



Twin Falls Planning & Zoning Commission Agenda

Tuesday, October 10, 2017, 6:00 PM

City Council Chambers
305 3rd Ave E
Twin Falls, ID 83301

Members -

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Darren Hall, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

Area of Impact: Ryan Higley, Steve Woods

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consideration of Amendments to Agenda
- 3) General Public Input
- 4) Consent Calendar
 - a) Approval of Minutes from the Following Meeting: 09-26-17
Approval of Findings of Fact and Conclusions of Law for the Following Meeting: 09-26-17
Joshua Hall_SUP
Jeremy Petersen_SUP
- 5) Items of Consideration
 - a) Request for approval of the **Preliminary Plat** for Valencia Park Subdivision, a ZDA for approximately 9 (+/-) acres consisting of 84 residential lots located along Valencia Street, extended from Southwood Avenue to 3600 North Road c/o EHM Engineers, Inc. on behalf of Dennis Hournay
Purpose: Action By: Steve O'Connor, Planner I
 - b) Request for a **Special Use Permit** to establish an automobile sales business and to include a designated asphalt vehicle display strip within the gateway arterial landscaping on property located at 1215 Addison Ave West within the Area of Impact. c/o Charles Legg dba A-1 Auto Sales. (app. 2891) **TABLED ON 09-12-17**
Purpose: Action By: Jonathan Spendlove, Senior Planner
- 6) Public Hearings
 - a) Request for the Commission's recommendation for a **PUD Amendment** to the Canyon Village PUD #270 to remove residential development requirements for property located at the NW corner of Eastland Drive North and Cheney Drive. c/o Kent Taylor on behalf of Northeast Investments, LLC (app. 2897)
Purpose: Action By: Jonathan Spendlove, Senior Planner

- b) Request for a **Special Use Permit** to operate a gym – Cross Fit Magic Valley – as an indoor recreation facility on property located at 248 Idaho Street South. c/o Brett Witherspoon (app. 2898)

Purpose: Action By: Steve O'Connor, Planner I

7) Upcoming Meeting(s)

- a) October 24, 2017 Public Hearing
November 1, 2017 Work Session

8) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Lisa A. Strickland (208) 735-7267 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

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

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

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

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



Twin Falls Planning & Zoning Commission Minutes

Tuesday, September 26, 2017, 6:00 PM

City Council Chambers
305 3rd Ave E
Twin Falls, ID 83301

Amended

Members -

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Darren Hall, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Members Present: Frank, Grey, Hawkins, Higley, Munoz, Woods

Staff Present: Carraway-Johnson, Nope, O'Connor, Spendlove, Strickland, Vitek, Wonderlich

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

2) Consent Calendar

- a) Approval of Minutes for the Following Meeting(s): 09-06-17 WS & 09-12-17 PH
Approval of Findings of Fact & Conclusions of Law for the Following Meeting: 09-12-17 PH

- | | |
|------------------------|---------------------|
| • Capps, Jim_SUP | • HB Properties_SUP |
| • Stephens, Edward_SUP | • TTLB, LLC_SUP |

Motion:

Commissioner Woods made a motion to approve the consent calendar, as presented. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

Unanimously Approved

3) Items of Consideration

- a) A **Preliminary Presentation** for a request to amend the Canyon Village PUD #270 to remove the residential development requirements for property located at the NW corner of Eastland Drive North and Cheney Drive. c/o Kent Taylor on behalf of Northeast Investments. LLC (app.2897)

Applicant Presentation:

Ann Taylor, representing Kent Taylor and a property owner within the development, explained that in this particular development there was a PUD Agreement that included design requirements for the residential and townhome portion of the development. These conditions were included to try

and assure the surrounding residents that the development would be quality. These design guidelines are typically not included in a PUD Agreement but are usually part of CCR's. The home that she is constructing is approximately 3 weeks out for completion and is in violation of the PUD for the exterior materials and for the garage facing Cheney Drive. There is now a fence along Cheney Drive in this location blocking the driveway and garage from view. The home is as large as and is constructed as well as the other homes in the area. This is the only PUD Agreement that has these types of design restrictions. The design of the development has met the intent of the PUD Agreement, now there will be CCR's that will provide protection for the property owners. They will remove architectural design criteria from the residents and the townhomes in the PUD Agreement and create CCR's for the residential and townhome phases of the development.

Staff Presentation:

Senior Planner Spendlove reviewed stated there is a long history for this property included in the staff report and the applicant has done a thorough job of explaining the reason for the request. An analysis is not given during the preliminary presentation. This is a time for the Commissioners and the public to get familiar with the project, ask questions of staff or the applicant, and give initial feedback.

Staff makes no recommendation at this time. This request is scheduled for the Planning & Zoning Commission public hearing on Tuesday, October 10, 2017. A full analysis will be presented at the time of the Public Hearing.

PZ/Questions & Comments:

- Commissioner Woods asked about the involvement of the surrounding property owners with the CCR restrictions.
- Ms. Taylor explained the CCR would be specific to this development and would not include property owners outside of this development. However the CCR would be representative of what was approved in the PUD Agreement.
- Commissioner Higley asked about the CCR verbiage.
- Ms. Taylor explained that the CCR's will have an architectural review committee and they state that the homes will be brick, stucco, or stone or another material approved by the architectural review committee. Metal and Vinyl siding will not be allowed under any circumstances.

Public Hearing: Opened & Closed Without Concerns

Planning & Zoning Public Hearing Scheduled for October 10, 2017

- b) Consideration of the **Initiation of Revocation** of Special Use Permit #1233, granted to Afrim Hetemi on June 14, 2011 to allow an indoor recreation facility to operate in conjunction with an existing bar and grocery store outside the permitted retail hours of operation on property located 139 Shoshone Street North. c/o City Twin Falls

Staff Presentation:

Planner I O'Connor reviewed the request and stated that Special Use Permit #1233 was granted to Afrim Hetemi on June 14, 2011 to operate an indoor recreation facility to include dancing and pool tables in conjunction with an existing bar and grocery store. The Special Use Permit granted operating with extended hours of operation Wednesday, Friday, and Saturday from 11:00 pm to 3:00 am on property located at 139 Shoshone St N.

The current occupant of the property inherited this Special Use Permit. The Police Department has responded to call at this location multiple times. They have spoken to the business owner about the issues and have had not success in achieving compliance. Therefore, the Police Department has approached the Planning & Zoning Department to see if some assistance can be provided in resolving the issues.

The police department has provided information in an effort to build a case for this request. In the report it states since June 14, 2011 to August 14, 2017 the police have responded to this address 283 time. There have been 67 police reports filed from those responses with multiple violations ranging from assault or battery, aggravated battery, public urination and DUI. Of the 283 responses 165 of the calls for service occurred after 1:30 am with 98% of those transpiring on Friday & Saturday night.

Other bars in town that close in accordance with the liquor, alcohol and wine license requirements close at 1:30 am but do have similar service calls. After review the following is a summary of calls occurring after 1:30 am to the following establishments: Bar # 516 had 39 call for service after 1:30 am, Bar #1519 had 29 call for service after 1:30 am, and Bar #402 had 37 call for service after 1:30 am compared to 139 Shoshone St N with 165 incidences occurring after 1:30 am.

PZ/Questions & Comments:

- Commissioner Frank asked how to proceed.
- Zoning & Development Manager Carraway-Johnson explained that this is a request from the Police Department asking for the Commissions consideration for revocation. The discussion tonight needs to be whether or not the information provided is enough to move forward with a public hearing.
- Commissioner Grey clarified the public hearing would be the place to discuss amending or revoking the Special Use Permit. He requested that the numbers presented be comparative to the same time frame. There are quite a few years compared and it is not clear in the report.
- Commissioner Frank asked that the time lime be limited to within the last year.
- Planner I O'Connor explained they are not asking for a complete revocation they would ask that the hours or operation be limited to 1:30 am in accordance with other liquor, alcohol and wine licensed establishments.
- Commissioner Woods asked if things were getting better since the owner was spoken too.
- Planner I O'Connor explained that the owner has been approached and things have not gotten

better, in fact they have escalated.

- Commissioner Munoz asked if there have been complaints from other neighboring properties about this establishment.

Motion:

Commissioner Higley made a motion to proceed with the consideration for revocation of Special Use Permit #1233. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

4) Public Hearings

- a) Request for a **Zoning District Change & Zoning Map Amendment** from R-2 to R-2 PRO on property located at 2016 Addison Avenue East. c/o Dave Thibault EHM Engineers, Inc. on behalf of Janice Seagraves Family Foundation (app. 2894)

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc., representing the applicant, stated the applicant is making this request so that this property can be used as office space to interview their candidates for various grants and scholarships, they offer through the foundation. As you look at the existing zoning map the properties across the street from this location already have a professional office overlay as does the property immediately west and east of this property. He asked that the rezone be recommended for approval.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated this parcel is lot 2 of Block 1, in the Federico Subdivision recorded in 1947. Several properties along this corridor have been rezoned with the Professional Office Overlay and have been remodeled from a residence to a professional office. This property has been a residence since its construction in 1952.

This is a request to rezone property located at 2016 Addison Ave. East from R-2 to R-2 PRO. The PRO allows the residentially zoned property to be converted to professional offices with an approved special use permit.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks: 1- to determine whether the request is in conformance with the Comprehensive Plan and 2- evaluate the request to determine the extent and nature of the amendment requested.

The Comprehensive Plan indicates this corridor as appropriate for Neighborhood Commercial. Neighborhood Commercial would support a professional office along this portion of Addison Ave East.

Comprehensive Plan:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Mixed Use." Mixed Use is a very broad category and supports many different land uses. A Zoning District change from R-2 to R-2 PRO supports the comprehensive plan designation. It is a natural

and logical progression from strictly residential to a more commercial like land use along an arterial road. Staff has determined this request complies with the 2016 comprehensive plan.

To make a positive recommendation, the Commission must determine that 1- the request is in conformance with the Comprehensive Plan and 2- the extent and nature of changing the zoning of this property to R-2 Zoning District with a Professional Office Overlay would allow land development that would be compatible with and not detract from the surrounding area.

Senior Planner Spendlove stated upon conclusion the Commission is tasked with making a recommendation to the City Council on this request. The Commission's decision may be to deny the request, approve the request as presented or request additional information be provided.

Public Hearing: Opened & Closed Without Concern

Discussions Followed: Without Concerns

Motion:

Commissioner Grey made a motion to recommend approval of the request, as presented, to the City Council. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

- b) Request for a **Special Use Permit** to construct a private swimming pool in the OS; Open Space Zone on property located at 4144 Creekview Drive. c/o Joshua E Hall (app. 2895)

Applicant Presentation:

Joshua Hall, the applicant, stated the purpose of this application is to construct a private swimming pool in the open space district on his property. He has been working on this project for approximately 2 year. They purchased the property in 2008 and have used a life saving to acquire 3 acres in Rock Creek Estates, a portion of which lies within the canyon. They envisioned a trail and open recreation area for their family to use. Over the years they have been clearing and spraying this area in the canyon to get rid of Canadian Thistle and Stinging Nettle. They have created a nice area for their children to play. He began in 2015 on an idea for how to water this area in the canyon. In the summer the weeds return and they decided to start hand digging to create a retaining pond that has turned into a pool for his children. Once he completed the digging he decided he wanted to build a deck around the structure at which time he discovered a permit for a deck was not required but a pool permit was required. He hired the contractors to complete the work during the construction of the pool it was brought to his attention that as a retention does not require zoning approval, however once the project was categorized as a pool and a pool permit was issued a Special Use Permit was required. This pool is located in the open space and requires a special use permit which is the reason for the hearing this evening. He has spoken to all of the neighbors and has not had anyone state that they had an issue with the project, however in the packet an anonymous letter was sent in to complain about what was going on, addressing the suspensions for what the person thought was occurring. This process has been informational to the neighbors, with regards to what can be done in the OS; Open Space zone. The purpose of the

OS zone is to protect canyon areas and provide open space for passive and active recreation. He feels that this is exactly what he has been doing in the Canyon since he purchased the property. The pool is non-obstructive, non-obtrusive to the river at all, it will be maintained and operated in harmony with the area, it will not be hazardous to neighbors, no traffic and no additional costs to the public. He asked that with this information the Commission approve the Special Use Permit so he can continue his project.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated this lot is part of the Rock Creek States Plat recorded in 1994. A building permit was submitted to the City in September 2009 and the Certificate of Occupancy was issued in April 2011. Sometime in 2014/15, the applicant started digging a hole at the subject location with the intent to establish an irrigation pond for himself and his parents next door. Building permit 17-1491 was issued in June of this year, to construct a structural wall to reinforce the excavation.

This is a request to build a private irrigation pond/swimming pool on the applicant's property located at 4144 Creek View Dr. The majority of the property is zoned SUI CRO within the Area of Impact, however, a portion of the property is located within Rock Creek Canyon, which is zoned OS. The location of the private irrigation pond/private swimming pool is located within the Open Space Zone, which requires a special use permit. The applicant states in his narrative the excavation is primarily for irrigation and that his children would sometimes swim in it. After installing the walls to reinforce the excavation, it ended up looking like a pool. At that point, the applicant sought and was issued Building Permit 17-1491 to continue work on the irrigation pond/private swimming pool in order for it to be built and inspected to private swimming pool standards.

During original conversations with the applicant, it was declared the primary intent of the construction was for an irrigation pond, which sometimes would be used to swim in. Therefore, staff did not feel it met the requirement for a Special Use Permit as a residential accessory use. Since the initial conversation, staff received an anonymous letter with concerns about the construction going on in Rock Creek Canyon. Upon inspection of the complaint and through follow up conversations, it was determined that the primary use was both as an irrigation pond and as a private swimming pool. The applicant wishes to be compliant with all applicable city codes and as such is seeking approval for a Special Use Permit for a private swimming pool.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as "Natural Areas" adjacent to "Rural Residential." Rural Residential is defined as having larger lots and a transition zone from predominately agriculture to more urbanized areas. Adding a private swimming pool does not change the nature or the use of the property, therefore, staff has determined this request complies with the 2016 Comprehensive Plan.

Per City Code 10-4-11: Open Space Zone

A Special Use Permit is required to build a personal swimming pool in the Open Space Zone

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

Development, redevelopment and/or expansion of property may require site improvements. These required improvements may include access, drainage, storm water, etc... Required improvements are evaluated and all applicable code requirements are required at the time a building permit is issued. A Certificate of Occupancy is issued when all requirements are completed and final approval is granted by Building, Engineering, and Zoning.

This request, if approved as presented, will not change the residential nature of the property or neighborhood. Staff does not anticipate any significant impacts to the surrounding properties.

Planner I O'Connor stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

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

PZ/Questions & Comments:

- Commissioner Grey asked if the pool will be required to meet building code.
- Planner I O'Connor explained yes, the pool will have to meet building code requirements.
- Commissioner Frank asked about the liner, and what is the source of the water.
- Mr. Hall explained there is a felt liner with a vinyl liner to be installed for holding the water, it will be filled with their well water and the water will also be used for irrigation of the property in the canyon area.

Public Hearing: Opened

- Kay Skeeters, 4157 Creek Mesa Drive, she has known about the plans for this area from the get go, she has no issues with the project, to her it's a property improvement.
- Lee Odenwald, 4133 Creek View Drive North, he has no issues with the request. The river is approximately 175' below street grade, he has walked this area and you can't see the pool. He considers it a property improvement.
- Owen Hall, 4139 Creek View Drive North, the applicants father, stated he would like to express his appreciation to those who have the courage to approach this body either for or against the request.
- Andrew Juergens, 4122 Creek View Drive, he has looked at this lot several times, but didn't want it because this was a difficult property to improve. He is in support of the project and the improvements.
- Stan Detweiler, the developer of the subdivision, any time someone goes down and cleans up

weeds he is in support.

Public Hearing: Closed

Discussions Followed:

- Commissioner Woods asked about attractive nuisance laws and if they apply in Idaho.
- City Attorney Wonderlich explained attractive nuisance law deals with liability issues, it is not a zoning issue however the with the building permit fencing is required to protect children from inadvertently entering the pool.
- Commissioner Grey asked if the letter was what generated this request.
- Senior Planner Spendlove explained that the letter was not what generated this request. The change from a retention pond to a permit for a pool is what generated the special use permit requirement. In the future should the applicant want to sell the home or refinance the pool will have all the legal documents necessary as proof that it has met building code and zoning code requirements.
- Zoning & Development Manager Carraway-Johnson explained that the letter was included in the packet because it was submitted as a complaint and like any public hearing process we submit all letters of reference to the item that has been requested. It was not the trigger for the request but it is required to be included in the packet.
- Commissioner Munoz stated he has no issue with the request.
- Commissioner Higley agreed.
- Commissioner Frank stated he agrees that when someone takes it upon themselves to clean up weeds it's a benefit. This will be nice for his kids and their friends.

Motion:

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

Approved, As Presented, With The Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
- c) Request for a **Special Use Permit** to construct a 2695 sq. ft. detached accessory building on property located at 4089 Quail Ridge Drive. c/o Jeremy Petersen (app. 2896)

Applicant Presentation:

Jeremy Petersen, the applicant, stated he is here to request a special use permit for property located at 4089 Quail Ridge Drive to build a detached accessory building for his RV and other personal items.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated this lot is part of the Quail Ridge Estates Phase 1 Subdivision, under the Quail Ridge Estates PUD #249. The Plat and PUD were both recorded in early 2008. According to City records, the house was built in 2013.

This is a request to construct a 2,695 sf personal oversized detached accessory structure, on property at 4089 Quail Ridge Rd. The property is zoned SUI within the City's Area of Impact. Within the SUI Zone, a detached accessory building over 1500 sf requires a special use permit. The applicant has stated the large detached accessory building is for storage of RV's, boats and other personal vehicles. The use of a detached accessory building in a residential zone is limited to personal residential storage/use only. Staff reviewed with the applicant the allowed uses permitted for this residential detached accessory building and explained the uses are limited to storage of personal residential items only.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Rural Residential." Rural Residential is generally very low density and may or may not have integrated agricultural use. This request does not change the primary land use and therefore staff has determined it complies with the 2016 comprehensive plan.

Per City Code 10-4-2:SUI Zone

Detached accessory buildings within the SUI Zone greater than 1500 sq. ft. are required to obtain a Special Use Permit prior to being legally constructed. The proposed plan is showing the detached residential garage to the South East of the main residence.

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

Development, redevelopment and/or expansion of property may require site improvements. These required improvements may include access, drainage, storm water, etc... Required improvements are evaluated and all applicable code requirements are required at the time a building permit is issued. A Certificate of Occupancy is issued when all requirements are completed and final approval is granted by Building, Engineering, and Zoning.

This request, if approved as presented, will not change the residential nature of the property or neighborhood. Staff does not anticipate any significant impacts to the surrounding properties.

Planner I O'Connor stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to personal use by the occupant of the home - no business storage/use or residential occupancy within this structure.

Public Hearing: Opened & Closed Without Comment

Motion:

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

Approved, As Presented, With The Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to personal use by the occupant of the home - no business storage/use or residential occupancy within this structure.

5) Upcoming Meeting(s)

- a) October 4, 2017 Work Session
October 10, 2017 Public Hearing

6) General Public Input

- None

7) Adjournment

Chairman Frank adjourned the meeting at 7:29 pm.



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

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

SPECIAL USE PERMIT

Permit No.1451

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on September 26, 2017 to Joshua Hall whose address is 4144 Creek View Drive Twin Falls, ID 83301 for the purpose of constructing a private swimming pool in the OS; Open Space Zone on property located at 4144 Creek View Drive and legally described as RPO7601002010AA TF Rock Creek Estates Subd #1 Lot 10 Blk 2 Exc Tax #2056

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

This permit corresponds to Zoning Application No.2895

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.

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

ADMINISTRATOR SIGNATURE

DATE

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

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

cc: Building Inspection



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

In Re:	)	
	)	
<u>Special Use Permit, Application,</u>	)	FINDINGS OF FACT,
	)	
<u>Joshua Hall</u>	)	CONCLUSIONS OF LAW,
<u>Applicant(s)</u>	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on September 26, 2017 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of constructing a private swimming pool in the OS; Open Space Zone on property located at 4144 Creek View Drive, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of constructing a private swimming pool in the OS; Open Space Zone on property located at 4144 Creek View Drive
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: September 7, 2017
3. The property in question is zoned SUI, CRO, OS pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Natural Areas and Rural Residential in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Rock Creek/Vacant & Agricultural; to the south, Residential; to the east; Residential; and to the west, Rock Creek Canyon/Agricultural.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-2, 10-4-11 10-4-19, 10-11-1 thru 8 10-13-2.2, Twin Falls City Code.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of constructing a private swimming pool in the OS; Open Space Zone on property located at 4144 Creek View Drive is consistent with the purpose of the SUI, CRO, OS Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.
2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.
3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2
4. The proposed use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area as required by Twin Falls City Code 10-13-2.2(D)3.
5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.
6. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community as required by Twin Falls City Code 10-13-2.2(D)6.
7. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors as required by Twin Falls City Code 10-13-2.2(D)7.
8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.
9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.
10. The proposed use is a proper use in the SUI, CRO, OS Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of constructing a private swimming pool in the OS; Open Space Zone on property located at 4144 Creek View Drive should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

DECISION

1. The application for a Special Use Permit for the purpose of constructing a private swimming pool in the OS; Open Space Zone on property located at 4144 Creek View Drive is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

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

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

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

APPLICATION # 2895
SUP# 1451



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

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

SPECIAL USE PERMIT

Permit No.1452

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on September 26, 2017 to Jeremy Petersen whose address is 4089 Quail Ridge Drive Kimberly, ID 83341 for the purpose of constructing a 2695 sq. ft. detached accessory building on property located at 4089 Quail Ridge Drive within the Area of Impact and legally described as RPO73510020150A Twin Falls Quail Ridge Estates Lot 15 Blk 2

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

This permit corresponds to Zoning Application No.2896

1. Subject to the site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to personal use by the occupant of the home – no business storage/use or residential occupancy with this structure.

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

ADMINISTRATOR SIGNATURE

DATE

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

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

cc: Building Inspection



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

In Re:	)	
	)	
<u>Special Use Permit, Application,</u>	)	FINDINGS OF FACT,
	)	
<u>Jeremy Peterson</u>	)	CONCLUSIONS OF LAW,
<u>Applicant(s)</u>	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on September 26, 2017 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of constructing a 2695 sq. ft. detached accessory building on property located at 4089 Quail Ridge Drive within the Area of Impact, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of constructing a 2695 sq. ft. detached accessory building on property located at 4089 Quail Ridge Drive within the Area of Impact
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: September 7, 2016
3. The property in question is zoned SUI, CRO PUD pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Rural Residential in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Residential; to the south, Residential; to the east; Residential; and to the west, Residential.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-19, Quail Ridge Estates #249 PUD, 10-11-1 thru 8 10-13, Twin Falls City Code.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of constructing a 2695 sq. ft. detached accessory building on property located at 4089 Quail Ridge Drive within the Area of Impact is consistent with the purpose of the SUI, CRO PUD Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

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

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

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

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

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

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

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

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

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

11. The application for a Special Use Permit for the purpose of constructing a 2695 sq. ft. detached accessory building on property located at 4089 Quail Ridge Drive within the Area of Impact should be granted, subject to all

applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

DECISION

1. The application for a Special Use Permit for the purpose of constructing a 2695 sq. ft. detached accessory building on property located at 4089 Quail Ridge Drive within the Area of Impact is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.
2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.
3. The Special Use Permit shall be issued, as presented.

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to the site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to personal use by the occupant of the home – no business storage/use or residential occupancy with this structure.

APPLICATION # 2896
SUP# 1452



Public Meeting: **TUESDAY, October 10th, 2017**

To: Planning and Zoning Commission

Presenter: Steve O'Connor, Planner 1

Editor: Rene'e V. Carraway-Johnson, Zoning Administrator

Authors: Steve O'Connor & Jonathan Spendlove

AGENDA ITEM 5a

Request: Request to approve the **Preliminary Plat** for Valencia Park Subdivision, a ZDA approximately 9.0 (+/-) acres consisting of 84 lots located along Valencia Street, extended from Southwood Avenue to the 3600 North Road. c/o Rex Harding, Riedesel Engineering on behalf of Dennis Hourany

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Property Developer	Size: 9 (+/-) acres
Dennis Hourany PO Box 122 Freedom, WY 83120 dennis@elitetile.usa 925.766.2875	Current Zoning: R-4 -ZDA	Requested Zoning: Preliminary Plat
	Comprehensive Plan: Town Neighborhood	Lot Count: 84 residential lots, 1 Tract
	Existing Land Use: Undeveloped/Agricultural	Proposed Land Use: Townhome/Rowhouse development
Representative:	Zoning Designations & Surrounding Land Use(s)	
Rex Harding Riedesel Engineering, Inc. 526C Shoup Ave W rharding@reideseleng.com 208.733.2446	North: Southwood Ave; R-4, Residential	East: R-4, South Hills Middle School
	South: 3600 North Road; R-4, Skylane Trailer Park/Residential	West: R-4, Residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-5, 10-6-1, 10-12-1 through 4; Valencia Park ZDA 2016-16 Amended	

Approval Process:

As per Twin Falls City Code 10-12-2.3 Action on Preliminary Plat:

The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

Budget Impact:

As the request is for a Preliminary Plat, approval of this request will have negligible impact on the City budget.

Regulatory Impact:

Upon approval of a preliminary plat a final plat that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

History:

In June 2016, this commission forwarded a positive recommendation to city council to approve the Valencia Park Zoning Development Agreement with the following conditions;

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

On July 25, 2016, the City Council heard and approved the ZDA, as presented subject to the following conditions:

1. Subject to site plan amendments as determined by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and Standards.
2. Subject to the entirety of Valencia Street being constructed in the first phase; if construction begins on the North end Valencia shall connect to 3600 North (Valencia connector width to be determined by City Engineer); if construction starts on the south end, either full construction of Valencia is required, or they can bond for the future phases, with a completion deadline by the year 2022; both scenarios subject to engineering review of the plat.
3. Subject to the perimeter fence being installed prior to Issuance of a building permit, for each phase of the project.
4. Subject to a final plat being recorded prior to any development.
5. Subject to conformance to the Zoning Development Agreement and the Valencia Park Master Development Plan as approved.
6. Subject to an on-site or hired property manager.

The ordinance was approved and recorded in December 2016.

On July 25, 2017, this commission held a public hearing, and deliberated a request to amend the ZDA Master Development Plan by removing the medians/landscape islands within the roadway. This body recommended to Twin Falls City Council to keep the Islands and street width as originally presented during the ZDA public process.

On August 23, 2017, City Council approved the applicants request to amend the ZDA by removing the medians/landscape islands and maintaining the collector designated street width standard.

Analysis:

This is a request for preliminary plat of The Valencia Park ZDA Subdivision, a 9 +/- acre parcel, which plans to develop eighty-four (84) residential townhomes. Development will be completed in phases. As of today, the Parks-n-Lieu has not had approval by the City Council. A condition the final plat may not be scheduled until the City Council has approved the Parks-n-Lieu request by the Developer would be appropriate.

The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the development will be on a pressure irrigation (P.I.) system.

The plat is consistent with the subdivision development site requirements found in City Code and the Valencia Park ZDA 2016-16 Amended. It also complies with the Comprehensive Plan, which designates this area as “Town Neighborhood.” Low to medium density residential use is appropriate for this future land use designation.

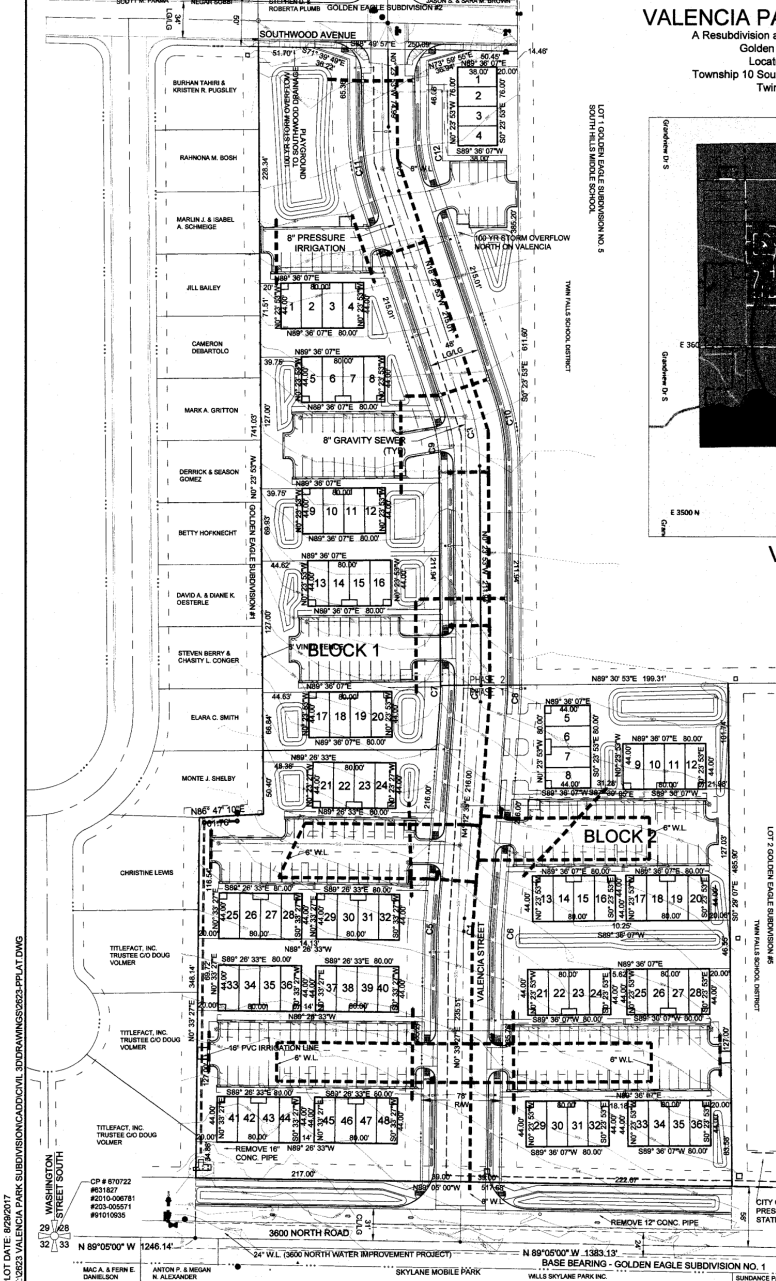
Conclusion:

Staff recommends the commission approve the preliminary plat of the Valencia Park ZDA, as presented, and subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to approval of the Parks-n-Lieu prior to scheduling the final plat before City Council.
3. Compliance with the Valencia Park ZDA 2016-16 Amended.

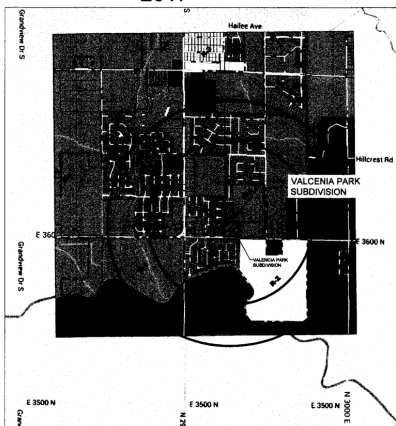
Attachments:

1. Preliminary Plat
2. Zoning Vicinity Map
3. Aerial Photo Map with Master Development Plan
4. Site Photos



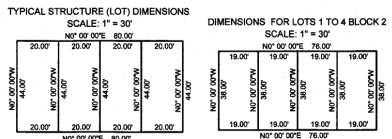
VALENCIA PARK SUBDIVISION, A ZDA

A Resubdivision and Renumbering of Lot 2, Block 1
Golden Eagle Subdivision No. 4
Located in SW4, Section 28
Township 10 South, Range 17 East, Boise Meridian
Twin Falls County, Idaho
2017



VICINITY MAP
N.T.S.

STREET NAME	CLASSIFICATION	RIGHT-OF-WAY WIDTH	ROADWAY WIDTH	SUBBASE/PAVEMENT
SOUTHWOOD AVE EAST	RESIDENTIAL	50' (EXISTING)	34' (EXISTING)	EXISTING
VALENCIA STREET	COLLECTOR	78' (PROPOSED)	48' (PROPOSED)	18.5' / 5' / 2.5'
3600 NORTH ROAD	ARTERIAL	58' (EXISTING 1/2)	31' CULG	23' 8" / 3.0"



PARCEL CURVE TABLE					
CURVE #	DELTA	RADIUS	ARC	CHORD	TANGENT
C1	3°39'12"	200.00	12.75	12.75	6.38
C5	3°39'12"	239.00	15.24	15.24	7.82
C6	3°39'12"	161.00	10.27	10.28	5.13
C2	4°36'32"	200.00	16.08	16.08	8.05
C7	4°36'32"	161.00	12.95	12.95	6.48
C8	4°36'32"	239.00	19.23	19.22	9.62
C3	18°00'00"	200.00	62.83	62.57	31.68
C9	18°00'00"	161.00	50.58	50.37	25.50
C10	18°00'00"	239.00	75.08	74.78	37.85
C4	18°00'00"	200.00	62.83	62.57	31.68
C11	18°00'00"	239.00	75.08	74.78	37.85
C12	18°00'00"	161.00	50.58	50.37	25.50

EXISTING ZONE: R4-RESIDENTIAL WITH ZDA OVERLAY
EXISTING USE: AGRICULTURAL / UNDEVELOPED
PROPOSED USE: ZONED DEVELOPMENT AGREEMENT
DEVELOPMENT AREA: 9.006 ACRES
BENCH MARK: BENCHMARK NO. 3623-2929 EL. 3895.657
DOMESTIC WATER: SUBDIVISION WILL USE CITY OF TWIN FALLS WATER SUPPLY.
SEWER: SUBDIVISION WILL USE CITY OF TWIN FALLS SEWER SYSTEM.
STREETS: ACCESS TO SUBDIVISION WILL BE FROM SOUTHWOOD AVENUE AND 3600 N. ROAD.
EASEMENTS: LOTS WILL HAVE 15' EASEMENT ALONG ROADS.
UTILITIES: LOT WILL BE SERVICED BY UNDERGROUND POWER, NATURAL GAS, AND COMMUNICATION.
IRRIGATION: PRESSURE IRRIGATION SYSTEM WILL BE INSTALLED TO BE SERVED BY THE CITY PUMP STATION LOCATED NEAR THE SOUTHEAST CORNER OF THE PROPERTY.
STORM RUNOFF: STORM WATER RUN-OFF WILL BE RETAINED ON SITE.

GENERAL NOTES:
1. IMPROVEMENTS WILL CONFORM TO THE CITY OF TWIN FALLS AND IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION (ISPCW) DESIGN STANDARDS, ORDINANCES, SPECIFICATIONS AND STANDARD DRAWINGS.
2. LOT DIMENSIONS ARE APPROXIMATE ONLY.
3. UNITED STATES POSTAL SERVICE HAS BEEN ADVISED OF THE DEVELOPMENT.

DEVELOPMENT AREA
TOTAL PROPERTY - 392,432 SQ. FT.
DEDICATED STREET RIGHT-OF-WAY - 86,808 SQ. FT.
PRIVATE PARK AREA - 15,328 SQ. FT.
RESIDENTIAL LOTS - 84
RESIDENTIAL LOT AREA - 73,288 SQ. FT.
COMMON AREA - 217,010 SQ. FT.

LEGEND		
EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY BOUNDARY
---	---	ROAD CENTERLINE
---	---	ROAD RIGHTS-OF-WAY
---	---	LOT LINE
---	---	EASEMENT
---	---	SECTION LINE
---	---	INDEX CONTOUR
---	---	INTERMEDIATE CONTOUR
---	---	DITCH
---	---	EDGE OF GRAVEL
---	---	FENCE (BARBED WIRE)
---	---	CABLE TV
---	---	GAS LINE
---	---	IRRIGATION PIPE
---	---	WATER MAIN
---	---	SEWER COLLECTION LINE
---	---	POWER LINE (UNDERGROUND)
---	---	ROAD SIGN
---	---	12" STORM DRAIN
---	---	IRRIGATION BOX (SIZE VARIES)
---	---	WELL
---	---	TEST HOLE
---	---	1/2" IRON PIN - REFERENCE POINT
---	---	5/8" IRON PIN - REFERENCE POINT
---	---	BRASS CAP
---	---	SECTION QUARTER CORNER
---	---	SECTION CORNER

SUBDIVIDER:
DENNIS HOURLY
528 SHUP AVENUE WEST
FREEDOM, WYOMING 83120
PHONE: 925-766-2875
EMAIL: dennis@elitelifeusa.com

ENGINEER:
RIEDELSENG ENGINEERING, INC.
1046 PLAINVIEW DRIVE
TWIN FALLS, IDAHO 83301
PHONE: 208-733-2446
EMAIL: rharding@riedeleng.com

ENGINEER:
ALL POINTS LAND SURVEYING
1046 PLAINVIEW DRIVE
TWIN FALLS, IDAHO 83301
PHONE: 208-280-1050
EMAIL: johnroot@caleone.net

STORM WATER RETENTION CALCULATIONS				
50-YEAR 24-HOUR STORM = 1.9 INCHES				
PROPERTY LOCATION	TOTAL AREA (Square Feet)	RUNOFF AREA (Square Feet)	RUNOFF (Cubic Feet)	RETENTION (Cubic Feet)
West of Valencia Street	182,334	103,710	78,634	19,960
East of Valencia Street	123,308	73,785	49,631	13,832
Valencia Street	114,574	86,749	27,831	14,691

Note: Extra Runoff from Valencia Street Will Be Retained in Area West of the Street

RECEIVED
AUG 29 2017
CITY OF TWIN FALLS
ENGINEERING DEPT.

SITE BENCH MARK
1" BOLT ON
FIRE HYDRANT #3623-2929
ELEV. = 3895.66
(CITY OF TWIN FALLS DATUM)

2017
VALENCIA PARK ZDA SUBDIVISION
FOR DENNIS HOURLY
PRELIMINARY PLAT

RECEIVED
AUG 29 2017
CITY OF TWIN FALLS
ENGINEERING DEPT.

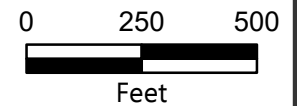
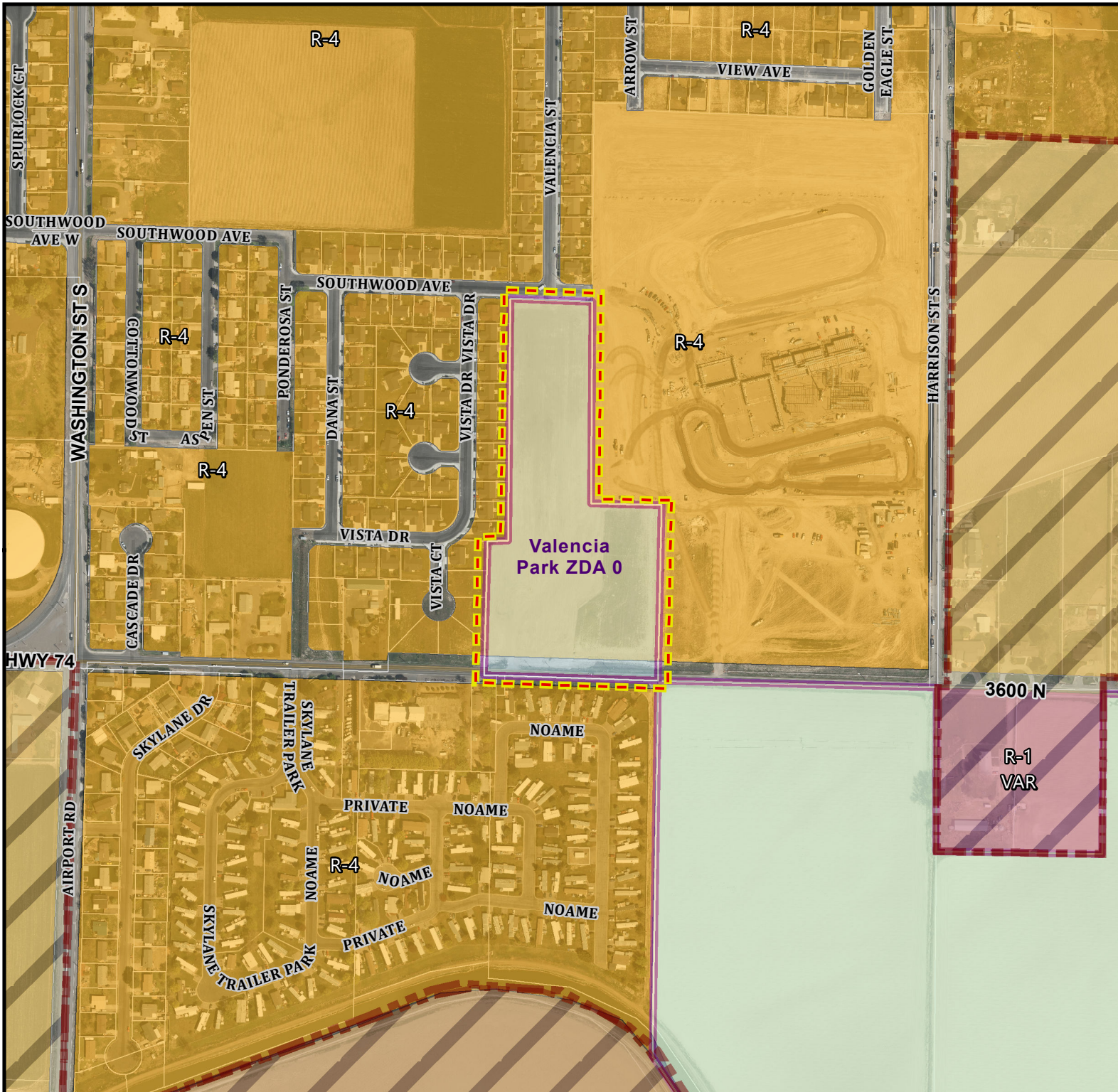
RIEDELSENG
Engineering

2017
VALENCIA PARK ZDA SUBDIVISION
FOR DENNIS HOURLY
PRELIMINARY PLAT

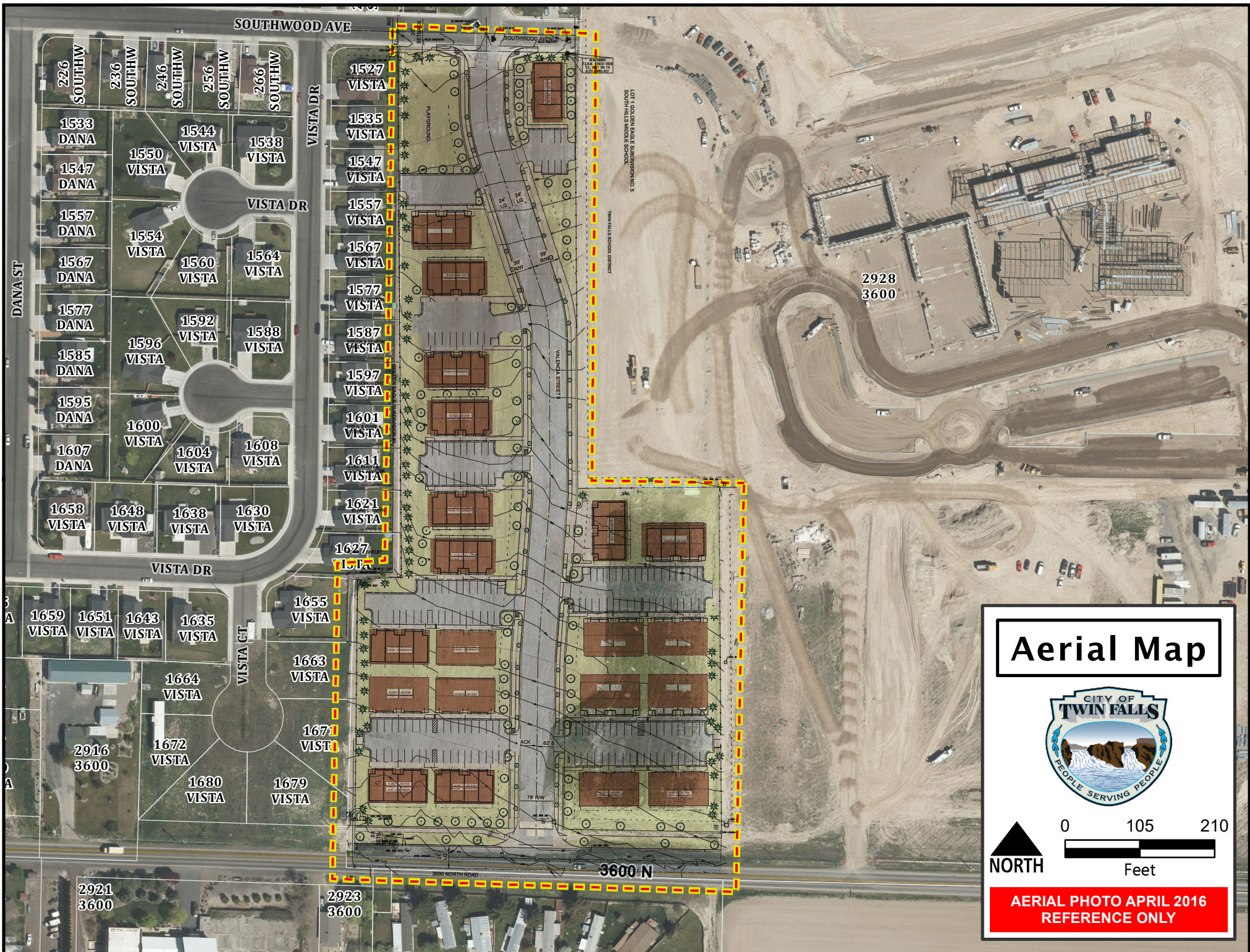
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VAS
FILE NAME
2023-PLAT.dwg
DRAWING DATE
8/29/17
DRAWING SCALE
AS SHOWN
SHEET 1 OF 1

Zoning Vicinity Map

-  City Limits
-  Area of Impact
-  PUD
-  AG
-  R-1 VAR
-  R-2
-  R-4



AERIAL PHOTO APRIL 2016
REFERENCE ONLY



Aerial Map



0 105 210
Feet

AERIAL PHOTO APRIL 2016
REFERENCE ONLY



SE Corner looking NW

South Hills M.S.



Date: [Tuesday October 10, 2017](#)

To: Planning & Zoning Commission

From: Jonathan Spendlove, Senior Planner

Request:

Request for a Special Use Permit to establish an automobile sales business and to include a designated asphalted vehicle display strip within the gateway arterial landscaping on property located at 1215 Addison Ave West within the Area of Impact. c/o Charles Legg dba A-1 Auto Sales. (app. 2891) [TABLED FOR FURTHER INFORMATION ON 09-12-17](#)

Background:

This request is to consider the request from Mr. Charles Legg to establish an automobile dealership in the C-1 zoned portion of property located at 1215 Addison Ave W. This commission heard and tabled the item from the September 12, 2017 hearing, pending a site plan that met current city code; specifically the Gateway Arterial required landscaping. Please see the attachments for the original Staff report from the September 12, 2017 hearing. The applicant provided a revised site plan on October 3, 2017. Staff has reviewed the plan and feels it meets current city code.

Conclusion:

The Commission is tasked with acting on the request, approving, approving with conditions, or denying the request.

Attachments:

1. September 12th, 2017 Staff Report
2. Applicant Revised Site Plan – Oct 3, 2017



Public Hearing: **Tuesday, September 12th, 2017**
 To: Planning and Zoning Commission
 Presenter: Jonathan Spendlove, Senior Planner
 Editor: Renee V Carraway-Johnson, Zoning Administrator
 Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM 4-d

Request: Request for a **Special Use Permit** to establish an automobile sales business and to include a designated asphalt vehicle display strip within the gateway arterial landscaping on property located at 1215 Addison Ave West within the Area of Impact. c/o Charles Legg dba A-1 Auto Sales. (app. 2891)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner	Size: 8.46 (+/-) acres- designated 200' x 300' area for use
Charles Legg 1431 Kimberly Rd Twin Falls, ID 83301 208.734.0473 a1towing@live.com	Current Zoning: C-1, Commercial Highway District on northern most ~170' of the property and M-2, Heavy Manufacturing District to the south – WITHIN THE AREA OF IMPACT	Requested Zoning: Special Use Permit
	Comprehensive Plan: Industrial / Employment / Flex	Lot Count: 1 Lot – northern most ~170' of property
	Existing Land Use: Impound Yard, Landscaping Material Sales	Proposed Land Use: Automobile sales business in the C-1 Zoned portion of the property & a designated asphalt vehicle display strip within the gateway arterial landscaping
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: C-1 Aol; Addison Ave W, Addison Collision Repair	East: C-1 & M-2 Aol; John's U-Pull U-Save/Salvage Yard
	South: SUI Aol, Agricultural	West: C-1 Aol; Agricultural
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-4-10, 10-8, 10-11-1 thru 8, 10-13	

Approval Process:

The Special Use Permit process requires a public hearing to be held in which interested persons have the opportunity to be heard with regards to the application.

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval. Conditions shall be implemented within 6 months or the permit if void.

If an applicant or interested party appeals the decision of the Commission with fifteen (15) days from the date of action (when the Findings of Fact are signed), the 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.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to establish a vehicle sales business in the C-1 zoned portion of the property located at 1215 Addison Ave. W.

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

History:

The applicant purchased the property in April 2017, prior to that it was agricultural in use. In March of this year, this commission approved Special Use #1424 allowing an Impound Yard in the southern portion of the property within the M-2 zone.

Analysis:

This is a request for a Special Use Permit to establish a vehicle sales business on the C-1 zoned portion of property located at 1215 Addison Ave. W. The applicant operates A-1 Auto Sales and Towing and was recently operating at 1431 Kimberly Rd. The applicant has submitted two building permits for construction of two offices on site, one for the impound yard (SUP #1424) and one to operate the vehicle sales business. The applicant was informed the northerly 170' +/- is zoned C-1, which requires a special use permit to operate a vehicle sales business. The site plan submitted with the building permit shows Gateway Arterial Landscaping identified to be 30' deep, measured from the back of the curb. Gateway Arterial Landscaping is required to be measured from behind the sidewalk or future sidewalk.

The applicant has identified on the site plan a continuous strip of asphalt within the gateway landscape strip to allow for a solid vehicle display strip, thus removing 15-20' of the required gateway arterial landscaping. Through conversations with staff, the applicant has requested that the 30' arterial requirement be waived in lieu of what is on the parcel now, and has offered planters to replace the required tree and bush counts. This waiver would need to meet the Commissions' approval for *"alternative plans or designs to allow innovative landscaping"* found in City Code 10-11-2.

Recently, the applicant had parked vehicles for display on the asphalt fronting Addison Ave W. He was informed with a supplemental letter to the dealership license application, verbally, and finally with two notices of Violation through Code Enforcement (NOV #556122 & NOV #556410), to have all vehicles for sale back off Addison Ave W. by at least ~170' to the M-2 zone, where vehicle sales is a permitted use. If the Special Use Permit is granted this evening the required site improvements and any additional conditions the commission places shall be in compliance prior to operation of the business. Since the issuance of the 2 violations the applicant has complied with the code requirement.

Staff has determined this request for auto sales is reasonable for the area. However, compliance with the required improvements in a timely manner is paramount to all Special Use Permits. To further inform the applicant of these requirements, staff recommends the official delivery and approval of the request be contingent upon full compliance of city regulations, such as; landscaping, hard surfacing, screened trash enclosure, storm water retention prior to operation of the business within the C-1 Zone. This is not an additional special condition, it is written in City Code currently. However, due to previous misunderstandings and miscommunication we feel it important to fully disclose this portion of the code within this Special Use Permit approval.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Industrial / Employment / Flex." This designation supports an intense use of the land through heavy commercial to heavy industrial, while other uses such as hotels, restaurants and other retail uses are integrated in to the primary use. Staff has determined this request complies with the 2016 comprehensive plan since this request intensifies the already multi-use nature of this lot.

Per City Code 10-4-8:

A Special Use Permit is required to establish a vehicle sales business.

Per City Code 10-7-12(B): Gateway Arterial Landscaping

Thirty foot (30') of Gateway Arterial Landscaping shall be provided immediately behind the sidewalk or future sidewalk when vacant land is being developed. Any continuous landscaped strip exceeding forty feet (40') in length shall contain a twelve-inch (12") minimum height undulating berm. Each separate section of the landscaping strip shall contain trees or shrubs. The plant types in each portion of the landscaping strip shall be as set forth in subsection [10-11-2\(A\)](#) of this title, except that evergreen trees shall not be required. Each landscaped strip shall be kept clean and free of noxious and other weeds. (Ord. 2978, 10-26-2009)

Per City Code 10-11-1 thru 8:

Required improvements include access, drainage and storm water, screened trash enclosure, hard surfacing of all parking and maneuvering areas, 30' of gateway arterial landscaping measured from behind the sidewalk or future sidewalk, in addition 3% of site or 10% of required parking/maneuvering areas shall be landscaped, etc.... These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal. If the Commission grants the special use permit a condition all required improvements be in compliance prior to issuance of the SUP and operation of the vehicle sales business.

Possible Impacts:

Staff does not anticipate any increase in negative impacts to this area regarding the operation of a vehicle sales business at this location. The impact to the visual corridor of Addison Avenue West will be greatly enhanced upon full implementation of the required site improvements: especially the minimum thirty-feet (30') of required Arterial Landscaping. Recent surveys have highlighted the blighted entrances into the city, especially from the west. The survey results clearly state aesthetic improvements are greatly encouraged.

In addition to the Commission being tasked to make a decision whether to grant the special use permit or not, the applicant is asking for acceptance of an alternative landscape plan. There was no additional plan submitted with this request, only the site plan. Relative to this portion of the request it is the commissions charge to determine two (2) things:

1. What number, if any, of allowable 9' x 20' paved display pads along Addison Ave West
2. Whether the "PLAN" of a solid 15-20' strip of asphalt within the 30' gateway arterial landscape to allow for a greater number of vehicles displayed for sale, as submitted by the applicant's site plan, meets the *"alternative plan or design to allow innovative landscaping"* per City Code 10-11-2.

The Commission may approve the "plan" as shown, approve it with conditions or deny the applicants proposed alternative landscape plan. In any case, a condition should be placed on the SUP clearly identifying which direction the Commission determines.

Conclusion:

Should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to completion of all required site improvements and issuance of the Certificate of Occupancy prior to activation of this Special Use Permit.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. Applicant Submitted Site Plan
6. Violation Notices
7. SUP # 1424
8. Site Photos

4. A - Reason for Request - Car lot - Secondary lot

B - i - Hours 9-5 Monday thru Friday

Saturday by Appointment only

ii - Traffic - Customer's in & out to look

@ Vehicles to purchase. Test Drives are also allowed. Normal traffic

C - i - Noise - minimal Noise - Cars starting and running - power washer noise for cleaning them off.

ii - Glare - No App

iii - None

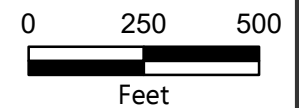
iv - None

V - Equipment Sales, Body Shops,
Junk yards

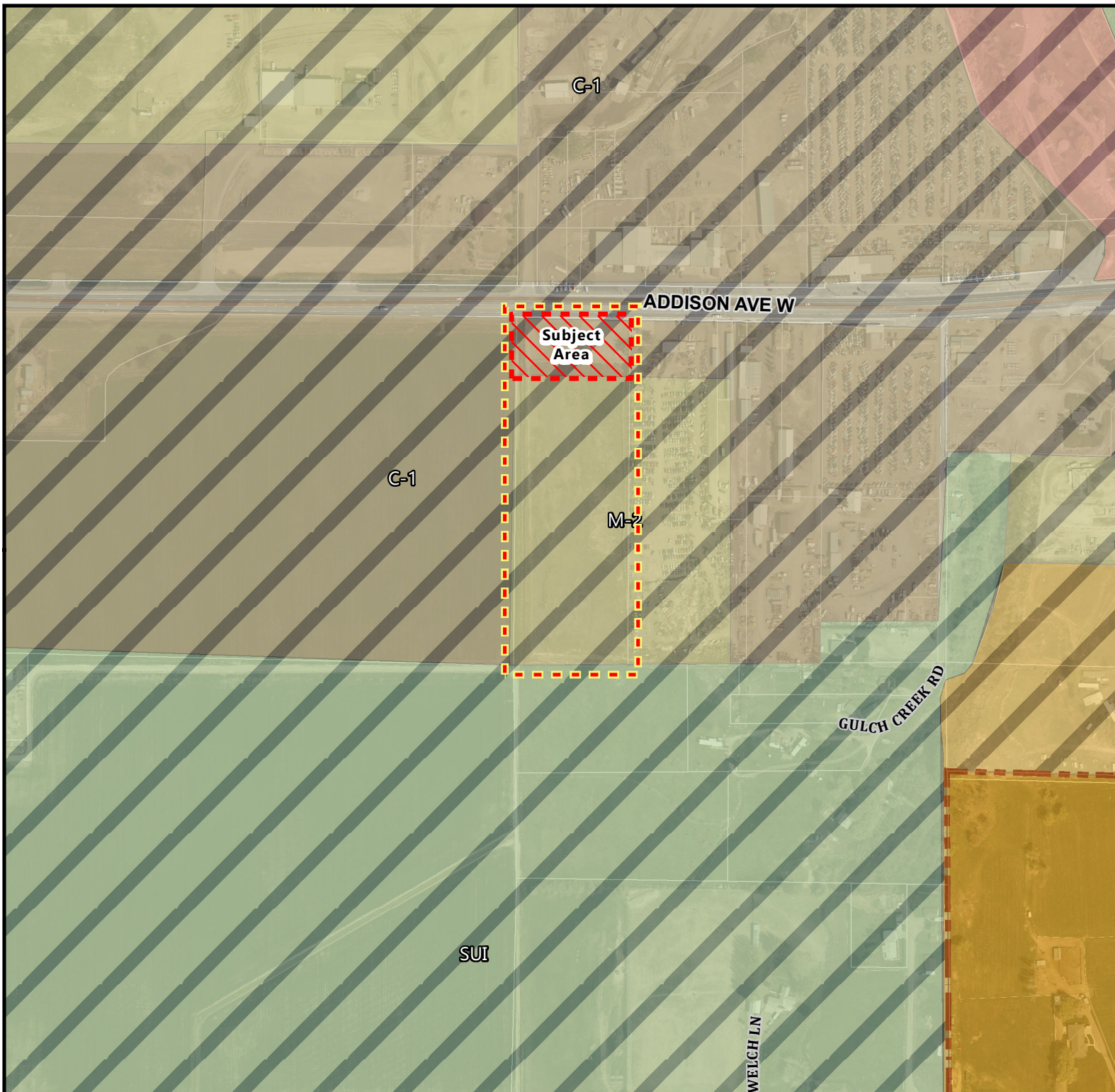
use ~~front~~ portion of gate way
for site pads

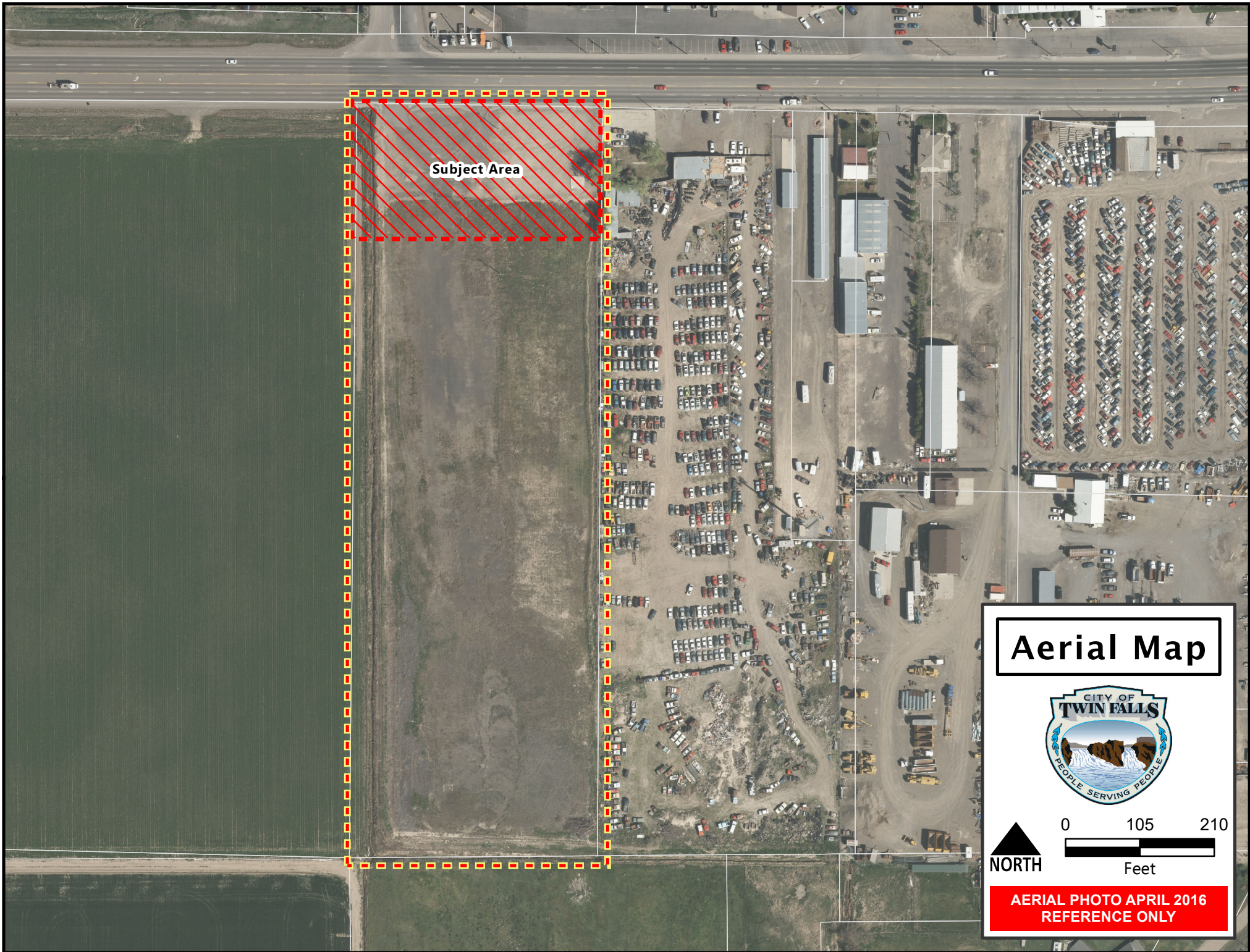
Zoning Vicinity Map

-  Area of Impact
-  PUD
-  C-1
-  M-1
-  M-2
-  OS
-  R-4
-  R-6
-  SUI



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**





Subject Area

Aerial Map



0 105 210
Feet

AERIAL PHOTO APRIL 2016
REFERENCE ONLY

Future Land Use Map

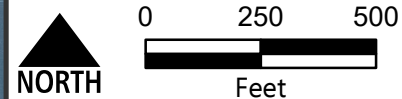
- Industrial
- Open Space
- Town Neighborhood

Subject Area

ADDISON AVE W

GULCH CREEK RD

WELCH LN



AERIAL PHOTO APRIL 2016
REFERENCE ONLY

935 Shoshone Street North * Twin Falls, Idaho 83301
(208) 736-8050 Fax: (208) 733-0950

City of Twin Falls

CITATION# 556122

DATE OF SERVICE 07/31/2017 10:59 AM

RESPONDENT'S NAME LEGG, CHARLES

DATE OF VIOLATION 07/31/2017

VIOLATION LOCATION " 1215 ADDISON AVE W

NATURE OF VIOLATION

10-1-11 / ZONING CODE VIOLATION:

VIOLATION DISPLAYING VEHICLES IN C1 ZONE WITHOUT SUP



FINE \$0

REINSPECTION DATE 08/07/2017

OFFICER NOTES

OFFICER NO. 272

SEE REVERSE

Violation Notice

City of Twin Falls

CITATION# 556410

DATE OF SERVICE 08/15/2017 9:42 AM

RESPONDENT'S NAME CHARLES LEGG

DATE OF VIOLATION 08/09/2017

VIOLATION LOCATION " 1215 ADDISON AVE W

NATURE OF VIOLATION

10-1-11 / ZONING CODE VIOLATION:

VIOLATION DEALER DISPLAYING VEHICLES IN C-1 ZONE WITHOUT SUP



FINE \$0

REINSPECTION DATE 08/10/2017

OFFICER NOTES Vehicles must be removed from the C-1 zone area until SUP is obtained.

OFFICER NO. 272

SEE REVERSE

Violation Notice



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

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

SPECIAL USE PERMIT

Permit No.1424

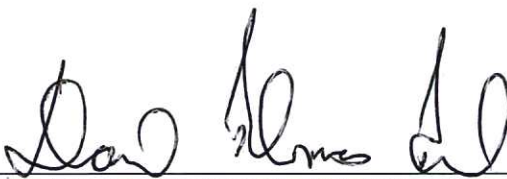
Granted by the Twin Falls City Planning and Zoning Commission, as presented, on March 14, 2017 to Charles Legg whose address is 1431 Kimberly Road Twin Falls, ID 83301 for the purpose of operating an automobile impound facility on a portion of property located at 1215 Addison Avenue West within the City's Aol and legally described as Sec 18 T 10 R 17 W ½ W ½ NW NE S of Hwy RP10S17E180690

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

This permit corresponds to Zoning Application No.2845

1. Vehicle storage in the impound yard be limited to the time allowed by code;
 - a. Maximum of 45 days for mechanically operable and licensed vehicles, and
 - b. Maximum of 14 days for wrecked vehicles awaiting transport.
2. No auto wrecking/salvage or junkyard permitted. The Impound Facility is for storage of impounded vehicles only.
3. Subject to plan approved by staff for management of storm water prior to operation of Impound Facility. Any change of surface will require additional water retention and shall be subject to review by staff.
4. Subject to a minimum 6' solid site-obscuring screening fence constructed around the entire perimeter of the Impound Facility.
5. No stacking of vehicles higher than the fence.
6. Subject to a plan approved by staff on the paved arterial access and the paved/graveled surface from Addison Ave W to the Impound Facility.
7. Subject to plan approved by staff addressing how vehicle fluids and/or chemicals are required to be disposed of properly- to include in the plan that those fluids and/or chemicals shall not drain onto the ground.
8. Subject to a plan approved by staff addressing how reasonable precautions will be taken to prevent
9. particulate matter from becoming airborne.
10. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.





CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

3/18/17

DATE

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

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

cc: Building Inspection



SW Corner Looking NE



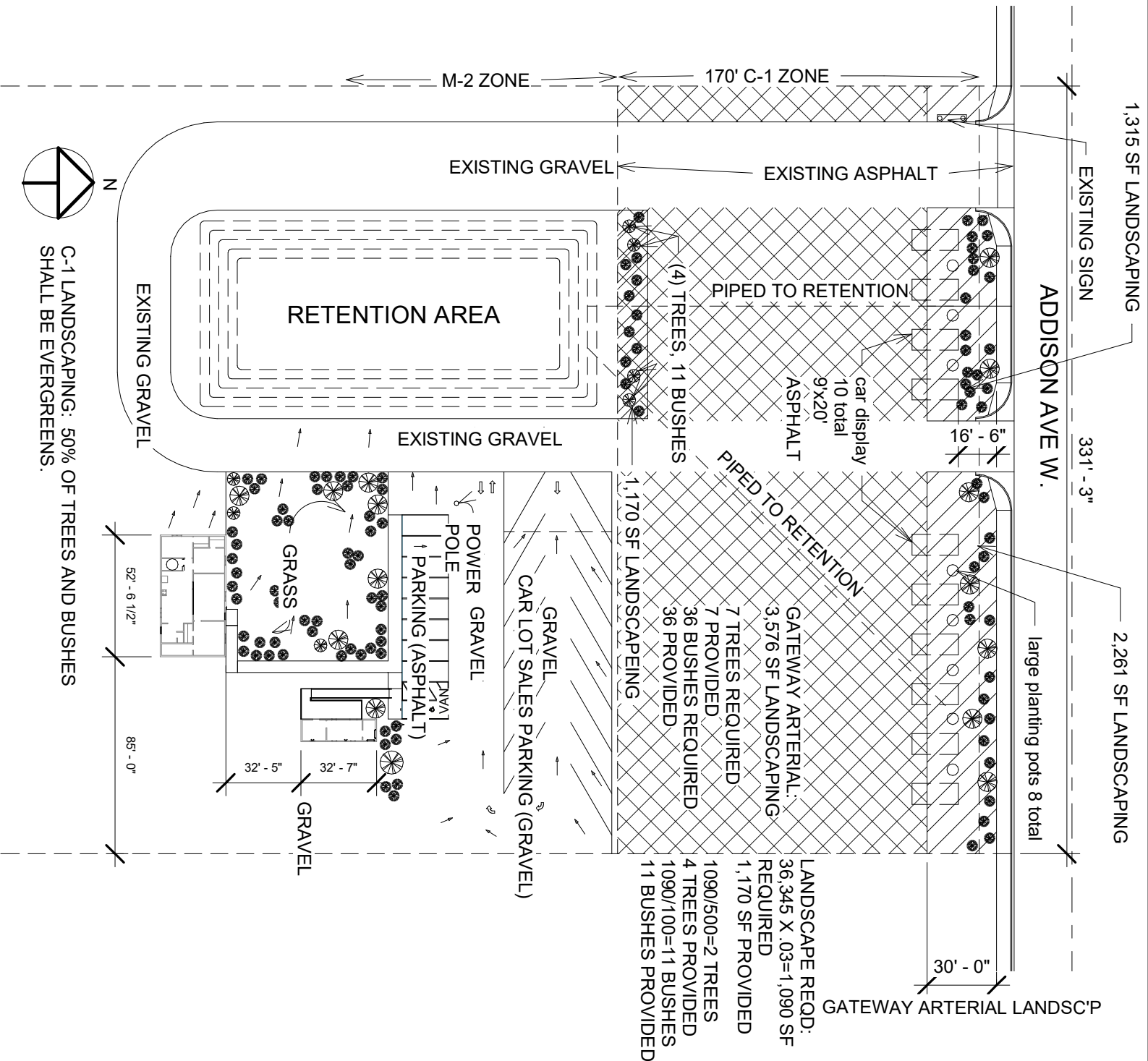
SE Corner Looking NW



NE Corner Looking SW



NW Corner Looking SE



1 SUP SITE PLAN
1" = 60'-0"

208.735.1112
a1towing15@live.com
1215 ADDISON AVE,
TWIN FALLS, ID 83301

LAUGHLIN RICKS ARCHITECTURE

CHARLES
LEGG

SITE PLAN

A-1 TOWING

Drawn by RCR
Checked by RCR

SUP

Scale 1" = 60'-0"



Public Hearing: **Tuesday, October 10, 2017**

To: Planning and Zoning Commission

Presenter: Jonathan Spendlove, Senior Planner

Editor: Renee V. Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM 6a

Request: The Commission's recommendation for a **PUD Amendment** to the Canyon Village PUD #270 to remove residential development requirements for property located at the NW Corner of Eastland Drive North and Cheney Drive. c/o Kent Taylor on behalf of Northeast Investments. LLC (app 2897)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Developer/Owner	Size: ~37.8+/- acres
Northeast Investments, LLC PO Box 1901 Twin Falls, ID 83301 208.734.5681 janaye@taylorlawoffices.net	Current Zoning: C-1 PUD (Canyon Village PUD #270)	Requested Zoning: PUD Amendment
	Comprehensive Plan: Mixed Use & Town Neighborhood	Lot Count: 33
	Existing Land Use: Bishop's Storehouse, Commercial, Professional Office, Residential, undeveloped	Proposed Land Use: Amend PUD's residential architectural standards
Representative:	Zoning Designations & Surrounding Land Use(s)	
G. Kent Taylor PO Box 1901 Twin Falls, ID 83301 208.734.5681 janaye@taylorlawoffices.net	North: Pole Line Rd E; C-1 CRO PUD (Pillar Falls), SUI AOI; Vacant & Residential	East: Eastland Dr. North; R-2 CRO PUD (The Preserve); Agriculture
	South: Cheney Dr.; R-1 Variable; Residential	West: C-1 PUD & R-1 Var PUD (Eastpark PUD)
	Applicable Regulations: 10-1-4, 10-1-5, Canyon Village PUD # 270, 10-11-1 thru 8, 10-13	

Approval Process:

Amendments to PUD's follow the same procedure as outlined for ZDA Amendments.

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

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

Permitted uses, Increase in density, Increase in building height, Increase in building coverage of the site, Reduction in the off street parking ratio, Reduction of building setbacks, Reduction of approved open space plans, Alteration of the overall design theme, Alteration of the overall sign plan, primary architectural elements, or building materials.

Budget Impact:

Approval of this request should have no impact to the City's tax revenue.

Regulatory Impact:

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

History:

Prior to current development, this area was used agriculturally. On August 12, 2014 the Planning & Zoning Commission heard the preliminary PUD presentation on this request. Due to public comments the public hearing was postponed until October 14, 2014. After the public hearing was closed at the October 14, 2014 P&Z meeting and at the applicant's request the request was tabled – to be rescheduled. On November 18, 2014, the applicant held a neighborhood meeting at EHM Engineer, Inc. offices. On November 25, 2014, the Commission held the public hearing whereby they unanimously recommended approval as presented subject to three conditions. City Council approved the PUD, as presented by the applicant, and subject to conditions, in December 2014. The Canyon Village PUD #270 was recorded in January 2015. The approved project is being developed into a mixed-use development with commercial, multi-family and single family residences.

On May 2, 2017 the applicant applied for a residential building permit to be located at 1525 Mountain View Drive. Following building department protocol, city staff reviewed the permit for compliance with Building Codes, and typical zoning codes (property line setbacks, height limitation, parking spaces, etc.). Typical residential permit reviews do not include review of CC&R's, or extensive reviews of PUD documents. After concluding the typical review, the permit was issued to the applicant and construction began.

On August 22, 2017, a phone call was made to the City inquiring about a new home being constructed which was shown to have siding being installed. After investigating the inquiry, Staff made contact with the developer notifying him of the PUD violation. During that phone conversation, the violations were listed: *the Garage may not face south, and the exterior of the home shall be brick, stucco, or stone*. Staff also informed the developer the house would not receive a Final Certificate of Occupancy until the conditions of the PUD were met.

A subsequent meeting was scheduled on August 24, 2017, with the Developer and Staff in order to determine options for the developer. During that meeting, the options were given to change the home to conform to the PUD or to apply to amend the PUD through the process allowed within City Code.

On August 28, 2017, Staff received an application for a PUD Amendment requesting removal of the residential development standards.

This Commission heard the preliminary presentation for the PUD Amendment request at the September 26, 2017 Planning & Zoning Hearing.

Analysis:

During the original application process for the Canyon Village PUD #270, there were several community outreach sessions which resulted in a unique agreement. PUD #270 has architectural elements as part of the development standards for the private residences within 280' of the southern boundary (Cheney Drive).

Listed *below* is the original PUD Verbiage for Section #5-F of the PUD development standards along with the staff analysis and impacts as written in the original P&Z Staff report from November 25, 2014.

All buildings within 280 feet of the Southerly boundary (Area C and Area F) shall be of residential architectural character.

Residential units within 280 feet of the South boundary shall have the following additional requirements:

- a. Minimum living unit size of residences shall be 1600 square feet exclusive of garage.*
- b. Each residence shall have a 2 car or larger garage.*
- c. Lot area shall average not less than 10,000 square feet*
- d. Exterior material shall be brick, stucco or stone, or a combination thereof.*
- e. No garage doors shall face Cheney Drive.*
- f. Roof pitches shall be not less than 6 in 12.*
- g. Building height shall not exceed 28 feet.*
- h. Any fencing parallel to and adjacent to Cheney shall be uniform and approved by the architectural control committee.*

Possible Impacts: These regulations restrict the development standards for buildings within 280 feet of the South boundary (Area C and Area F). These criteria place minimum standards for any residential development that occurs in these areas. These criteria will be reviewed and enforced by City Staff at the time of Building Permit submittal. These restrictions are not found in Twin Falls City Code. These restrictions are typically found within Codes, Covenants, and Restrictions (CC&R's). The greatest impacts these restrictions will have are on future landowners for this property, as well as an increased review time for future Building Permits.

During the original application process and Public Hearings, the staff analysis stated these standards are typically found in CC&R's. However, these restrictions are legal to be within the PUD and as the applicant placed the restriction upon himself, they remained within the document. As generally indicated in the original report, staff showed minimal support for these standards being in the PUD and would rather them to be in a CC&R agreement.

In the past, the sentiment of public officials and City Staff has been to remain silent on architectural elements for residential properties in order to avoid conflicts with dictating the types of materials private property owners choose to construct their homes with.

Staff supports the amendment to the PUD as it removes City Staff from responsibility of enforcing architectural design standards on private residential homes, which is a position the City and Staff has been reluctant to take up many times in the past.

Conclusion:

The Planning and Zoning Commission is tasked with forwarding a recommendation to the City Council. The Commission may recommend: approving the request as presented, approving the request with conditions, or denying the request.

Attachments:

1. Narrative
2. Zoning Vicinity Map
3. Future Land Use Map
4. Aerial Map
5. Proposed PUD Amendment
6. Photos

B. REQUEST INFORMATION:

1. The following is a request that the Canyon Village PUD Mixed Use PUD Agreement between the City of Twin Falls, Idaho, and Northeast Investments, LLC be AMENDED as follows:

- (a) The changes that have been requested to the PUD would allow the completion of the residence located at 1525 Mountain View Drive, which may not currently conform to the PUD because its garage faces Cheney Drive and its exterior is a composite siding. Despite these potential issues, the construction of the home complies with the intent of the PUD and its construction will not adversely affect the neighbors.

First, the architectural limitations set forth in the PUD are unique to this PUD agreement and it is the applicant's understanding that the City of Twin Falls prefers that such restrictions be included in CC&Rs, not PUD agreements. There is not a process at the City to identify, track and enforce architectural restrictions in PUD agreements, which creates problems for owners, developers, buyers and neighbors. Like with all other PUD agreements, architectural restrictions should be set forth in the CC&Rs.

Second, at the time the PUD was created, the configuration of the residential areas were unknown. The neighbors wanted to be assured that Cheney would not be lined with garages. Since the approval of the PUD, the landscaping and a 6 foot privacy fence have been installed and the residential layout has been finalized. The landscaping, fence and drop in elevation block the view of the garages and the garages are not accessible from Cheney Drive.

Third, the lots on the north side of the street are not large enough to accommodate side loading garages.

Fourth, the architectural style of the home is a traditional craftsman. None of the materials listed in the PUD are conducive with the craftsman style and other traditional and historical architectural styles. Such styles require composite materials.

Fifth, it is recommended that the architectural review committee also have authority to review and approve the exterior materials used on the townhouses. Deferring these types of decisions to a home owners association is common in Twin Falls City and it is the process for commercial properties in the development.

- (b) Following are the proposed changes to the PUD:

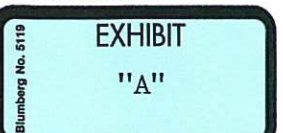
Be AMENDED as follows:

~~F(3) — Cheney Drive Restrictions:~~

~~All buildings within 280 feet of the Southerly boundary (Area C and F) shall be of residential architectural character.~~

~~Residential units within 280 feet of the South boundary shall have the following additional requirements:~~

~~a. — Minimum living unit size of residences shall be 1600 square feet exclusive of garage.~~



- b. ~~Each residence shall have a 2 car or larger garage.~~
- c. ~~Lot area shall average not less than 10,000 square feet~~
- d. ~~Exterior material shall be brick, stucco or stone, or a combination thereof.~~
- e. ~~No garage doors shall face Cheney Drive.~~
- f. ~~Roof pitches shall be not less than 6 in 12.~~
- g. ~~Building height shall not exceed 28 feet.~~
- h. ~~Any fencing parallel to and adjacent to Cheney shall be uniform and approved by the architectural control committee.~~

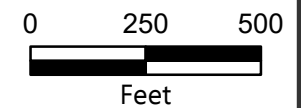
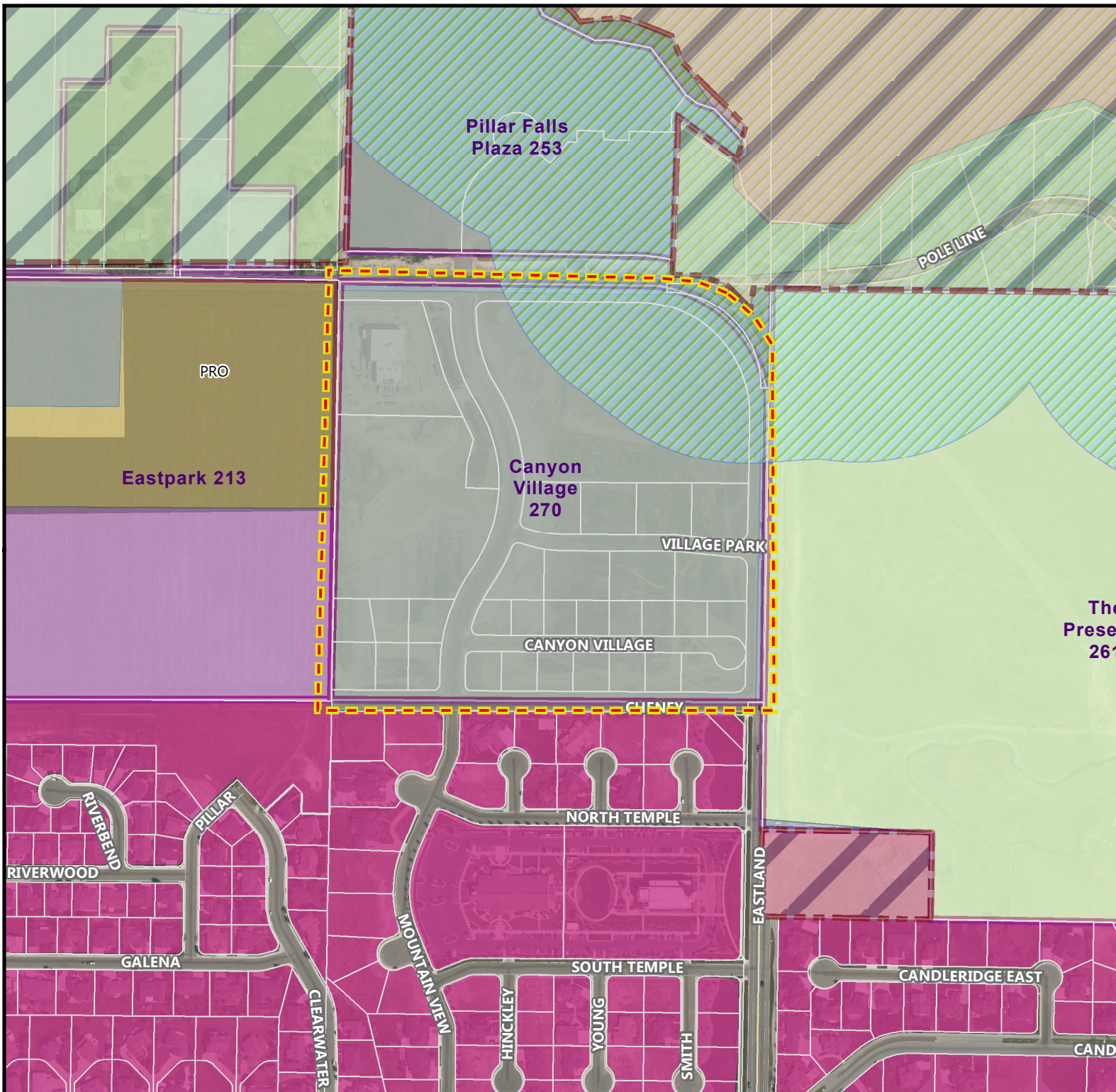
4. ~~Residential Townhouse Restrictions:~~

~~Residential townhomes constructed as defined by the City of Twin Falls as of the date of this agreement and in the designated area West of Mountain View Drive (Area B) shall be of residential architectural style and shall not exceed a footprint greater than 10,000 square feet (exclusive of garages) and shall have the following additional requirements.~~

- a. ~~Minimum living unit size of 1600 square feet exclusive of garages.~~
- b. ~~Each residence shall have a two car or larger garage.~~
- c. ~~Exterior material shall be brick, stucco or stone or a combination thereof, and other materials as may be approved by the architectural control committee.~~
- d. ~~Roof pitches shall not be less than 6 in 12.~~
- e. ~~Building height shall not exceed 35 feet.~~
- f. ~~The maximum density shall not exceed, on average, a density of 8 residential units per acre.~~
- g. ~~All landscaping shall be uniformly designed and maintained.~~
- h. ~~Common amenity facilities including owners meeting rooms, pools, outdoor recreation equipment are allowed uses.~~

Zoning Vicinity Map

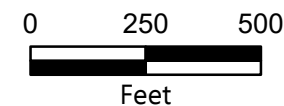
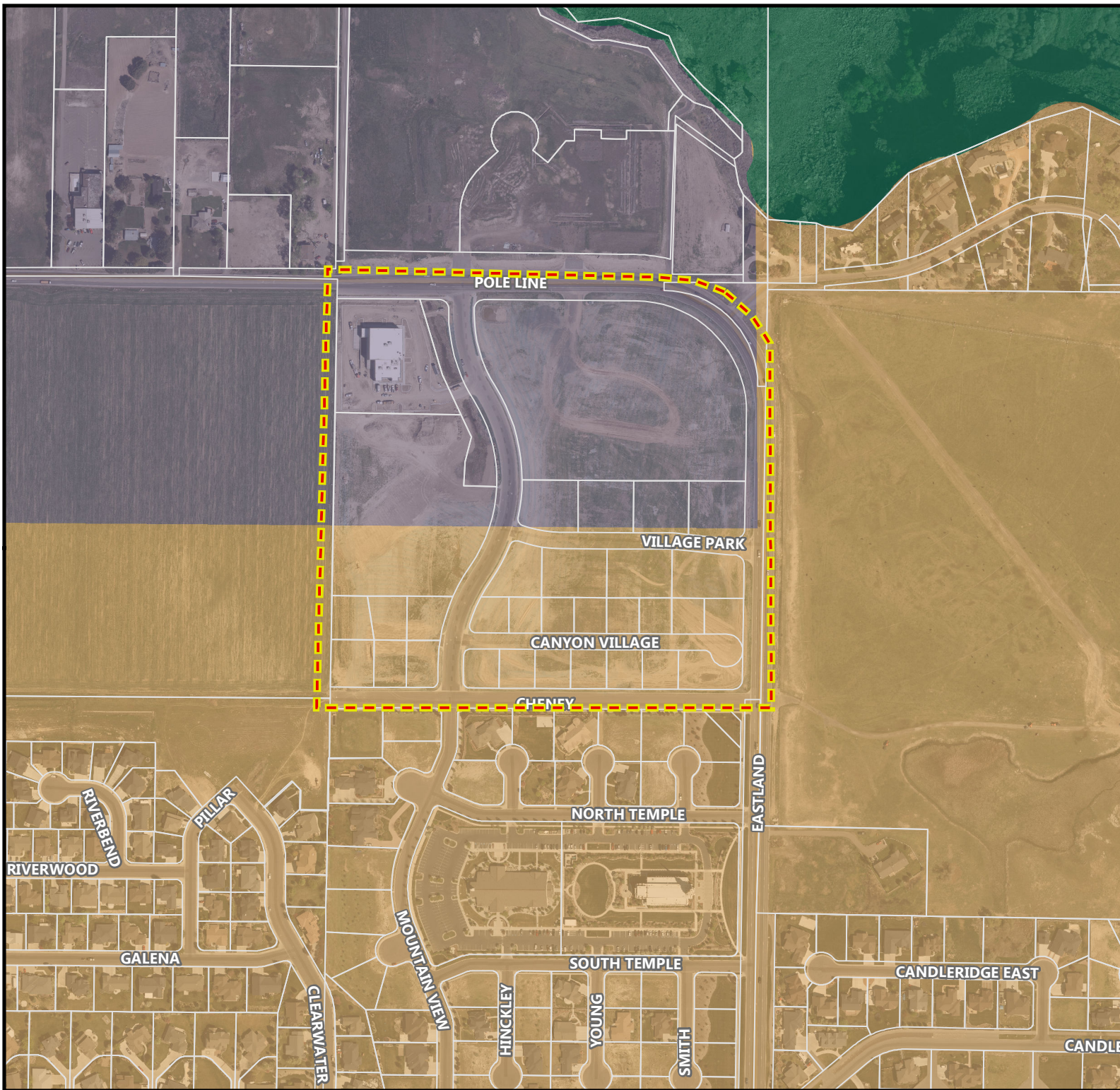
-  Area Of Impact
-  CRO
-  PRO
-  PUD
-  C-1
-  OS
-  R-1 VAR
-  R-2
-  R-4
-  SUI



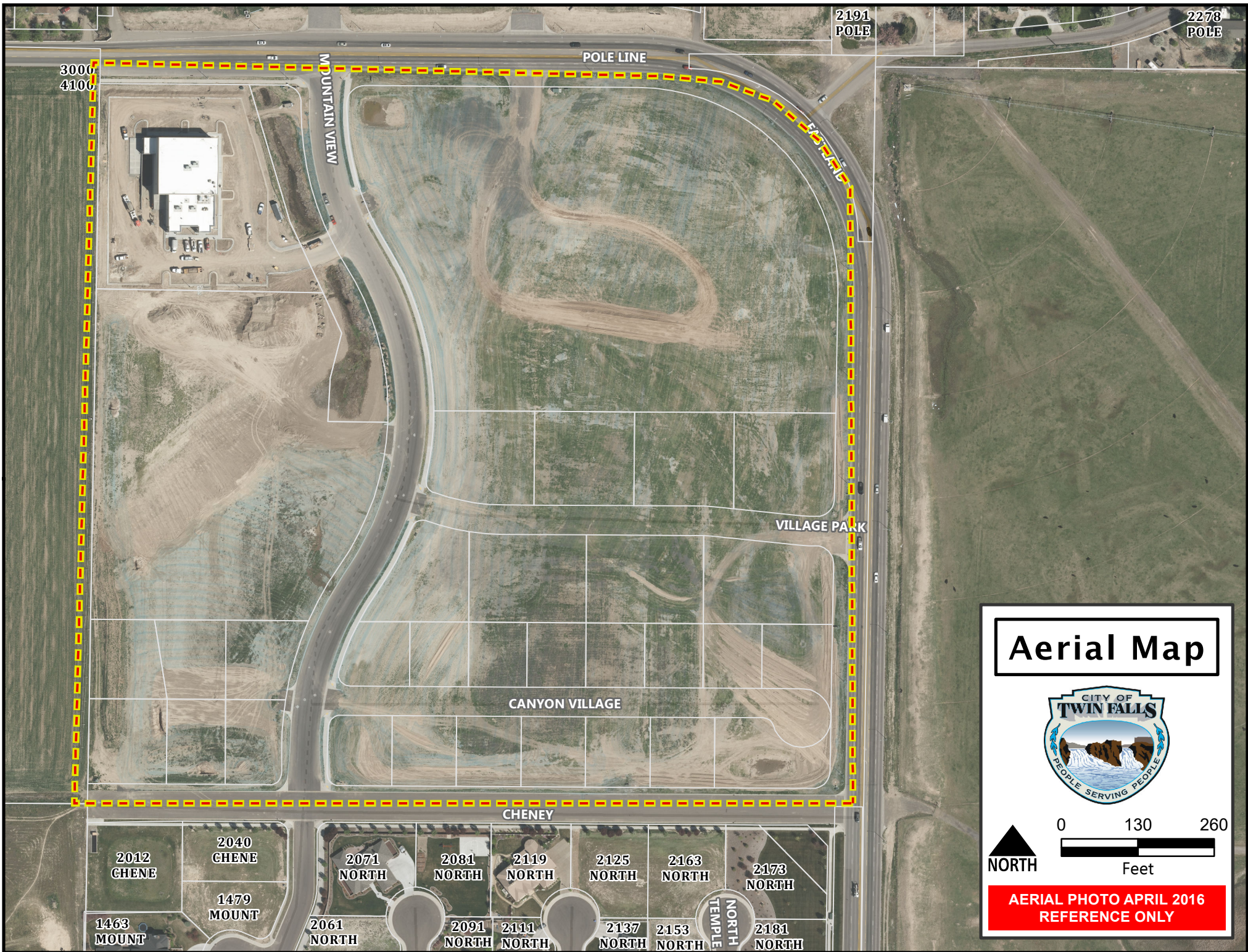
**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**

Future Land Use Map

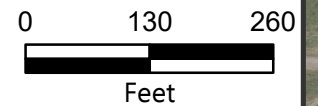
- Mixed Use
- Open Space
- Town Neighborhood



AERIAL PHOTO APRIL 2016
REFERENCE ONLY



Aerial Map



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**

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Second, at the time the PUD was created, the configuration of the residential areas were unknown. The neighbors wanted to be assured that Cheney would not be lined with garages. Since the approval of the PUD, the landscaping and a 6 foot privacy fence have been installed and the residential layout has been finalized. The landscaping, fence and drop in elevation block the view of the garages and the garages are not accessible from Cheney Drive.

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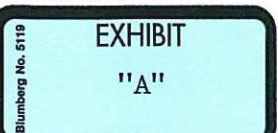
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~~Residential units within 280 feet of the South boundary shall have the following additional requirements:~~

~~a. — Minimum living unit size of residences shall be 1600 square feet exclusive of garage.~~



- b. ~~Each residence shall have a 2 car or larger garage.~~
- c. ~~Lot area shall average not less than 10,000 square feet~~
- d. ~~Exterior material shall be brick, stucco or stone, or a combination thereof.~~
- e. ~~No garage doors shall face Cheney Drive.~~
- f. ~~Roof pitches shall be not less than 6 in 12.~~
- g. ~~Building height shall not exceed 28 feet.~~
- h. ~~Any fencing parallel to and adjacent to Cheney shall be uniform and approved by the architectural control committee.~~

4. ~~Residential Townhouse Restrictions:~~

~~Residential townhomes constructed as defined by the City of Twin Falls as of the date of this agreement and in the designated area West of Mountain View Drive (Area B) shall be of residential architectural style and shall not exceed a footprint greater than 10,000 square feet (exclusive of garages) and shall have the following additional requirements.~~

- a. ~~Minimum living unit size of 1600 square feet exclusive of garages.~~
- b. ~~Each residence shall have a two car or larger garage.~~
- c. ~~Exterior material shall be brick, stucco or stone or a combination thereof, and other materials as may be approved by the architectural control committee.~~
- d. ~~Roof pitches shall not be less than 6 in 12.~~
- e. ~~Building height shall not exceed 35 feet.~~
- f. ~~The maximum density shall not exceed, on average, a density of 8 residential units per acre.~~
- g. ~~All landscaping shall be uniformly designed and maintained.~~
- h. ~~Common amenity facilities including owners meeting rooms, pools, outdoor recreation equipment are allowed uses.~~



NW Corner Looking SE



Interior Traffic Circle







Public Hearing: **Tuesday, October 10, 2017**

To: Planning and Zoning Commission

Presenter: Steve O'Connor, Planner I

Editor: Renee V. Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM 6b

Request: Request for a **Special Use Permit** to operate a gym – Cross Fit Magic Valley – as an indoor recreation facility on property located at 248 Idaho Street South. c/o Brett Witherspoon (app. 2898)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Holds a Lease Agreement	Size: .35+/- acres
Brett Witherspoon 688 Pole Line Rd #58 Twin Falls, ID 83301 208.404.2116 brett@crossfitmagicvalley.com	Current Zoning: OT WHO P-3	Requested Zoning: Special Use Permit for an Indoor Recreation Facility
	Comprehensive Plan: Downtown	Lot Count: 1 Lot
	Existing Land Use: Office & Warehouse	Proposed Land Use: Fitness Gym (Indoor Recreation)
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North East: Alley; CB WHO P-1; Commercial Business	South East: Idaho St; OT WHO P-3; Floyd Lilly Co (Construction Trade)
	South West: 3 rd Ave S; OT WHO P-3; URA Parking Lot	North West: OT WHO P-3; Commercial/Warehousing
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-13, 10-4-22, 10-10-12, 10-11-1 thru 8, 10-13	

Approval Process:

The Special Use Permit process requires a public hearing to be held in which interested persons have the opportunity to be heard with regards to the application.

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval. Conditions shall be implemented within 6 months or the permit is void.

If an applicant or interested party appeals the decision of the Commission with fifteen (15) days from the date of action (when the Findings of Fact are signed), the 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.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to establish a fitness gym (Indoor Recreation) at 248 3rd Ave. S.

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

History:

This parcel is lots 28-32 of block 119 of the Original Town site plat recorded in 1904. The zoning was likely set with Ordinance 2012 in which was adopted in 1981. Since that time, this building has housed a number of uses and currently houses Cavalli Corp, an establishment that specializes in artistic application of plaster to homes and businesses.

Analysis:

This request is to establish a fitness gym, classified as Indoor Recreation, at 248 3rd Ave S. The property is zoned Old Town within the Warehouse Historic Overlay with a P-3 parking overlay (OT WHO P-3). The WHO requires any exterior modifications to be granted a Certificate of Appropriateness from the Historic Preservation Commission prior to any change. In the OT zone, a Special Use Permit is required for Indoor Recreation.

The applicant owns CrossFit Magic Valley and is currently leasing space on Kimberly Rd. The owner of the property granted permission for the applicant to request an SUP before signing a lease (see packet provided by staff). The applicant runs most of the sessions herself but has coaches to fill in when needed. The narrative also states in order to keep the sessions manageable and small there will be no more than 15 individuals coached at any one time. There will be limited noise as the sound levels for music needs to be low enough so coaching can be heard over the music. All activity will take place inside the gym.

The parking requirement for a gym is 1 space per 250 sq ft of exercise/floor area. The location of the gym falls under the P-3 Parking Overlay. Under the P-3 overlay the code states,***"if the standard parking requirements cannot be applied businesses may be given special consideration by the Administrator to find a solution to satisfy the required amount of parking. This may include a variance, leased off-site parking or remote parking."*** In this case, 12-15 spaces are required per city code, depending on the ultimate area used in this business. URA Director, Nathan Murray, granted permission to utilize the URA/Public parking lot located across the street from 248 3rd Ave. South (see attachments). The Zoning Administrator concurs.

Per City Code 10-4-13- OT District:

An SUP is required to establish any Indoor Recreation Facility.

Per City Code 10-4-22- WHO District:

A Certificate of Appropriateness granted by the Historic Preservation Commission is required prior to any exterior modification, including signage.

Per City Code 10-10-6 & 12- Parking Regulations

The Administrator may give special consideration with regard to the parking requirement.

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

Required improvements include landscaping, parking and maneuvering, screening, trash enclosure, access, drainage and storm water, utilities, etc.... These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal. In this case, all improvements are existing, and no building permit is anticipated to increase the size of the building, staff does not foresee any improvements being required.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Downtown." Downtown supports a very broad and diverse range of land uses, while encouraging infill and adaptive reuse. Recreational Facilities are specifically called out in the comprehensive plan as land uses that should be supported. Staff has determined this request complies with the 2016 comprehensive plan.

Possible Impacts:

The applicant nor staff anticipates any negative impacts to surrounding properties from this land use.

Conclusion:

Should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to class sizes being limited to no more than 15 individuals at any one time.
3. Subject to ADA Parking space being located as close as possible to the Alleyway entrance to 248 3rd Ave.
4. Subject to a Certificate of Appropriateness, be granted by HPC prior to any exterior changes, including signage.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. Applicant Submitted Site Plan
6. Parking Approval Email
7. Site Photos



www.CrossFitMagicValley.com

Special Use Permit

Reason for Request:

I am requesting a Special Use Permit for the property located at 248 3rd Street, Twin Falls, ID, to house my gym, CrossFit Magic Valley.

My hours of operation vary from day to day and are based on classes offered. Following is my current schedule.

Monday 5am, 6am, 9am, Noon, 6pm & 7pm
Tuesday 9am, 6pm & 7pm
Wednesday 5am, 6am, 9am, Noon, 6pm & 7pm
Thursday 9am, 6pm & 7pm
Friday 5am, 6am, 9am, Noon, 6pm
Saturday 8am-11am

I do not anticipate any increase in traffic as I do not have more than 10 people in any given class. Some classes are much smaller at 1-2 people.

I coach a majority of the classes myself. I have 1-2 fill in coaches for when I am unavailable.

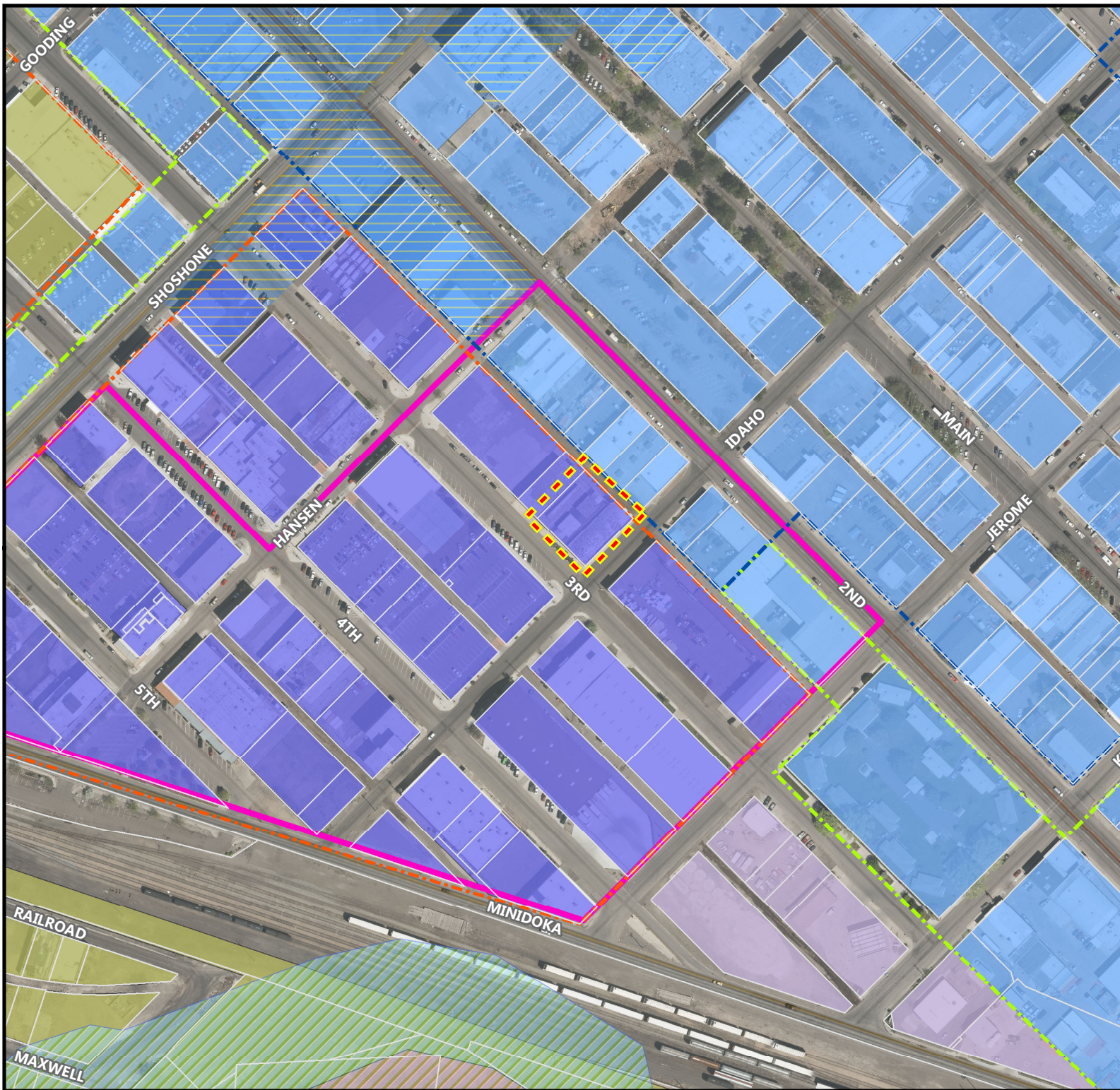
Noise: We do not create any additional noise that will not be contained within the building. We have a stereo system that will be turned up during the workout (10-20 mins), but a majority of the time it is kept at speaking levels as all classes are coached and coaches must be heard.

Glare: We do not create any glare.

Odor: We do not create any odor.

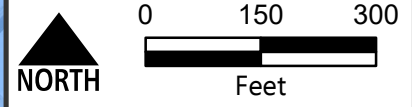
Fumes and vibration on adjoining property and discussion: We do not create any fumes. Weights are occasionally dropped, but it does not create any vibration on adjoining property. I do not believe we will have any compatibility issues with adjacent and other properties in the district.

On the front side of the location, we are bordered with the Pet's Place (260 2nd Avenue) with an alley in between the properties. To the right of the location, we share a brick wall with the building owner. To the front of the location is Cavelli Law Office with a 10' buffer between the two spaces. To the left of the property we are bordered with the storage yard of Floyd Lilli (361 3rd Avenue) with Idaho Street in between. None of these businesses will be affected by CrossFit Magic Valley occupying a portion of 248 3rd Street.

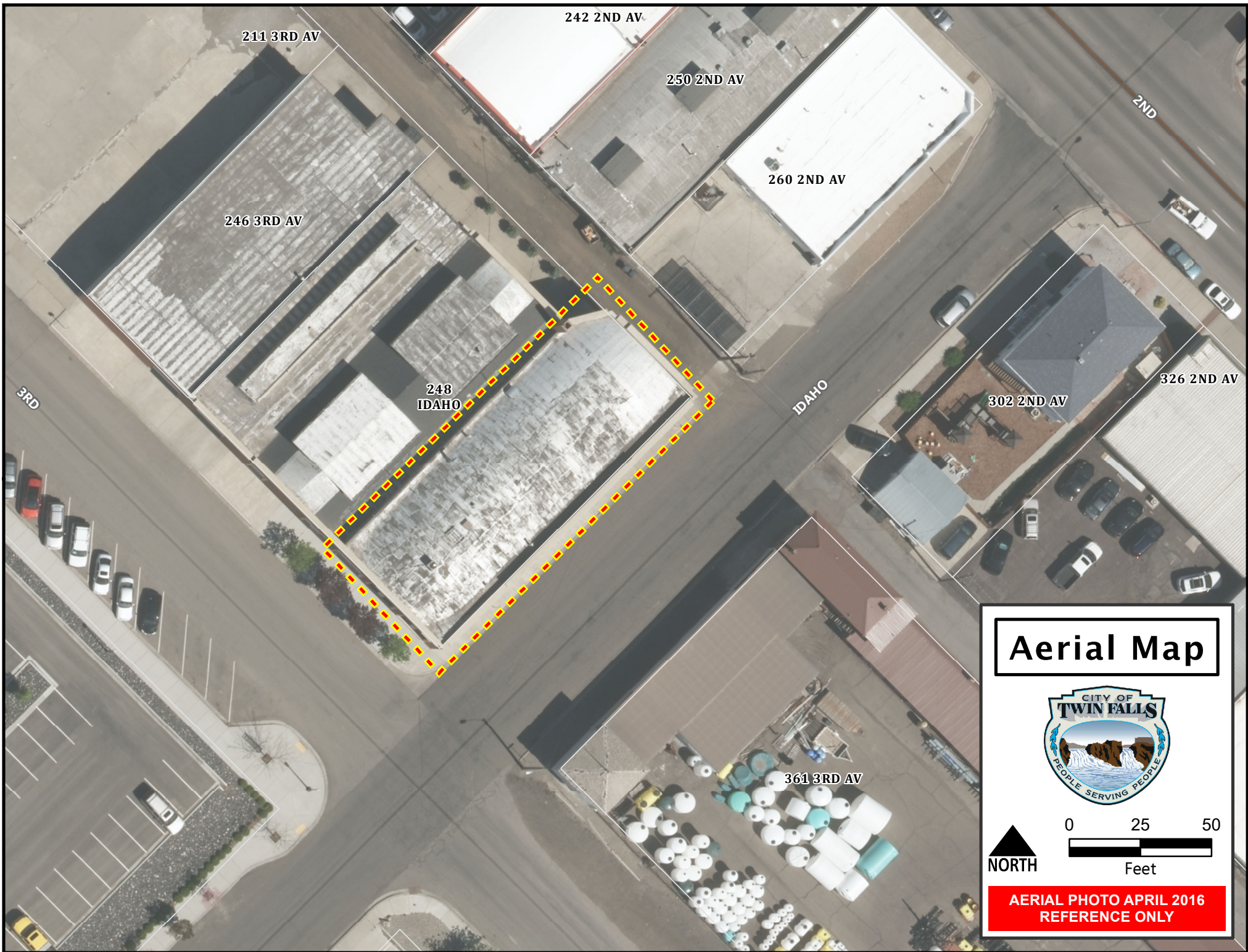


Zoning Vicinity Map

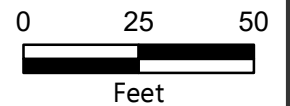
- Parking Overlay - One
- Parking Overlay - Two
- Parking Overlay - Three
- Historic Downtown Overlay
- Original Townsite District
- WHO
- CRO
- PRO
- C-B
- M-1
- M-2
- O-T
- OS
- R-6



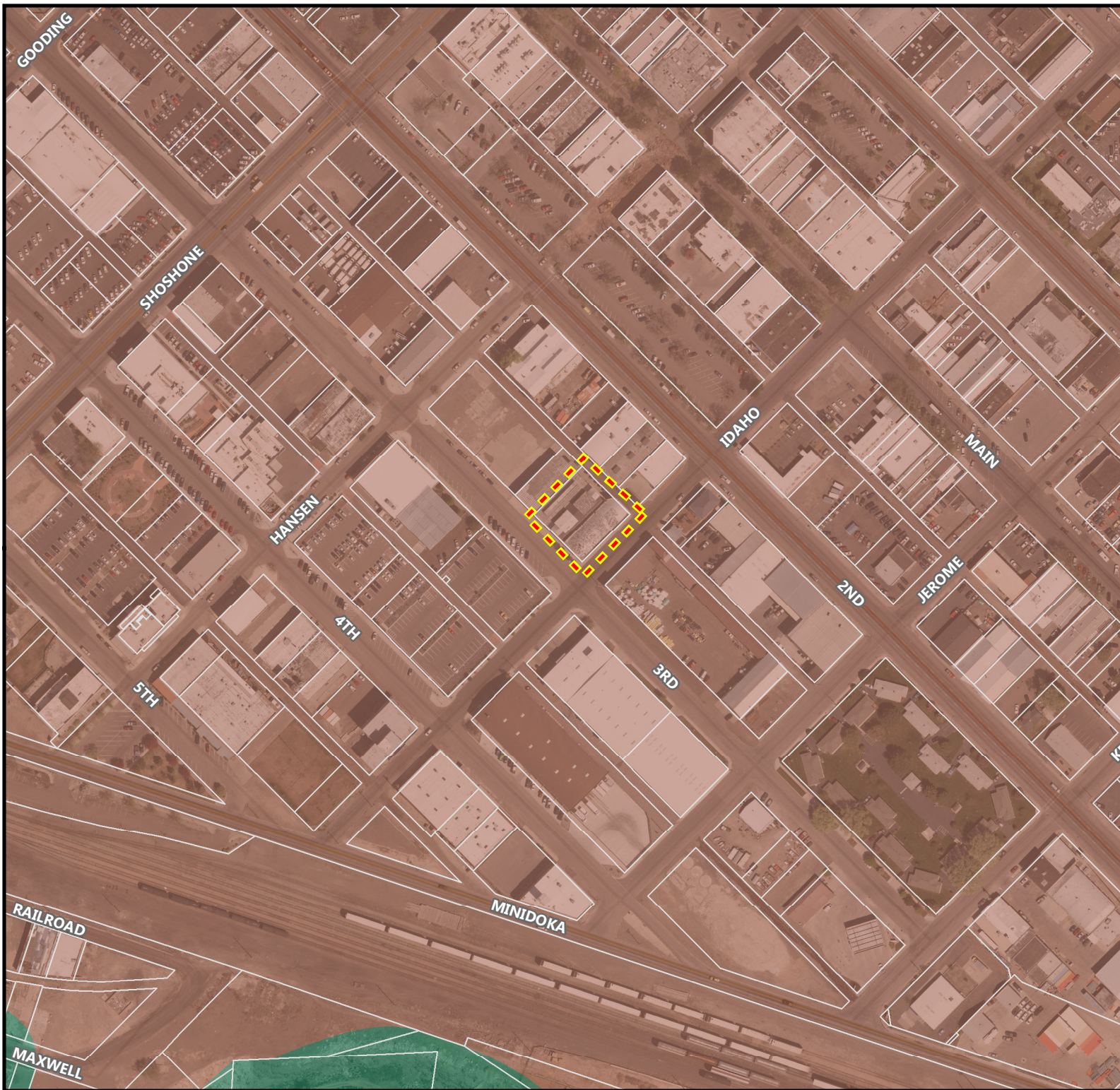
**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**



Aerial Map

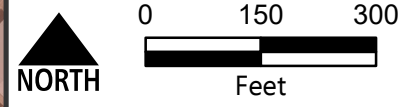


**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**



Future Land Use Map

-  Downtown
-  Open Space



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**

Lots 28 through 32,
Block 119, Twin Falls
Townsite, Twin Falls
County, Idaho,
according to the final
and amended plat
thereof recorded in
Book 1 of Plats, page
7, records of Twin Falls
County, Idaho

Cavalli Corp
PO Box 583
Twin Falls, ID 83301

Sign 2'x12'
Matching
building
exterior

Landscaping
Handicap
Parking
Front Entrance

Idaho Street
Fire Lane

Landscaping

Landscaping

Fire Lane

3rd Street

200 Off Street Parking Spaces
8 Spaces Required



Steve O'Connor

From: Steve O'Connor
Sent: Monday, July 31, 2017 7:28 AM
To: Nathan Murray
Subject: RE: Jacob Cavall

Perfect! Not need to track, I just wanted to be sure Brett could state in her application that she can use that lot for her customers.

Steve O'Connor
Planner I
208.735.7270

From: Nathan Murray
Sent: Friday, July 28, 2017 9:55 AM
To: Steve O'Connor <soconnor@tfid.org>
Subject: RE: Jacob Cavall

Yes, we would encourage the gym members to park in the lot on the corner. The parking lot is a public lot, and the URA does not lease any of the stalls. If you'd like me to track the use of the lot next week I can do that. At any given time, there are only a few cars in the lot.

Nathan

From: Steve O'Connor
Sent: Thursday, July 27, 2017 10:37 AM
To: Nathan Murray <NMurray@tfid.org>
Subject: RE: Jacob Cavall

Nate,

I met with Brett today, the crossfit gym owner who wants to set up shop in Jacob's place. I know parking will be a question and it will be for the commission when her application goes to them. Can you or are you able to allow parking for her customers in the URA lot at 3rd Ave and Idaho St?

Steve O'Connor
Planner I
208.735.7270

From: Steve O'Connor
Sent: Thursday, July 6, 2017 4:36 PM
To: Nathan Murray <NMurray@tfid.org>
Subject: RE: Jacob Cavall

Thanks!

Steve O'Connor



3rd St S & Idaho Ave S. Looking N



Alley Entrance and ADA Parking



Idaho St S.



Public Parking Lot