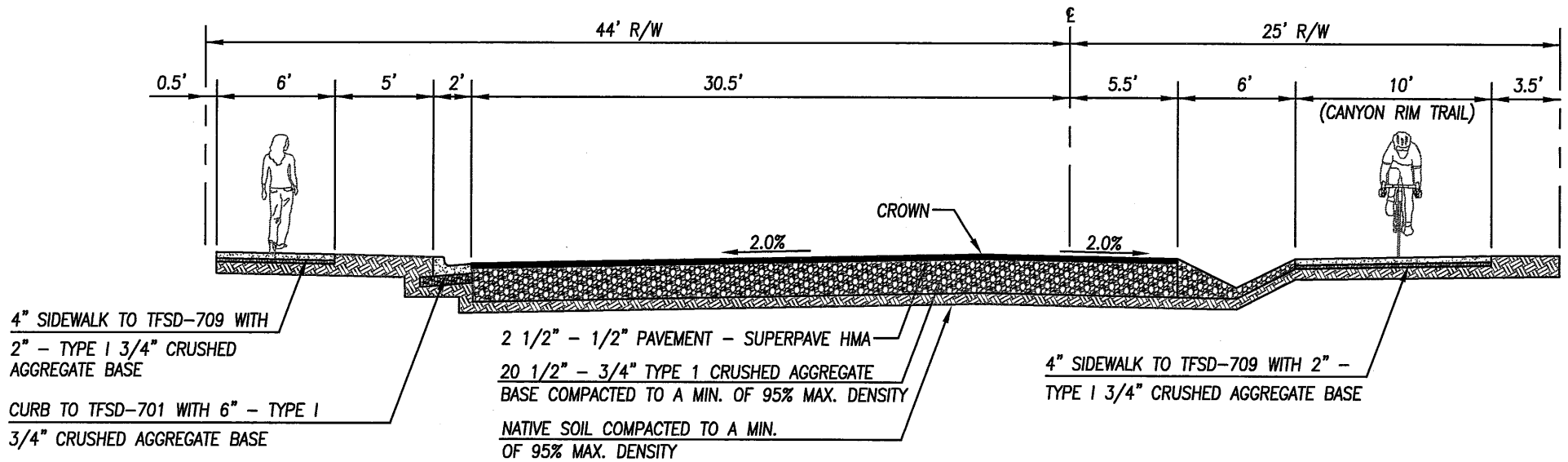
Sheet 1



TYPICAL DUPLEX UNIT



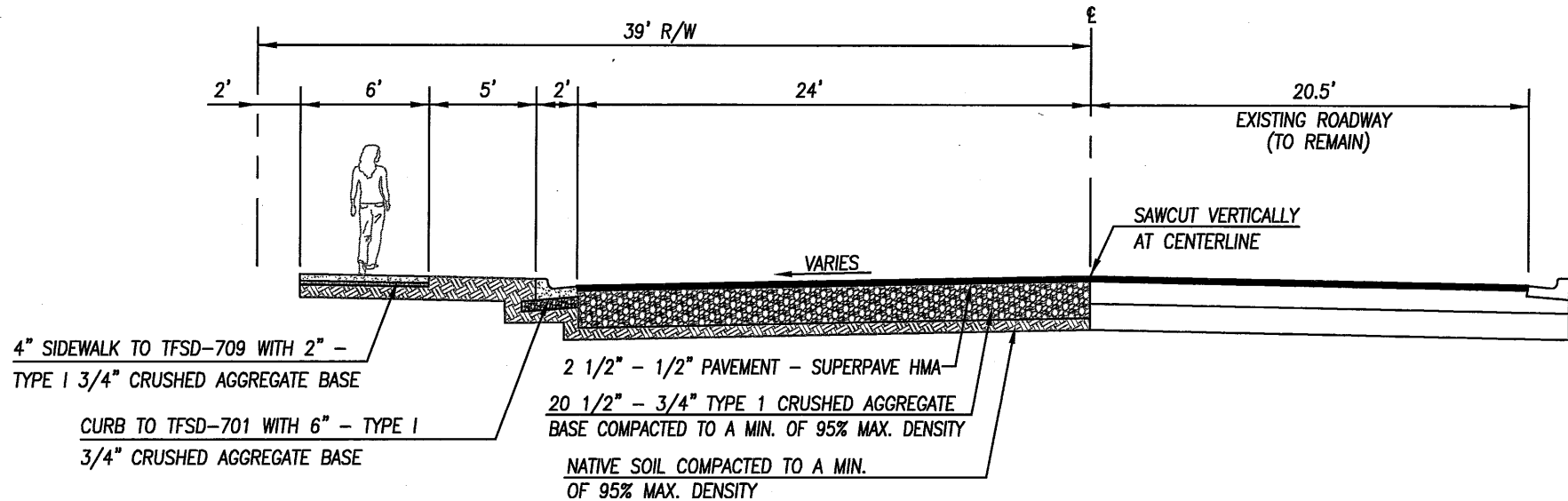
TYPICAL FOUR-PLEX UNIT



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 Dence

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 $87^{\circ}17'06''$ East 32.62 feet;

Thence, South $68^{\circ}44'23''$ 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 $00^{\circ}13'48''$ 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 $05^{\circ}32'36''$, an arc distance of 27.28 feet and long chord that bears North $87^{\circ}38'57''$ West 27.27 feet;

Thence, continuing along said North Right-of-way, South $89^{\circ}34'43''$ 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 $00^{\circ}25'15''$ West 99.11 feet to the Southeast corner of said Lot 11;

Thence, along the South Boundary of said Lot 11, North $89^{\circ}34'43''$ West 102.84 feet to the Southwest corner thereof;

Thence, along the West Boundary of said Lot 11, North $00^{\circ}25'17''$ East 125.00 feet;

Thence, leaving said West Boundary, North $15^{\circ}54'11''$ East 44.87 feet;

Thence, North $00^{\circ}00'00''$ East 24.02 feet to a point on the North Boundary of said Lot 11;

Thence, leaving said North Boundary, North $00^{\circ}00'00''$ East 50.31 feet;

Thence, North $25^{\circ}54'11''$ East 36.50 feet;

Thence, North $00^{\circ}00'00''$ 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:

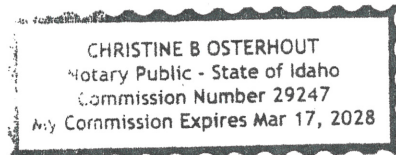
1. Perimeter Landscape Buffer and Screening: A landscaping buffer of twenty- five feet (25'), including sidewalks, shall be installed from back of curb along Washington Street North and Federation Road. A six foot (6') high masonry wall shall be installed along the south and west boundary of the development 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

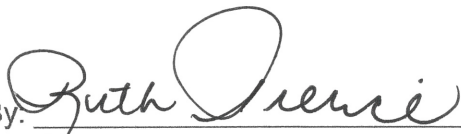
Commission Expires: 3-17-2028

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

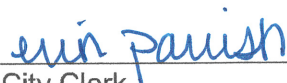
Developer: Hepworth Family Landholdings, LLC
Steven F. Hepworth, Member

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

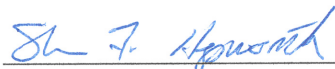
"City"
City of Twin Falls

By. 
Mayor

ATTEST


City Clerk

"DEVELOPER"
Hepworth Family Landholdings,
LLC


Steven F. Hepworth, Member

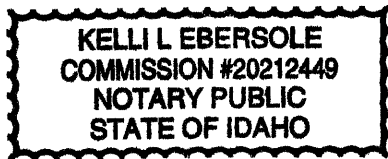
Federation Point, ZDA
A Residential Mixed Use and Limited
Commercial Zoning Development Agreement

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.

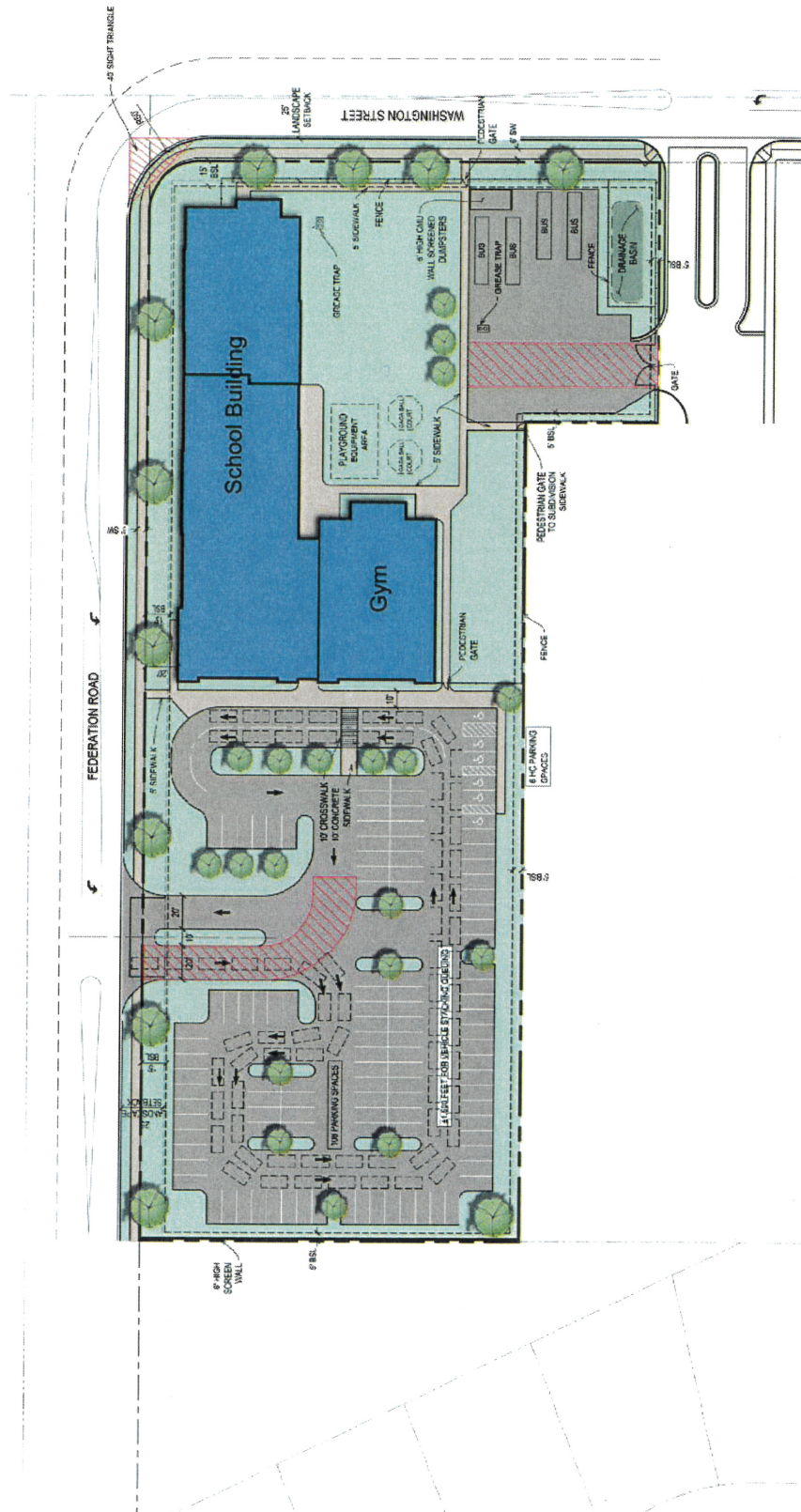


Kelli Ebersole

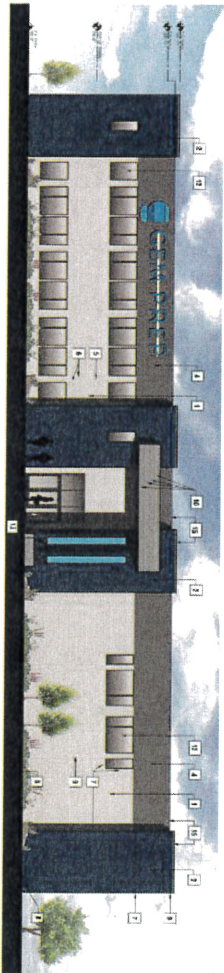
Residing at TWIN FALLS, ID

Commission Expires: May 17, 2027

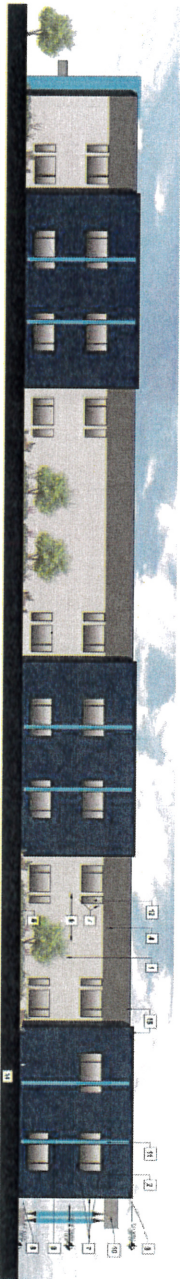
Site Plan



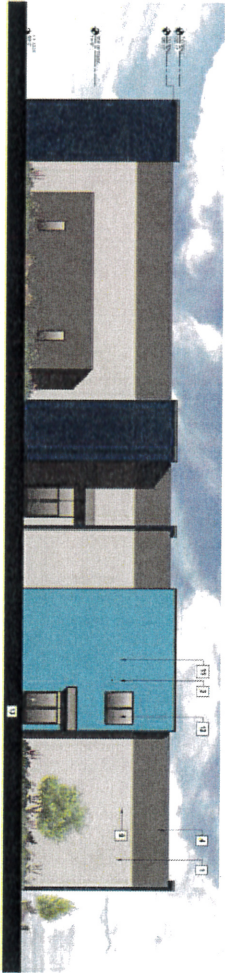
Elevations



4 WEST ELEVATION



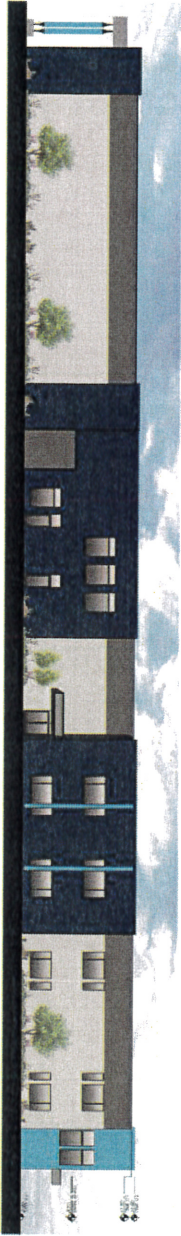
2 NORTH ELEVATION



3 EAST ELEVATION

EXTERIOR FINISHES

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



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:
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.

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

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- 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.
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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

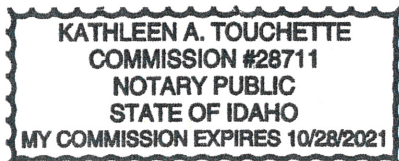
By: Steven F. Hepworth

STATE OF IDAHO)
ss.

County of Twin Falls)

On this 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.

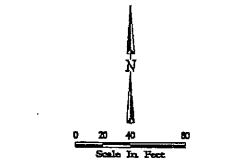
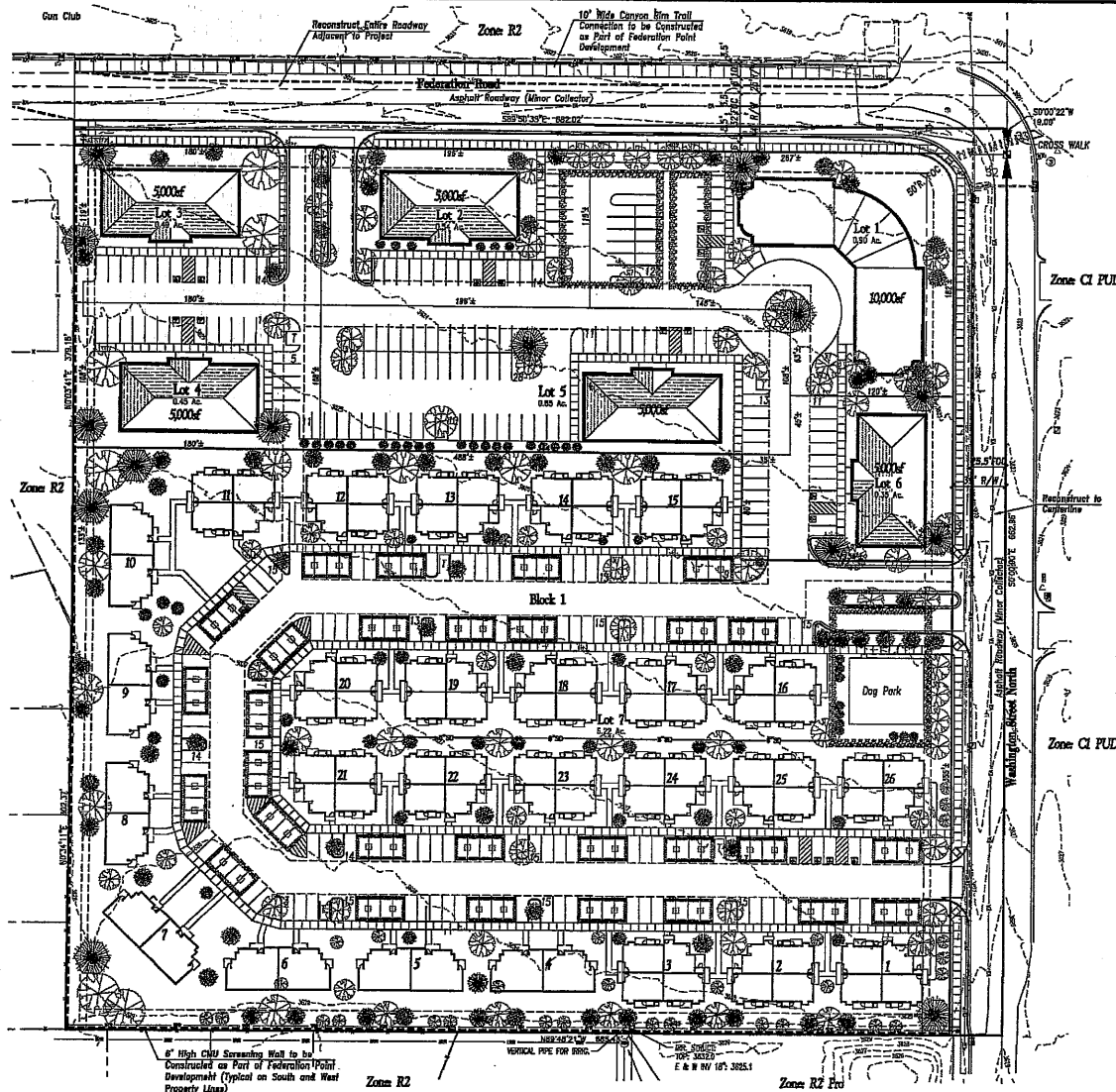
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kathleen A. Touchette

Residing at TWIN FALLS, ID

Commission Expires: 10/28/2021



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.U. SERVICE	---	---
P.U. BLOW-OFF ASSEMBLY	---	---
CATCH BASIN	---	---
UTILITY POLE	---	---
UTILITY RISERS/STRUCTURES	---	---
SEAL	---	---
DRAINAGE ARROW	---	---

Existing Zone: R2
 Proposed Zone: RM, ZDA

Exhibit B ZDA Master Plan

EFM Engineers, Inc.
 ENGINEERS / SURVEYORS / PLANNERS
 601 North College Blvd., Suite 200
 Twin Falls, Idaho 83401
 P (208) 734-1888 F (208) 734-6949 www.efm-inc.com

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

DO NOT SCALE DRAWINGS
 ENGINEER SHALL VERIFY ALL
 DIMENSIONS AND PROPORTIONS AS
 SHOWN ON THIS PLAN AND NOTIFY THE
 OWNER OF ANY DISCREPANCIES
 BEFORE ANY CONSTRUCTION BEGINS
 OR ANY CHANGES ARE MADE.

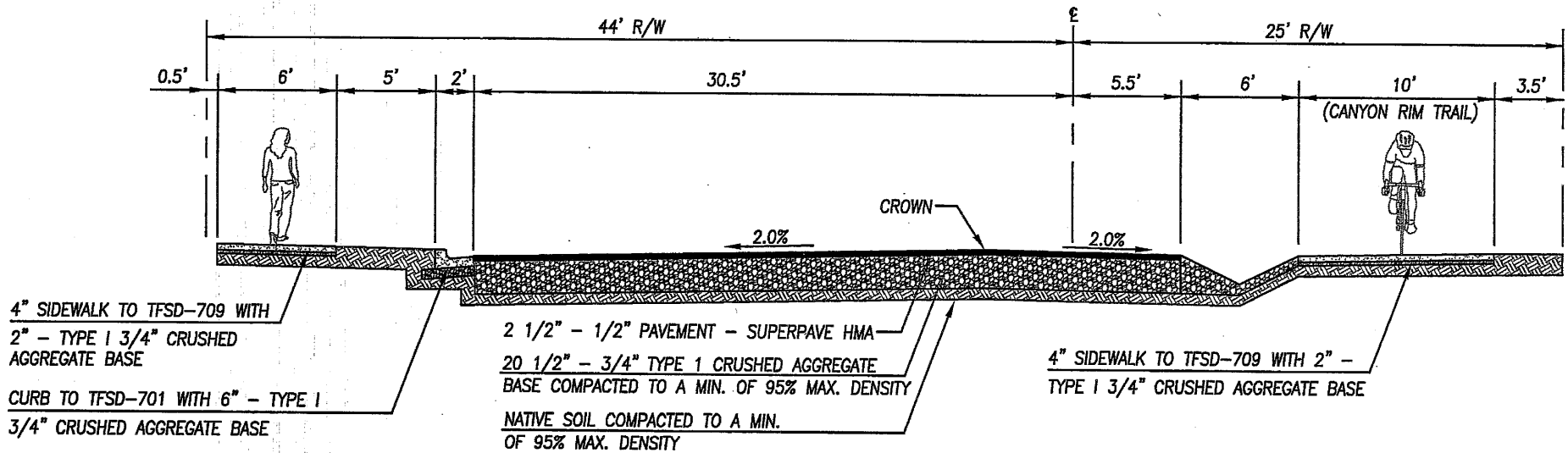
DESIGNED BY	T. MCBRIDE
CHECKED BY	T. MCBRIDE
DATE	JUNE, 2020
SHEET	AS SHOWN
PROJECT	137-2020A Exhibit B
SHEET NO.	137-20



TYPICAL DUPLEX UNIT



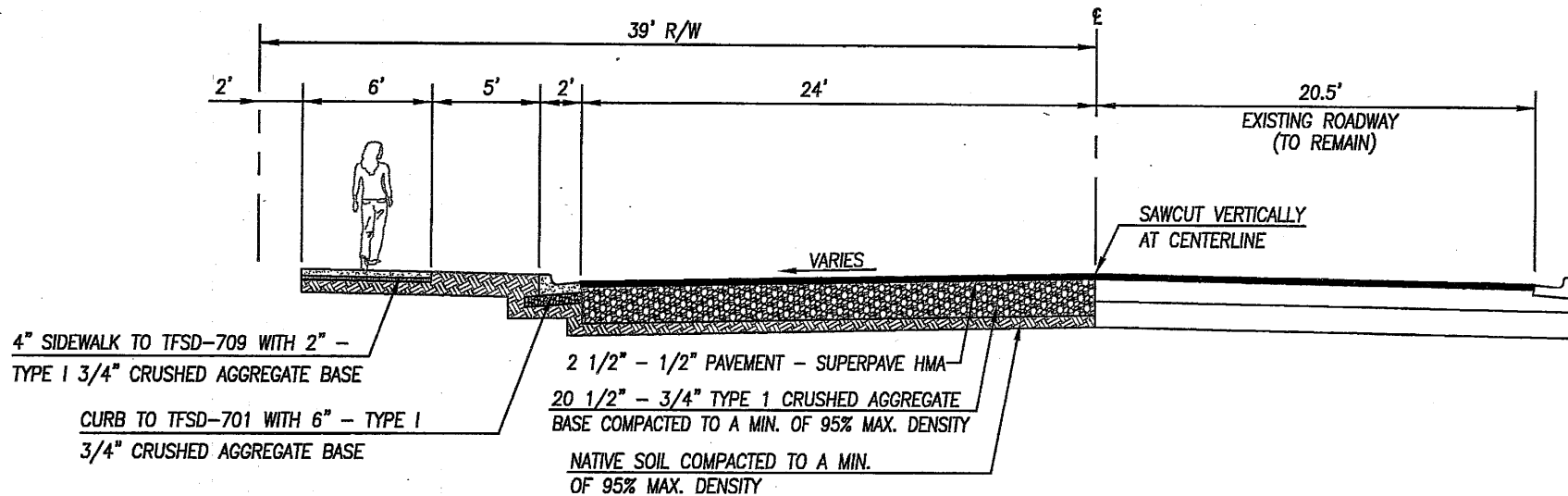
TYPICAL FOUR-PLEX UNIT



Typical Street Cross Section

Federation Road

nts.



Typical Street Cross Section

Washington Street North

nts.

EXHIBIT C - Roadway Details

ORDINANCE NO. 0-2021-006

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, September 10, 2024
To: Planning and Zoning Commission
From: Lisa Strickland, City Planner

ACTION ITEM

Request:

Request for a recommendation to City Council on the appropriate zoning designation for a proposed annexation of approximately 2 acres located on the SW corner of Park Ave. and Washington St. South c/o Gem State Dairy Products, LLC (PZ24-0082).

Time Estimate:

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

Background:

This is a request for a zoning district change from M-1 to M-2 for approximately 2 acres requesting to be annexed by Gem State Dairy Products, LLC.

Approval Process:

10-15-1: COMMISSION RECOMMENDATION REQUIRED:

Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission on the proposed plan and zoning ordinance changes for the unincorporated area. The council shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendment or repeal until recommendations have been received from the commission. (Ord. 2012, 7-6-1981)

10-15-2: PUBLIC HEARING:

- A. The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)
- B. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the proposal with its recommendations to the council. (Ord. 3091, 3-2-2015)
- C. The council, prior to adoption, amendment or repeal of the plan or zoning ordinance, shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the hearing of the council, if the council makes a material change in the plan or zone, further notice and hearing shall be provided before the council adopts the plan or zone
- D. Concurrently or immediately following the adoption of an ordinance of annexation, the council shall amend the planning and zoning regulations as shall be found to be necessary. (Ord. 2012, 7-6-1981)

Budget Impact:

NA

Regulatory Impact:

A recommendation on the zoning of this property will allow the City Council to hold a public hearing to make a final decision on the zoning designation and annexation of the property.

History:

In 2019, Gem State Dairy rezoned the undeveloped agricultural property to the northwest from R-4 and M-1 to M-2 for future development. They have since purchased the subject property that is currently zoned M-1 and are proposing to change the zone to M-2, if annexed.

Analysis:

The subject area is located within the County's area of impact. This area references and utilizes the City's zoning district. This area was zoned M-1. Although it is County zoning and we have no jurisdiction on how it was previously utilized, we know generally what was entitled in the County. An analysis between the M-1 and M-2 zoning district's has been conducted below.

Although a declaration of land use is not required with a rezone request, the commission can take into consideration the differences between the zones and the land use allowances when making their recommendation. A review of the M-1 and the M-2 Zoning District revealed that the land uses within each zone are very similar, except for how the uses are categorized into permitted and special uses. The M-2 Zoning District also has uses that are not listed in the M-1 zoning district, but these additional uses require a Special Use Permit within the M-2 zone. Staff has provided a land use comparison chart in the attachments along with a copy of the M-1 & M-2 Zoning District Chapters.

As part of the consideration, the commission must also review the comprehensive plan to determine if the change would be appropriate and compatible with the future land use plan. This property has two comprehensive plan designations, the first being Neighborhood Commercial on the east and Industrial/Flex on the west. Neighborhood Commercial is characterized by small scale commercial developments designed to complement the neighborhood's character. Examples of neighborhood commercial land uses are offices, small scale retail, civic and community facilities and apartments. The Industrial/Flex is characterized by businesses that provide non-retail employment and support local industries within the community, such as hotels, restaurants and other retail uses and located near regional roads and railways. Staff has determined that the current zoning of M-1 and the proposed zoning of M-2 are very similar in nature and are compatible with the future land use plan. The proposed zone change, if approved, would support the goals of the comprehensive plan which is to allow future industrial growth in this area.

Conclusion:

Upon conclusion, the commission is tasked with making a recommendation to the City Council on the zoning designation being requested by the applicant. The commission may recommend the proposed zone change from M-1 to M-2, recommend the M-1 zone be maintained, recommend an alternative zoning designation, or table the request to acquire new information.

Should the Commission recommend approval, Staff recommends the following conditions:

1. Right-of-Way dedication for Park Avenue; and
2. Park Avenue Right-of-Way improvements completed at the time of development.

Attachments:

1. PZ24-0082 Vicinity Map
2. PZ24-0082 Zoning & FLU Map

3. PZ24-0082 Applicant Narrative
4. Land Use Comparison Chart
5. M-1 & M-2 Zoning District Code

Request for a recommendation for zoning district change from M-1 to M-2 for property proposed for annexation located on the SW corner of Park Ave. and Washington St. South. (PZ24-0082)



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

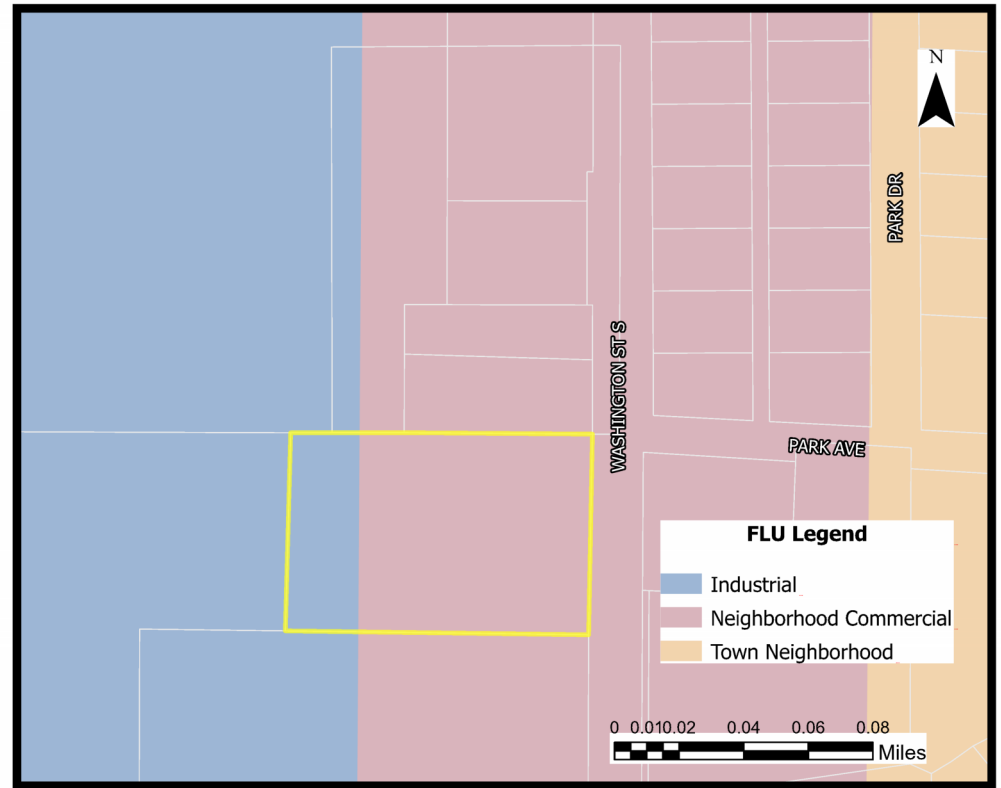
North: Commercial Daycare

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 that complement the neighborhood
Land Uses: Office, Apartments and Small-scale retail

Industrial/Flex
Non-retail employment, supportive uses for hotels, restaurants and other retail close to regional roads and railways

Land Uses: Office parks, Warehousing, General Manufacturing, Food Process, Industrial campus'

City of Twin Falls

Community Development Services

P.O. Box 1907

Twin Falls, Idaho 83303

Director of Planning and Zoning,

Gem State Dairy Products, owner of Parcel # RP10S17E207201 request that this parcel be annexed into the city of Twin Falls, Idaho.

The reason for the request is merely that the parcel is better suited incorporated into Twin Falls long term plans.

We, also, request that the zoning be changed ~~to R2 from its current R1.~~ from M-1 to M-2

Thank you,

A handwritten signature in black ink, appearing to be 'Hank Hafliger', written over the 'Thank you,' text.

Hank Hafliger

Manager

Gem State Dairy Products, LLC

P.O. Box 105

Twin Falls, Idaho

83303

Land Use Comparison Chart

M-1 Requires SUP M-2 Outright Permits	M-1 Does Not Permit M-2 Outright Permits	M-1 Does Not Permit M-2 Requires SUP
a. Farms - fish. b. Dairy product processing. c. Fish, meat and poultry processing. d. Grain and seed processing. e. Jails, detention centers, work release centers. f. Apparel and related items. g. Building materials. h. Concrete products. i. Food products. j. Furniture and fixtures. k. Handcrafted furniture. l. Metal products. m. Miscellaneous products. n. Paper products. o. Petroleum products. p. Plastic products. q. Professional and scientific products. r. Rubber products. s. Sand and gravel yards. t. Textile products. u. Animal hospital - large animals. v. Manufactured/mobile home sales and/or rentals. w. Furniture repair/upholstery. x. Sporting vehicle and motorcycle service and/or repair. y. Go-cart tracks. z. Railroad buildings, equipment and yards. - aa. Taxicab office.	a. Livestock Sales b. Racetracks	a. Sewage treatment plants. b. Chemicals and chemical products (H-1 and H-7(2)) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section. c. Wrecking yards, automobile salvage yards and junkyards, but prohibited within canyons, within two hundred feet (200') of canyon rims and on land with slopes greater than fifteen percent (15%) grade. d. Automobile impound facility e. Gun clubs. f. H-1 and H-7(2) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section.

Note:

Property Development Standards are the same for both zoning districts, with one exception.

M-2 states:

1. H-1 Facilities: H-1 facilities shall be secured at all times from trespass by unauthorized persons. (Ord. 2526, 5-20-1996)

10-4-9: M1, LIGHT MANUFACTURING DISTRICT:

10-4-9.1: PURPOSE:

This district is intended to provide for light nonpolluting and major traffic producing industries as well as commercial uses without residential encroachment. (Ord. 2526, 5-20-1996)

10-4-9.2: USE REGULATIONS:

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

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - plants and trees.
 - c. Intensive agricultural units of five (5) acres or more without residential facilities.
2. Communications and utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Telegraph centers and telegraph stations.
 - c. Telephone exchange stations.
 - d. Underground and aboveground transmission lines.
 - e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
3. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Cemeteries.
 - c. Historic sites and monuments.
 - d. Libraries, museums and art galleries.
 - e. Planetariums and aquariums.
4. Governmental facilities:
 - a. City, county, highway district - shops.
 - b. Fire stations and police stations.
 - c. Governmental office buildings.
 - d. Judicial facilities.
 - e. Water treatment plants.
5. Medical facilities:
 - a. Acupuncture facilities approved by the South-Central district health department or other state regulatory agency.
 - b. Ambulance service.

- c. Animal hospital - small animals.
- d. Doctors' offices.
- e. Drug and alcohol treatment centers.
- f. Prosthetics - sales, service and/or construction.
- g. Rehabilitation services.

6. Parks:

- a. Open space.
- b. Park concessions.
- c. Private parks and playgrounds without crowd attracting facilities.
- d. Public parks and playgrounds without crowd attracting facilities.
- e. Public parks and playgrounds with crowd attracting facilities.

7. Public assembly:

- a. Auditoriums.
- b. Exhibition halls.
- c. Fairgrounds.
- d. Funeral chapels.
- e. Religious facilities.
- f. Schools - private, single purpose.
- g. Schools - private, vocational and/or academic.
- h. Sports arena.
- i. Wedding chapels and/or reception halls.

8. Residential:

- a. Home occupations.
- b. Household units existing at the time this title was adopted.
- c. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.

9. Retail trade:

- a. Apparel and accessories.
- b. Automobile and truck sales and/or rentals.
- c. Automobile parts store.
- d. Bakery.
- e. Bookstore.
- f. Car wash facilities.

- g. Commercial greenhouses.
 - h. Craft shop, in conjunction with retail business.
 - i. Eating places.
 - j. Equipment rental.
 - k. Farm and garden supplies.
 - l. Florist shop.
 - m. Food, drugs, etc.
 - n. Fuel sales (bulk).
 - o. Gasoline service stations.
 - p. General merchandise.
 - q. Hardware store.
 - r. Hobby and toy store.
 - s. Home furnishings and equipment.
 - t. Ice cream store.
 - u. Import store.
 - v. Large implement and heavy equipment sales and/or rentals.
 - w. Laundering and dry cleaning.
 - x. Laundromats.
 - y. Lumber, plumbing and/or electrical supply stores.
 - z. Music store.
 - aa. Pawnshop.
 - bb. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
 - cc. Pet shop.
 - dd. Sporting goods store.
 - ee. Sporting vehicles and motorcycles - sales and/or rentals.
 - ff. Storage unit rentals.
 - gg. Taxidermy studio.
 - hh. Tire shops.
 - ii. Truck stop.
10. Services:
- a. Advertising.
 - b. Apparel repair and alteration.

- c. Appliance repair.
 - d. Beauty and barbershops.
 - e. Building care contracting offices.
 - f. Business associations.
 - g. Civic, social and fraternal organizations.
 - h. Construction trade offices.
 - i. Consumer credit collection offices.
 - j. Copy center - self-service.
 - k. Dog grooming and/or kennels.
 - l. Duplicating and stenographic offices.
 - m. Employment agency.
 - n. Finance and investment offices.
 - o. Horticultural services.
 - p. Insurance and related business.
 - q. Labor unions and organizations.
 - r. Photography studios.
 - s. Professional organizations.
 - t. Professional services.
 - u. Publishing and printing business.
 - v. Real estate and related business.
 - w. Testing laboratories.
 - x. Tourist information center.
 - y. Welfare and charitable facilities.
11. Sports facilities:
- a. Athletic areas.
 - b. Miniature golf courses.
 - c. Outdoor, public and commercial ice and roller skating facilities.
 - d. Outdoor, public and commercial swimming pools.
 - e. Outdoor public and commercial tennis courts.
12. Transportation:
- a. Bus facilities, including pick up shelters.
 - b. Freight transfer points.

- c. Open parking lot or garage for automobiles.
 - d. Open parking lot or garage for trucks and buses.
 - e. Open parking lot for trucks and equipment.
 - f. Packing and crating.
 - g. Taxicab office.
 - h. Ticket and arrangement facilities.
 - i. Trucking facilities.
13. Wholesale:
- a. Wholesale distribution and warehousing, but excluding H-1 facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2999, 1-24-2011)

(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. Agricultural:
 - a. Farms - fish.
- 2. Agricultural processing:
 - a. Dairy product processing.
 - b. Fish, meat and poultry processing.
 - c. Grain and seed processing.
- 3. Communications and utilities:
 - a. Radio and television stations with wireless communications facilities.
 - b. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
- 4. Cultural facilities:
 - a. Zoos.
- 5. Governmental facilities:
 - a. City, county, highway district - open storage yards.
 - b. Jails, detention centers, work release centers.
- 6. Manufacturing:
 - a. Apparel and related items.
 - b. Building materials.
 - c. Concrete products.

- d. Food products.
 - e. Furniture and fixtures.
 - f. Handcrafted furniture.
 - g. Metal products.
 - h. Miscellaneous products.
 - i. Paper products.
 - j. Petroleum products.
 - k. Plastic products.
 - l. Professional and scientific products.
 - m. Recycling center.
 - n. Rubber products.
 - o. Sand and gravel.
 - p. Textile products.
7. Medical facilities:
- a. Animal hospital - large animals.
 - b. Hospitals and clinics.
8. Miscellaneous:
- a. Any facility with drive-through service.
 - b. Construction yards.
9. Parks:
- a. Amusement parks.
10. Public assembly:
- a. Schools - public.
 - b. Theaters - indoor.
 - c. Theaters - outdoor.
11. Residential:
- a. Mobile homes, if accessory to and located on the same property of an allowed use and occupied by the owner or an employee of the allowed use.
 - b. RV and camping parks.
 - c. Residence halls, residence hotels, rooming houses.
 - d. Shelter homes.
12. Retail trade:
- a. Alcoholic beverages when consumed on premises where sold.

- b. Automobile and recreational vehicle rental/storage yard.

- c. Manufactured/mobile home sales and/or rentals.

13. Services:

- a. Auctions and/or public sales.

- b. Automobile and truck service and/or repair.

- c. Daycare services.

- d. Furniture repair/upholstery.

- e. In home daycare services.

- f. Sporting vehicle and motorcycle service and/or repair.

- g. Tattoo parlors or dermagraphic studios approved by the South Central district health department or other state regulatory agency.

14. Sports facilities:

- a. Go-cart tracks.

- b. Golf courses and country clubs.

- c. Golf driving ranges.

- d. Indoor recreation facility.

- e. Sport shooting range - indoor.

15. Transportation:

- a. Railroad buildings, equipment and yards.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection [10-17-1](#)(F) of this title is made that the distinction between them is of little consequence.. (Ord. 2526, 5-20-1996; amd. Ord. 2620, 8-2-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2999, 1-24-2011; Ord. 2021-010, 5-3-2021)

10-4-9.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M1 district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Residential Uses: Residential uses not attached to a commercial building shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial uses: No requirement.
2. Residential uses: Same as that in the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section [10-7-3](#) of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section [10-7-6](#) of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial And Manufacturing Uses: No property line setbacks are required on side or rear yard. A setback of thirty five feet (35') on arterials and fifteen feet (15') on other streets is required. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission. A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five foot (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
2. Residential Uses: Residential uses shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Nonresidential uses shall provide landscaping equal to two (2) square feet per linear foot of street frontage and shall be placed between the building and the street. This requirement may be waived by the commission for existing facilities where buildings exist with zero setback on street frontage.
2. Household units not attached to nonresidential uses. No requirement.

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.
2. Residential uses shall provide two (2) off street parking spaces for each residential unit.
3. Residential units in nonresidential buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

- (I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section [9-9-16](#) of this code. (Ord. 2550, 6-2-1997)

10-4-10: M2, HEAVY MANUFACTURING DISTRICT:

10-4-10.1: PURPOSE:

This district is intended to provide industrial users ample room in the city to develop and expand without encroachment by noncompatible uses. (Ord. 2526, 5-20-1996)

10-4-10.2: USE REGULATIONS:

- (A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - fish.
 - c. Farms - plants and trees.
 - d. Intensive agricultural units of five (5) acres or more without residential facilities.
 2. Agricultural processing:
 - a. Dairy product processing.
 - b. Fish, meat and poultry processing.
 - c. Grain and seed processing.
 - d. Livestock sales.
 3. Communications and utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Telegraph centers and telegraph stations.
 - c. Telephone exchange stations.
 - d. Underground and aboveground transmission lines.
 - e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
 4. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Cemeteries.
 - c. Historic sites and monuments.
 - d. Libraries, museums and art galleries.
 - e. Planetariums and aquariums.
 5. Governmental Facilities:
 - a. City, County, highway district - open storage yards.
 - b. City, County, highway district - shops.

- c. Fire stations and police stations.
- d. Governmental office buildings.
- e. Jails, detention centers, work release centers.
- f. Judicial facilities.
- g. Water treatment plants.

6. Manufacturing:

- a. Apparel and related items.
- b. Building materials.
- c. Concrete products.
- d. Food products.
- e. Furniture and fixtures.
- f. Handcrafted furniture.
- g. Metal products.
- h. Miscellaneous products.
- i. Paper products.
- j. Petroleum products.
- k. Plastic products.
- l. Professional and scientific products.
- m. Rubber products.
- n. Sand and gravel yards.
- o. Textile products.

7. Medical Facilities:

- a. Acupuncture facilities approved by the South Central District Health Department or other State regulatory agency.
- b. Ambulance service.
- c. Animal hospital - large animals.
- d. Animal hospital - small animals.
- e. Doctors' offices.
- f. Drug and alcohol treatment centers.
- g. Prosthetics - sales, service and/or construction.
- h. Rehabilitation services.

8. Parks:

- a. Open space.

- b. Park concessions.
- c. Private parks and playgrounds without crowd-attracting facilities.
- d. Public parks and playgrounds without crowd attracting facilities.
- e. Public parks and playgrounds with crowd attracting facilities.

9. Public Assembly:

- a. Auditoriums.
- b. Exhibition halls.
- c. Fairgrounds.
- d. Funeral chapels.
- e. Religious facilities.
- f. Schools - private, single purpose.
- g. Schools - private, vocational and/or academic.
- h. Sports arena.
- i. Wedding chapels and/or reception halls.

10. Residential:

- a. Home occupations.
- b. Household units existing at the time this Title was adopted.
- c. Household units in the same buildings as an allowed use and occupied by the owner or an employee of the allowed use.

11. Retail Trade:

- a. Apparel and accessories.
- b. Automobile and truck sales and/or rentals.
- c. Automobile parts store.
- d. Bakery.
- e. Bookstore.
- f. Car wash facilities.
- g. Commercial greenhouses.
- h. Craft shop, in conjunction with retail business.
- i. Eating places.
- j. Equipment rental.
- k. Farm and garden supplies.
- l. Florist shop.
- m. Food, drugs, etc.

- n. Fuel sales (bulk).
- o. Gasoline service stations.
- p. General merchandise.
- q. Hardware store.
- r. Hobby and toy store.
- s. Home furnishings and equipment.
- t. Ice cream store.
- u. Import store.
- v. Large implement and heavy equipment sales and/or rentals.
- w. Laundering and dry-cleaning.
- x. Laundromats.
- y. Lumber, plumbing and/or electrical supply stores.
- z. Manufactured/mobile home sales and/or rentals.
- aa. Music store.
- bb. Pawnshop.
- cc. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- dd. Pet shop.
- ee. Sporting goods store.
- ff. Sporting vehicles and motorcycles - sales and/or rentals.
- gg. Storage unit rentals.
- hh. Taxidermy studio.
- ii. Tire shops.
- jj. Truck stop.

12. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Appliance repair.
- d. Beauty and barber shops.
- e. Building care contracting offices.
- f. Business associations.
- g. Civic, social and fraternal organizations.
- h. Construction trade offices.

- i. Construction yards.
- j. Consumer credit collection offices.
- k. Copy center - self-service.
- l. Dog grooming and/or kennels.
- m. Duplicating and stenographic offices.
- n. Employment agency.
- o. Finance and investment offices.
- p. Furniture repair/upholstery.
- q. Horticultural services.
- r. Insurance and related business.
- s. Labor unions and organizations.
- t. Photography studios.
- u. Professional organizations.
- v. Professional services.
- w. Publishing and printing business.
- x. Real estate and related business.
- y. Sporting vehicle and motorcycle service and/or repair.
- z. Testing laboratories.
- aa. Tourist information center.
- bb. Welfare and charitable facilities.

13. Sports Facilities:

- a. Athletic areas.
- b. Go-cart tracks.
- c. Miniature golf courses.
- d. Racetracks.

14. Transportation:

- a. Bus facilities, including pick up shelters.
- b. Freight transfer points.
- c. Open parking lot or garage for automobiles.
- d. Open parking lot or garage for trucks and buses.
- e. Open parking lot or garage for trucks and equipment.
- f. Packing and crating.

- g. Railroad buildings, equipment and yards.
- h. Taxicab office.
- i. Ticket and arrangement facilities.
- j. Trucking facilities.

15. Wholesale:

- a. Wholesale distribution and warehousing, but excluding H-1 and H-7(2) facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999; amd. Ord. 2635, 10-12-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2999, 1-24-2011)

(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. Communications and utilities:

- a. Radio and television stations with wireless communications facilities.
- b. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. Cultural facilities:

- a. Zoos.

3. Governmental facilities:

- a. Sewage treatment plants.

4. Manufacturing:

- a. Chemicals and chemical products (H-1 and H-7(2)) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section.
- b. Recycling centers.
- c. Wrecking yards, automobile salvage yards and junkyards, but prohibited within canyons, within two hundred feet (200') of canyon rims and on land with slopes greater than fifteen percent (15%) grade.

5. Medical facilities:

- a. Hospitals and clinics.

6. Miscellaneous:

- a. Any facility with drive-through service.

7. Parks:

- a. Amusement parks.

8. Public assembly:

- a. Schools - public.
- b. Theaters - indoor.
- c. Theaters - outdoor.

9. Residential:

- a. Mobile homes, if accessory to and located on the same property of an allowed use and occupied by the owner or an employee of the allowed use.

10. Retail trade:

- a. Alcoholic beverages when consumed on the premises where sold.
- b. Automobile and recreational vehicle rental/storage yard.

11. Services:

- a. Auctions and/or public sales.
- b. Daycare services.
- c. In home daycare services.
- d. Tattoo parlors or dermagraphic studios approved by the South Central district health department or other state regulatory agency.
- e. Automobile and truck service and/or repair.
- f. Automobile impound facility.

12. Sports facilities:

- a. Golf courses and country clubs.
- b. Golf driving ranges.
- c. Gun clubs.
- d. Indoor recreation facility.
- e. Outdoor, public and commercial ice and roller skating facilities.
- f. Outdoor, public and commercial swimming pools.
- g. Outdoor public and commercial tennis courts.
- h. Sport shooting range - indoor.

13. Wholesale:

- a. H-1 and H-7(2) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection [10-17-1](#)(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996; amd. Ord. 2635, 11-15-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2999, 1-24-2011; Ord. 2021-010, 5-3-2021)

10-4-10.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M2 district:

(A) Lot Area:

1. Nonresidential Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Residential Uses: Residential uses not attached to an allowed use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Uses: No requirement.
2. Residential Uses: Same as that in the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section [10-7-3](#) of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section [10-7-6](#) of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial Uses: No property line setbacks are required on side and rear yards. Setbacks on arterial frontages shall be thirty five feet (35') from property line and fifteen feet (15') on other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission. A gasoline service station pump island, including cashier's booths, and canopy setback may be less than the required thirty five foot (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer part of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
2. Residential Uses: Residential uses shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Nonresidential uses shall provide landscaping equal to two (2) square feet per linear foot of frontage and shall be placed between the building and the street. This requirement may be waived by the commission for existing facilities where buildings exist with zero setback on street frontages.
2. Household units not attached to nonresidential uses: No requirement.

(G) Off-Street Parking:

1. Each nonresidential use shall comply with the provisions of Chapter 10 of this Title.
2. Residential uses shall provide two (2) parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off-street parking space for each dwelling unit in the building.

(H) Signs: See Chapter 9 of this Title. (Ord. 2526, 5-20-1996)

- (I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: no wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of Section [9-9-16](#) of this Code. (Ord. 2550, 6-2-1997)
- (J) H-1 Facilities: H-1 facilities shall be secured at all times from trespass by unauthorized persons. (Ord. 2526, 5-20-1996)