



Twin Falls City Council Agenda

Monday, February 5, 2018, 4:00 PM

****Special Meeting****

The City Council will meet at the Council Chambers located at 203 Main Avenue East – Twin Falls, Idaho, at 4:00 P.M., for the purpose of touring the Communications Center. Tour led by Tami Lauda, Communications Center Manager.

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: None
- 5) GENERAL PUBLIC INPUT
- 6) CONSENT CALENDAR
 - a) Request to approve the Accounts Payable for January 30 - February 5, 2018.
Purpose: Action By: Sharon Bryan , Deputy City Clerk
 - b) Request to approve the January 29, 2018, City Council Minutes.
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - c) Request to accept the Improvement Agreement for the purpose of developing **Pheasant Meadows Subdivision Phase 2, B & C.**
Purpose: Action By: Troy Vitek, Assistant City Engineer
- 7) ITEMS OF CONSIDERATION
 - a) Presentation to award Tina Kelley with her POST Advanced Communications Specialist Certificate.
Purpose: Presentation By: Tami Lauda, Communications Center Manager
 - b) Update on odor complaints and issues in the Northeast side of Twin Falls.
Purpose: Informational By: Jason Brown, Environmental Engineer

- c) Request to re-allocate funds to cover expenses related to Twin Falls Golf Club ADA compliance
Purpose: Action By: Wendy Davis, Parks and Recreation Director
- d) Request to waive the Non-Conforming Building Expansion Permit Process for a residential home located at 451 5th Ave North.
Purpose: Action By: Jonathan Spendlove, Senior Planner
- e) Request to adopt an ordinance for Annexation with a Zoning District Change and Zoning Map Amendment from SUI to R-2, R-6 and C-1 ZDA to develop a multi use planned development for approximately 28.84 (+/-) acres located on the north side of the 1800 & 1900 blocks of Pole Line Road East. (app. 2804)
Purpose: Action By: Renée Carraway-Johnson, Zoning & Development Manager

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

9) PUBLIC HEARINGS

- a) Request for a **Zoning District Change & Zoning Map Amendment** for one (1) +/- acre from C-1 to M-2 for property located at 1211 Addison Avenue West within the Area of Impact. c/o John M Lucas (app. 2915)
Purpose: Recommendation By: Jonathan Spendlove, Senior Planner
- b) Request for a **Zoning District Change & Zoning Map Amendment** from C-1 PUD to C-1 ZDA for the Magic Valley Mall approximately 58 (+/-) acres on property located at 1485 Pole Line Road East. c/o Brent White on behalf of Magic Valley Mall (app. 2919)
Purpose: Action By: Jonathan Spendlove, Senior Planner

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.

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.



Twin Falls City Council Minutes

Monday, January 29, 2018, 5:00 PM City Council

Chambers
203 Main Avenue East- Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

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

Absent: None

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, Deputy City Manager Brian Pike, City Attorney Fritz Wonderlich, Economic Development Director Nathan Murray, Library Director Tara Bartley, Battalion Chief Brian Cunningham, Battalion Chief Ron Aguirre, Battalion Chief Mitchell Brooks, Zoning and Development Manager Renee Carraway-Johnson, Deputy City Clerk Sharon Bryan

Mayor Barigar called the meeting to order at 05:02: 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

None

4) PROCLAMATIONS None

5) GENERAL PUBLIC INPUT

6) CONSENT CALENDAR MOTION:

Councilmember Reid moved to approve the Consent Calendar as presented. Vice Mayor Boyd 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 for January 17-29, 2018.
- b) Request to approve the January 16, 2018, City Council Minutes.

7) ITEMS OF CONSIDERATION

- a) Presentation by the Twin Falls Community Foundation acknowledging a donation to the Urban Renewal Agency to aid construction of the Main Avenue Commons Plaza.

Economic Development Director Murray introduced Leonard Anderson, Twin Falls Community Foundation Chairman.

Leonard Anderson, Twin Falls Community Foundation Chairman, explained where donations came from and presented a check to the Twin Falls Urban Renewal Agency for \$119,021.65 to aid in the construction of the Main Avenue Commons Plaza.

Discussion ensued on the following:

-Opportunity for Citizens to purchase more bricks.

-Twin Falls Community Foundation list of things they have done for Twin Falls Community.

- b) Request to approve Cindy Bezas to serve as a Library Trustee for a full-term of office from January 2018-December 2022.

Librarian Bartley explained the selection process and asked for the approval of Cindy Bezas to serve as a Library Trustee for a full-term of office from January 2018-December, 2022.

Cindy Bezas thanked City Council.

Discussion ensued on the following: -Restricting literature in the library.

MOTION:

Councilmember Hawkins moved to approve the appointment of Cindy Bezas to serve as a Library Trustee for a full-term of office from January 2018-December, 2022. Councilmember Lanting seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- c) The Twin Falls Fire Department would like to recognize and congratulate recently promoted Firefighter T.J. Prescott to the rank of Driver/Operator.

Battalion Chief Aguirre explained the process to reach the rank of Driver/Operator. Jenae Prescott, wife, and Battalion Chief Brooks pinned his new rank pins on his uniform. Mayor Barigar and City Council congratulated TJ Prescott.

- d) Request to confirm the appointments of Scott McClure, Colby Ricks, Sean Knutz and Greg McEntarffer to the Building Department Advisory Committee.

Mayor Barigar gave background and asked confirmation of the appointments of Scott McClure, Colby Ricks, Sean Knutz and Greg McEntarffer to the Building Department Advisory Committee.

MOTION:

Vice Mayor Boyd moved to approve the appointments of Scott McClure, Colby Ricks, Sean Knutz and Greg McEntarffer to the Building Department Advisory Committee. Councilmember Reid seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- e) Request to confirm the appointment of Douglas Baughman to the Historic Preservation Commission.

Mayor Barigar asked to confirm the appointment of Douglas Baughman to the Historic Preservation Commission.

MOTION:

Councilmember Hawkins moved to approve the appointment of Douglas Baughman to the Historic Preservation Commission. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- f) Request to adopt an **Ordinance for the Vacation** of the easement located in a part of Lot 8 of the Ashton Addition. c/o Inland Pacific Corporation

Zoning and Development Manager Carraway-Johnson reviewed the vacation of the easement.

MOTION:

Councilmember Lanting made a motion to suspend the rules and place Ordinance 2018-001 on third and final reading by title only. Councilmember Pierce seconded the motion. 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. 2018-001

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, VACATING THE SEWER EASEMENT DESCRIBED BELOW.

MOTION:

Councilmember Hawkins made a motion to adopt Ordinance 2018-001. Councilmember Lanting seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

- g) Request to adopt an **Ordinance for the Vacation** of a portion of Ash Street right of way located south of Heyburn Avenue. c/o Inland Pacific Corporation

Zoning and Development Manager Carraway-Johnson reviewed request.

MOTION:

Councilmember Talkington made a motion to suspend the rules and place Ordinance 2018- 002 on third and final reading by title only. Councilmember Pierce seconded the motion. 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.2018-002

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, VACATING RIGHT OF WAY, THE REAL PROPERTY DESCRIBED BELOW, AND PROVING FOR VESTING OF TITLE TO THE PROPERTY SO VACATED.

MOTION:

Councilmember Hawkins made a motion to adopt Ordinance 2018-002. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

Brad Wills, Twin Falls, would like City to consider selling more bricks in the Downtown Commons Area.

Lucy Wills, Twin Falls, said that there are broken bricks that need replaced and would also like City to consider selling more bricks in the Downtown Commons Area.

Councilmember Talkington said there is a safety issue on corner of Orchard and Harrison crossing and citizens are still speeding.

City Manager Rothweiler said that the Engineering Department would do a traffic study in that area to see what can be done.

Lt John Wilson, Twin Falls Police Department said they would increase patrol during school hours. Discussion

ensued on the following:

- Contact School District and see if they could put crossing guards at that intersection.
- Check with Safe Routes to Schools to see if they have any funds that we could qualify for.

Councilmember Reid said the Twin Falls Chamber of Commerce Annual Meeting and Awards Banquet is February 23, 2018.

Councilmember Hawkins reported on the City Official's Day at the Capital.

9) PUBLIC HEARINGS: None

10) ADJOURNMENT

The meeting adjourned at 5:44 PM

Sharon Bryan, Deputy City Clerk



Date: Monday, February 5, 2018
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

Request to accept the Improvement Agreement for the purpose of developing **Pheasant Meadows Subdivision Phase 2, B & C.**

Time Estimate:

N/A

Background:

Prior to development, an Improvement Agreement is required. The developer is meeting that requirement with this document.

Approval Process:

Accepting the Improvement Agreement allows the developer to develop the lots. After acceptance of utilities or a financial guarantee provided to the City, the lots can be sold.

Budget Impact:

There is no significant budget impact associated with the Council's approval of this request.

Regulatory Impact:

Approval of this request will allow the applicant to proceed to develop the property.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council approve the request and authorize the Mayor to sign the Improvement Agreement.

Attachments:

1. Improvement Agreement

IMPROVEMENT AGREEMENT

for

DEVELOPMENTS

This Agreement made and entered into this ___ day of ___, 20___, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and OFCO Investments, LLC hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development Pheasant Meadows Subdivision Phase 2, B & C.

WHEREAS, there is attached hereto and incorporated herein as if the same were set out in full, a certified copy of the deed to the real property showing ownership of said real property to be in the Developer's name, or, as the case may be, there is attached hereto and incorporated herein as if the same were set out in full, a copy of the deed to the above described real property showing ownership in fee simple in someone other than Developer together with a notarized authorization, signed by the real property owner, authorizing Developer to act on behalf of said real property owner, and;

WHEREAS, Developer desires to develop said real property for the following purposes:
Residential Lots.

WHEREAS, the Developer is obligated to construct certain improvements pursuant to City Code Section 10-12-4.2, and;

WHEREAS, the Developer has committed to construct special features as part of the development, and;

WHEREAS, the City has certain policies, ordinances, rules and regulations governing the construction of improvements, and;

WHEREAS, it is in the best interest of the City and Developer to clearly establish in one concise document the policies, ordinances, rules and regulations which apply to developments of the type contemplated herein.

WITNESSETH

That for and in consideration of the mutual promises, conditions, and covenants contained herein the parties agree as follows:

I.

City agrees: (1) to operate and maintain all approved streets, alleys, service and roads, excluding state highways, constructed under the terms of this Agreement in any public rights-of-way

or easements and which are presently within or subsequently annexed into the City limits. Those streets, excluding state highways, lying outside the City limits and within the City Area of Impact shall be constructed to City standards but shall become the responsibility of the Twin Falls Highway District until such time as they are annexed or a maintenance agreement is signed by the City and the Twin Falls Highway District. (2) To operate and maintain all approved water lines, drainage lines, and sewer lines constructed under the terms of this Agreement in any public rights-of-way or easements and to provide water and sewer service to the Developer's real property, subject to all ordinances, rules and regulations governing sewer and water service. (3) To maintain non-pressure irrigation lines only where they cross City streets. All other maintenance of non-pressurized irrigation lines is the responsibility of the Twin Falls Canal Company or the irrigation users.

II.

In lieu of the actual installation of required public improvements before recording of the final plat, the Council may permit the subdivider to provide a financial guarantee of performance in one (1) or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement.

a. Surety Bond

1. Accrual - The Bond shall accrue to the City covering construction, operation and maintenance of the specific public improvement.
2. Amount - the bond shall be in an amount equal to one hundred percent (100%) of the total estimated cost for completing construction of the specific public improvements, as estimated by the Developer's Engineer and approved by the City Engineer.
3. Term Length - The term length in which the bond is in force, for the duration of that phase of the project, shall be until completed and accepted by the City Engineer.
4. Bonding for Surety Company - The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the Council.
5. The escrow agreement shall be drawn and furnished by the subdivider to the satisfaction of the Council.

b. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.

1. Treasurer, Escrow Agent or Trust Company - A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit such surety acceptable by the Council, shall be deposited with an escrow agent or trust company.
2. Dollar Value - The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred percent (100%) of the estimated cost of construction for the specific public improvements, as estimated by Developer's Engineer and approved by the City Engineer.
3. Escrow Time - The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be until all required improvements are completed and accepted by the City Engineer.
4. Progressive Payment - In the case of cash deposits or certified checks, an agreement between the City and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

III.

Developer agrees to retain a Professional Engineer, hereinafter called the Developer's Engineer, registered by the State of Idaho to perform the following minimum Engineering Services in accordance with Title 10 Chapter 12 Section 4-1 of the City Code:

- a. Prepare a master utility plan showing the location of all existing and proposed utility lines to include but not be limited to sewer, water, gas, electricity, telephone, irrigation, pressure irrigation and storm sewer.
- b. Prepare detailed plans and specifications for construction of all improvements required by this Agreement and shall include but not be limited to a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All

construction plans shall be prepared in accordance with the public agencies' standards and specifications.

- c. Perform construction surveying, staking, testing, inspection and administer the construction of all facilities required by this contract.
- d. Submit all test reports, inspection reports, change orders and construction diaries to the City Engineer every week during the construction of the development or subdivision.
- e. Prepare and submit an updated copy of the enclosed development and subdivision checklist to the City Engineer every week during the construction of the development or subdivision, and also upon completion of the project.
- f. Submit to the City Engineer the final plans, and master utility plan for the City records showing any approved changes to the original plans and specifications. A permanent drawing in ink on approved transparent polyester drafting film and an electronic media copy of the plans in ACAD ~~2000~~ 2015 using City standard format shall be provided within thirty (30) days after completion of the project.
- g. Submit a letter upon completion of construction stating that the work has been constructed in conformance to the plans and specifications, with the certification by the Developer's Engineer that improvements were constructed to the lines and grades shown.

The above work shall be subject to the approval of the City Engineer.

The City agrees to provide asphalt pavement testing for conformance with City standards, but it shall be the responsibility of Developer's Engineer to provide all necessary quality control during construction. All tests shall be taken at a frequency based upon City of Twin Falls Standard Specifications.

The Developer agrees to: (1) allow the City full and complete access to the work (2) provide all materials necessary to conduct all tests (3) supply all water necessary to test pipe joints and (4) provide the equipment and perform or have performed any testing of manufactured materials required by the City Engineer.

The Developer shall submit a letter to the City Engineer upon completion of the project, requesting that the City assume the responsibility for maintenance and operation of all public improvements as stated herein.

IV.

The Developer agrees to obtain a permit or letter of approval from the Twin Falls Highway District or the State of Idaho Department of Highways prior to constructing improvements on their respective right-of-ways. The original or a certified copy of said permit or letter shall be submitted to the City Engineer prior to beginning of construction thereon.

V.

The Developer agrees to dedicate rights-of-way to the public for the development of all streets and alleys in accordance with the City Master Street Plan and to dedicate easements for the maintenance and operation of all public utilities. The size and location of said rights-of-way and easements shall be determined by the City Engineer.

VI.

The Developer hereby agrees and petitions the City to annex into the corporate limits of said City, the above described real property that is contiguous with the same or becomes contiguous to said City limits. Developer agrees to annexation of said real property by the City upon the terms and conditions as shall be set forth by said City.

VII.

The Developer and the City agree that the improvements listed herein are required unless specifically waived by action of the City Council and that said improvements will be constructed on any public rights-of-way or easements approved and accepted by the City Council all as designed by the Developer's Engineer and approved by the City Engineer and in accordance with standards established by the City Engineer and that all required improvements will be completed in a timely manner. If improvements are not completed in a timely manner, the Developer shall provide an updated, current version of the developer's agreement and financial guarantee for City Council consideration.

VIII.

The Developer agrees to pay the total actual costs of all materials, labor and equipment necessary to completely construct all of the improvements required herein, except those costs specifically shown to be paid by the City and to construct or contract for the construction of such improvements.

IX.

2 Developer agrees to pay the total extra cost of all additional materials, labor and equipment necessary to construct any streets the City requires to be wider or deeper than a standard street or any water or sewer lines the City requires to be larger than the size required to properly serve the

development. The requirement for wider and deeper streets shall be based on the City Master Street Plan. Requirements for larger water and sewer lines shall be based on the citywide sewer and water system sizing guidelines.

X.

? The City shall provide no compensation for the cost of an oversize water or sewer line. In the case of water or sewer lines extended adjacent to or outside the limits of development, the Developer shall be eligible for payback from adjacent property owners pursuant to Resolution No. 1182. The Developer shall also be eligible for compensation when a private developer extends or connects to any water or sewer system previously installed by private developer, pursuant to Resolution 1651.

XI

Developer agrees to request in writing that the Developer's Engineers make the inspections required herein and the Developer or his Contractors shall not proceed with the next construction phase until the required inspection is complete and the work has been approved by the Developer's Engineer, the City Engineer or the Engineer's authorized inspector. All such inspections shall be scheduled in accordance with the City of Twin Falls Standard Specifications. Developer agrees to pay all costs resulting from: 1) his failure to properly schedule and request a required test or inspection or 2) proceeding with work before receiving approval to proceed. Developer agrees to remove or correct any rejected, unapproved or defective work or materials as required by the Developer's Engineer or the City Engineer. Any such defective work whether the result of poor workmanship, use of defective materials, damage through carelessness or any other cause, shall be removed within ten (10) days after written notice is given by the Developer's Engineer or the City Engineer, and the work shall be re-executed by the Contractor at his expense. The fact that either Engineer may have previously overlooked such defective work or materials shall not be a basis for acceptance of any part of it.

The issuance or approval of plans, specifications and computations shall not be construed as an approval of any violation of any provisions of City code, specifications, standards, policy, or any other ordinance of the City. Approvals of plans that may violate City code, specifications or departmental policies will not be valid.

? The approval of construction plans, specifications, and other data shall not prevent the City from thereafter requiring the correction of errors or omissions in said plans or specifications prior to or during actual construction or final acceptance by the City.

The Developer shall remove from all public property all temporary structures, rubbish, and waste materials resulting from their operation or caused by his employees.

The Developer shall guarantee all materials, workmanship and equipment furnished for a period of one (1) year from the date of written acceptance of the work by the City Engineer or authorized representative.

The Developer shall be responsible for any damage to any existing public improvements and shall repair or replace any such damage as required by the City Engineer, during or after completion of this project.

XII.

The City and the Developer agree to the following minimum for Required Improvements, City Costs, Required Inspections and to any other improvements, approved or required by the City Council and shown on the approved construction plans.

PUBLIC WAYS

(a) Required Improvements

- (1) Curb, gutter and sidewalk on all public street rights-of-way.
- (2) A standard residential street thirty six feet (36') wide with an eight inch (8") gravel course and ~~two inch (2")~~ two and one-half inch (2-1/2") asphaltic concrete surface course on all public street rights-of-way serving residential use property.
- (3) Minor residential and private streets as specified in the City of Twin Falls Standard Drawings.
- (4) A standard commercial or collector street forty eight feet (48') wide with an ~~eleven inch (11")~~ twenty and one half inch (20-1/2") with crushed base aggregate or twenty three and one half inch (23-1/2") with uncrushed base aggregate gravel course and ~~three inch (3")~~ two and one half inch (2-1/2") asphaltic concrete surface course on all public street rights-of-way serving commercial use property or as a collector street. Whenever a street serves an industrial use property the City Engineer will determine the appropriate structural section.
- (5) A service-road twenty four feet (24') wide with an eight inch (8") gravel course and two inch (2") asphaltic concrete surface course and with concrete curb-gutter or curb and valley-gutter on all public service road rights-of-way.
- (6) A sidewalk five feet (5') wide minimum on all public pedestrian rights-of-way. Four foot (4') sidewalks by special permission of the City Council are

allowed by City of Twin Falls Standard Drawings for minor residential streets under certain conditions.

- (7) ? Landscaping and sidewalk placement required adjacent to arterial and collector streets: A tract of land eleven feet (11') in depth behind the curb line will be dedicated as part of any residential development adjacent to arterial and collector streets. Within that tract the developer shall install landscaping six feet (6') in depth with a sprinkler system and with grass and trees behind the curb line and shall also install a five foot (5') sidewalk. The landscaping will be maintained by the city and funded through a fee added to the water bill of each account within the development. Irrevocable restrictive covenants for this development and maintenance shall provide for this funding. TFCC §10-12-4.2(O).
- (8) Street signs and traffic control devices on all public streets.
- (9) Street lights as determined by City policy for street light installation.

(b) City Costs

- (1) The cost of any street signs or traffic control devices installed by the City on new or existing streets.
- (2) The cost of any required street lights (standard luminaires mounted on a wood pole). The Developer shall pay the extra cost of any decorative luminaries or poles. Prior approval will be required, and the cost of maintenance, replacement and power usage will be considered.

(c) Required Inspections and Testing

- (1) All inspections and testing shall be as required by City of Twin Falls Standard Specifications.

WATER SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 7-8-3, 7-8-10 and 10-12-4.2 water line and fittings six inch (6") minimum diameter that will transport a flow of water, which will satisfy fire, domestic, other water demands of the development, based upon the City water pipe sizing plan and computer water model. Water line extension shall include connection from the existing City Water System to each building site and fire hydrants and then loop back to the City System in a manner that will provide a properly functioning system approved by the City Engineer, Water Superintendent and Fire

Chief. If the development is to be constructed in phases, the water system shall be looped back to the City system during the first phase. No dead-end lines will be allowed during any phase of the project.

- (2) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City water distribution network in accordance with existing sizing guidelines.
- (3) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users or creating a critical situation in the suppression of fires.
- (4) Fire hydrant connections and fire hydrants spacing to substantially comply with the minimum standards suggested by the Fire Rating Bureau and American Water Works Association. Fire hydrants are required in all developments.
- (5) One water service line shall be constructed to each building site at the time the water lines are installed. Each service line shall not exceed fifty feet (50') in length and shall terminate at the right-of-way.

During construction of the curb the letter W shall be stamped into the top or face of the curb directly in front of the water meter box. The impression shall be not less than one and one half inches (1½") high. Meters shall be grouped at adjacent side lot lines when possible or at another location if requested by the Developer and approved by the City Engineer and Water Superintendent. Water meter boxes will not be allowed in driveway approaches. Any cost associated in relocating meters from driveway approaches will be the responsibility of the Developer or Lot Owner. Temporary address or lot number signs shall be staked at the location where the water meter box is to be installed. The City may install multiple water meters in a single water meter box.

The City will make the water line tap only after all appropriate tap fees for a Water Connection General Permit have been received and permits issued. All new water service line and connections made from existing water service mains to service any new development will be the responsibility of the

Developer. The City will make the necessary service line tap after payment of the required water connection general permit fees.

- (6) One water service line tap, meter box, and service line shall be constructed for each building connected to the City water system. It is understood and agreed that the City will make all service line taps and install all meter boxes and that the fee paid by the developer for a Water Connection General Permit will reimburse the City for such work.
- (7) It is further understood and agreed that the City will make all connections to the existing water system. The City will disinfect the new water system at the developer's expense.

(b) City Costs

- (1) None.

(c) Required Inspections

- (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

WASTE WATER COLLECTION SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 7-7-4, 7-7-11 and 10-12-4.2 a waste water collection system (eight-inch (8") minimum diameter) that will transport a flow of waste water, under conditions of maximum and minimum discharge from the development, to the existing City waste water system.
- (2) Waste water sewer lines adjacent to or internal to the development will be sized to continue the orderly expansion of the City Waste Water Collection System in accordance with existing sizing guidelines and computer sewer model.
- (3) Manholes to provide access for maintenance and cleaning of the sewer lines located at any change of grade or alignment of the sewer, at the end of each sewer and spaced not more than four hundred feet (400') apart.
- (4) During construction of the curb the letter S shall be stamped into the top or face of the curb directly in front of the sewer service line location. The impression shall be not less than one and one half inches (1½") high.

(b) City Costs

(l) None.

(c) Required Inspections and Testing

(l) All inspections and testing shall be as required by City of Twin Falls Standard Specifications.

DRAINAGE SYSTEM

(a) Required Improvements

(1) Any valley-gutters, ditching, grading or other surface drainage facilities necessary to convey any storm run-off originating from or traversing across the proposed development over the land surface to a point of retention, detention or discharge approved by the City Engineer.

(2) Any catch basin, storm sewer and other sub-surface drainage facilities necessary to convey any storm run-off, originating from or traversing across the proposed development, to a point of retention, detention or discharge approved by the City Engineer, that cannot, in the City Engineer's opinion, be conveyed over the land surface without causing damage to public or private property or without being an unreasonable inconvenience or hazard to a private individual, a group of individuals or the general public.

(b) City Costs

(l) None.

(c) Required Inspections and Testing

(l) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

GRAVITY IRRIGATION SYSTEM

(a) Required Improvements

(l) Any pipe, boxes or other appurtenances necessary to convey all irrigation water in underground pipe across the development and any adjacent public property. Irrigation facilities outside an established City irrigation district shall be constructed in an irrigation easement on private property except where it is necessary for irrigation water to cross the public right-of-way and all such crossings shall be perpendicular to the center line of said right-of-way unless otherwise approved by the City Engineer due to some unusual condition.

- (b) City Costs
 - (l) None.
- (c) Required Inspections and Testing
 - (l) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

PRESSURE IRRIGATION SYSTEM

- (a) Required Improvements
 - (1) Pursuant to Section 7-8-3 of the City Code, the use of the City's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or PUD, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or PUD. One (1) share of Twin Falls Canal Company Water for each acre of property within the subdivision shall be deeded to the City of Twin Falls before the filing of the final plat for use in the City's pressurized irrigation system.
 - (2) Pressure irrigations water line and fittings shall be four inch (4") minimum diameter or larger that will transport a flow of water, which will satisfy all irrigation water demands of the development, based upon the computer irrigation water model that the developer's engineer has prepared.
 - (3) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City Pressure Irrigation water distribution network in accordance with existing sizing guidelines.
 - (4) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users. One pressure irrigation water service line shall be constructed to each subdivision

lot site at the time the pressure irrigation water lines are installed. Each service line shall not exceed fifty feet (50') in length and shall terminate at the right-of-way. One Pressure irrigation water service line tap, irrigation box, and service line shall be constructed for each subdivision lot connected to the City pressure irrigation water system.

- (5) The Developer shall be responsible for all costs incurred in designing and installing the pressure irrigation station. This includes the land, pumps, motors, filters, buildings, delivery system to the station from the TFCC head gate, storage pond, Supervisory Control and Data Acquisition (SCADA) system, and power to the station.
- (6) All pressure irrigation system plans must be prepared by the Developer's engineer shall be according to the City's standard specifications and drawings. Plans submitted to the City shall be signed by a Professional Engineer for review and final approval, before the City Engineer will sign the plat or approve construction plans.
- (7) The Pressure Irrigation System shall be located within easements, right of ways and/or property deeded to the City of Twin Falls.
- (b) City Cost.
 - (1) None
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

SPECIAL FEATURES

Pursuant to commitments made by the Developer as conditions of approval of the development, the following special features shall be constructed:

a) Required Improvements

b) City Costs

(1) None.

XIII.

The City and the Developer agree that the sequence of construction shall be as follows unless special approval in writing is obtained from the City Engineer:

1. Erosion and sedimentation controls.
2. Stormwater retention and detention facilities.
3. Waste water sewers and service connections.
4. Waste water manholes.
5. Storm sewers and catch basins.
6. Gravity irrigation pipes and boxes.
7. Pressure irrigation lines, service connections, etc.
8. Water lines and service connections.
9. Gas lines, power lines, telephone lines and cablevision lines.
10. Any other underground improvements that are required.
11. Sub-base preparation for public ways.
12. Gravel base course for public ways.
13. Curb-gutter, valley-gutter and sidewalk.
14. Gravel leveling course.
15. Asphalt paving.
16. Special Features.

XIV.

The Development may be phased as indicated on the attached development plan submitted by the Developer and approved by the City Engineer.

The terms of the basic agreement shall apply individually to each phase shown on the attached plan as though each phase were a separate and independent development providing each phase is begun in the sequence indicated on the development plan.

2 The ~~two (2) year time limit~~ timely manner, (indicated in Section VII of the Agreement) for completing the required improvements shall begin for each phase when the Developer sells a lot or an application or a building permit to construct a building within the phase has been received by the City.

The Developer may cease further development after completing any phase and before beginning the next phase and the basic agreement shall terminate in accordance with Section XVI, of the basic agreement for any undeveloped phases of the development originally proposed in the basic agreement.

XV.

This agreement shall bind the parties hereto, their heirs, successors in interest, and lawful assigns.

XVI.

In the event of a breach of Agreement, or should legal action of any kind be taken to enforce the provisions, hereof, the prevailing party shall be entitled to reasonable attorney fees and costs awarded by the Court.

Attest:

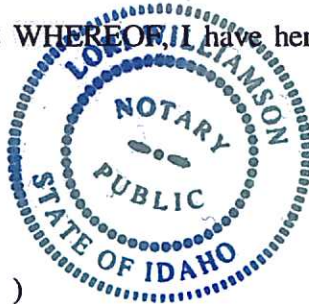
CITY OF TWIN FALLS, IDAHO

City Clerk_____
MayorDeveloper
OFCO Investments, LLCRichard GordonSTATE OF IDAHO)
)ss.
County of Twin Falls)

On this 3rd day of July, 2017, before me, the undersigned, a Notary Public for Idaho, personally appeared Richard L. Gordon, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

CORPORATION

STATE OF IDAHO)
)ss.
County of Twin Falls)
Lori Williamson
 Notary Public for Idaho
 Residing at Twin Falls, Idaho
1/28/22

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known or identified to me (or proved to me on the oath of _____) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

NOTICE OF DEVELOPER'S AGREEMENT

NOTICE IS HEREBY GIVEN, that a document entitled "Improvement Agreement for Developers" (hereafter "Agreement") has been executed and filed with the City of Twin Falls, Idaho, for the following named subdivision:

Pheasant Meadows Subdivision Phase 2, Parts B & C

The Agreement imposes certain obligations upon the developer for the development of the subject property, and upon the developer's heirs, successors in interest and lawful assigns. Details of the conditions and obligations may be found by examining or photocopying the Agreement at the Office of the City Engineer, 321-2nd Avenue East 324 Hansen Street East, Twin Falls, Idaho 83301.

CITY OF TWIN FALLS, IDAHO

City Clerk

Mayor

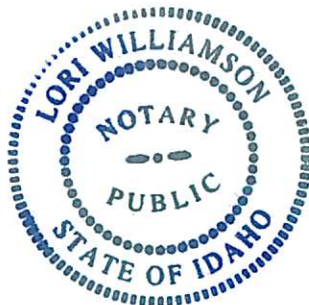
Developer

Developer Richard L Jordan

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

On this 3rd day of July, 2017, before me, the undersigned, a Notary Public for Idaho, personally appeared Richard L. Tordara, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.





 Notary Public for Idaho
 Residing at Twin Falls, Idaho
 1/28/22

ADDENDUM IMPROVEMENT AGREEMENT
FOR PHASE 2 – PHEASANT MEADOWS SUBDIVISION
AND FOR STORM WATER CONVEYANCE AND TREATMENT,
BIKE/PEDESTRIAN PATHWAY, OPEN SPACE AND NEIGHBORHOOD PARK
FOR SUBSEQUENT PHASES

This Addendum made and entered into this ___ day of ___, 20___, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and OFCO Investments, LLC hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development Pheasant Meadows Subdivision Phase 2, B & C.

WHEREAS, there is attached hereto and incorporated herein an executed copy of the Improvement Agreement (The Agreement) between the City and the Developer for Phase 2 of Pheasant Meadows Subdivision, the City and the Developer covenant to add the following items to the Agreement:

I.

The Developer has dedicated land in Phase 2 and deeded additional land located in the proposed final phase, Phase 3, of the Pheasant Meadows Subdivision (The Project) to the City of Twin Falls for the purposes of storm water conveyance and treatment, bike/pedestrian pathway, open space, and neighborhood park. The City accepted the dedication and deeding for these purposes.

Further, the Developer and the City agree that:

- The uses, storm water conveyance and treatment, bike/pedestrian pathway, open space, and neighborhood park, are not mutually exclusive. The dedications and deeding may include some or all of these uses on some or all the land.
- With the exception of other storm water management for flood routing discussed in the Agreement for Phase 1 of the entire Project, the storm water conveyance and treatment facilities, constructed by the Developer, are for the management of storm water from Phase 2.
- The design of the bike/pedestrian pathway for the dedicated and deeded open space is for a single, two-way standard bike path as detailed by City Standard Drawing TFSD-804 and as modified in the construction plans for Phase 2.
- As stated in the Improvement Agreement for Phase 1, the dedication and deeding will be

sufficient to meet the storm water conveyance and treatment, bike/pedestrian pathway, open space, and neighborhood park requests or requirements that may arise for Phase 2 and subsequent phases of the Project, without requiring additional dedications or deeding on the part of the Developer. This sufficiency is based on subsequent phases being in general conformance with the conditions of the approved Preliminary Plat of the Project. The required improvements, responsibilities, and City costs are covered in Section IV, NEIGHBORHOOD PARK, pages 3-5, of this Addendum.

- The deedings of those lands which will be part of subsequent phases of the Project are the Developer's good faith surety that the Developer's improvements for storm water conveyance and treatment, bike/pedestrian pathway, open space, and neighborhood park for those lands, as indicated in the Section IV, NEIGHBORHOOD PARK, will be constructed during the work for the phase that includes those lands.

The dedications and deeding, shown on the recorded final plats for Phase 1 and 2, and hereinafter called NEIGHBORHOOD PARK, include:

- Phase 1 Final Plat – Tract A, approximately 1.57 acres
- Phase 1 Final Plat – Tract B, approximately 0.07 acres
- Phase 2 Final Plat – Tract C, approximately 3.70 acres
- Phase 2 Final Plat – Lot 16, Block 8, approximately 0.37 acres
- Phase 2 Final Plat – Lot 4 Block 9, approximately 0.23 acres
- Phase 2 Final Plat – Lot 5 Block 10, approximately 0.23 acres
- Phase 2 Final Plat – Tract D, approximately 1.63 acres

II.

The Developer agrees to help the City with storm water management for storm water not originating from the Project. Previous work by others east of Pheasant Meadows Subdivision has altered the natural drainage way of the K Coulee by piping the Coulee through Washington Park Townhouse Subdivision northward to the north boundary of the Magic Valley Mobile Home Subdivision. The City is concerned about a surface diversion-way to route water away from these two subdivisions and back into the natural drainage of the K Coulee should the coulee pipe fail. The scope of this work involves Phase 2 and a subsequent phase of the Project.

The Developer agrees to construct, and the City agrees to accept a grading profile and cross section in the Phase 2 open space/pedestrian/bike path dedication to contain and route storm water from the north side of Southwood Avenue to the neighborhood park and retention pond, and the storm water overflow along the storm way adjacent to Washington Park Townhouse Subdivision, connecting to the storm way constructed in Phase 1. The Developer agrees to construct in the subsequent phase of the Project, and the City agrees to accept, a grading profile and cross section for the open space/pedestrian/bike path, from the southeast corner of the property that includes the K Coulee, to the completed open space/pedestrian/bike path constructed in Phase 2.

III. DRAINAGE SYSTEM

a. Required Improvements

1. The Developer provides, at Developer's expense, a grading profile and cross section in the Phase 2 open space/pedestrian/bike path dedication to contain and route storm water from the north side of Southwood Avenue to the neighborhood park and retention pond, and the storm water overflow along the storm way adjacent to the Washington Park Townhouse Subdivision to the constructed storm way in Phase 1.

b. City Costs

1. None

c. Required Inspections

1. All inspections shall conform to City of Twin Falls Standard Specifications

IV. NEIGHBORHOOD PARK

a. Required Improvements

1. Phase 2 Rough and Final Grading. The Developer provides, at Developer's expense, rough and final grading, ± 0.1 ft, to the line and grade shown on the approved construction drawings for Phase 2, for the construction of storm water conveyance and treatment, bike/pedestrian pathways, and for the landscaping of the open space and neighborhood park.
2. Rough and Final Grading for Subsequent Phases. The Developer provides, at Developer's expense, rough and final grading, ± 0.1 ft, to the line and grade

- shown on the approved construction drawings for subsequent phase, for the construction of storm water conveyance and treatment, bike/pedestrian pathways, and for the landscaping of the open space neighborhood park, based on the approved design for that phase. Rough and final grading will be performed during construction of the phase containing the deeded land.
3. **Bike/Pedestrian Pathways.** The Developer constructs, at Developer's expense, typical 2-way bike paths per City Standard Drawing TFSD-804 and the details on the approved construction drawings for Phase 2, to the line and grade shown on the approved construction drawings for Phase 2.
 4. **Bike/Pedestrian Pathways for Subsequent Phases.** The Developer constructs, at Developer's expense, typical 2-way bike paths per City Standard Drawing TFSD-804 and the details on the approved construction drawings for Phase 2, to the line and grade shown on the approved construction drawings for that phase. The Bike/Pedestrian Pathways will be constructed during the phase containing the deeded land.
 5. **Storm Water Facilities.** The Developer constructs, at Developer's expense, the facilities for the conveyance and treatment of storm water as shown on the approved construction plans for Phase 2.
 6. **Storm Water Facilities for Subsequent Phases.** The Developer constructs, at Developer's expense, the facilities for the conveyance and treatment of storm water as shown on the approved construction plans based on the approved design for that phase. Storm water facilities will be constructed during the phase containing the deeded land.
 7. **Piping of the K Coulee.** The Developer will construct a concrete structure to route the K Coulee into a pipeline, and then route the pipeline on the deeded property, generally from the southeast corner of the proposed Phase 3 of the Project, northward to the crossing under the future extension of Southwood Avenue. These improvements will be constructed in accordance with the approved construction drawings when that phase is platted and scheduled for construction. The surface grading of the land dedication under which the piped coulee will pass will allow for a 100-year storm bypass if the pipe is not operational.

b. City Costs

1. The City will develop the park areas, and any other improvements it deems appropriate commensurate with the use of the property for storm water conveyance and treatment, bike/pedestrian pathways, open space, and neighborhood park. Since the Developer's construction of its improvements is phased, the City's improvements will also be phased so that the City's Improvements are operational by the end of the construction for that phase. The Improvements included any irrigation system, sod, or other ground cover for the storm water conveyance and treatment areas, open space, and neighborhood park.
2. The City will maintain the improvements constructed by the Developer, which included the bike/pedestrian pathways, storm water facilities, and K Coulee piping and related structures, as well as the improvements installed by the City.

c. Required Inspections

3. All inspections shall conform to City of Twin Falls Standard Specifications.

V.

The Developer and the City agree that the improvements listed herein are required unless specifically waived by action of the City Council and that said improvements will be constructed on any public rights-of-way or easements approved and accepted by the City Council all as designed by the Developer's Engineer and approved by the City Engineer and in accordance with standards established by the City Engineer and that all required improvements will be completed in a timely manner. If improvements are not completed in a timely manner, the Developer shall provide an updated, current version of the developer's agreement and financial guarantee for City Council consideration.

VI.

In the event of a breach of Agreement, or should legal action of any kind be taken to enforce the provisions, hereof, the prevailing party shall be entitled to reasonable attorney fees and costs awarded by the Court.

Attest:

CITY OF TWIN FALLS, IDAHO

City Clerk

Mayor

Developer
OFCO Investments, LLC

Richard Lyndon

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

On this 3rd day of July, 2017, before me, the undersigned, a Notary Public for Idaho, personally appeared Richard L Jordan, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.


Notary Public for Idaho
Residing at Twin Falls, Idaho

CORPORATION

[illegible]

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known or identified to me (or proved to me on the oath of _____) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Date: Monday, February 5, 2018
To: Honorable Mayor and City Council
From: Tami Lauda, Communications Center Manager

Request:

Presentation to award Tina Kelley with her POST Advanced Communications Specialist Certificate.

Time Estimate:

Approximately 5 minutes.

Background:

Tina Kelley began working for the City of Twin Falls 9-11-06. She has received her Advanced Certificate from the POST academy. This certificate requires 500 hours of POST certified training, completing the Idaho Post Dispatch Academy and a minimum of ten years as a communications specialist.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

N/A

Attachments:

1. Certificate



State of Idaho

Peace Officer Standards and Training

700 South Stratford Drive, Meridian, Idaho 83642-6202

Phone: 208.884.7250 or 1.866.670.7678 · Fax: 208.884.7295 · www.post.idaho.gov

December 8, 2017

*Chief Craig S. Kingsbury
Twin Falls Police Department
P.O. Box 3027
Twin Falls, ID 83303-3027*

Dear Chief Kingsbury:

We are pleased to inform you that Tina M. Kelley has fulfilled the requirements for Advanced Communications Specialist as set forth by the Idaho Peace Officer Standards and Training Council.

Please present the enclosed certificate with our congratulations.

Sincerely,

A handwritten signature in black ink, appearing to read "VR McCraw".

*Victor R. McCraw
Division Administrator
Peace Officer Standards & Training*

VRM/lk

enc.

State of Idaho

*The Peace Officer Standards
& Training Council*

hereby awards the

Advanced Communications Specialist Certificate

to

Tina M. Kelley

Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 6th day of December, 2017.*

Jeff L. Lurvey
Chairman

V.R. McGinnis
Division Administrator



Date: Monday, February 5, 2018
To: Honorable Mayor and City Council
From: Jason Brown, Environmental Engineer

Request:

Update on odor complaints and issues in the Northeast side of Twin Falls.

Time Estimate:

The update will take approximately five minutes.

Background:

As requested in the January 8, 2018 Council Meeting. Staff agreed to return with an update to odor complaints and issues in the Northeast side of Twin Falls. This items will provide an update to the council concerning these issues.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

N/A

Attachments:

None



Date: Monday, February 5, 2018
To: Honorable Mayor and City Council
From: Wendy Davis, Parks and Recreation Director

Request:

Request to re-allocate funds to cover expenses related to Twin Falls Golf Club ADA compliance

Time Estimate:

Presentation will take approximately 10 minutes, allowing some time for questions.

Background:

Steve Meyerhoeffer, concessionaire for the Twin Falls Golf Club, requested funds to upgrade the men's locker room and restroom facilities in the Twin Falls Golf Club clubhouse. In getting estimates for the work, it was brought to our attention that the restroom was not ADA compliant. Upon further investigation, we discovered that the golf course and its amenities fall under the same mandatory compliance clause that applied to the swimming pool. Two inspectors from the Building Department accompanied Parks staff to the facility and walked through to make recommendations regarding additional ADA compliance deficiencies. Please see the attached list for those recommendations.

Upon consulting with City Attorney, Fritz Wonderlich, the plan is to hire an architect to draw plans and attach a cost estimate to the locker room/restroom modifications, counter height adjustments, and parking lot and ramp modifications. Once we have estimates for the projects, we would proceed with those we can, and budget for the remaining work.

We currently have \$25,000 in the Golf Course Capital Improvement fund that I would recommend we re-allocate to help cover these expenses. That money was budgeted to upgrade the sprinkler control software to address concerns from both an operational perspective and Information Services concerns. The sprinkler system upgrade would purchase new software and user license for the existing sprinkler system. Upon further review, it has been determined that in order to upgrade the computer system and maximize the irrigation system, the satellites should be replaced as well. IS has warned of the risk, but agrees that a system upgrade will serve the course better, and reduce risk overall. We are currently researching that and getting estimates. Spending \$25,000 right now for a partial fix is not the best approach.

There is \$30,000 in the budget for engineering and a site plan for a new shed. We anticipate a savings and would apply the remaining funds to this project.

Additionally, \$100,000 was budgeted to cover projects related to the Parks Master Plan. This could be used to cover some of the remaining cost for construction.

It is anticipated that we can get the site plan and engineering done, complete the locker room upgrades and potentially lower the counters at the snack bar and pro shop with these funds, and budget for the parking lot and ramp adjustments in FY '19.

Approval Process:

A simple majority is required to approve this request.

Budget Impact:

Full budget impact is unknown at this time. Approval will allow staff to re-allocate budgeted funds to this project.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends council approval.

Attachments:

1. Golf Course Club House ADA Assessment

1/8/2018

01-09-2017 – Eck Senivongs

Golf Course Club House Upgrades

A meeting to discuss needed upgrades, ADA accessibility and code compliance issues to the City's golf course clubhouse and golf course was held on Friday, Jan 5, 2018. In attendance was Wendy Davis, Jon Victor, Eck Senivongs and Kevin Skelton. Following is a list of (perceived) safe harbor may apply), ADA compliance issues followed by a list of code compliance issues and recommendations. The services of an Architect should be retained.

ADA Compliance

Men's room

1. Permanently affixed compliant bench
2. Relocate and replace partitions (Provide minimum width of stalls)
3. Replace and relocate urinals, toilets and lavs
4. May need to reconfigure the lockers and change one or more latches
5. Determine best configuration of restroom, there are multiple options
6. Properly mount soap, towel dispensers, mirrors etc.

Women's room

1. Permanently affixed compliant bench
2. Relocate and replace partitions (Provide minimum width of stalls)
3. Replace and relocate toilets
4. Properly mount soap, towel dispensers, mirrors etc.

Snack bar/club house area

1. Add lowered counter on East end of snack counter (Provide accessible counter any location is acceptable) (The lower accessible counter top must be at least the same width as the upper counter top ICC A117.1-2009, Section 904)
2. Lowered add on in front of sales counter (Provide accessible counter any location is acceptable) (The lower accessible counter top must be at least the same width as the upper counter top ICC A117.1-2009, Section 904)
3. Stairway handrails need to wrap around on ends (Handrails must meet IBC Section 1012, Handrails)
4. West side of snack counter needs to go to the floor for blind persons cane (Provide cane detect for protrusions with leading edges more than 27 inches and

not more than 80 inches above the floor shall protrude 4 inches maximum horizontally into the circulation path.)

5. Parking area and ramp; Major reconstruction and or relocation of the accessible parking will be required

Code Compliance and recommendations

1. Reverse entry door swing and add partition outside of restrooms
2. Replace exhaust fans, (potential fire hazard)
3. Update drinking fountains (ICC A117.1-2009, Section 602)
4. East entry/exit doors – Larger, Illuminated exit signs
5. Sign – doors to remain unlocked Or install panic hardware (IBC, Section 1008)
6. Outside stairs and handrails not code compliant
7. Emergency egress lighting with backup

Note:

An inspection and determination has yet to be made on the course itself, as it applies to cart paths, tee boxes, structures etc.



Date: Monday, February 5, 2018
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Senior Planner

Request:

Request to waive the Non-Conforming Building Expansion Permit Process for a residential home located at 451 5th Ave North.

Time Estimate:

Staff presentation may take five (5) minutes. Applicant or representative will be available to answer any questions.

Background:

On January 17, 2018 city staff accepted an application for Waiver of Nonconforming Building Expansion by Todd Morris. The proposed building plans associated with the application show a 116 sq. ft. addition to the southwest of the existing residence.

The home is located in the R-6 Zoning District. The minimum Side Yard Setback for this zone is 5'. The existing home, built around 1920 according to County Assessor records, sits 4' from the side property line. Staff determined the current residence is legal nonconforming as the home was lawfully built prior to the current code requirement of 5' from the side property line.

The addition will not encroach into the 5' side yard setback, and shall conform to current codes and standards.

If the Council wishes, it may waive the public hearing requirement as per Section 10-3-4. This would allow the applicant to proceed immediately with the building permit process.

If the Council feels the applicant should go through the non-conforming building expansion permit process, an application would be required and a public hearing shall be held before the Planning and Zoning Commission. The full process takes about 30-45 days from the date of application. If their decision is appealed to the Council, it could extend the time-frame another 30-45 days.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

The City Council is tasked with acting on this request.

Attachments:

1. 1 - Applicant Narrative
2. 2 - Applicant Site Plan
3. 3 - Aerial Map

The reason for the expansion is the addition of a Laundry Room / Utility Room. The washer and dryer were located in the kitchen area and utilities were in the basement.

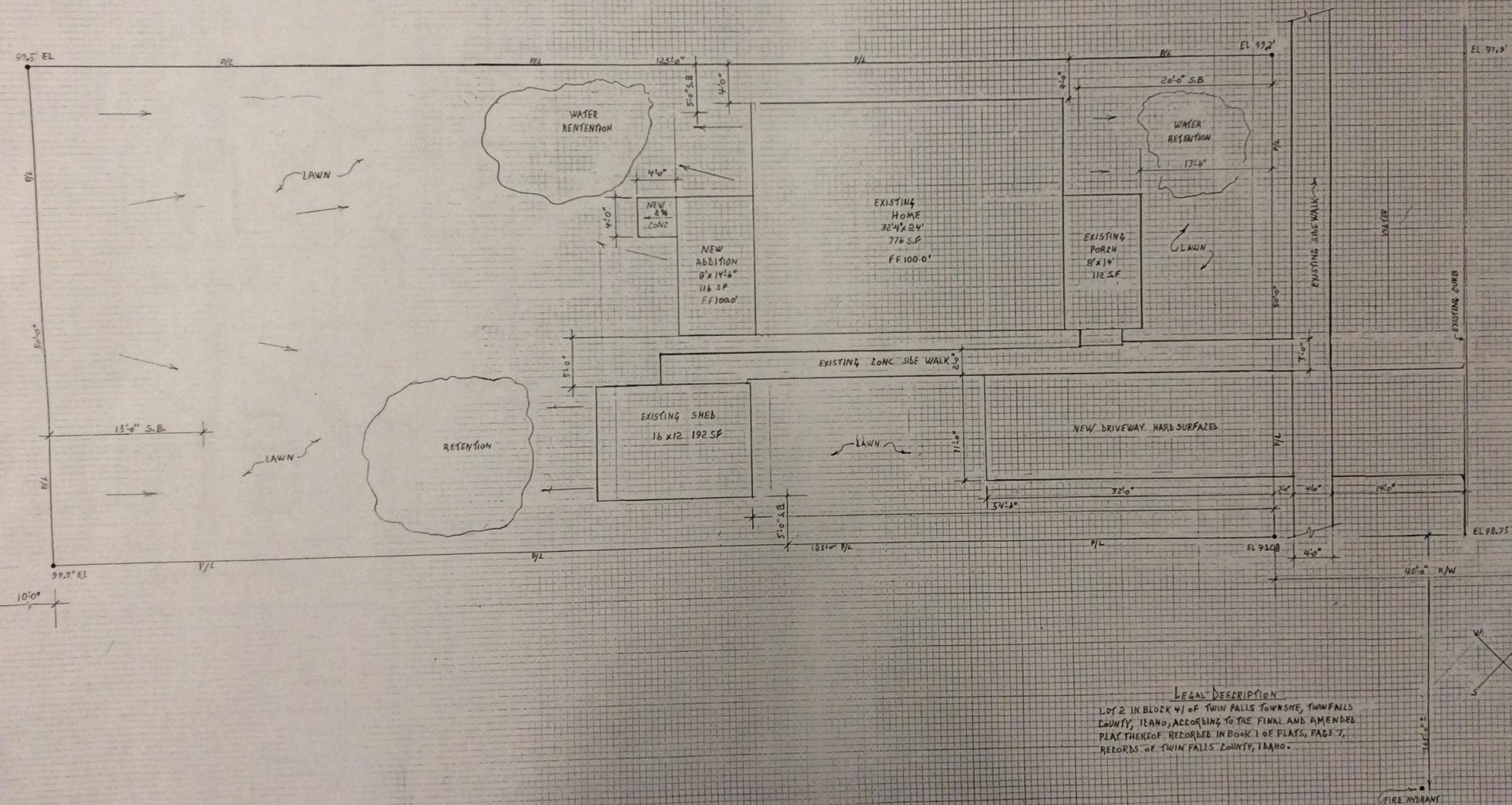
Why this building is non-conforming:
The building is non-conforming due to not meeting the 5' side yard setback on the north-west side of the property.

Effects to adjoining properties, with the addition and improvements to existing house it should make existing homes in neighborhood more valuable. No negative effects to adjoining properties.

House is compatible and fits into neighborhood.

Loel M...

208 280 1184



QW10
Tobb
451
TW1
200

DRAW
IKE
208
FAX

Aerial Photo Map

Reference Only



DIERKES ST-N

5TH AVENUE

459 5TH AV

5' Side Yard Setback

Existing House

13'

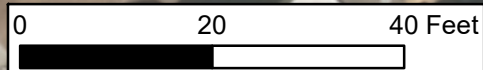
451 5TH AV

Proposed Addition

445 5TH AV

435 5TH AV

458 4TH AV



Aerial Photo - April 2016



Public Meeting: **MONDAY FEBRUARY 5, 2018**

To: Honorable Mayor and City Council

From: Rene'e V. Carraway-Johnson, Zoning & Development Manager

CONSIDERATION ITEM

Request: Consideration To Adopt an Ordinance for Annexation with Zoning District Change and Zoning Map Amendment From SUI to R2, R6 and C-1 CRO ZDA to develop a multi-use planned development for approximately 28.84 (+/-) acres located on the north side of the 1800 & 1900 blocks of Pole Line Road East. (app.2804)

Time Estimate: Staff presentation may be five (5) +/- minutes. This is not a public hearing item but there may be additional questions by the city council.

History:

On August 9, 2017, The Commission Held A Public Hearing On This Request. Presentations Were given By the Applicant's Representative and by Staff. There was one (1) adjacent neighbor who spoke in support of the request if the project were to be developed as presented. Upon Conclusion Of The Presentations, Public Hearing, And Deliberations -- Commissioner Dawson Made a Motion To Recommend Approval Of The Request To The City Council as presented and subject to three (3) conditions. Commissioner Musser Seconded The Motion. All Members Present Voted In Favor Of The Motion.

On September 12, 2017, The City Council Held A Public Hearing On This Request. Presentations Were Given By The Applicant's Representative And By Staff. There Was No Public Input. Upon Conclusion Of The Presentations, Public Hearing, And Council Deliberations -- Councilmember Lanting Made A Motion To Approve The Request, As Presented with the three conditions recommended by the Commission plus an additional condition, as follows:

1. 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 Pole Line Road widening and possible drop lanes being designed and constructed per City Engineer approval.
3. Subject to length of Public Roadway designated on Master Development Plan to be determined by City Engineer.
4. Subject to **Area 4 MOU Section (2) – C – 1: Building Height** being modified as follows *"Additional Building Height may be permitted for buildings located within the CRO designated portion of the property within this ZDA which are "hotel/convention centers", as defined in city code, by following the process outlined in City Code 10-7-3."*

Vice-Mayor Hawkins Seconded The Motion and Roll Call Vote Showed All Members Present Voted In Favor Of The Motion. The Motion Was Approved 7 To 0.

Conclusion:

As Directed By The Council, Staff Has Prepared And Placed An Ordinance In Your Packets For Your Consideration.

Staff Recommends the City Council Adopt The Ordinance by a Third and Final Reading. Upon adoption, the ordinance may be published. Upon publication, the property may proceed with development as approved.

Attachments:

1. Ordinance with Legal Description & ZDA w/attachments
2. Zoning Map
3. Aerial Map

ORDINANCE NO. _____

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

WHEREAS, Notch Butte Farms, LLC has made application for annexation of property located on the north side of the 1800 & 1900 Blocks of Pole Line Road East; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 9th day of August, 2016, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 12th day of September 2016, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon Annexation of the real property below described.

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

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

SEE Exhibit "A" and Exhibit "B"

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

SECTION 2. The real property described in Section 1 hereof be and the same is hereby zoned R-2, R-6, C-1 CRO ZDA.

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

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

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

PASSED BY THE CITY COUNCIL

, 20____

SIGNED BY THE MAYOR

, 20____

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, _____, 20____

EXHIBIT "A"

Land Description
For
Notch Butte Farms

A parcel of land located in a portion of Government Lot 5 of Section 34, Township 9 South, Range 17 East, Bolse Meridian, Twin Falls County, Idaho; being more particularly described as follows;

Commencing at the South quarter corner of said Section 34 being the Southwest corner of Government Lot 5 and being the REAL POINT OF BEGINNING.

Thence North 00°47'49" East 1568.10 feet along the Easterly boundary of "Canyon View Properties Subdivision" and "Canyon Park East Subdivision", to a point on the Northerly boundary of said Government Lot 5.

Thence South 22°33'58" East 77.79 feet along the Northerly boundary of Government Lot 5 to a point known as AP4 of the dependent Government resurvey.

Thence South 87°53'54" East 955.83 feet along the Northerly boundary of Government Lot 5.

Thence South 00°41'08" West 1212.48 feet along the East boundary of that parcel of land shown on Survey Instrument #1999-006863.

Thence South 89°53'00" East 193.00 feet.

Thence South 00°41'08" West 225.70 feet.

Thence North 89°53'00" West 339.12 feet along a line 25.00 feet North of and parallel with the South boundary of Section 34.

Thence South 00°33'02" West 25.00 feet to a point on the South boundary of Section 34.

Thence North 89°53'00" West 18.30 feet along the South boundary of Section 34.

Thence North 00°32'52" East 734.12 feet.

Thence North 89°53'00" West 215.00 feet.

Thence South 00°32'48" West 162.51 feet.

Thence North 89°53'00" West 158.94 feet.

Thence South 00°39'09" West 571.62 feet to a point on the South boundary of Section 34.

Thence North 89°53'00" West 450.00 feet along the South boundary of Section 34 to the REAL POINT OF BEGINNING.

Containing approximately 28.80 acres.

Aerial Photo Map

Reference Only



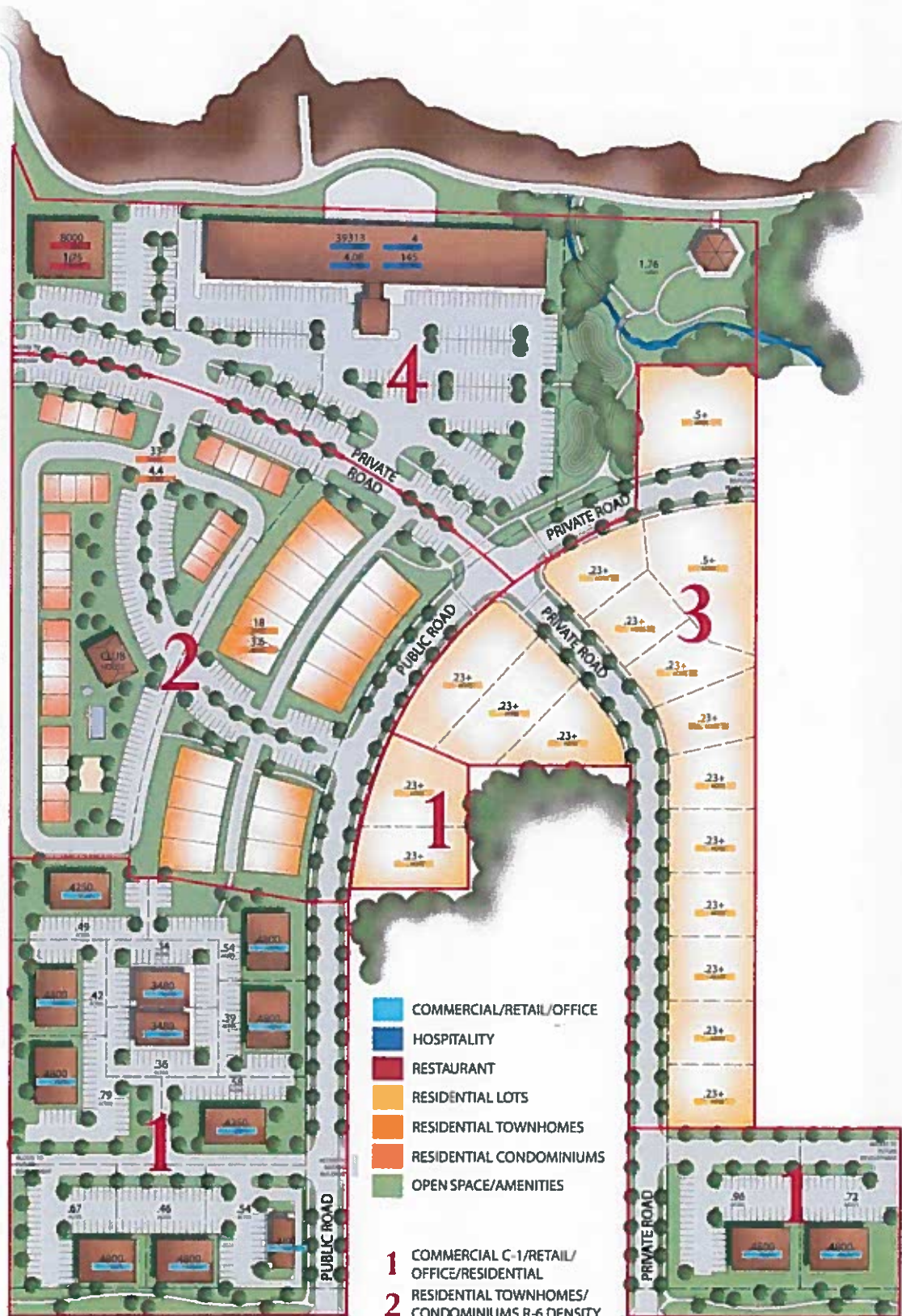
Aerial Photo - April 2016



BRIDGEVIEW BLVD

POLE LINE RD E

MASTER PLAN



USE INFORMATION

PLAN A

RESIDENTIAL LOTS

THIS PLAN PROVIDES:

2 .5 ACRE+ LOTS

16 .23 ACRE+ LOTS

HAVING THESE LOTS ON THE EAST SIDE OF THE PROPERTY ALLOWS FOR A SMOOTH TRANSITION INTO WHAT THE NEXT ADJACENT PROPERTY PLAN COULD EVENTUALLY INCLUDE. THE HALF ACRE LOTS WOULD BE GATED AND SECURE WITH THE QUARTER ACRE LOTS PROVIDING GREAT CONNECTIONS TO SHOPPING AND AMENITIES IN THIS URBAN INFILL AREA.



RESIDENTIAL TOWNHOMES

THIS PLAN PROVIDES:

7.5 ACRES

43 UNITS

112 PARKING PROVIDED 86 PARKING REQUIRED

THESE 2000 SQ. FT. TOWNHOMES OFFER A TWO STORY, 3 BEDROOM, 2.5 BATH HOME WITH A 2 CAR GARAGE THAT CAN TAPER WITH THE TOPOGRAPHY OF THE LAND TO PROVIDE SEPARATION BETWEEN HOMES. THERE IS A SHARED CLUBHOUSE WITH AMENITIES FOR RESIDENTS.



RESIDENTIAL CONDOS

THIS PLAN PROVIDES:

4.4 ACRES

32 UNITS

118 PARKING PROVIDED 80 PARKING REQUIRED

WITH THREE FLOORPLAN OPTIONS, THESE CONDOS ARE BETWEEN 2,200 - 2,600 SQ. FT. WITH 3 BEDROOMS, 2.5 BATHS, AND A 2 CAR GARAGE WITH ACCESS ON THE BACK ALLEY. THERE IS A SHARED CLUBHOUSE WITH AMENITIES FOR RESIDENTS.



OPEN SPACE/AMENITIES

THIS PLAN PROVIDES:

1.53 ACRES

PARK AREA FOR DRAINAGE, RETENTION, NATURAL WATERWAYS, AND NATURAL FOLIAGE. THIS AREA COULD CONTAIN A PAVILION WITH EXQUISITE VIEWS OF THE BRIDGE AND PILLAR FALLS. THROUGH THE SITE THERE ARE WALKWAYS CONNECTING ALL AREAS TO THE EXISTING PATHWAY ALONG THE CANYON RIM.



COMMERCIAL/RETAIL/OFFICE

THIS PLAN PROVIDES:

4 LOTS
 4,800 SQ. FT. BLDGS. 1 STALL 19 PARKING REQUIRED PER LOT
 .46-1 ACRE LOTS 250 SQ. FT. 23-48 RANGE OF PARKING PROVIDED PER LOT



HOSPITALITY

THIS PLAN PROVIDES:

4.12 ACRES
 40,000 SQ. FT. BLDG. 182 PARKING PROVIDED 159 PARKING REQUIRED

WITH THE PERFECT SPOT FOR VIEWS OF THE BRIDGE AND PILLAR FALLS, THIS HOTEL LOCATION WILL BE A LUXURIOUS ADDITION TO THIS AREA OF TWIN FALLS PROVIDING A GREAT LOCATION FOR WEDDINGS, MEETINGS, AND REUNIONS



RESTAURANT

THIS PLAN PROVIDES:

2 LOTS
 2,100 SQ. FT. BLDG. 22 PARKING PROVIDED 21 PARKING REQUIRED
 10,000 SQ. FT. BLDG. 133 PARKING PROVIDED 133 PARKING REQUIRED

WITH THE PERFECT SPOT FOR VIEWS OF THE BRIDGE AND PILLAR FALLS, THIS HOTEL LOCATION WILL BE A LUXURIOUS ADDITION TO THIS AREA OF TWIN FALLS PROVIDING A GREAT LOCATION FOR WEDDINGS, MEETINGS, AND REUNIONS



EXHIBIT "B"

TWIN FALLS CITY COUNCIL MINUTES

5:00 P.M.

Monday, September 12, 2016

IV. PUBLIC HEARINGS:

.....

- 1. Request for an annexation with a zoning district change and zoning map amendment from SUI A of I to R2, R6 and C-1 CRO ZDA (Zoning Development Agreement) for approximately 28.84 (+/-) acres located on the north side of the 1800 & 1900 blocks of Pole Line Road East. (app.2804)**

Dave Thilbualt, EHM Engineers reviewed the annexation request.

City Council discussion ensued on the following:

Gravity Flow
Who Will Maintain The Lift Station?
Traffic Patterns And Loads.
Access For Public Safety Vehicles.
Contact Property Owners Of Surrounding Property.
Buildings Need To Be 100' From The Canyon Rim.
Roadway Frontage.
Height Variance
Citizen Design Committee
What Is Permitted In The ZDA.
Conditions Of Building Height Can Be Added.

Planner 1 Spendlove reviewed the amendment.

Open Public Hearing: None

Close Public Hearing: None

Dave Thilbualt, EHM Engineers asking for a mechanism to advertise.

City Council discussion ensued on the following:

Height restrictions.
Mechanism for proposal to come through Citizen Committee and Council.
Traffic flow concerns.

Deputy City Manager Humble reviewed city code regulations.

MOTION:

Councilmember Lanting moved to approve the annexation with a zoning district change and zoning map amendment from SUI A of I to R2, R6 and C-1 CRO ZDA (Zoning Development Agreement) for approximately 28.84 (+/-) acres located on the north side of the 1800 & 1900 blocks of Pole Line Road East. (app.2804) and *add to change ZDA how they can ask for additional height C-1 with the following conditions:*

1. 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 Pole Line Road widening and possible drop lanes being designed and constructed per City Engineer approval.
3. Subject to length of Public Roadway designated on Master Development Plan to be determined by City Engineer.
4. Subject to ***Area 4 MOU Section (2) – C – 1: Building Height*** being modified as follows *“Additional Building Height may be permitted for buildings located within the CRO designated portion of the property within this ZDA which are “hotel/convention centers”, as defined in city code, by following the process outlined in City Code 10-7-3.”*

The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 7-0

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JUN 20 2016

CITY OF TWIN FALLS
PLANNING

Rio Vista – Mixed Use Residential & Commercial Development

Memorandum of Understanding Pursuant to Area 1 of the Planning Exhibit

Development and Improvements shall conform to the following standards and regulations:

(1) USE REGULATIONS

Development shall meet the requirements of the City's Commercial Highway District (C-1) zone of City Code and may include multi-family residential uses as provided in Twin Falls City Code (10-4-8.2) as codified for all uses and property development standards, except as provided herein:

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

1. No Change Requested

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. No Change Requested

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

1. Amusement Parks
2. Animal Hospital – Large Animal
3. Bulk Fuel Sales
4. In Home Day Care Centers
5. Cemeteries
6. Fairgrounds
7. Go Cart Tracks
8. Jails, Detention Centers, or Work Release Centers
9. Judicial Facilities
10. Outdoor Theaters
11. RV and Camping Parks
12. Shelter Homes and/or Facilities
13. Stand Alone Drug and Alcohol Treatment
14. Tattoo Parlors
15. Zoos

(2) PROPERTY DEVELOPMENT STANDARDS

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AREA 1

The following property development standards shall apply to all land and buildings in the C-1 district of City Code:

(A) Lot Area

1. No Change Requested

(B) Lot occupancy

1. No Change Requested

(C) Building Height

1. No Change Requested

(D) Yards

1. No Change Requested

(E) Access

1. No Changed Requested

(F) Landscaping

1. No Change Requested

(G) Parking

1. Off Street Parking
 - a. No Change Requested
2. Parking Areas
 - a. No Change Requested

(H) Signage

1. Signs shall comply with the requirements and General Sign provisions contained in Chapter 9 of City Code

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping

1. No Change Requested

(3) OTHER SITE DEVELOPMENT CRITERIA – IF APPLICABLE

(A) Pathways

1. Internal connections to the existing Canyon Rim Trail may be provided as part of the development. Connection locations to be agreed upon by the developer and the City during the Platting Process in order to coordinate the most appropriate location for current and future needs.

(B) Screening

1. No Change Requested

(4) ARCHITECTURAL STANDARDS

(A) Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces

(B) Architectural standards shall be approved through the ZDA process for buildings within the business park.

(C) All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with screening material such as landscaping or another approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located along Pole Line Road East

Area 1

(5) MANAGEMENT ASSOCIATIONS

(A) A management association may be implemented at the Developer's discretion.

(6) HOURS OF OPERATION

(A) Hours of Operation

1. The hours of operation for all activity within Area 1 shall not be limited.

(7) PROJECT PHASING

(A) The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constructed without first meeting the approval of the City for inter-connection of utilities and/or construction of temporary facilities required to accommodate a particular phase

(B) Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and a five (5) year maximum time limit between phases unless an extension of time is granted by the Twin Falls City Council

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CITY OF TWIN FALLS
PLANNING & ZONING

Rio Vista – Mixed Use Residential & Commercial Development

Memorandum of Understanding Pursuant to Area 2 of the Planning Exhibit

The Canyon Rims Overlay District zone may affect a portion of the property identified as Area 2. The requirements of the CRO will remain in effect where applicable.

Development and Improvements shall conform to the following standards and regulations:

(1) USE REGULATIONS

Development shall meet the requirements of the City's Residential Multi-Household District (R-6) zone and may include multi-family residential uses as provided in (10-4-6.2) of City Code for all uses and property development standards, except as provided herein:

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

1. Sanitary sewers lift stations and appurtenances, buildings, and facilities.
2. Pressurized irrigation pump stations and appurtenances, buildings, and facilities.

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. No Change Requested

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination City Code is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

1. Amusement Parks
2. Animal Hospital – Large Animal
3. Bulk Fuel Sales
4. In Home Day Care Centers
5. Cemeteries
6. Fairgrounds
7. Go Cart Tracks
8. Jails, Detention Centers, or Work Release Centers
9. Outdoor Theaters

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Area 2

- 10. RV and Camping Parks
- 11. Shelter Homes and/or Facilities
- 12. Stand Alone Drug and Alcohol Treatment
- 13. Tattoo Parlors
- 14. Zoos

(2) PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings in the R6 district except as provided by section 10-12-5-6 of City Code for zero lot line subdivisions:

(A) Use of Lots

- 1. No Change Requested

(B) Lot Area

- 1. No Change Requested

(C) Lot occupancy

- 1. No Change Requested

(D) Building Height

- 1. No Change Requested

(E) Yards

- 1. No Change Requested

(F) Access

- 1. No Change Requested

(G) Landscaping

- 1. No Change Requested

(H) Parking

- 1. Off Street Parking
 - a. No Change Requested
- 2. Parking Areas
 - a. No Change Requested

(I) Signage

- 1. Signs shall comply with the requirements and General Sign provisions contained in Chapter 9 of City Code

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping

- 1. No Change Requested

(3) OTHER SITE DEVELOPMENT CRITERIA - IF APPLICABLE

(A) Pathways

- 1. Internal connections to the existing Canyon Rim Trail may be provided as part of the development. Connection locations to be agreed upon by the developer and the City during the Platting Process in order to coordinate the most appropriate location for current and future needs.

(B) Screening

- 1. No Change Requested

Area 2

(4) ARCHITECTURAL STANDARDS

- (A)** Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces
- (B)** Architectural standards shall be approved through the ZDA process for buildings within the business park. (Ord. 3082, 12-8-2014)
- (C)** All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with screening material such as landscaping or another approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located along Pole Line Road East

(5) MANAGEMENT ASSOCIATIONS

- (A)** A management association may be implemented at the Developer's discretion.

(6) HOURS OF OPERATION

- (A)** Residential and residential support facilities shall not be limited. The hours of operation for all other activities within Area 2 shall be between the hours of seven o' clock (7:00) A.M. to ten o' clock (10:00) P.M. unless otherwise authorized by the City of Twin Falls through the Special Use Permit Process for extended hours of operations.

(7) PROJECT PHASING

- (A)** The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constructed without first meeting the approval of the City for inter-connection of utilities and/or construction of temporary facilities required to accommodate a particular phase
- (B)** Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and a five (5) year maximum time limit between phases unless an extension of time is granted by the Twin Falls City Council

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CITY OF TWIN FALLS
PLANNING

Rio Vista – Mixed Use Residential & Commercial Development

Memorandum of Understanding

Pursuant to Area 3 of the Planning Exhibit

The Canyon Rims Overlay District zone may affect a portion of the property identified as Area 3. The requirements of the CRO will remain in effect where applicable.

Development and Improvements shall conform to the following standards and regulations:

(1) USE REGULATIONS

Development shall meet the requirements of the City's Residential Single Household or Duplex District (R-2) zone of City Code for all uses and property development standards

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

1. No Change Requested

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. No Change Requested

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination of City Code is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

1. Amusement Parks
2. Animal Hospital – Large Animal
3. Bulk Fuel Sales
4. In Home Day Care Centers
5. Cemeteries
6. Fairgrounds
7. Go Cart Tracks
8. Jails, Detention Centers, or Work Release Centers
9. Judicial Facilities
10. Outdoor Theaters
11. RV and Camping Parks
12. Shelter Homes and/or Facilities
13. Stand Alone Drug and Alcohol Treatment
14. Tattoo Parlors

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Area 3

15. Zoos

(2) PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings in the R2 district except as provided by section 10-12-5-6 of City Code for zero lot line subdivisions:

(A) Use of Lots

1. No Change Requested

(B) Lot Area

1. No Change Requested

(C) Lot occupancy

1. No Change Requested

(D) Building Height

1. No Change Requested

(E) Yards

1. No Change Requested

(F) Access

1. No Change Requested

(G) Landscaping

1. No Change Requested

(H) Parking

1. Off Street Parking
 - a. No Change Requested
2. Parking Areas
 - a. No Change Requested

(I) Signage

1. Signs shall comply with the requirements and General Sign provisions contained in Chapter 9 of City Code

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping

1. No Change Requested

(3) OTHER SITE DEVELOPMENT CRITERIA - IF APPLICABLE

(A) Pathways

1. Internal connections to the existing Canyon Rim Trail may be provided as part of the development. Connection locations to be agreed upon by the developer and the City during the Platting Process in order to coordinate the most appropriate location for current and future needs.

(B) Screening

1. Screening Required:
 - a. No Change Requested

(4) ARCHITECTURAL STANDARDS

- **(A) Architectural Standards:** All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces

Area 3

- (B) Architectural standards shall be approved through the ZDA process for buildings within the business park.
- (C) All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with screening material such as landscaping or another approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located along Pole Line Road East

(5) MANAGEMENT ASSOCIATIONS

- (A) A management association may be implemented at the Developer's discretion.

(6) HOURS OF OPERATION

- (A) Residential and residential support facilities shall not be limited. The hours of operation for all other activities within Area 3 shall be between the hours of seven o' clock (7:00) A.M. to ten o' clock (10:00) P.M., unless otherwise authorized by the City of Twin Falls through the Special Use Permit Process for extended hours of operation

(7) PROJECT PHASING

- (A) The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constructed without first meeting the approval of the City for inter-connection of utilities and/or construction of temporary facilities required to accommodate a particular phase
- (B) Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and a five (5) year maximum time limit between phases unless an extension of time is granted by the Twin Falls City Council

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JUN 20 2015

CITY OF TWIN FALLS

Rio Vista – Mixed Use Residential & Commercial Development

Memorandum of Understanding

Pursuant to Area 4 of the Planning Exhibit

The Canyon Rims Overlay District zone may affect a portion of the property identified as Area 4. The requirement of the CRO will remain in effect where applicable.

Development and Improvements shall conform to the following standards and regulations:

(1) USE REGULATIONS

Development shall meet the requirements of the City's Commercial Highway District (C-1) zone of City Code and may include multi-family residential uses as provided in Twin Falls City Code (10-4-8.2) for all uses and property development standards, except as provided herein:

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

1. Sanitary sewer lift stations and appurtenances, buildings, and facilities
2. Pressurized irrigation pump stations and appurtenance, buildings, and facilities

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. No Change Requested

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination of City Code is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

1. Amusement Parks
2. Animal Hospital – Large Animal
3. Bulk Fuel Sales
4. In Home Day Care Centers
5. Cemeteries
6. Fairgrounds
7. Go Cart Tracks
8. Jails, Detention Centers, or Work Release Centers
9. Judicial Facilities
10. Outdoor Theaters
11. RV and Camping Parks
12. Shelter Homes and/or Facilities

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Area 4

- 13. Stand Alone Drug and Alcohol Treatment
- 14. Tattoo Parlors
- 15. Zoos

(2) PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings in the C1 district:

(A) Lot Area

- 1. No Change Requested

(B) Lot occupancy

- 1. No Change Requested

(C) Building Height

- 1. Buildings located within the CRO designated portion of property within this ZDA which are "hotel/convention centers" uses as defined in city code shall be permitted height beyond 35' by request of special use permit and application to Planning and Zoning Commissions.

(D) Yards

Front yards shall conform to the following standards:

- 1. No Change Requested

(E) Access

- 1. No Change Requested

(F) Landscaping

- 1. No Change Requested

(G) Parking

- 1. Off Street Parking
 - a. No Change Requested
- 2. Parking Areas
 - a. No Change Requested

(H) Signage

- 1. Signs shall comply with the requirements and General Sign provisions contained in Chapter 9 of City Code

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping

- 1. No Change Requested

(3) OTHER SITE DEVELOPMENT CRITERIA - IF APPLICABLE

(A) Pathways

- 1. Internal connections to the existing Canyon Rim Trail may be provided as part of the development. Connection locations to be agreed upon by the developer and the City during the Platting Process in order to coordinate the most appropriate location for current and future needs.

(B) Coverage

- 1. No Change Requested

(C) Screening

- 1. Screening Required:

Area 4

- a. No Change Requested
- 2. Minimum Standards:
 - a. No Change Requested

(4) ARCHITECTURAL STANDARDS

- (A) Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces
- (B) Architectural standards shall be approved through the ZDA process for buildings within the business park.
- (C) All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with screening material such as landscaping or another approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located along Pole Line Road East

(5) MANAGEMENT ASSOCIATIONS

- (A) A management association may be implemented at the Developer's discretion.

(6) HOURS OF OPERATION

- (A) Hours of Operation
 - 1. The hours of operation for all activity within Area 4 shall not be limited

(7) PROJECT PHASING

- (A) The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constructed without first meeting the approval of the City for inter-connection of utilities and/or construction of temporary facilities required to accommodate a particular phase
- (B) Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and a five (5) year maximum time limit between phases unless an extension of time is granted by the Twin Falls City Council

Rio Vista

Supplemental Information

The subject property is proposed for annexation into the City Limits of the City of Twin Falls and therefore a zoning designation is required to be assigned to the property. The property is proposed to be included within a "mixed-use" development with an associated ZDA zoning and development agreement.

The comprehensive plan encourages land use to include "mixed-use" developments.

Additionally, neighborhood centers and similar destinations should be encouraged within new residential neighborhoods as part of these projects. The proposed ZDA development is exactly a mix of residential, neighborhood commercial, and destination establishments. The Future Land Use Map developed and adopted by the City of Twin Falls anticipates the land to be used for commercial/retail and urban village/urban infill. The proposed development project will include each of these anticipated land uses.

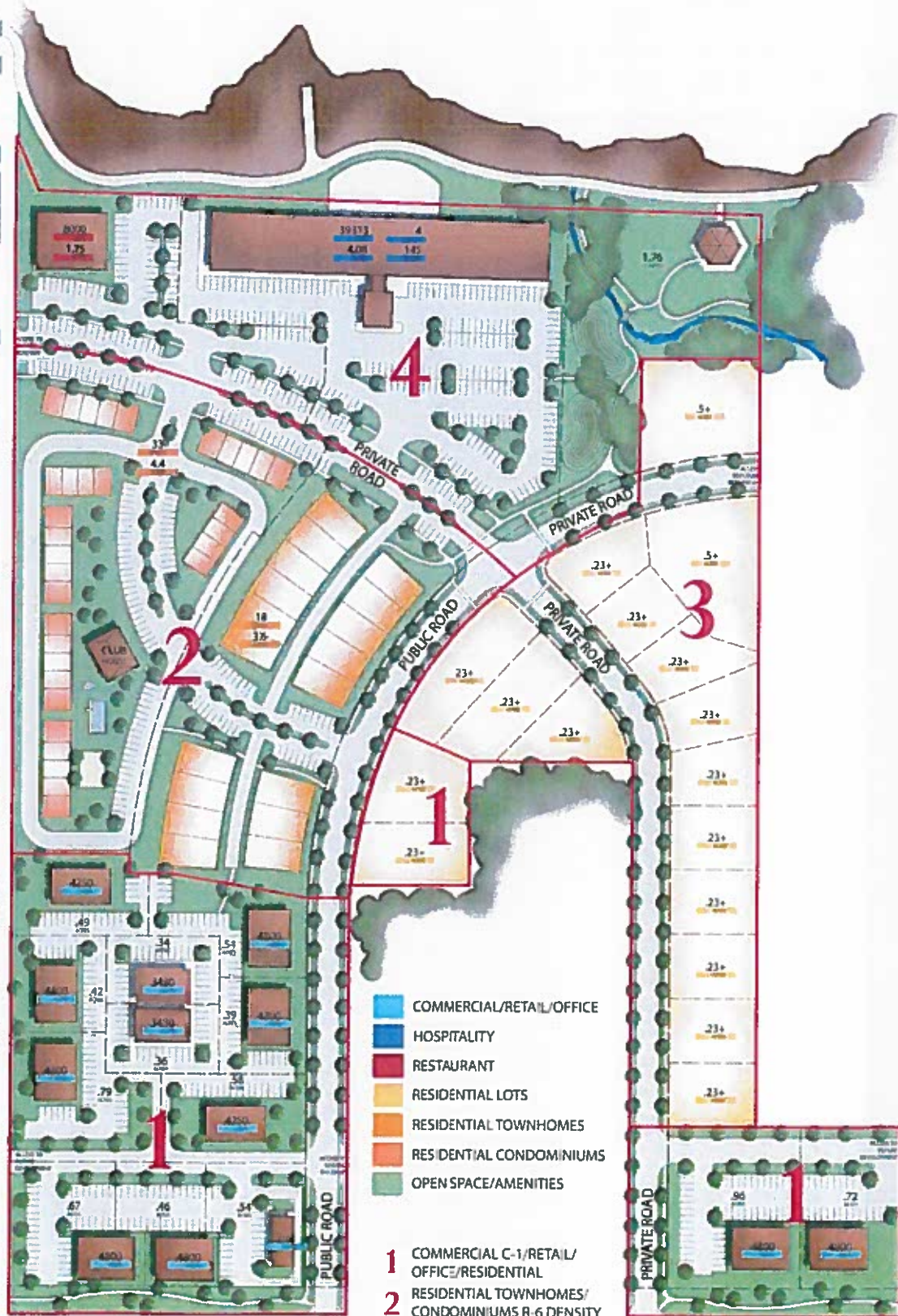
The subject property is immediately adjacent to the Bridgeview Estates and Sportsman's Warehouse which border the subject property along the west boundary. Properties to the south and to the east of the subject property include single family residences and undeveloped/vacant ground. The subject property is located along the south side canyon rim of the Snake River Canyon. The subject property surrounds the currently developed and established YMCA facility along Pole Line Road East.

The proposed development of the property includes the following:

- Property adjacent to Pole Line Road East will be reserved primarily for commercial/retail/office use and development.
- The center of the project localized to the western edge will be designated for mixed-use residential including townhomes, condominiums, and multi-family residential uses. ➤ The center of the project localized to the eastern edge will be designated for single family residential development with gated access.
- The northern edge of the property along the canyon rim will be used for hospitality/retail/restaurant uses and may include residential development.
- Lands immediately adjacent to the canyon rim and abutting the proposed site development and desired natural landscaping will be reserved for connection of the Twin Falls Trail System and open space.

The sequence of construction for this proposed development is anticipated to be in accordance with the following: underground utilities and service line extensions will be installed, followed by roadway and drainage facility construction, with the proposed building structures developed in conjunction with the associated parking lots of each pad.

MASTER PLAN



- 1 COMMERCIAL C-1/RETAIL/OFFICE/RESIDENTIAL
- 2 RESIDENTIAL TOWNHOMES/CONDOMINIUMS R-6 DENSITY
- 3 RESIDENTIAL LOTS - GATED ACCESS R-2 DENSITY
- 4 HOSPITALITY/RESTAURANT/OFFICE/RESIDENTIAL

USE INFORMATION

PLAN A

RESIDENTIAL LOTS

THIS PLAN PROVIDES:

2 .5 ACRE+ LOTS

16 .23 ACRE+ LOTS

HAVING THESE LOTS ON THE EAST SIDE OF THE PROPERTY ALLOWS FOR A SMOOTH TRANSITION INTO WHAT THE NEXT ADJACENT PROPERTY PLAN COULD EVENTUALLY INCLUDE. THE HALF ACRE LOTS WOULD BE GATED AND SECURE WITH THE QUARTER ACRE LOTS PROVIDING GREAT CONNECTIONS TO SHOPPING AND AMENITIES IN THIS URBAN INFILL AREA.



RESIDENTIAL TOWNHOMES

THIS PLAN PROVIDES:

7.5 ACRES

43 UNITS

112 PARKING PROVIDED 86 PARKING REQUIRED

THESE 3000 SQ. FT. TOWNHOMES OFFER A TWO STORY, 3 BEDROOM, 2.5 BATH HOME WITH A 2 CAR GARAGE THAT CAN TAPER WITH THE TOPOGRAPHY OF THE LAND TO PROVIDE SEPARATION BETWEEN HOMES. THERE IS A SHARED CLUBHOUSE WITH AMENITIES FOR RESIDENTS.



RESIDENTIAL CONDOS

THIS PLAN PROVIDES:

4.4 ACRES

32 UNITS

118 PARKING PROVIDED 80 PARKING REQUIRED

WITH THREE FLOORPLAN OPTIONS, THESE CONDOS ARE BETWEEN 2,200 - 2,600 SQ. FT. WITH 3 BEDROOMS, 2.5 BATHS, AND A 2 CAR GARAGE WITH ACCESS ON THE BACK ALLEY. THERE IS A SHARED CLUBHOUSE WITH AMENITIES FOR RESIDENTS.



OPEN SPACE/AMENITIES

THIS PLAN PROVIDES:

1.53 ACRES

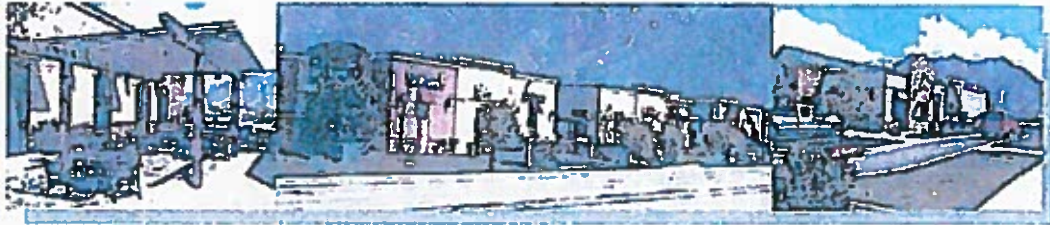
PARK AREA FOR DRAINAGE, RETENTION, NATURAL WATERWAYS, AND NATURAL FOLIAGE. THERE ARE A COULD CONTAIN A AVULION WITH EXQUISITE VIEWS OF THE BRIDGE AND PILLAR FALLS. THROUGH THE SITE THERE ARE WALKWAYS CONNECTING ALL AREAS TO THE EXISTING PATHWAY ALONG THE CANYON RIM.



COMMERCIAL/RETAIL/OFFICE

THIS PLAN PROVIDES:

4 LOTS
 4,800 SQ. FT. BLDGS. 1 STALL 19 PARKING REQUIRED PER LOT
 .46-1 ACRE LOTS 250 SQ. FT. 23-48 RANGE OF PARKING PROVIDED PER LOT



HOSPITALITY

THIS PLAN PROVIDES:

4.12 ACRES
 40,000 SQ. FT. BLDG. 182 PARKING PROVIDED 159 PARKING REQUIRED

WITH THE PERFECT SPOT FOR VIEWS OF THE BRIDGE AND PILLAR FALLS, THIS HOTEL LOCATION WILL BE A LUXURIOUS ADDITION TO THIS AREA OF TWIN FALLS PROVIDING A GREAT LOCATION FOR WEDDINGS, MEETINGS, AND RECEPTIONS



RESTAURANT

THIS PLAN PROVIDES:

2 LOTS
 2,100 SQ. FT. BLDG. 22 PARKING PROVIDED 21 PARKING REQUIRED
 10,000 SQ. FT. BLDG. 133 PARKING PROVIDED 133 PARKING REQUIRED

WITH THE PERFECT SPOT FOR VIEWS OF THE BRIDGE AND PILLAR FALLS, THIS HOTEL LOCATION WILL BE A LUXURIOUS ADDITION TO THIS AREA OF TWIN FALLS PROVIDING A GREAT LOCATION FOR WEDDINGS, MEETINGS, AND RECEPTIONS





Public Hearing: **Monday, February 5, 2018**

To: Honorable Mayor and City Council

Presenter: Jonathan Spendlove, Senior Planner

Editor: Renee V. Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM 9a

Request: Request for a **Zoning District Change & Zoning Map Amendment** for one (1) acre +/- from C-1 to M-2 for property located at 1211 Addison Avenue West within the Area of Impact. c/o John Lucas (app. 2915)

Time Estimate:

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

Background:

Applicant John Lucas 1211 Addison Ave W. Twin Falls, ID 83301 201.595.1235 lucasmi@tfsd.org Representative	Status: Owner	Size: one (1) +/- acres
	Current Zoning: C-1, Commercial Highway District & M-2, Heavy Manufacturing District	Requested Zoning: Request for a Zoning District Change and Zoning Map Amendment for approximately 1(+/-) acres from C-1 to M-2
	Comprehensive Plan: Industrial / Flex / Employment	Lot Count: 1 Parcel
	Existing Land Use: Auto Salvage	Proposed Land Use: adding Auto Sales to existing salvage yard
	Zoning Designations & Surrounding Land Use(s)	
	North: C-1 Aol; Addison Ave W; Commercial Highway District; Auto Repair, Addison Collision Repair	East: C-1 & M-2 Aol; Auto Impound & Construction Supply Yard
	South: SUI Aol, Suburban Urban Interface; Residential and Vacant parcels	West: C-1 & M-2 Aol; Commercial Highway District; M-2, Heavy Manufacturing District; vacant and storage yard
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-4-10, 10-7-12, 10-11-1 thru 8, 10-13, 10-14	

Approval Process:

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to the Council.

After the Council receives a recommendation from the Commission, a public hearing shall be scheduled where the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event, the Council shall specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

Budget Impact:

Redevelopment of this property to a commercial/manufacturing use may have a positive tax impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the process of rezoning a one (1) +/- acre portion of the property at 1211 Addison Ave W, in its entirety to M-2, Heavy Manufacturing District.

History:

This parcel has been utilized as what appears to be a junk/auto salvage yard since at least the late 1960's according to aerial imagery. The applicant has owned this parcel since July 2017. The northern portion of the property was likely rezoned C-1, Commercial Highway District in 1981 with the adoption of Ordinance 2012 to acknowledge this corridor as the westerly gateway entrance into the city and to maintain separation from heavy industrial impacts along this major corridor.

Analysis:

The applicant owns a seven (7) +/- acre parcel at 1211 Addison Ave West. The property is zoned C-1 and M-2 within the Area of Impact. This is a request for a **Zoning District Change and Zoning Map Amendment** to rezone the northerly one (1) +/- acre of property located at 1211 Addison Ave W, from C-1 to M-2. If approved this would zone the owner's entire seven (7) +/- acre parcel owned by the applicant to M-2, Heavy Manufacturing District within the Area of Impact. Though most of the property is M-2, the portion directly abutting Addison Ave W, 171' x 245' +/- (41,895 sf), is zoned C-1. The applicant stated in his narrative that he wishes to establish and utilize this portion of the property as an automobile sales business. The southerly six (6) +/- acres is currently a salvage yard.

The 2016 Comprehensive Plan indicates this corridor as appropriate for Industrial/Flex/Employment. There is no development plan to evaluate, as this request is to only rezone the property. Any changes will require a full review by staff to determine the extent and nature of the changes. Any change shall comply with the purpose, uses and development standards of the M-2 Zoning District prior to development.

There are some major differences for required site improvements between the C-1 zone and the M-2. The C-1 zone requires hard surfacing, paving or asphalt, for all parking and maneuvering areas while the M-2 zone does not.

The applicant states he wishes to establish an auto dealership along the frontage of this property. The C-1 zone requires a Special Use Permit to establish an automobile dealership while the M-2 zone outright permits this use.

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 the Heavy Manufacturing District would allow land development that would be compatible with and not detract from the surrounding area.

On January 9, 2018 the Planning and Zoning Commission voted 6-1 to forward a positive recommendation of the zoning change as requested by the applicant.

Conclusion:

The Council is asked to make a recommendation to the County Commissioners on this request. The Council decision may be to deny the request, approve the request as presented or request additional information be provided.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. Survey
6. Site Photos
7. Minutes - PZ Public Hearing 1-9-2018

Zoning District Change and Zoning Map Amendment (Rezone)

For

John's U-Pull U-Save

4. Provide a Detailed Written Statement On A Separate Sheet Of Paper Containing:

a. The reason for the request;

To rezone the front portion of the 7 acre property back to its original zoning (since 65+ years) of M-2 from C-1 (rezoned front .5 acre to C-1 by the city in the 80/90's). Rezoning the front part of the land to M-2 to conduct an auto sales business.

b. A statement on:

i. How the proposed zoning change relates to the Comprehensive Plan; and

This rezone complies with this 2016 comprehensive plan as it is designated "industrial" on the future land use map.

ii. Compatibility with the surrounding area, and

This is compatible with all surrounding land and property as it is all wrecking yards, auto service, or industrial uses.

iii. An explanation of the intended use/development of the property

We plan to rezone to the front portion of land back to M-2 so the entire parcel is M-2 again to conduct an auto sales business. Rezoning would allow us to place cars for sale in a visible location on the property.

Zoning Vicinity Map

-  Area Of Impact
-  CRO
-  C-1
-  M-2
-  OS
-  R-4
-  SUI

Outside City
Limits (Aol)

ADDISON AVE

GULCH CREEK RD



NORTH

0 325
Feet

AERIAL PHOTO APRIL 2016
REFERENCE ONLY



Outside City
Limits (Aol)

1215
ADDIS

1209
ADDIS

1205
ADDIS

1187
ADDIS

1097
ADDIS

1197
ADDIS

322
GULCH

294
GULCH

GULCH CREEK RD

Aerial Map





NORTH

0 95 190



Feet

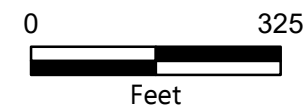
AERIAL PHOTO APRIL 2016
REFERENCE ONLY

Future Land Use Map

- Industrial
- Natural Areas

ADDISON AVE

GULCH CREEK RD



AERIAL PHOTO APRIL 2016
REFERENCE ONLY



NE Corner Looking SW



NW Corner Looking SE

- e) Request for a **Zoning District Change & Zoning Map Amendment** for one (1) +/- acre from C-1 to M-2 for property located at 1211 Addison Avenue West within the Area of Impact. c/o John M Lucas (app. 2915)

Applicant Presentation:

John Lucas, the applicant stated he is here to request a rezone for the property located at 1211 Addison Avenue West, aka John's U-Pick U-Save, the front of the property is currently zoned C-1 and he would like for the entire piece to be zoned M-2. With the M-2 zoning changing on the front, will allow him to operate a used car dealership. He has installed some landscaping along the front and the property is surrounded by similar uses.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated this parcel has been utilized as what appears to be a junk/auto salvage yard since at least the late 1960's according to aerial imagery. The applicant has owned this parcel since July 2017. The northern portion of the property was likely rezoned C-1, Commercial Highway District in 1981 with the adoption of Ordinance 2012 to acknowledge this corridor as the westerly gateway entrance into the city and to maintain separation from heavy industrial impacts along this major corridor.

The applicant owns a seven (7) +/- acre parcel at 1211 Addison Ave West. The property is zoned C-1 and M-2 within the Area of Impact. This is a request for a **Zoning District Change and Zoning Map Amendment** to rezone the northerly one (1) +/- acre of property located at 1211 Addison Ave W, from C-1 to M-2. If approved this would zone the owner's entire seven (7) +/- acre parcel owned by the applicant to M-2, Heavy Manufacturing District within the Area of Impact. Though most of the property is M-2, the portion directly abutting Addison Ave W, 171' x 245' +/- (41,895 sf) , is zoned C-1. The applicant stated in his narrative that he wishes to establish and utilize this portion of the property as an automobile sales business. The southerly six (6) +/- acres is currently a salvage yard.

The 2016 Comprehensive Plan indicates this corridor as appropriate for Industrial/Flex/Employment. There is no development plan to evaluate, as this request is to only rezone the property. Any changes will require a full review by staff to determine the extent and nature of the changes. Any change shall comply with the purpose, uses and development standards of the M-2 Zoning District prior to development.

There are some major differences for required site improvements between the C-1 zone and the M-2. The C-1 zone requires hard surfacing, paving or asphalt, for all parking and maneuvering areas while the M-2 zone does not.

The applicant states he wishes to establish an auto dealership along the frontage of this property. The C-1 zone requires a Special Use Permit to establish an automobile dealership while the M-2 zone outright permits this use.

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 the Heavy Manufacturing District would allow land development that would be compatible with and not detract from the surrounding area.

The Commission is asked to make 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.

PZ Questions/Comments:

- Commissioner Grey stated he understands that the M-2 zoning does not require paving but asked if that will change in the future.
- Senior Planner Spendlove explained staff doesn't like gravel to be carried out onto the roads, however this road is not within the City's jurisdiction.

Public Hearing: Opened & Closed

Closing Statement:

Mr. Lucas explained there has been some paving on the site, however over time the asphalt has deteriorated but both entrances onto the property are paved.

Discussion Followed:

- Commissioner Higley stated he has an issue with the site not being paved where the applicant plans to display vehicle.
- Senior Planner Spendlove explained that many times in the M-2 zone the businesses complain that if they asphalt the heavy equipment they use with their business will damage the asphalt and they will have continual upkeep to meet that requirement. The Comprehensive Plan identifies this area for industrial uses and the M-2 zone does not require paving, so the request is in compliance with the Comprehensive Plan.

Motion:

Commissioner Grey made a motion to recommend approval of the request, as presented., to City Council. Commissioner Woods seconded the motion. Members Frank, Grey, Dawson, Musser and Woods voted in favor of the motion while Commissioner Higley voted against the motion.

**Recommended for Approval, As Presented, To City Council
Scheduled for City Council February 5, 2018**

- f) Request for a **Variance** to allow an off premise sign on a separate parcel to advertise for property address as 825 North College Road. c/o Dave Thibault, EHM Engineers, Inc. on behalf of Loren Baker. (app. 2916)

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc. representing the applicant stated that after review of the



Preliminary Presentation: Wednesday January 3, 2018
 PZ Public Hearing: Tuesday, January 9th 2018
 CC Public Hearing: **Monday, February 5th 2018**
 To: Honorable Mayor and City Council
 Presenter: Jonathan Spendlove, Senior Planner
 Editor: Rene'e V. Carraway-Johnson, Zoning Administrator
 Authors: Jonathan Spendlove

AGENDA ITEM 9b

Request: Request for a **Zoning District Change & Zoning Map Amendment** from C-1 PUD to C-1 ZDA for Magic Valley Mall, LLC., approximately 58(+/-) acres, on property located at 1485 Pole Line Road East c/o Brent White on behalf of Magic Valley Mall, LLC (app. 2919)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation may take up to ten (10) minutes.

Background:

Applicant Magic Valley Mall LLC 1485 Poleline Road East Twin Falls, ID Representative Brent White 1485 Poleline Road East Twin Falls, ID 83301 Brent.white@woodburycorp.com	Status: Owner	Size: ~58 Acres
	Current Zoning: C-1 PUD #'s C-1243, C-1873, 215, 215 Amended, 242, 242 Amended	Requested Zoning: C-1 ZDA
	Comprehensive Plan: Mixed-Use	Lot Count: 10 Lots, various owners
	Existing Land Use: Commercial/Retail	Proposed Land Use: Mixed-Uses; residential, professional and retail
	Zoning Designations & Surrounding Land Use(s)	
	North: Canyon Park West C-1 & CRO PUD #219 & 264 and Canyon Park East C-1 CRO PUD #223; Blue Lakes Blvd N & Bridgeview Blvd; Commercial/Retail Uses South: Rex C-1 PUD #212 and Eastpark Mixed-Use PUD #213; Poleline Road East; Commercial/Retail	East: C-1 PUD; Bridgeview Blvd; Assisted Living Facility West: C-1 PUD Blue Lakes Concept 91, Blue Lakes Blvd N; Commercial/Retail
Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-6-1, 10-9-1 thru 16, 10-10-1 thru 12, 10-11-1 thru 8, 10-13-2, 10-14-1 thru 7, PUD #'s: C-1243, C-1873, 215, 215 Amended, 242, 242 Amended.		

Approval Process:

As per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District:
 The applicant is required to do a preliminary presentation to the Planning and Zoning Commission and the Public with a preliminary overview of the proposed amendment. The Commission and Public are allowed to give suggestions and ask questions of the applicant about the proposed project. At a later date a public hearing shall be held before the Commission for a recommendation on the requested PUD Amendment.

Budget Impact:

No impact to budget from this presentation.

Regulatory Impact:

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

History:

The Magic Valley Mall has a long history in Twin Falls. In the early 1980's zoning actions took place to establish a C-1 PUD on the original mall parcel under one owner. Prior to that, it was agricultural land. Throughout the years, multiple plats, PUD's and amendments to PUD's took place, the latest occurring in 2014. These various PUD's added/platted additional pad sites, several have been sold to other businesses, made concessions to the Sign Code (the previous version), and enacted various other development requirements including landscaping, height limitations, land uses and other site criteria.

Analysis:

This is a request to rezone the "Original" Magic Valley Mall property from C-1 PUD to C-1 ZDA. This rezone to ZDA would remove the restrictions and requirements of the previously enacted PUD's, although not entirely rescinding any Plat requirements found in those documents.

City Code requires the applicant to request a "Base" Zoning Code to apply to some or all areas as identified on the Conceptual Plan. The application has identified the C-1 Zone to apply to the entire area. Also as part of the ZDA, the applicant is requesting some exceptions to the C-1 Zone, these are outlined in the Written Commitment Document.

The main exceptions identified by the applicant are: adding some land uses into the permitted use section, eliminating residential lot area and occupancy, reducing building setbacks, reducing centerline setbacks, modifying perimeter landscaping, modifying off street parking ratios, and signage allowances. The exceptions will be listed in the following analysis by identifying the **Code Section** – including any summarization of that code section, then followed by *Staff commentary on the possible impacts of these requested exceptions*.

Per City Code 10-4-8 C1 Zoning District:

Use Regulations: The following uses are being requested by the applicant to be permitted outright. These uses are not currently listed within the "Permitted" section and would either require a Special Use Permit; *alcohol consumption on premises, Drive-Thru Facilities, Indoor Recreation Facilities* or the uses are not currently identified in code; *Parking Structures, Entertainment Facilities*.

The requested exceptions to allow these types of Land Uses as an outright permitted use would remove any further public hearing process.

Property Development Standards: Residential Uses are required to adhere to certain property and development standards such as lot area, lot occupancy, building height, yards (setbacks), access, landscaping, off street parking ratios, and signs. Each area the applicant has requested a change will be addressed independently.

Lot Area and Lot Occupancy: The exception listed by the applicant is to remove the minimum lot area and maximum lot occupancy.

As the applicant has expressed a desire to venture into the possibility of housing options on the property, these exceptions seem reasonable. This will allow housing to be developed on the property without requiring separate lots or larger lots of separate ownership to be created. This also creates a regulation whereby the owner can pursue different types of housing units that meet current market

demand in a timely manner. Any developed housing cannot be sold separately unless platted on a separate lot.

Yards (Building Setbacks): The applicant has requested the setback section be modified to remove the arterial/collector roadway centerline building setback reference, and to be subject to only meeting the setback of thirty five (35') from property line along Pole Line Rd and Blue Lakes Boulevard North and fifteen (15') from property line along Bridgeview Blvd. Additionally they requested a section of Pole Line Road to be subject to a twenty (20') from property line setback.

Although the removal of the centerline building setback reference may appear to have an impact on future road widening, while reviewing this request it was reaffirmed we currently have 115 feet of right of way, and have only developed 75 feet (back of sidewalk to back of sidewalk). Removing the centerline building setback reference will not affect currently dedicated right of way, but it will allow the use of more property for buildings and uses by increasing the available land area for buildings.

Arterial Landscaping: The current code requires a minimum of 35' from back of sidewalk on arterials; Blue Lakes Blvd N and Pole Line Rd E. The requested change would permit an **average depth** of landscaping instead of a constant depth. The applicant has requested a minimum landscape strip of 15' from the back of sidewalk, so no portion of landscaping would be less than that in any one area on the perimeter of the MV Mall site.

Averaging the depth of gateway arterial landscaping is an innovative way of providing some relief to areas that are restricted by existing geography and restraints on properties while still providing the total landscaped area along major roadways. If the applicant needs to narrow the landscaping to accomplish a competing requirement, they will need to provide that loss in area in an adjacent location to average that loss out. The net result is the same, a landscaped area along our major arterials; BLBN and Poleline and the collector; Bridgeview, to provide a welcoming feel and aesthetically appealing (no sea of asphalt) in our community, which is the purpose of the gateway arterial landscaping requirement.

Off Street parking: The applicant has requested to modify the parking standard in order to accommodate more areas for buildings and increase the parking utilization of current facilities. The ratio they are requesting is 3.5 spaces per thousand square feet of building and/or utilized outside patio area. This is due to the volume of square footage they deal with. Our current code has a varied ratio based upon use but the average is 1 space per 250 sq ft (for general retail). To compare them equally, they are asking to be reviewed at 1 space per 285 sq ft. Additionally, they have requested to remove all "common areas" from the commercial parking calculation.

In addition the request also includes a modification is to allow a joint or shared use of the parking between residential and commercial uses. The way the modification is written, 1 of the residential spaces would be reserved exclusively for residential parking, the other space could be counted for or used by the surrounding or nearby commercial businesses.

The dual concept of reducing the parking requirement and allowing shared or joint use parking areas between residential and commercial entities within a single project is an established practice within the planning profession across the country. As large retailers move out or close, malls are looking to other models and modes of entertainment and commercial enterprises to keep these

large properties productive. Part of this productivity is having mixed uses and a more compact/walkable development pattern. By reducing the parking requirement, it frees up some of the property to be used for other buildings and uses.

Signs: The applicant is requesting to be subject to the current sign code with one modification to allow the “pennant signs” currently installed. All future signs would need to follow current city code, or as modified by the city in the future.

The change to follow current city code will greatly help city staff review applications for sign permits at this location. Staff does believe this change will allow the mall to have more signage on the property, the total amount has not been calculated. However, we have done some preliminary research on large freestanding signs and we believe they may have a few more per current code, these would be primarily on Blue Lakes and Pole Line.

Future Buildings: The applicant has made it clear, they have not submitted a Master Development/Conceptual Plan. The conceptual plan submitted only shows existing buildings and previously approved pad sites. This does not portray where future buildings may be located. With the change to follow the C-1 Code, additional buildings will need to follow the development criteria of the C-1 Zone and this ZDA document in order to be constructed.

This is a crucial part of this ZDA, the MV Mall is seeking to be treated like any other C-1 property in regards to number of buildings on the property, and allowing different/mixed uses on the property which follow the base Zoning Code created and enforced by the City – with the exceptions they have requested. From a staff perspective, this type of development and agreement falls in-line with the Comprehensive Plan and its directives to have a Mixed Use type of land uses in this area.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for “Mixed Use.” This designation is to be targeted at intersections of major arterials, anchored by commercial, civic, or entertainment uses and allows high-intensity mixed uses in compact pedestrian oriented environments. The types of commercial uses should be retail, office, restaurant, hotel, and mixes of residential land uses. Staff has determined this request complies with the 2016 comprehensive plan.

On January 9, 2018 the Planning and Zoning Commission held the public hearing on this item, during which a lengthy discussion amongst the Commissioners on the topic of conceptual plans, building elevations, and materials ensued. A decision was reached and the Commission unanimously recommended approval of the request as presented with the following condition:

- 1. Subject to all future buildings being designed with first class architecture, materials, and workmanship; and are to be harmonious and appropriate in appearance with the existing characteristics of the surrounding area.***

Conclusion:

The City Council is asked to make a decision on this request. The Council may approval of this request as presented, approve this request subject to conditions, denying this request, or seek additional information by tabling this request for a later date.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. ZDA – Written Commitment
6. Conceptual and Sign Plan
7. PZ Minutes Jan 9, 2018



1485 POLE LINE ROAD EAST, TWIN FALLS IDAHO 83301
+ 208 733 3000 + 208 733 3283 FAX

Magic Valley Mall L.L.C.
1485 Poleline Rd. East
Twin Falls, Idaho 83301
Attn: Brent White C.S.M.

The Honorable Mayor Mr. Shawn Barigar
Members of the City Council
Members of The City Planning and Zoning Commission
Members of the City Staff
The City of Twin Falls 103 Main Ave. E
Twin Falls, Idaho 83301

Re: Request for rezone – Magic Valley Mall

Dear Mr. Mayor,

Attached you will find the application of Magic Valley Mall L.L.C for request to rezone from C-1 PUD to C-1 ZDA for its owned property; Magic Valley Mall.

This application is submitted for consideration after extensive consultation with members of the City staff to accomplish three objectives as follows:

- a. The current development agreement with the City includes an original PUD dated 2/6/1984 and many subsequent modifications and amendments of that agreement. Plan review and other City staff duties related to the subject property are currently quite difficult due to the extensive nature of many agreements entered into with the City over multiple decades. The proposed ZDA will greatly simplify City staff review tasks as it will address most of the pertinent development requirements and specifics in a single document.
- b. The proposed ZDA will permit mixed use development including retail, office and residential uses subject to applicable code and the terms of the proposed ZDA.
- c. The needs of commercial enterprise change rapidly in the modern era. The proposed Agreement will allow within the terms of City code and the Agreement for adaptive development over time vital to ensuring that the subject property may continue to serve and enhance the nature of the community.

The proposed zoning conforms to the City's Comprehensive Plan as the subject site is within the C-1 zone and otherwise meets related Plan provisions. The intended use of the subject property as retail, residential and office development is compatible in every respect to all surrounding



1485 POLE LINE ROAD EAST, TWIN FALLS IDAHO 83301
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properties. Included with this application is the proposed Mixed Use Residential and Commercial Zoning Development Agreement describing requested exceptions which are important due to specific characteristics of the site and for achieving the purposes described in this application. We thank all who will consider this application for your part in this process and look forward to responding to your concerns.

Best Regards,

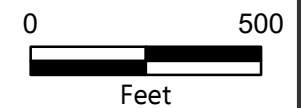
Brent White C.S.M.
Magic Valley Mall L.L.C.

Attached:

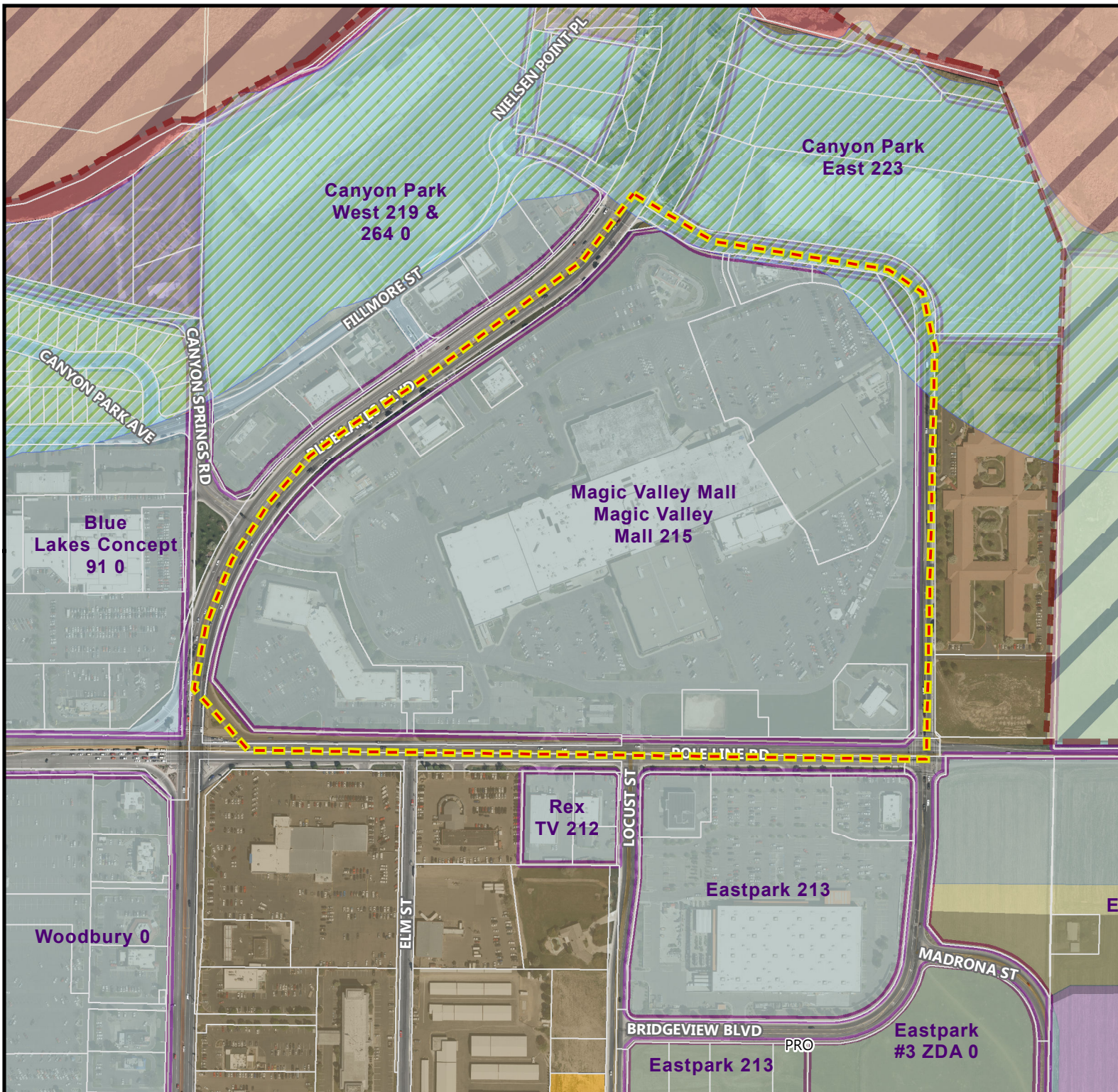
- Zoning District Change Application
- Subject property proof of ownership – deed
- Mixed Use Residential and Commercial Zoning Development Agreement
- Exhibit "A" – subject property Site Plan

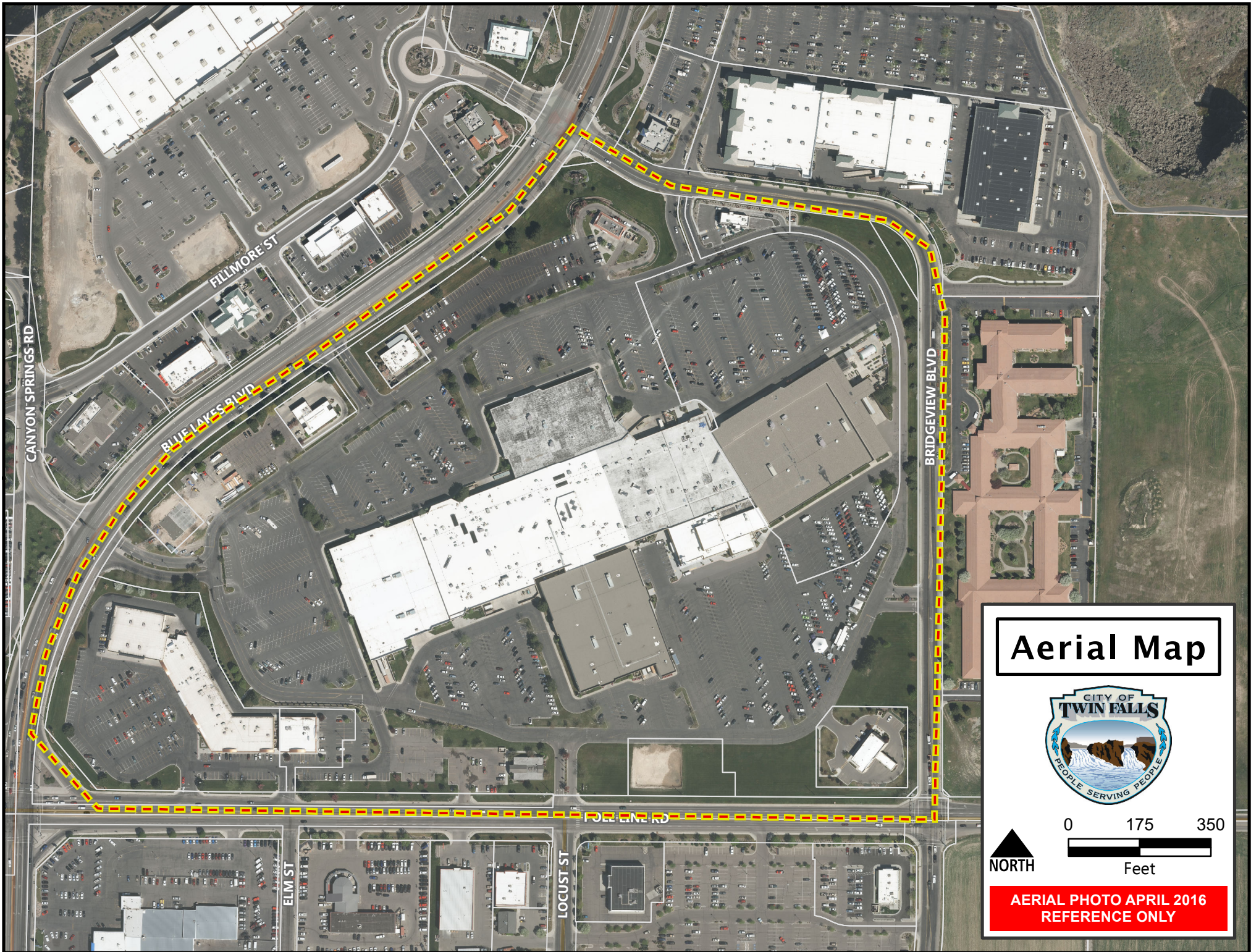
Zoning Vicinity Map

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



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**





Aerial Map

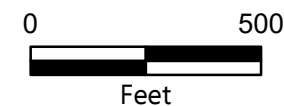


0 175 350
Feet

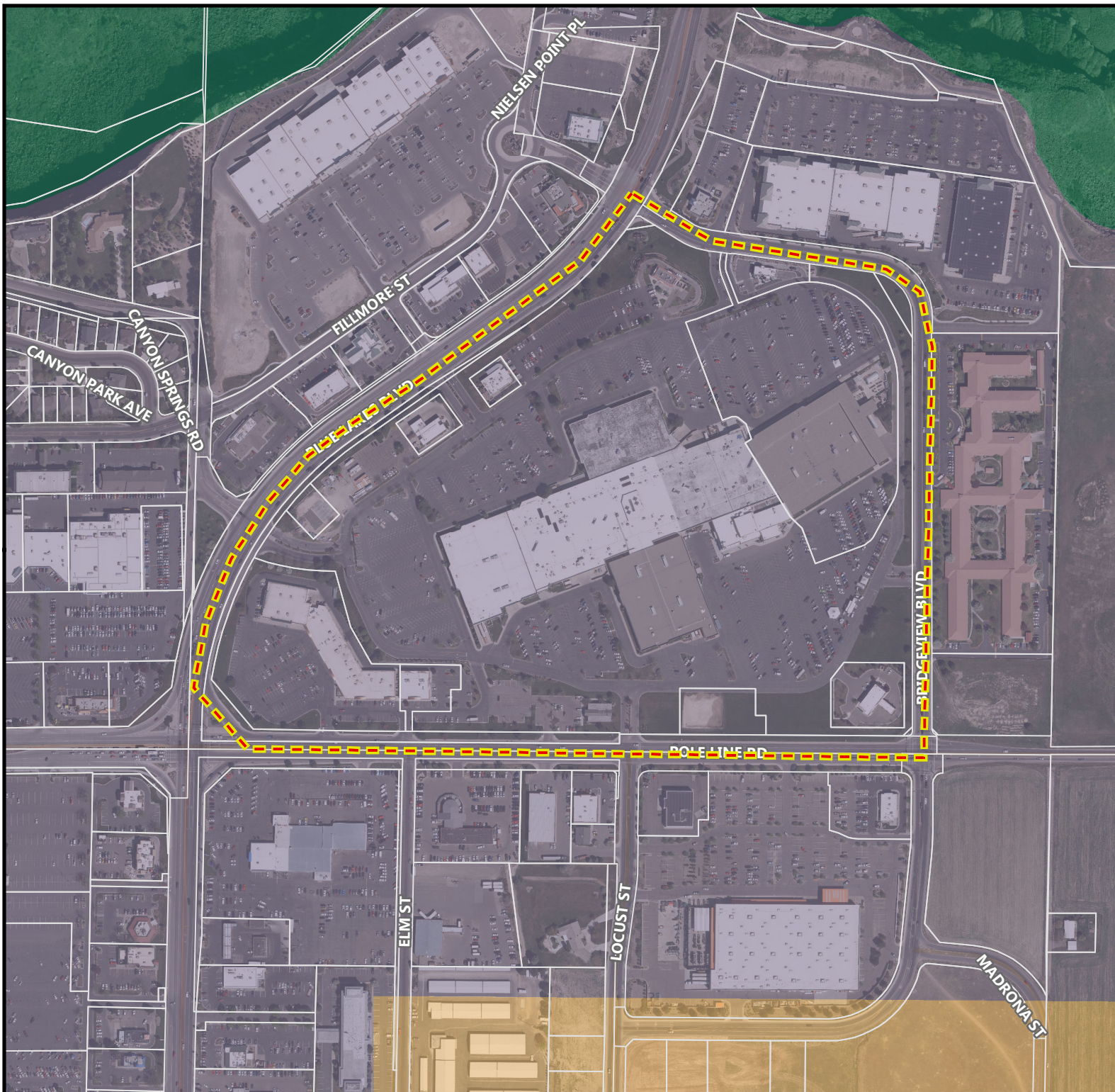
AERIAL PHOTO APRIL 2016
REFERENCE ONLY

Future Land Use Map

- Mixed Use
- Natural Areas
- Town Neighborhood



AERIAL PHOTO APRIL 2016
REFERENCE ONLY



Mixed Use Residential & Commercial Zoning Development Agreement

Written Commitment Document

This Zoning Development Agreement is entered into as of the ____ day of _____, 2018 by and between the City of Twin Falls, Idaho, a Municipal Corporation (hereinafter called "City") and Magic Valley Mall L.L.C., a Utah Limited Liability Company (hereinafter called "MVM") whose address is 2733 Parley's Way, Suite 300, Salt Lake City, Utah 84109

MVM is the developer of a regional shopping center in the City of Twin Falls on the land and as depicted in Exhibit "A", attached hereto developed in accordance with provisions of a PUD agreement dated February 6th, 1984 and subsequent amendments thereto between the City of Twin Falls and MVM and its predecessors in interest.

WHEREAS, the parties hereto now desire to enter into agreement of this written commitment document.

NOW THEREFORE:

1. All future development and improvements shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 8, or as amended, and all references to other sections therein except for the following:
2. Use Regulations: Modified to include the following:
 - (A). Permitted Uses:
 1. Retail Trade: Alcoholic Beverages when consumed on the premises
 2. Transportation: Parking Structures
 3. Miscellaneous: Drive-Thru Facilities
 4. *Sports:* Indoor recreation/entertainment facilities
 - (B). Special Uses: No Change Requested
 - (C). Prohibited Uses: No Change Requested
4. Property Development Standards:
 - (A). Lot Area : Modified as follows:
 1. Residential Uses: No Minimum.
 - (B). Lot Occupancy: Modified as follows:
 1. Residential Uses: No Maximum.
 - (C). Building Height: No change requested.
 - (D). Yards: Replaced as follows:
 1. Commercial Uses And Residential Uses:
 - a. Front Yards: A building setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. The Poleline Road property

frontage between Locust Street and Bridgeview Boulevard shall require a building setback of twenty feet (20') in order to mitigate the effects of the natural steep slope on ADA accessibility. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission, subject to the following exceptions:

- (1). A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five feet (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
- (2). Outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of twenty feet (20') or the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area proposed within a required setback must be approved by the planning and zoning commission.

b. Side And Rear Yards: No property line setbacks are required on side yard or rear yards.

(E). Access: No Change Requested

(F). Landscaping: Additional standards set forth hereafter.

1. Arterial Landscaping to be modified as follows:

- a. Perimeter/Frontage landscaping shall be an average depth of thirty (30) feet, with no area having a depth less than fifteen(15) feet, measured from back of Curb. If, by requirement of governmental authority, curbs are relocated reducing the landscaped area, the required depth will be reduced by the same distance or measurement.

(G). Off Street Parking: Modified as follows:

1. Commercial Uses shall be parked at an overall ratio of three and one-half (3.5) spaces per one thousand (1000) square feet.
 - a. Common areas are exempt from the parking ratio calculation. Examples of common areas are as follows: access areas, foyers, hallways, pathways, stairways, vestibules.
 - (1). If any portion of the aforementioned areas are used for retail trade purposes, that specific square footage shall be counted towards the overall parking ratio.
2. Residential Units shall provide two (2) parking space for each dwelling unit.
 - a. One of the parking spaces may be attributed to shared or joint use with surrounding businesses or common parking area and may be counted for the purposes of required parking ratios listed in 4-(G)-1 above. In this event, a cross-use agreement duly signed and recorded by applicable parties shall be required.
3. All other parking regulations found in current City Code, or as amended, shall still apply.

(H). Signs: Modified to include the following

1. Monument signs as depicted and described in Exhibit A shall be allowed as currently installed.



2. Pennant signs of the general size and number in Exhibit A shall be allowed without permit within the development in the following manner.
 - a. Maximum size of each pennant: 32.6 sq ft
 - b. Maximum Height : 17'
 - c. Maximum of thirty (30) pennant signs shall be allowed on the subject property.
 3. Existing signage which does not meet current City Code Title 10 Chapter 9 shall be considered legal non-conforming.
 - a. Such signage, excepting Pennant Signs, shall be counted toward the total maximum square footage as listed in their respective category, or similar category, as assigned by the Zoning Administrator.
 4. Any new signage shall meet current City Code or as amended.
- (I). Walls, Fences, Hedges, Trees, Shrubs, and Landscaping Structures: no change requested

5. Other Site development Criteria – if applicable

1. Density: No change requested
2. Building Coverage – The Conceptual plan portrays existing buildings. This should not prohibit new buildings within the development which follow criteria as listed in this document, or in the base C-1 Zoning code.
3. Lot Width: No change requested
4. Lot Depth: No change requested.
5. Multi-Use Transportation Access and Pathways: No change requested.
6. Screening: No change requested.
7. Primary Building materials: No change requested.



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

City of Twin Falls, a Municipal Corporation
By: Mayor

Magic Valley Mall, L.L.C.,

By: WOODBURY CORPORATION, a Utah Corporation,
Its Manager



By: O Randall Woodbury, Its President

By: W Richards Woodbury, Chairman

By: THORTON DEVELOPMENT AND
INVESTMENT, L.L.C., a Utah limited liability
Company, Its Co-Manager

By: Scott W. Thornton, Its Manager

STATE OF Idaho }

COUNTY OF Twin Falls }

On this 11 day of December, 2017, before me, a Notary Public in and for the said County and State, personally appeared O Randall Woodbury, Its President ~~and W. Richards Woodbury, Its Chairman,~~ known or identified to me to be the individuals whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Heather D. Barrett
NOTARY PUBLIC

Residing At: Twin Falls, Idaho

My Commission Expires: 8/23/2019

STATE OF _____ }

COUNTY OF _____ }

On this ____ day of _____, 20__, before me, a Notary Public in and for the said County and State, personally appeared Scott W Thornton its Manager, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

NOTARY PUBLIC

Residing At: _____

My Commission Expires: _____

WS

STATE OF _____ }

COUNTY OF _____ }

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

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

NOTARY PUBLIC

Residing At: _____

My Commission Expires: _____



EXHIBIT "A"
insert

W

C	h	h ₁	h ₂	h ₃	h ₄	h ₅	h ₆	h ₇	h ₈	h ₉	h ₁₀	h ₁₁	h ₁₂	h ₁₃	h ₁₄	h ₁₅	h ₁₆	h ₁₇	h ₁₈	h ₁₉	h ₂₀	h ₂₁	h ₂₂	h ₂₃	h ₂₄	h ₂₅	h ₂₆	h ₂₇	h ₂₈	h ₂₉	h ₃₀	h ₃₁	h ₃₂	h ₃₃	h ₃₄	h ₃₅	h ₃₆	h ₃₇	h ₃₈	h ₃₉	h ₄₀	h ₄₁	h ₄₂	h ₄₃	h ₄₄	h ₄₅	h ₄₆	h ₄₇	h ₄₈	h ₄₉	h ₅₀	h ₅₁	h ₅₂	h ₅₃	h ₅₄	h ₅₅	h ₅₆	h ₅₇	h ₅₈	h ₅₉	h ₆₀	h ₆₁	h ₆₂	h ₆₃	h ₆₄	h ₆₅	h ₆₆	h ₆₇	h ₆₈	h ₆₉	h ₇₀	h ₇₁	h ₇₂	h ₇₃	h ₇₄	h ₇₅	h ₇₆	h ₇₇	h ₇₈	h ₇₉	h ₈₀	h ₈₁	h ₈₂	h ₈₃	h ₈₄	h ₈₅	h ₈₆	h ₈₇	h ₈₈	h ₈₉	h ₉₀	h ₉₁	h ₉₂	h ₉₃	h ₉₄	h ₉₅	h ₉₆	h ₉₇	h ₉₈	h ₉₉	h ₁₀₀	h ₁₀₁	h ₁₀₂	h ₁₀₃	h ₁₀₄	h ₁₀₅	h ₁₀₆	h ₁₀₇	h ₁₀₈	h ₁₀₉	h ₁₁₀	h ₁₁₁	h ₁₁₂	h ₁₁₃	h ₁₁₄	h ₁₁₅	h ₁₁₆	h ₁₁₇	h ₁₁₈	h ₁₁₉	h ₁₂₀	h ₁₂₁	h ₁₂₂	h ₁₂₃	h ₁₂₄	h ₁₂₅	h ₁₂₆	h ₁₂₇	h ₁₂₈	h ₁₂₉	h ₁₃₀	h ₁₃₁	h ₁₃₂	h ₁₃₃	h ₁₃₄	h ₁₃₅	h ₁₃₆	h ₁₃₇	h ₁₃₈	h ₁₃₉	h ₁₄₀	h ₁₄₁	h ₁₄₂	h ₁₄₃	h ₁₄₄	h ₁₄₅	h ₁₄₆	h ₁₄₇	h ₁₄₈	h ₁₄₉	h ₁₅₀	h ₁₅₁	h ₁₅₂	h ₁₅₃	h ₁₅₄	h ₁₅₅	h ₁₅₆	h ₁₅₇	h ₁₅₈	h ₁₅₉	h ₁₆₀	h ₁₆₁	h ₁₆₂	h ₁₆₃	h ₁₆₄	h ₁₆₅	h ₁₆₆	h ₁₆₇	h ₁₆₈	h ₁₆₉	h ₁₇₀	h ₁₇₁	h ₁₇₂	h ₁₇₃	h ₁₇₄	h ₁₇₅	h ₁₇₆	h ₁₇₇	h ₁₇₈	h ₁₇₉	h ₁₈₀	h ₁₈₁	h ₁₈₂	h ₁₈₃	h ₁₈₄	h ₁₈₅	h ₁₈₆	h ₁₈₇	h ₁₈₈	h ₁₈₉	h ₁₉₀	h ₁₉₁	h ₁₉₂	h ₁₉₃	h ₁₉₄	h ₁₉₅	h ₁₉₆	h ₁₉₇	h ₁₉₈	h ₁₉₉	h ₂₀₀	h ₂₀₁	h ₂₀₂	h ₂₀₃	h ₂₀₄	h ₂₀₅	h ₂₀₆	h ₂₀₇	h ₂₀₈	h ₂₀₉	h ₂₁₀	h ₂₁₁	h ₂₁₂	h ₂₁₃	h ₂₁₄	h ₂₁₅	h ₂₁₆	h ₂₁₇	h ₂₁₈	h ₂₁₉	h ₂₂₀	h ₂₂₁	h ₂₂₂	h ₂₂₃	h ₂₂₄	h ₂₂₅	h ₂₂₆	h ₂₂₇	h ₂₂₈	h ₂₂₉	h ₂₃₀	h ₂₃₁	h ₂₃₂	h ₂₃₃	h ₂₃₄	h ₂₃₅	h ₂₃₆	h ₂₃₇	h ₂₃₈	h ₂₃₉	h ₂₄₀	h ₂₄₁	h ₂₄₂	h ₂₄₃	h ₂₄₄	h ₂₄₅	h ₂₄₆	h ₂₄₇	h ₂₄₈	h ₂₄₉	h ₂₅₀	h ₂₅₁	h ₂₅₂	h ₂₅₃	h ₂₅₄	h ₂₅₅	h ₂₅₆	h ₂₅₇	h ₂₅₈	h ₂₅₉	h ₂₆₀	h ₂₆₁	h ₂₆₂	h ₂₆₃	h ₂₆₄	h ₂₆₅	h ₂₆₆	h ₂₆₇	h ₂₆₈	h ₂₆₉	h ₂₇₀	h ₂₇₁	h ₂₇₂	h ₂₇₃	h ₂₇₄	h ₂₇₅	h ₂₇₆	h ₂₇₇	h ₂₇₈	h ₂₇₉	h ₂₈₀	h ₂₈₁	h ₂₈₂	h ₂₈₃	h ₂₈₄	h ₂₈₅	h ₂₈₆	h ₂₈₇	h ₂₈₈	h ₂₈₉	h ₂₉₀	h ₂₉₁	h ₂₉₂	h ₂₉₃	h ₂₉₄	h ₂₉₅	h ₂₉₆	h ₂₉₇	h ₂₉₈	h ₂₉₉
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MAJOR'S COURTS
FOODCOURT COURTYARD
NON MALL MONUMENT SIGN

SHOPPING CENTER BOUNDARY
KIOSK (5' WIDE x 12' LONG)
WITH 12' CLEARANCE
SWITCH GEAR LOCATION

- 3.5/1,000 s.f. Parking Ratio Retail/Commercial
- 2.0/unit - Residential
- Drawing depicts site as of 1/1/18. Subject to change according to ZDA terms.

 $\infty = 1$

SITE

WWW.ASTROTYPE.COM

RECEIVED DATE:
NOVEMBER 30, 2011

MAGIC VALLEY MALL
MASTER SITE PLAN
TWIN FALLS, IDAHO



WOODBURY
CORPORATION

LYNN S. WOODBURY AND ASSOCIATES, ARCHITECTS
2733 EAST PARLEYS WAY, SUITE 300
SALT LAKE CITY, UTAH 84109
(801) 485-7770

all

MM - Mall Monument
PM - Pad Monument
P - Pennant

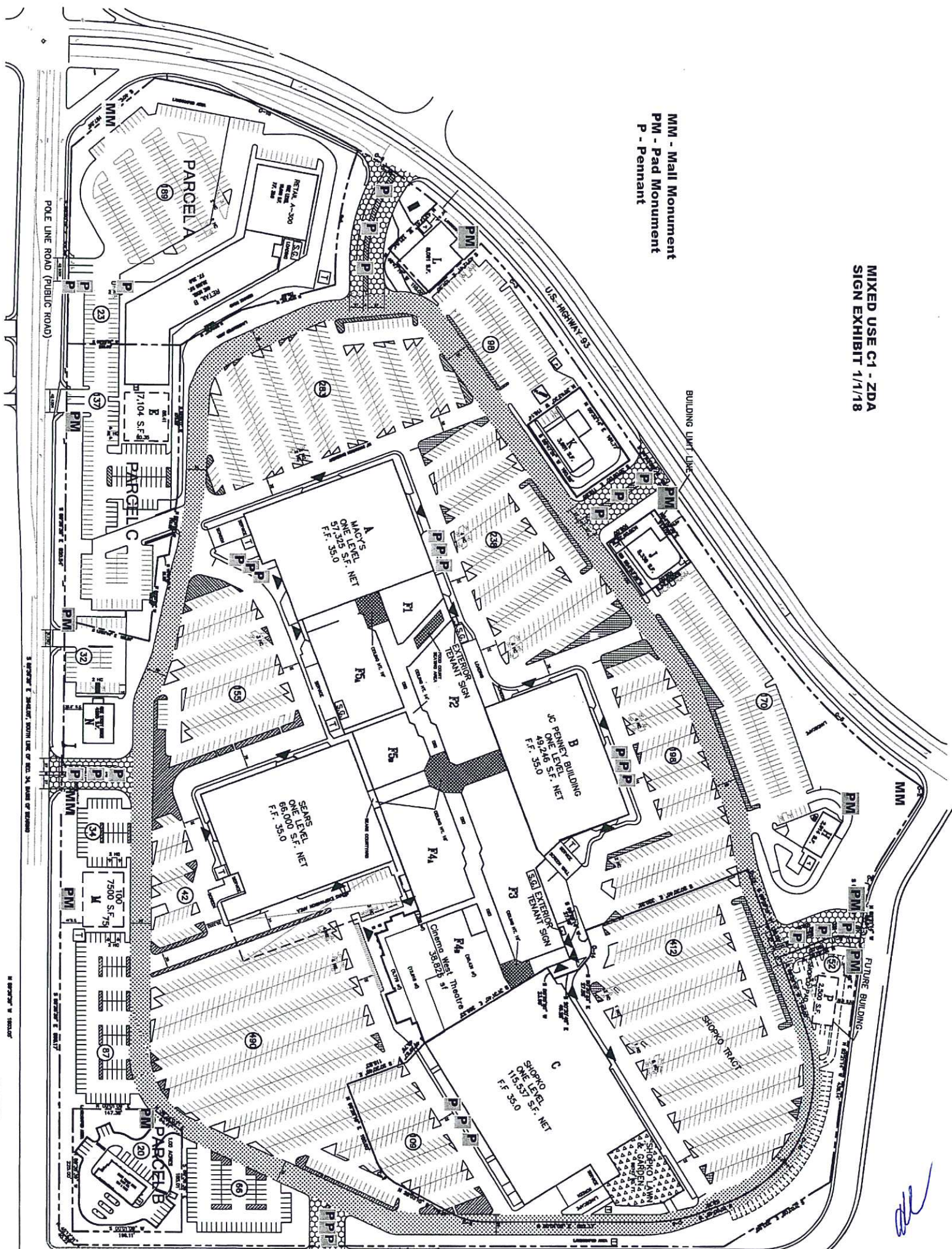


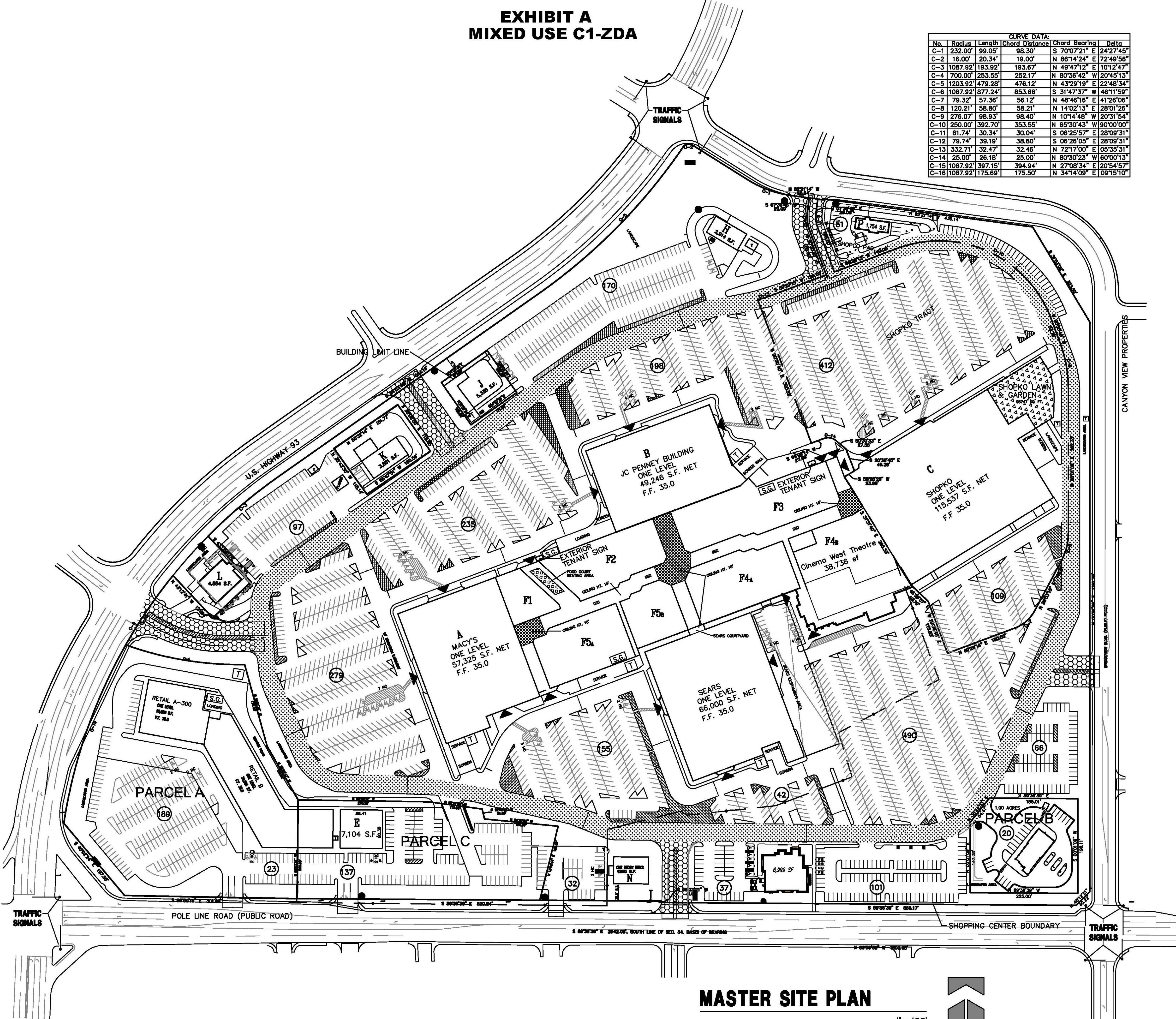
EXHIBIT A
MIXED USE C1-ZDA

CURVE DATA:					
No.	Radius	Length	Chord Distance	Chord Bearing	Delta
C-1	232.00'	99.05'	98.30'	S 70°07'21" E	24°27'45"
C-2	16.00'	20.34'	19.00'	N 86°14'24" E	72°49'56"
C-3	1087.92'	193.92'	193.67'	N 49°47'12" E	10°12'47"
C-4	700.00'	253.55'	252.17'	N 80°36'42" W	20°45'13"
C-5	1203.92'	479.28'	476.12'	N 43°29'19" E	22°48'34"
C-6	1087.92'	877.24'	853.66'	S 31°47'37" W	46°11'59"
C-7	79.32'	57.36'	56.12'	N 48°48'16" E	41°26'06"
C-8	120.21'	58.80'	58.21'	N 14°02'13" E	28°01'26"
C-9	276.07'	98.93'	98.40'	N 101°4'48" W	20°31'54"
C-10	250.00'	392.70'	353.55'	N 65°30'43" W	90°00'00"
C-11	61.74'	30.34'	30.04'	S 06°25'57" E	28°09'31"
C-12	79.74'	39.19'	38.80'	S 06°26'05" E	28°09'31"
C-13	332.71'	32.47'	32.46'	N 72°17'00" E	05°35'31"
C-14	25.00'	26.18'	25.00'	N 80°30'23" W	60°00'13"
C-15	1087.92'	397.15'	394.94'	N 27°08'34" E	20°54'57"
C-16	1087.92'	175.69'	175.50'	N 34°14'09" E	09°15'10"

- MAJOR'S COURTS
- FOODCOURT COURTYARD
- NON MALL MONUMENT SIGN
- MONUMENT SIGN
- ENTRY LOCATIONS
- PLANTED ISLAND (IN PARKING AREA)
- PAINTED ISLAND
- FUTURE PARKING
- FUTURE BUILDING/FUTURE EXPANSION
- SHOPPING CENTER BOUNDARY
- KIOSK (5' WIDE x 12' LONG) WITH 12' CLEARANCE
- S.G. SWITCH GEAR LOCATION
- B.S. BUILDING SET BACK
- T TRANSFORMER
- RING ROAD
- ACCESS ROAD

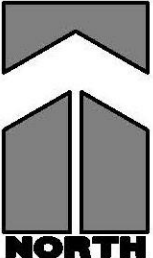
- 3.5/1,000 s.f Parking Ratio
Retail/Commercial
- 2.0/unit - Residential

- Drawing depicts site as of 1/1/18.
Subject to change according to ZDA terms.



MASTER SITE PLAN

1" = 100'



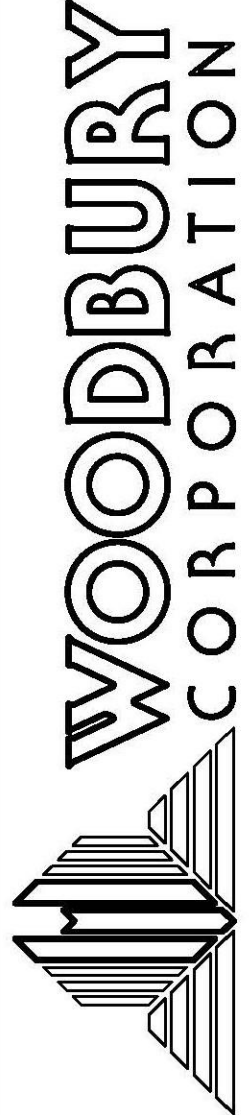
MAGIC VALLEY MALL
MASTER SITE PLAN

TWIN FALLS, IDAHO

DRAWING DATE:
NOVEMBER 30, 2011
REVISION DATE:

11111-MASTER SITE PLAN

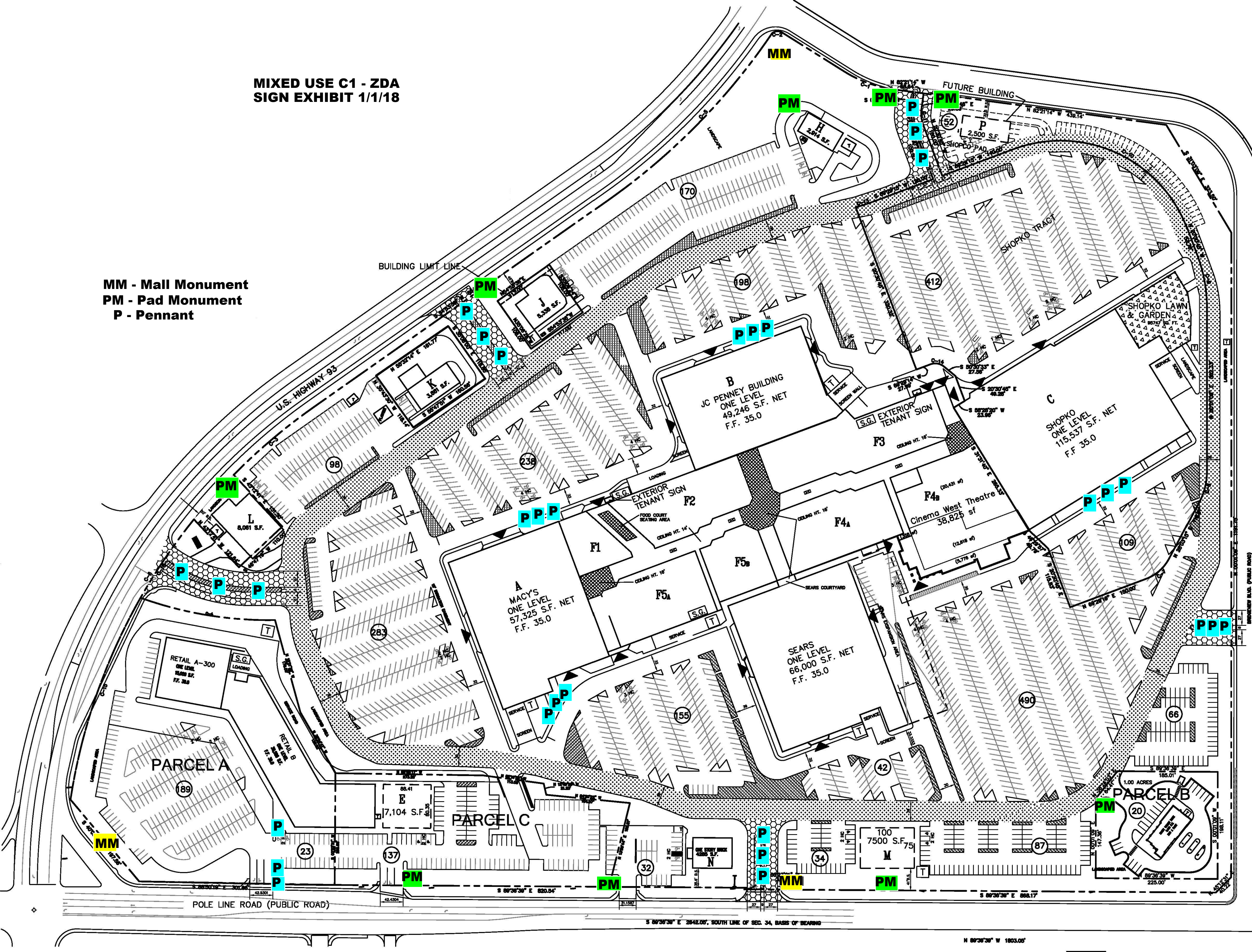
SITE



LYNN S. WOODBURY AND ASSOCIATES, ARCHITECTS
2733 EAST PARLEY'S WAY, SUITE 300
SALT LAKE CITY, UTAH 84109
(801) 485-7770

MIXED USE C1 - ZDA
SIGN EXHIBIT 1/1/18

MM - Mail Monument
PM - Pad Monument
P - Pennant



The applicant nor staff anticipate any negative impact to the surrounding properties upon approval of this request, as there are generally intense commercial uses in the area.

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 compliance with all State, County and City licensing requirements prior to issuance of the SUP.

Public Hearing: Opened & Closed

Discussion Followed:

- Commissioner Musser asked if staff understood why this was a requirement in the Canyon Rim Overlay.
- Senior Planner Spendlove explained he is unaware of the reason this is a requirement.

Motion:

Commissioner Musser made a motion to approve the request, as presented.
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 compliance with all State, County and City licensing requirements prior to issuance of the SUP.

- h) Request for a **Zoning District Change & Zoning Map Amendment** from C-1 PUD to C-1 ZDA for the Magic Valley Mall approximately 58 (+/-) acres on property located at 1485 Pole Line Road East. c/o Brent White on behalf of Magic Valley Mall (app. 2919)

Applicant Presentation:

Brent White, representing the applicant, stated he is here to review the items and answer any questions the Commission may have. He explained that their business has to be very flexible and ever changing because the market changes quickly. Usually when they are approached by a business to open a space at the mall they are given a very small window of opportunity to respond to the request. Because the current PUD has had multiple amendments and is very

specific to the site, it sometimes makes it very difficult to respond to these potential businesses. The mall would therefore like to move from a PUD zoning to a ZDA zoning to allow them more flexibility. Their business changes very rapidly and they need to be able to be responsive to the changes in the market place. In this request the ZDA will comply with the C-1 zone but does have a few exceptions listed. These exceptions area:

1. Alcoholic Beverages when consumed on the premises be an outright permitted use,
2. Parking Structures be an outright permitted use,
3. Drive-thru facilities be an outright permitted use,
4. Indoor recreations/entertainment facilities be an outright permitted use.
5. Setback adjustments as explained in the proposed agreement, and
6. Parking allowances as explained in the proposed agreement

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated the Magic Valley Mall has a long history in Twin Falls. In the early 1980's zoning actions took place to establish a C-1 PUD on the original mall parcel under one owner. Prior to that, it was agricultural land. Throughout the years, multiple plats, PUD's and amendments to PUD's took place, the latest occurring in 2014. These various PUD's added/platted additional pad sites, several have been sold to other businesses, made concessions to the Sign Code (the previous version), and enacted various other development requirements including landscaping, height limitations, land uses and other site criteria.

This is a request to rezone the "Original" Magic Valley Mall property from C-1 PUD to C-1 ZDA. This rezone to ZDA would remove the restrictions and requirements of the previously enacted PUD's, although not entirely rescinding any Plat requirements found in those documents.

City Code requires the applicant to request a "Base" Zoning Code to apply to some or all areas as identified on the Conceptual Plan. The application has identified the C-1 Zone to apply to the entire area. Also as part of the ZDA, the applicant is requesting some exceptions to the C-1 Zone, these are outlined in the Written Commitment Document.

The main exceptions identified by the applicant are: adding some land uses into the permitted use section, eliminating residential lot area and occupancy, reducing building setbacks, reducing centerline setbacks, modifying perimeter landscaping, modifying off street parking ratios, and signage allowances. The exceptions will be listed in the following analysis by identifying the **Code Section** – including any summarization of that code section, then followed by *Staff commentary on the possible impacts of these requested exceptions*.

Per City Code 10-4-8 C1 Zoning District:

Use Regulations: The following uses are being requested by the applicant to be permitted outright. These uses are not currently listed within the "Permitted" section and would either require a Special Use Permit; *alcohol consumption on premises, Drive-Thru Facilities, Indoor Recreation Facilities* or the uses are not currently identified in code; *Parking Structures, Entertainment Facilities*.

The requested exceptions to allow these types of Land Uses as an outright

permitted use would remove any further public hearing process.

Property Development Standards: Residential Uses are required to adhere to certain property and development standards such as lot area, lot occupancy, building height, yards (setbacks), access, landscaping, off street parking ratios, and signs. Each area the applicant has requested a change will be addressed independently.

Lot Area and Lot Occupancy: The exception listed by the applicant is to remove the minimum lot area and maximum lot occupancy.

As the applicant has expressed a desire to venture into the possibility of housing options on the property, these exceptions seem reasonable. This will allow housing to be developed on the property without requiring separate lots or larger lots of separate ownership to be created. This also creates a regulation whereby the owner can pursue different types of housing units that meet current market demand in a timely manner. Any developed housing cannot be sold separately unless platted on a separate lot.

Yards (Building Setbacks): The applicant has requested the setback section be modified to remove the arterial/collector roadway centerline building setback reference, and to be subject to only meeting the setback of thirty five (35') from property line along Pole Line Rd and Blue Lakes Boulevard North and fifteen (15') from property line along Bridgeview Blvd. Additionally they requested a section of Pole Line Road to be subject to a twenty (20') from property line setback.

Although the removal of the centerline building setback reference may appear to have an impact on future road widening, while reviewing this request it was reaffirmed we currently have 115 feet of right of way, and have only developed 75 feet (back of sidewalk to back of sidewalk). Removing the centerline building setback reference will not affect currently dedicated right of way, but it will allow the use of more property for buildings and uses by increasing the available land area for buildings.

Arterial Landscaping: The current code requires a minimum of 35' from back of sidewalk on arterials; Blue Lakes Blvd N and Pole Line Rd E. The requested change would permit an **average depth** of landscaping instead of a constant depth. The applicant has requested a minimum landscape strip of 15' from the back of sidewalk, so no portion of landscaping would be less than that in any one area on the perimeter of the MV Mall site.

Averaging the depth of gateway arterial landscaping is an innovative way of providing some relief to areas that are restricted by existing geography and restraints on properties while still providing the total landscaped area along major roadways. If the applicant needs to narrow the landscaping to accomplish a competing requirement, they will need to provide that loss in

area in an adjacent location to average that loss out. The net result is the same, a landscaped area along our major arterials; BLBN and Poleline and the collector; Bridgeview, to provide a welcoming feel and aesthetically appealing (no sea of asphalt) in our community, which is the purpose of the gateway arterial landscaping requirement.

Off Street parking: The applicant has requested to modify the parking standard in order to accommodate more areas for buildings and increase the parking utilization of current facilities. The ratio they are requesting is 3.5 spaces per thousand square feet of building and/or utilized outside patio area. This is due to the volume of square footage they deal with. Our current code has a varied ratio based upon use but the average is 1 space per 250 sq ft (for general retail). To compare them equally, they are asking to be reviewed at 1 space per 285 sq ft. Additionally, they have requested to remove all “common areas” from the commercial parking calculation.

In addition the request also includes a modification is to allow a joint or shared use of the parking between residential and commercial uses. The way the modification is written, 1 of the residential spaces would be reserved exclusively for residential parking, the other space could be counted for or used by the surrounding or nearby commercial businesses.

The dual concept of reducing the parking requirement and allowing shared or joint use parking areas between residential and commercial entities within a single project is an established practice within the planning profession across the country. As large retailers move out or close, malls are looking to other models and modes of entertainment and commercial enterprises to keep these large properties productive. Part of this productivity is having mixed uses and a more compact/walkable development pattern. By reducing the parking requirement, it frees up some of the property to be used for other buildings and uses.

Signs: The applicant is requesting to be subject to the current sign code with one modification to allow the “pennant signs” currently installed. All future signs would need to follow current city code, or as modified by the city in the future.

The change to follow current city code will greatly help city staff review applications for sign permits at this location. Staff does believe this change will allow the mall to have more signage on the property, the total amount has not been calculated. However, we have done some preliminary research on large freestanding signs and we believe they may have a few more per current code, these would be primarily on Blue Lakes and Pole Line.

Future Buildings: The applicant has made it clear, they have not submitted a Master Development/Conceptual Plan. The conceptual plan submitted only shows existing buildings and previously approved pad sites. This does not portray where future buildings

may be located. With the change to follow the C-1 Code, additional buildings will need to follow the development criteria of the C-1 Zone and this ZDA document in order to be constructed.

This is a crucial part of this ZDA, the MV Mall is seeking to be treated like any other C-1 property in regards to number of buildings on the property, and allowing different/mixed uses on the property which follow the base Zoning Code created and enforced by the City – with the exceptions they have requested. From a staff perspective, this type of development and agreement falls in-line with the Comprehensive Plan and its directives to have a Mixed Use type of land uses in this area.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for “Mixed Use.” This designation is to be targeted at intersections of major arterials, anchored by commercial, civic, or entertainment uses and allows high-intensity mixed uses in compact pedestrian oriented environments. The types of commercial uses should be retail, office, restaurant, hotel, and mixes of residential land uses. Staff has determined this request complies with the 2016 comprehensive plan.

Senior Planner Spendlove stated upon conclusion the Commission may recommend to the City Council approval of this request as presented, recommend approval of this request subject to conditions you feel may mitigate possible impacts, or recommend denying this request.

PZ Questions/Comments:

- Commissioner Higley asked if the higher density would create an impact to the area that may trigger a signal at the Locust Street and Pole Line Road entrance.
- Senior Planner Spendlove explained that requests for a use that could have a large impact on the traffic in the area would generate discussion with the developer and may create the need for a signal or other traffic safety measures to be executed. A warrant for a signal can also be triggered by a serious accident or fatality occurring at this location.
- Commissioner Woods explained he appreciates the proactive approach the applicant is taking however he is concerned that if they are allowed to build closer to the property lines if that will have a negative impact on the long term care facility “Bridgeview” across the street.
- Senior Planner Spendlove explained that this document is trying to give the mall some flexibility for building area and if these changes occur this may become a more diverse and viable area which could impact the neighbors.
- Commissioner Grey explained the development planned to the east of ‘Bridgeview’ will probably have a bigger impact to the facility.
- Commissioner Higley asked about height restrictions in the C-1 zone.
- Senior Planner Spendlove explained the height limit is 50’ anything taller requires a public hearing.

- Commissioner Grey stated the point of the ZDA is so that people would know what the development is going to look like in the future and asked if the plan shown is what the applicant will have to comply with in the future.
- Senior Planner Spendlove explained that the mall is already built and any new buildings will follow the C-1 zoning code and as a commercial entity trying to be responsive to change, it would be in their best interest to build something attractive.
- Commissioner Grey explained he agrees however, there is nothing in the verbiage of the agreement that states the development will be harmonious with the surrounding area.
- Commissioner Woods agreed, stating that would address his concerns.
- Commissioner Frank explained a ZDA was to allow the community to know what is planned, and if this is approved as presented, it may set a precedent for other requests that may come forward.
- Senior Planner Spendlove explained that one of Woodbury's values it to build malls of a first class nature, similar to those structures build across the country. This condition can be added to the agreement.
- Mr. White explained he thinks this is appropriate verbiage for the document. He also stated that when you are looking at a vacant piece of property it is absolutely essential to see a master plan that calls out how the development will look. In this situation the property is already built. The values that Woodbury follows state that they will build using first class architecture, workmanship and materials.

Public Hearing: Opened & Closed

Closing Statement:

Mr. White explained that with all of the notifications and the signs related to this request they have not had any comments from the public, making him believe that the community is comfortable with the request. This request is different from most request but is vital to a business that needs to remain creative and responsive to what has become a digital marketplace. He asked that they recommend approval of the request.

Discussion Followed:

- Commissioner Dawson explained she is not concerned with justifying anything for the building because the purpose of this request is to stay ahead of the curve and revitalize the area making it useful moving forward. However because it could set a precedent for future request that may come before the Commission the verbiage should be in the agreement because it is not going to change the intent of the application.
- Commissioner Frank stated this is very important for the community and it is a sound plan for the future. He has been to other places and seen development like this and they become an urban center amongst themselves, it is very exciting.
- Commissioner Musser explained he is supportive of the request.
- Commissioner Higley stated he is in support of the request and the City has a great deal of trust in what they do and whatever happens it will be with the community in mind.

Motion:

Commissioner Dawson made a motion to recommend approval of the request, as presented, to City Council and subject to the additional condition listed. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

1. Subject to all future building being designed with first class architecture, materials and workmanship and are to harmonious and appropriate in appearance with the existing characteristic of the surrounding area.

**Recommend for Approval, As Presented, To the City Council
Scheduled for City Council February 5, 2018**

7) Upcoming Meeting(s)

Zoning & Development Manager Carraway explained the next meeting has four scheduled items. Staff has received seven applications for the Zoning Vacancies. The posting will be open until January 22, 2018 reviews will be completed and interviews will then be scheduled. She also announced that she will be retiring and her last day will be April 20, 2018.

8) Adjournment

Chairman Frank adjourned the meeting at 7:56 pm.

Lisa A. Strickland, Administrative Assistant