



Twin Falls City Council Agenda

Monday, November 13, 2017, 3:30 PM

****Special Meeting Notice****

The City Council will meet at the City Council Chambers located at 305 Third Avenue East - Twin Falls, Idaho, at 3:30 p.m., for the purpose of touring the Wills Booster Station. Tour led by Lee Glaesemann, Staff Engineer

The regular meeting will follow at 5:00 p.m.

Members: Shawn Barigar, Suzanne Hawkins, Nikki Boyd, Chris Talkington, Gregory Lanting, Christopher Reid, Ruth Pierce

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) CONSIDERATION OF AMENDMENTS TO AGENDA
- 4) PROCLAMATIONS
 - a) Small Business Saturday - Request made by the Twin Falls Chamber of Commerce
 - b) No Shave November - 2017 - Request made by Javier Paredez, Twin Falls Police Department
- 5) GENERAL PUBLIC INPUT
- 6) CONSENT CALENDAR
 - a) Request to approve the Accounts Payable for November 2 - 10, 2017.
 - b) Request to approve the City Council Meeting Minutes for October 30, 2017.
Purpose: Action By: Sharon Bryan
- 7) ITEMS OF CONSIDERATION
 - a) Introduction of Youth Council Executive Board.
Purpose: Presentation By: Suzanne Hawkins, Vice Mayor
 - b) Presentation of value awards to several City Employees by the Employee Recognition Committee.
Purpose: Presentation By: Matt Hicks, Employee Recognition Committee
 - c) Twin Falls Urban Renewal Agency Main Avenue Redevelopment Project Update.
Purpose: Informational By: Perrin A. Robinson, PE, CH2M

- d) International City/County Management Association (ICMA) Credentialed Manager Recognition for City Manager Travis Rothweiler and Deputy City Manager Mitchel Humble.
Purpose: Presentation By: Shawn Barigar, Mayor

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

9) PUBLIC HEARINGS

- a) Request 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

10) ADJOURNMENT

- a) EXECUTIVE SESSION 74-206 (1(c) To acquire an interest in real property which is not owned by a public agency.

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

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall
 - wait to be recognized by the Mayor or Chairman
 - approach the microphone/podium
 - state their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

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

*Office of the Mayor
City of Twin Falls*

Proclamation

SMALL BUSINESS SATURDAY

Whereas, the government of the City of Twin Falls, Idaho, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 63 percent of net new jobs created over the past 20 years; and

Whereas, small businesses employ 48 percent of the employees in the private sector in the United States; and

Whereas, on average, 33 percent of consumers' holiday shopping will be done at small, independently-owned retailers and restaurants; and

Whereas, 91 percent of all consumers believe that supporting small, independently-owned restaurants and bars is important; and

Whereas, 76 percent of all consumers plan to go to one or more small businesses as part of their holiday shopping; and

Whereas, the City of Twin Falls, Idaho, supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

Whereas, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, Therefore, I, Shawn Barigar, Mayor of the City of Twin Falls, Idaho, do hereby proclaim, November 25, 2017, as:

SMALL BUSINESS SATURDAY

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

In witness whereof, I have hereunto set my hand and caused this seal to be affixed.

Mayor Shawn Barigar

Attest:

Leila A. Sanchez, Deputy City Clerk

Dated: _____

*Office of the Mayor
City of Twin Falls*

Proclamation

No-Shave November 2017

WHEREAS, among American men, prostate cancer is both the second most commonly diagnosed cancer and the second-leading cause of cancer deaths. Although prostate cancer mortality rates have declined over the past two decades, in 2017 alone, an estimated 27,500 men in the United States will die from this cancer;

WHEREAS, during National Prostate Cancer Awareness Month, we remember those who lost their lives to prostate cancer, offer our support to patients and their families, and highlight our commitment to better prevention, detection, and treatment methods;

WHEREAS, the Twin Falls Police Department is committed to help support the treatment and awareness of prostate cancer by promoting No-Shave November;

NOW, THEREFORE, I, Shawn Barigar, Mayor of the City of Twin Falls, proclaim the month of November as

No-Shave November

and by this action, let it be known that we, the employees of the Twin Falls Police Department and citizens of the City of Twin Falls, support research, awareness, and treatment of prostate cancer.

In witness whereof, I have hereunto set my hand this 13th day of November, 2017, and caused this seal to be affixed.

Mayor Shawn Barigar

Attest:

Leila A. Sanchez, Deputy City Clerk



Twin Falls City Council Minutes

Monday, October 30, 2017, 5:00 PM

City Council Chambers
305 Third Avenue East - Twin Falls

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Shawn Barigar, Vice Mayor Suzanne Hawkins, Councilmembers Greg Lanting, Nikki Boyd, Chris Talkington, Christopher Reid, Ruth Pierce

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, Deputy City Manager Brian Pike, City Attorney Fritz Wonderlich, Police Chief Craig Kingsbury, Captain Anthony Barnhart, Captain Matt Hicks, Lieutenant Craig Stotts, Lieutenant Terry Thueson, Lieutenant John K. Wilson, Zoning and Development Manager Rene'e V Carraway-Johnson, Assistant City Engineer Troy Vitek

Mayor Barigar called the meeting to order at 05:01: PM
A quorum was present.

2) PLEDGE OF ALLEGIANCE

Mayor Barigar invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) CONSIDERATION OF AMENDMENTS TO AGENDA

4) PROCLAMATIONS: None

5) GENERAL PUBLIC INPUT

6) CONSENT CALENDAR

MOTION:

Councilmember Reid moved to approve the Consent Calendar as presented. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- a) Request to approve the Accounts Payable October 24-30, 2017.
- b) Request to approve the October 23, 2017, City Council Minutes.
- c) Request to approve the Curb-Gutter & Sidewalk Improvement Deferral Agreement – 521 2nd Avenue South for Tony Hoggarth.

- d) Request to approve the Findings of Fact and Conclusion of Law for a Zoning District Change & Zoning Map Amendment for Seagraves Family Foundation.
- e) Request to accept Z Country Estates Parks In Lieu Contribution.

7) ITEMS OF CONSIDERATION

- a) Presentation by the Blue Lakes Rotary Club and Pacific Coast K9 of one narcotic detection canine to the Twin Falls Police Department.

Police Chief Kingsbury gave back ground and introduced Blue Lakes Rotary Club President Bryon Toledo and Pacific Coast K9 Owner/Trainer Ken Pavlick and Officer Matt Guzman.

Blue Lakes Rotary President Bryon Toledo said that the Blue Lakes Rotary has \$6,500.00 to be used for the purchase of a single purpose narcotic dog one for the City of Twin Falls and one for Twin Falls County.

Twin Falls County Sheriff Tom Carter thanked the Blue Lakes Rotary Club.

City Council thanked Blue Lakes Rotary, Ken Pavlick, and Twin Falls County Sheriff Department.

b) Presentation of Idaho Peace Officer Standards and Training Council Certificates.

Police Chief Kingsbury, Captain Barnhart, Captain Hicks, Lieutenant Stotts, Lieutenant Thueson, Lieutenant Wilson gave history of officers and presented their Certificates.

Certificates were presented to the following officers:

-Basic Certification by the Idaho Peace Officer Standards and Training Council: Dzevad Mandzic, Anthony Summers, Braxton Christensen, Tyler Kraft, Martin

Becerra, Shauna Peterson, and Daniel Clifford.

-Officer Jayson Mickelson was awarded his POST Intermediate Certification.

-Advanced Certification by the Idaho Peace Officer Standards and Training Council: Officers Dallas Garner, Morgan Waite, Justin Cyr, Brandi Matthews, their POST Intermediate Certificate. Samir Smriko, and Detective Ken Rivers.

-Officers Matt Triner, Clint Doerr and Dave Weigt have been awarded their Advanced and Master Certifications by the Idaho Peace Officer Standards and Training Council. Sergeants Justin Hendrickson and Lou Coronado, respectively, were awarded their POST Supervisor Certification.

-Lieutenant John K. Wilson was awarded his POST Management Certification.

City Council congratulated all the officers.

c) Update on Southern Idaho Economic Development Organization (SIEDO).

Southern Idaho Economic Development Organization Connie Stopher gave an update on projects SIEDO is working on.

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

Zoning and Development Manager Carraway-Johnson gave staff report.

MOTION:

Councilmember Lanting made a motion to suspend the rules and place Ordinance #2017-027 on third and final reading by title only. The motion was seconded by Councilmember Talkington. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

Deputy City Clerk Bryan read the ordinance by title only:

ORDINANCE NO.2017-027

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AMENDMENTS TO THE AREA OF IMPACT AND ZONING DISTRICTS MAP AND THE REVISED AREA OF IMPACT AND COMPREHENSIVE PLAN LAND USE MAP.

MOTION:

Vice Mayor Hawkins made a motion to adopt Ordinance 2017-027. Councilmember Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

- e) Request to approve the Grandview Odor Reduction Study. Enter into a contract with Murray, Smith and Associates to study the Grandview and Rock Creek sewer pipelines for odors and provide a recommendation to the City of Twin Falls on design and location of a possible remediation.

Assistant City Engineer Vitek gave staff report,

Discussion ensued on the following:

Larger pipeline being installed.

When will the project be completed.

Study start time.

Any violations with DEQ

Corrosion of pipe line.

MOTION:

Councilmember Lanting moved to enter into a contract with Murray Smith and Associates to study the Grandview and Rock Creek sewer pipelines for odors in the amount of \$39,908.

Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

Dennis Crawford, Twin Falls, spoke in support of the study and would like to be involved in the study.

Discussion ensued on the following:

Do you have a business or experience in odor control.

Dennis Crawford said he does have a business that deals with odor control.

City Council asked staff to meet with Dennis Crawford.

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

Bonnie Symington said that opioids is a symptom and asked that they focus on the diseases

Vice Mayor Hawkins reported on the Open House of Police Department.

Vice Mayor Hawkins reported on Youth Council and thanked them for helping pass out Candy to the trick or treaters on Saturday.

Vice Mayor Hawkins reported that the Twin Falls Public Library will be honoring our Veterans during the month of November, 2017.

Councilmember Talkington expressed traffic safety concerns on Eastland Drive North.

CouncilmemberLanting reported on the New City Hall building and said to make sure to check out the desk that Star Corp made for the City Manager's Office.

Mayor Barigar reported on the Mayors Walk and the Canyon Trail.

City Manager reported on the following:

- No City Council meeting Monday, November 6, 2017.

- November 14 City Council meeting will start at 3:30 PM to tour the Wills Booster Station

- City Hall Update.

Mayor Barigar asked Police chief Kingsbury to give a report on No Shave November.

Police Chief Kingsbury reported on No Shave November.

9) PUBLIC HEARINGS: None

10) ADJOURNMENT:

- a) Executive Session § 74-206(1): (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated to fill a particular vacancy or need, unless a vacancy in an elective office is being filled.

MOTION:

Councilmember Boyd moved to adjourn to Executive Session § 74-206(1): (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated to fill a particular vacancy or need, unless a vacancy in an elective office is being filled. Councilmember Reid seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0

The meeting adjourned at 06:27: PM

Sharon Bryan, Deputy City Clerk



Date: Monday, November 13, 2017
To: Honorable Mayor and City Council
From: Matt Hicks, Employee Recognition Committee

Request:

Presentation of value awards to several City Employees by the Employee Recognition Committee.

Time Estimate:

Staff presentation will take approximately fifteen (15) minutes.

Background:

The Employee Recognition Committee has invited the recipients of the value awards to attend the City Council meeting for recognition of their outstanding public service and dedication to the City of Twin Falls and its citizens.

Approval Process:

Budget Impact:

Regulatory Impact:

History:

N/A

Analysis:

N/A

Conclusion:

Attachments:

1. Employee Recognition Form

Employee Recognition Nominee Form

Do you know an employee who, through performance, attitude, behavior or actions exemplifies the City's Core Values? If so, we want to recognize them. Complete the form below to nominate them for Employee Recognition. We ask that you please be as detailed as possible about the event or action that prompted you to want to recognize exemplary services of another employee. Please feel free to add additional supporting documents.

Nominee Information

Date Submitted: _____

Name: _____

Department: _____ Contact No: _____

Please Pick One Core Value Category

_____ Integrity _____ Connection _____ Honesty _____ Commitment _____ Teamwork

Date of Event or Action: _____

Details of Event or Action

Other Active Participants To Recognize With A Thank You

Name: _____ Name: _____

Name: _____ Name: _____

Nominator Information (If you prefer to remain anonymous to nominee please check here ☐)

Name: _____

Department: _____ Contact No: _____

Please submit completed form electronically to pt-erc@tfid.org, fold and put in Employee Recognition Mailbox in mailroom, or mail to: Attn: Employee Recognition Committee P.O Box 1907 Twin Falls, ID 83303

INTEGRITY	CONNECTION	HONESTY	COMMITMENT	TEAMWORK
We: Take pride in our actions. Are good and faithful stewards. Display a positive, courteous attitude. Treat everyone with fairness, consistency, and understanding. Have courage to always do the right thing. Hold ourselves to high standards.	We: Actively listen. Engage in open dialogue in all directions. Explain the "why". Seek to provide clarity and be "on the same page." Continually strive for ways to effectively communicate. Are consistent. Respect the opinions of others and promote open dialogue.	We: Are genuine and transparent. Trust decisions of others. Are accountable for our actions. Do what we say. Lead by example.	We: Foster a supportive culture. Appreciate that each individual is an investment. Recognize that the little things sometimes make the biggest difference. Provide necessary tools and resources. Promote career progression and personal growth. Advocate for the health and safety of everyone. Celebrate our successes.	We: Are stronger as a team than individually. Collaborate at all levels to seek solutions. Strive for unity and understanding. Share knowledge. Encourage creativity, fresh ideas, and critical thinking. Recognize the talents and capabilities of each individual. Cultivate meaningful relationships. Are dedicated to each other.

Twin Falls Urban Renewal Agency

Main Avenue Redevelopment Project



Block 3 – Shoshone to Hansen, Block open to traffic, 16OCT2017



Block 4 –Hansen to Idaho, Block open to traffic, 31OCT2017

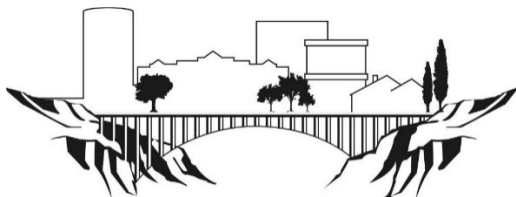


Block 5 –Idaho to Jerome, pouring curb and gutter, preparing for asphalt, 31OCT2017



Block 5 – Idaho to Jerome, pouring curb and gutter, preparing for asphalt, 31OCT2017

Prepared for:



THE URBAN RENEWAL AGENCY
OF THE CITY OF TWIN FALLS

Prepared by – Owner's Representative:

**Monthly Report for
URA Board Meeting
November 13, 2017**

Monthly Project Progress Update

Prepared for URA Board Meeting on November 13, 2017

Main Avenue Redevelopment Project

Summary of Progress This Period, October 5, 2017 to November 7, 2017

Construction Services by CM/GC – Guho Corp.

1. Main Ave. Blocks 1 and 2, Shoshone to Fairfield:
 - o Construction substantially complete and blocks have been open to traffic.
 - o Power provided to street lighting.
 - o Periodic ongoing work will continue regarding tree replacement, stop sign adjustments, and planter settling in November.
2. Main Ave., Block 3, Shoshone to Hansen:
 - o Block open to traffic.
 - o Engraved brick paver installation completed in front of Commons Plaza. Typos identified in some bricks, which will be exchanged with new corrected bricks.
 - o Landscaping installed.
 - o Furnishings ordered and will be installed as received.
 - o Idaho Power installing electric meters on November 8. Street lighting will then be operable.
3. Main Ave., Block 4, Hansen to Idaho:
 - o Block open to traffic.
 - o Furnishings ordered and will be installed as received.
 - o Idaho Power installing electric meters on November 8. Street lighting will then be operable.
4. Main Ave., Block 5, Idaho to Jerome:
 - o Curb and gutter placed up to the Jerome intersection.
 - o Preparing for asphalt placement scheduled for November 15.
 - o Tracking to have this block open to traffic by Thanksgiving.
5. Main Ave., Block 6, Hansen:
 - o Storm drain installation complete.
 - o Underground electrical and irrigation work to be completed week of November 13.
 - o Working to try have roadbed ready for asphalt placement on November 15.
6. General Activities: No recent new submittals. Requests for Information being submitted by Guho and being responded to by Otak.
7. Guho continues to provide weekly status updates to URA for distribution to merchants, City Council, URA Board each week by email to keep these groups up to date on the progress of construction.

8. Guho's progress payment for construction submitted totaling \$832,297.90 for work in October 2017 is in review. The total of progress payments to date less retainage (through October 31, 2017) is \$4,668,896.15, which is 72.4% of the GMP total of \$6,446,115. The total billed is appropriate for the in-progress work on 5.5 of the 5.5 city blocks being demolished and reconstructed.

Materials Selection and Placement

9. Guho is being asked to price some of the materials necessary for the Commons project, such as the pavers, light poles and street amenities, in order to take advantage of possible savings. Guho will provide purchase documentation for cost tracking.

Civic Group Participation

10. Several of the engraved brick pavers installed in front of Commons Plaza were identified as having typing errors. New corrected pavers are being engraved and will be installed.
11. The decision to core drill PVC sleeves into the hardscape areas to serve as the flag holders was reached with the Lions Club.

Project Schedule

12. Construction work on the first block (Gooding to Shoshone) commenced on 17APR2017 as planned. All 6 blocks of the project will be substantially complete by 30NOV2017. A few final items, such as furnishing installation, will continue through the winter as materials are received. Additionally, landscaping replacement and hanging basket installation will carry over to the spring.

Design Progress

13. Otak preparing design revisions to the drawings as necessary based on unforeseen conditions encountered by Guho. Guho and Otak are both maintaining a design revision log to track project changes.

Testing and Inspection

14. Testing and Inspection services continue to be performed drawing upon allowances and savings within the GMP.

Budget

15. CH2M updated the URA's Cost Control Report for Area 4-1 projects, including the anticipated cash flow from 2016 through 2023. The report is being updated monthly and reviewed with the City's Finance Manager and URA Executive Director.

Other URA Topics

16. n/a



Date: Monday, November 13, 2017
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Senior Planner

Request:

Request 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 83303-1901 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 83303-1901 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:

A recommendation from the Planning and Zoning Commission has been forwarded to the City Council for a final 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.

The Planning and Zoning Commission heard the preliminary presentation for the PUD Amendment request

on September 26, 2017. Subsequently the Public Hearing with the Planning and Zoning Commission was heard on October 10, 2017. During that meeting the Commission voted unanimously to approve the request with an added condition: "The Residential Townhome Restrictions remain in the PUD Agreement".

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 has forwarded a positive recommendation to approve the request with a condition that the "Residential Townhome Restrictions remain in the PUD", by a unanimous vote.

The City Council is tasked with making a decision on the request. The Council may approve the request as presented, approve the request with conditions, or deny the request.

Attachments:

1. Narrative and Staff Attachments
2. Canyon Village Master Development Plan
3. PZ Public Hearing Minutes (10-10-17)

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:

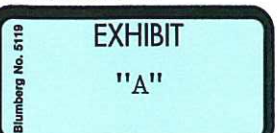
Be AMENDED as follows:

~~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.~~

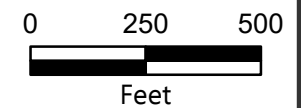
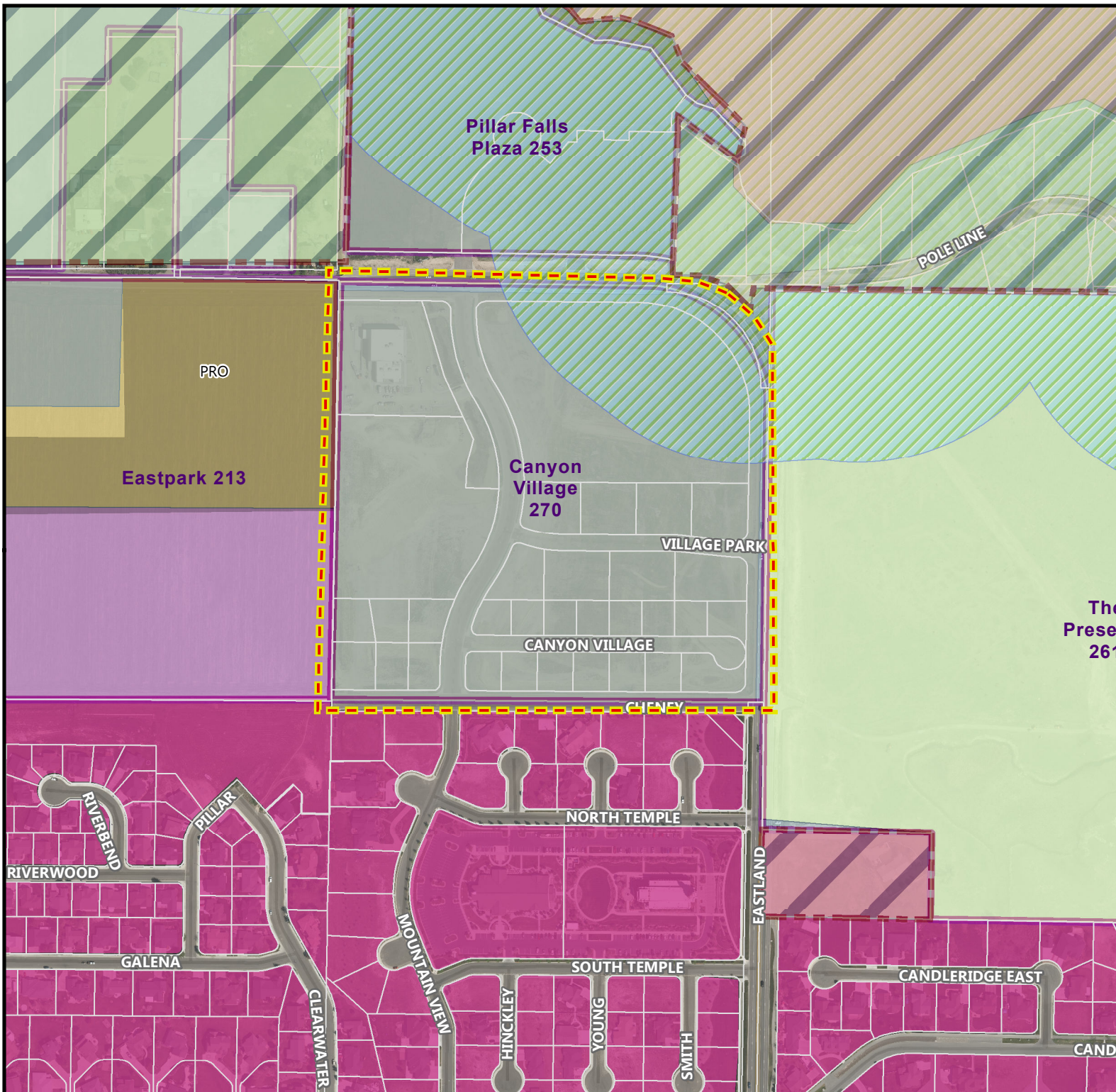
4. ~~Residential Townhouse Restrictions:~~

~~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

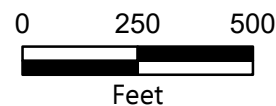
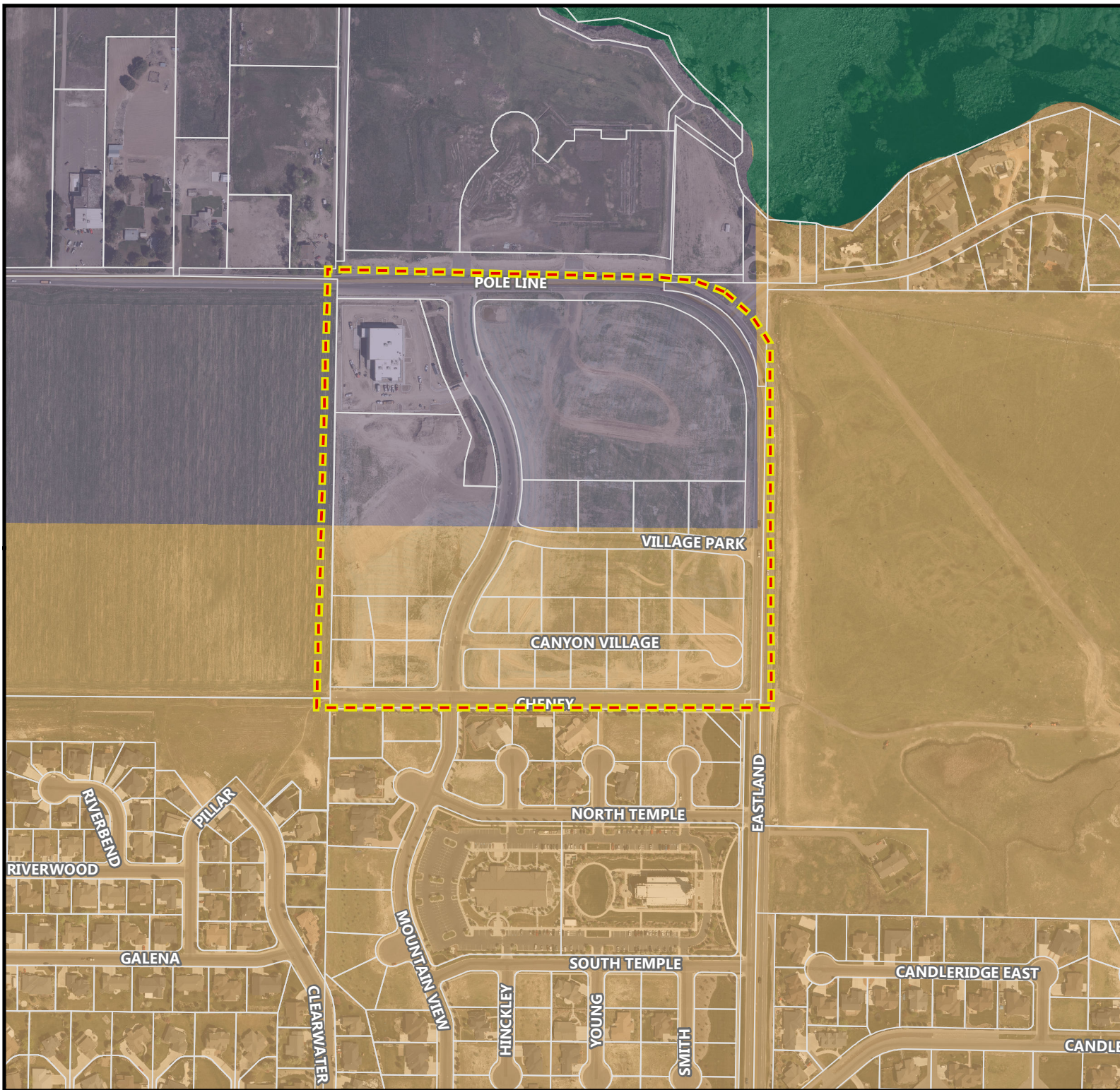
-  Area Of Impact
-  CRO
-  PRO
-  PUD
-  C-1
-  OS
-  R-1 VAR
-  R-2
-  R-4
-  SUI



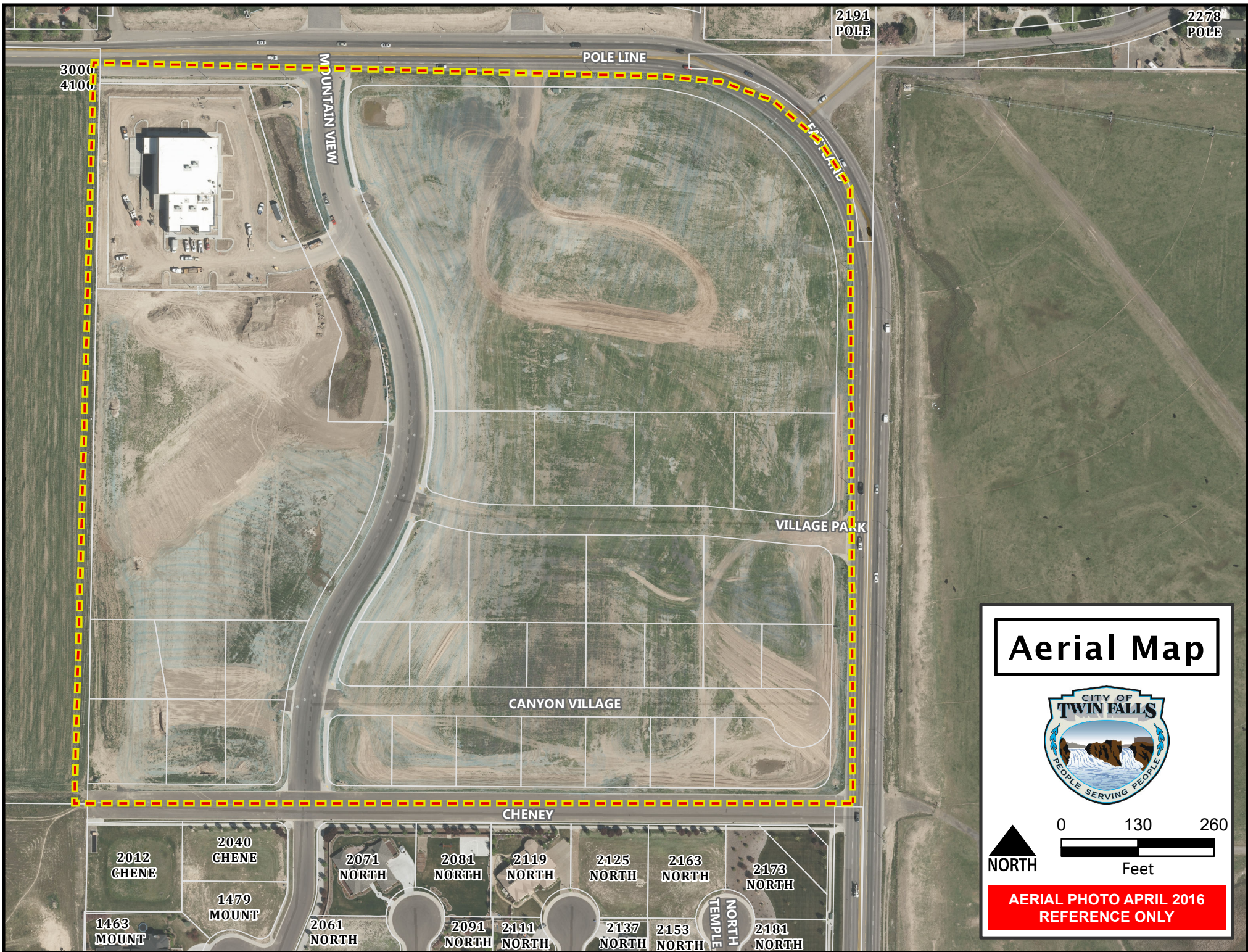
**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**

Future Land Use Map

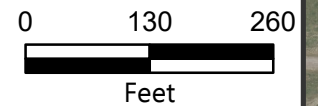
- Mixed Use
- Open Space
- Town Neighborhood



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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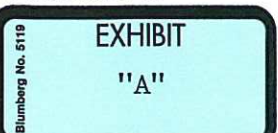
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- c. ~~Exterior material shall be brick, stucco or stone or a combination thereof, and other materials as may be approved by the architectural control committee.~~
- d. ~~Roof pitches shall not be less than 6 in 12.~~
- e. ~~Building height shall not 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





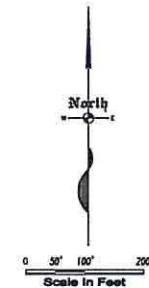
South Face of House



View From Cheney Dr.

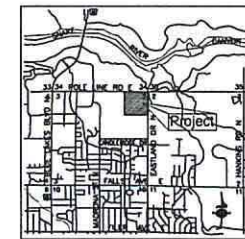
EXHIBIT B PUD Plan For: Canyon Village, PUD

Located In
A Portion of
Gov't Lot 1, Section 3
Township 10 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2014



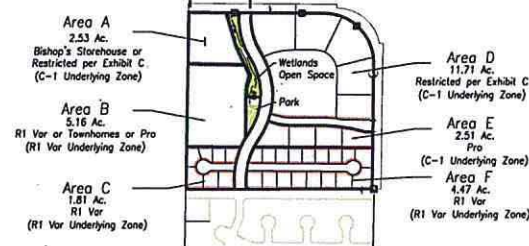
Design Date:

DEVELOPER/ NORTHEAST INVESTMENTS, L.L.C.
OWNER: DREW DODGE
P.O. BOX 1001
TWIN FALLS, ID 83401
ENGINEER: DAW ENGINEERS INC.
837 N. GILLIE RD., STE. 100
TWIN FALLS, ID 83401
PHONE: (208) 734-1488



VICINITY MAP
NOT TO SCALE

Development Key



Landscape Summary

Roadway Buffer Area = 3.18 Ac.
Park Area = 1.59 Ac.
Total Development Area = 28.19 Ac.
*Does not include on Site Landscaping



Notes:
1. INTERIOR LOT LINES AND PRIVATE DRIVES TO BE ADJUSTED OR DELETED AS NECESSARY.
2. EASEMENTS FOR PUBLIC UTILITIES WILL BE PROVIDED ON FINAL PLAN.
3. STORM WATER SHALL BE REMOVED ON SITE PER CITY STANDARDS.
4. PREDETERMINED SURFACE IRRIGATION SYSTEM SHALL BE PROVIDED TO ALL LOTS. PIPE SIZES WILL BE DETERMINED AS PART OF SITE DEVELOPMENT PLAN.
5. STREET LIGHTING TO BE INSTALLED AND MAINTAINED BY THE LOT OWNERS ASSOCIATION. DESIGN TO BE PROVIDED WITH DEVELOPMENT PLAN SUBMITTAL.
6. DEVELOPMENT SUBJECT TO PROPOSED PUD AGREEMENT.
7. APPROVAL OF THIS PUD PLAN DOES NOT GUARANTEE THE CITY TO PROVIDE ANY SERVICE.
8. BUILDINGS, LOT LINES AND PRIVATE DRIVES ARE SHOWN ARE FOR ILLUSTRATION PURPOSES ONLY AND ARE SUBJECT TO RELOCATION, REDUCTION OR OTHER MODIFICATION PROVIDED SUCH CHANGES ARE IN ACCORDANCE WITH THE PUD AGREEMENT AND APPROVED BY THE CITY OF TWIN FALLS.
9. SPECIAL LANDSCAPE REQUIREMENTS (SHOWN WITH PUD PLAN):
- LANDSCAPE DRINK NORTH: 30' FROM BACK OF CURB
- POST LINE ROAD: 30' FROM BACK OF CURB
- CHENEY DRIVE: 30' FROM BACK OF CURB
- WILLOWAY NEW DRIVE: 30' FROM BACK OF CURB
10. TRACT A SHALL BE OWNED AND MAINTAINED BY THE BUSINESS OWNERS ASSOCIATION.
11. ALL LANDSCAPING SHALL BE INSTALLED USING SPEC SURFACE UNDER PRESSURIZED IRRIGATION TO BE PROVIDED BY EXISTING EXPOSED PIPES PRESSURE IRRIGATION PUMP STATION UPONLINE AS REQUIRED BY DEVELOPER.



Twin Falls Planning & Zoning Commission Minutes

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, 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, Dawson, Musser, Woods

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

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) Consideration of Amendments to Agenda

3) General Public Input

None

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

Motion:

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

Commissioner Woods seconded the motion.

Unanimously Approved

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 Reidesel Engineering, Inc. on behalf of Dennis Hournay

Applicant Presentation:

Rex Harding, Reidesel Engineering, Inc. stated this is a request to approve the preliminary plat for Valencia Park Subdivision. This is another step in the process that is required in order to move forward with development of the property.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated 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.

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.

Planner I O'Connor stated upon 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.

Public Hearing: Opened & Closed Without Concerns

Discussions Followed: Without Concerns

Motion:

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations. Commissioner Dawson seconded the motion. Commissioner Frank, Dawson, Musser and Woods voted in favor of the motion with Commissioner Grey voting against the motion.

Motion passed 4-1.

Approved, As Presented, With 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.
- 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**

Staff Presentation:

Planner I O'Connor reviewed the request and stated 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.

Planner I O'Connor stated upon conclusion the Commission is tasked with acting on the request, approving, approving with conditions, or denying the request.

Discussions Followed:

- Commissioner Frank asked in comparison to other properties how many display pads have we allowed within the same amount of square footage.
- Planner I O'Connor explained that the code does not limit the number of display pad per site nor are there any calculations used to determine an amount that should be allowed within a certain square footage.
- Commissioner Frank asked if this is a higher number than usual.
- Planner I O'Connor stated yes.
- Commissioner Grey asked if the landscaping shown on the site plan meet the gateway arterial landscape requirement.
- Commissioner Frank asked about the 10' asphalt strip.
- Planner I O'Connor explained that the 10' asphalt strip has been removed.
- Commissioner Frank asked what will be in the 10' strip.
- Planner I O'Connor explained the pad site will be within this area and it will be a hard surfaced space with some type of landscaping.
- Commissioner Grey stated that if the landscaping has met the requirement he doesn't see an issue.
- Commissioner Frank explained he is not against the pad sites he is just concerned with the number as compared to other lots.
- Commissioner Musser explained without some guidelines it opens up the door for a

subjective decision.

- Commissioner Woods explained that comparing the Kimberly Road/Goode Motor request with this area of town is not the same. There are cars everywhere, with gravel and junk along the road along Addison Avenue West and anything would be an improvement.
- Commissioner Frank explained he doesn't think this meets the intent of the gateway arterial landscaping and the number of pad sites.
- Assistant City Engineer Vitek explained the code requirement is that there be a 30' landscape buffer, the applicant is asking to use some of the area to display cars.
- Commissioner Grey explained that if this was a parking lot there would be more cars parked close to this area. This may provide a better buffer for what is happening on the rest of the lot.
- Commissioner Musser explained he doesn't like having the pad sites encroaching into the required arterial landscaping, but the applicant is allowed to make this type of request. As for the number without some type of criteria to follow he doesn't have an issue.
- Commissioner Grey explained he doesn't like the display pads in the landscaping either, but it is the norm, which is why the applicant can make this request.
- Commissioner Dawson asked about clarification for the landscaping requirements.
- Planner I O'Connor explained the landscaping requirements for the commercial area and the arterial landscaping.
- Commissioner Dawson stated that once the landscaping is in it may turn out that there is not enough room for that many cars.

Motion:

Commissioner Woods made a motion to approve the request with the revised site plan as presented and with staff recommendations. Commissioner Dawson seconded the motion. Commissioners Grey, Dawson and Woods voted in favor of the motion, with Commissioners Frank and Musser voting against the motion.

Approved, As Presented, With the Revised Site Plan, and 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 completion of all required site improvements and issuance of the Certificate of Occupancy prior to activation of this Special Use Permit.

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)

Applicant Presentation:

Ann Taylor, the applicant representing NE Investments, LLC, stated the request is to remove some language out of the PUD Agreement regarding architectural restrictions for the

residences and the townhomes located in the development. All of the property owners directly affected have signed a document agreeing with the removal of these restrictions from the PUD Agreement. At the time this property was being discussed for development and the original PUD request came through the adjacent property owners were concerned with the how the property was going to be developed and an agreement was reached between the developers and the property owners. These restrictions were agreed upon and included in the PUD to try and relieve the neighboring property owners concerns. The restricts served as a place holder until CC&R's could be put into place once platted and until the developer could demonstrate that he would follow through with the promises made. They are asking that these restrictions be recommended for removal from the PUD Agreement.

Staff Presentation:

Planner I O'Connor reviewed the request and stated 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.

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*

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.

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.

Public Hearing: Opened

- Nathan Welch, 1345 Mountain View Dr, he represents a portion of the adjacent neighborhood that helped to create this PUD Agreement. He has spoken to all of the neighbors and expressed that they are very happy with the development so far. The neighbors are supportive of this request with regard to the residential area because it has been platted and CC&R's in being put into place. The neighbors however are concerned with removing the restrictions from the section related to the residential townhomes. The townhome area currently does not have any CC&R's in place for protection and the area has not been platted. There is a good buffer in place however, if the economy takes a downturn and ownership changes hands before it is developed without the restrictions in the PUD Agreement in place there is no protection for the neighbors. They ask that the Commission consider leaving the restrictions in place for the townhome area until plating and CC&R's for that area can be put into place.

Public Hearing: Closed

Closing Statement:

- Ms. Taylor thanked them for the neighbors praise on the development. Regarding the townhomes, she thinks that with the City review, ordinances, and protections in place the townhomes will not be an issue, they are just asking to be treated like everyone else. There are not any other PUD Agreements that include these types of restrictions and it is appropriate to remove them. In the event that someone wants to do something a little different than what is in the PUD or someone purchases the property with something different in mind will have to go through this process again to make any changes, if these requirement are not removed at this time.

Discussion Followed:

- Commissioner Frank asked for clarification on the process for the townhomes should the requested change be approved, as presented.

- Senior Planner Spendlove, stated the property would need to be platted and the building permit applications would be submitted.
- Commissioner Frank asked if there would be any set along the way that would ask for public input for the development.
- Senior Planner Spendlove explained the PUD Agreement calls out the zoning requirements for this portion of the development and the lots have to be platted and developed as R-1 VAR or Townhomes.
- Commissioner Frank asked once platted with there be CC&R's for the rest of the development.
- Senior Planner Spendlove explained the CC&R's come into place when the property is platted but they are not required.
- Commissioner Grey asked if leaving this verbiage in for the townhome portion would not prevent the residential development to move forward.
- Senior Planner Spendlove explained that is correct.
- Commissioner Grey explained that the City has moved away from PUD Agreements to a ZDA Agreement process that does outline design criteria and restrictions so that the information is presented everyone knows what to expect. He understands the request, but in the future these types of things are going to be in a ZDA Agreement.
- Commissioner Woods asked if the restrictions could be left in for the townhomes and removed for the residential portion.
- Senior Planner Spendlove state yes the Commission can make a recommendation to council that the restrictions related to the townhomes could be left in the agreement.
- Commissioner Grey stated he is considering all of the negotiations that took place for this development to move forward and everyone was happy. He understands, but the economy is very volatile and removing these conditions could leave the area with something less desirable. He doesn't see any reason to remove Section 4 at this time.
- Commission Musser explained this was a very unique situation and he would like to see this type of stuff addressed in CC&R's but he understands how this happened.
- Commissioner Dawson stated that her understanding is that this was an agreement that was made with the neighbors by the developer so that things could move forward. She feels like the neighbors are being very understanding with what has happened so far, but it is the developers and builders responsibility to understand the document and make sure that they adhere to the agreement. For the time being the townhome section should be left alone, because the neighbors are not comfortable with that part of the request. It may not be appropriate to remove those conditions until the property is ready for development.
- Commissioner Grey explained the restrictions are not so restrictive that they are not going to be built. He is fairly certain that when it comes time to build the townhomes this oversight will not be forgotten. He does understand it seems counterproductive to go through a public hearing process again to make a change to the PUD Agreement.
- Commissioner Dawson explained that the applicant had the responsibility to check for compliance and understand the agreements that were made and in this instance they were told they could bring things into compliance or make a formal request to amend the

agreement.

- Commissioner Woods stated he agrees protection needs to be provided for the townhome area and protect the agreement that has been made between the developer and the neighbors. We don't want to compromise the relationship by leaving this area left to chance.
- Commissioner Frank clarified there are no CC&R's associated with this portion of the property so until those are in place he agrees with the other members.

Motion:

Commissioner Grey recommended approval of the request to the City Council, as presented, and with the following condition, that the Residential Townhome Restrictions remain in the PUD Agreement. Commissioner Woods seconded. All members present voted in favor of the motion.

Recommended for Approval, to the City Council, As Amended

- 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)

Applicant Presentation:

Brett Witherspoon, the applicant, stated she is requesting a Special Use Permit to operate a gym. She has scheduled small classes, people come in work out and leave. The business is not open all day so there will be minimal traffic to the area and minimal impacts.

Staff Presentation:

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.

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 10-10-12 (C) P-3 Parking District 3. Under the P-3 overlay the code states, " ***Due to the desire of the city to retain the character of the P3 district special consideration may be given on a case by case basis to the parking requirements, if the standard requirements cannot be applied. Examples of special consideration may be a variance, leased parking, and 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 10-11-1 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.

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

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 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.

PZ/Questions & Comments:

- Commissioner Grey asked if she understood the condition stating no more than 15 individuals at any one time.
- She explained that she did understand that condition and that it was acceptable. If there becomes a need for more she will just add another class to her schedule. She likes small classes and having more than 15 in a class is difficult.

Public Hearing: Opened & Closed Without Concerns

Discussions Followed: Without Concerns

7) Upcoming Meeting(s)

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

PZ Staff or Commission Questions/Comments:

Zoning & Development Manager Carraway-Johnson explained currently staff has been preparing for the move into the new City Hall which is planned for November 6, 2017. She stated she does not want to plan a work session that may not be productive. Staff has not prepared an item for discussion for the November work session and so staff is asking if the Commission has anything they would like to focus on for the next meeting, if not the meeting will be cancelled.

Commissioner Frank explained that he understands the short term events coming up quickly within the next month or two but asked if staff had a long term plan for work sessions.

Zoning & Development Manager Carraway-Johnson explained that the monthly meetings were originally to provide a preview to the public hearing agenda, which was deemed inappropriate, therefore the work session meetings were cancelled. The work sessions were rescheduled to discuss code amendments and educate the Commission on City Code. Senior Planner Spendlove has been tasked with working on these amendments.

Senior Planner Spendlove explained that after doing the definitions approximately 60% of the definitions chapter has been amended. If the definitions chapter is any indication what it is going to take to amend Title 10, he suspects that the other chapters will require as much if not more amendments. The process for amending sections of the code requires a public hearing in front of the Planning & Zoning Commission and the City Council. When the amendment is made staff has to track what the current code is, what has been deleted and identify and amendments. The bookkeeping process for each individual item to be changed over time is very time consuming and if 60% of the definitions have been amended the remainder of Title 10 will not be any easier. He has been working with Deputy City Manager Humble to create a staff report to present to Council to propose that instead of changing the code piece by piece, staff would recommend Title 10 be completely repealed and replaced. This does two things it allows staff to overhaul not only the definitions, the uses but also the entire layout of the code

section without having to track every single change, which in turn saves time. For example in the definitions indoor recreation facility is no longer identified, staff has recognized through experience that different have been categories as indoor recreation facility they have all had different impacts that may or may not have justified acquiring a Special Use Permit. If the city adopts the new definitions and that use is no longer identified, but is still listed in the zoning section it will create a conflict in the code, but waiting to review each definition and update each zoning section piece by piece would take forever. Staff deals with this issue already because our code does not always correlate with the Comprehensive Plan and staff has to navigate through keeping in mind the code as well as the intent of the Comprehensive Plan. If the entire section is replaced it gets done all at one time, which is what we are going to propose to City Council. The conversation about what uses should be allowed or allowed with a special use permit could not take place with defining each use. After working on the definitions for uses it was recognized that if 60% of that had to be overhauled, and Comprehensive Plan identifies zones we don't have it may be better to just overhaul the entire thing and replace Title 10.

Commissioner Grey asked about a timeline for this to be presented to City Council.

Zoning & Development Manager Carraway-Johnson explained realistically it will be presented to City Council in the new year. If the Council approves staff request, that will mean that Senior Planner Spendlove will be tasked with completing a draft of the proposed Title 10 revision and be what he is assigned to focus on for possibly the next year.

Commissioner Frank suggested that staff cancel the work session for now and improvise.

Senior Planner Spendlove explained the discussions can continue and items could be scheduled for public hearings but if they are just going to be revised or relocated in the new Title 10 Code section it just creates double the work.

Commissioner Grey recommended that if he Commission wants to discuss something it could be presented for discussion at the end of the evening meetings.

Assistant City Engineer Vitek explained that the current City Council building will be used throughout the rest of this year.

Commissioner Frank explained it is next to impossible to deal with the parking now that the police department has fenced off the parking area across the street. He also reminded the Commission that Commissioner Hall has stepped down so attendance is essential for a quorum. There will be an advertisement for his vacant position as well as three other positions that will be vacant at the end of February.

8) Adjournment

Chairman Frank adjourned the meeting at 7:23 pm.