



Twin Falls Planning & Zoning Commission Agenda

Tuesday, April 23, 2019, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Craig Hawkins; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consent Calendar
 - a) **ACTION ITEM:** Approval of Minutes from the following meeting: April 9, 2019
 - b) **ACTION ITEM:** Approval of Findings of Fact and Conclusions of Law:
 - SUP for Believers Church
 - SUP for Jay and Shelly Fort
- 3) Items of Consideration
 - a) **ACTION ITEM:** Request for consideration of a preliminary plat for the Fieldwood Professional Subdivision, located at the 1000 Block of Cheney Drive West, on behalf of Brad Wills c/o EHM Engineers, Inc. (PZ19-0035)
By: Jonathan Spendlove, Planning and Zoning Director
- 4) Public Hearings
 - a) **ACTION ITEM:** Request for a Zoning Map Amendment from R-4 to R-6 ZDA on property located at the 100 & 200 blocks of Caswell Avenue West on behalf of Dr. David Kemp c/o EHM Engineers, Inc. (PZ18-0097)
By: Jonathan Spendlove, Planning & Zoning Director
- 5) Upcoming Meeting(s)
 - a) Worksession: Wednesday, May 1, 2019
 - b) Tuesday, May 14, 2019
- 6) Adjournment

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

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

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



Twin Falls Planning & Zoning Commission Minutes

Tuesday, April 9, 2019, 6:00 PM

203 Main Ave East
Twin Falls, ID 83301

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Craig Hawkins; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 06:02 PM

A quorum was present.

Members present: Titus, Kelley, Hawkins, Perez, Musser, Bolton, Higley, Hansen, Detweiler

Staff present: Spendlove, O'Connor, Cherry, Ebersole, Vitek, Nope

2) Consent Calendar

Commissioner Kelley made a motion to approve the consent calendar, as presented. Commissioner Bolton seconded the motion.

Motion passed by a vote of six (6) votes in favor and three (3) abstentions.

a) Approval of Minutes from the following meeting: March 26, 2019

b) Approval of Findings of Fact and Conclusions of Law:

- Joe and Jana Mabey
- Glenn Earl

3) Items of Consideration

a) Preliminary Presentation for a Zoning Development Change and Zoning Map Amendment from R-4 to R-6 on property located at the 100 & 200 Block of Caswell Avenue West, Fireside Subdivision on behalf of Dr. David Kemp c/o EHM Engineers. (PZ18-0097)

Staff Presentation:

City Planner O'Connor presented the Preliminary Presentation for a Zoning Development Change and Zoning Map Amendment from R-4 to R-6 on property located at the 100 & 200 Block of Caswell Avenue West, Fireside Subdivision on behalf of Dr. David Kemp c/o EHM Engineers. (PZ18-0097)

Per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District requires a preliminary presentation to the Planning and Zoning Commission for a review of the proposed changes. The Commission is allowed and may grant the public the ability, to ask questions and give

suggestions to the applicant about the proposed project during the preliminary presentation. A public hearing shall be held before the Commission for a recommendation to the Council to amend the zoning district and the zoning map, amend with recommendations or deny the request.

Staff makes no recommendation at this time.

Applicant Presentation:

David Thibault, EHM Engineers, representing applicant, presented the applicants request for a Zoning Development Change and Zoning Map Amendment from R-4 to R-6 on property located at the 100 & 200 Block of Caswell Avenue West, Fireside Subdivision. The plan is to build six-plex units on the property, with parking and a green space and retention area. There will be a hammerhead turn around at the end of Bolton St. for emergency vehicles.

PZ/Questions & Comments:

- Commissioner Higley asked the applicant where the street access to the property is.
- Mr. Thibault stated the access to the development will be off Bolton Street.
- Commissioner Higley asked if the development changed and four-plexes were built on the property, would the applicant consider going back to city code setbacks.
- Mr. Thibault explained that the requested reduced setbacks are to accommodate parking regulations. If four-plexes are built, there would be same amount of units as the six-plexes, as there would be an additional building. The parking requirements would remain the same.

4) Public Hearings

- a) Request for a Special Use Permit to allow a Religious Facility on property located at the southwest portion of the 1400 N block of Sunway Drive on behalf of Believers Church. (PZ19-0019)

Staff Presentation:

City Planner Cherry presented the request for a Special Use Permit to allow a Religious Facility on property located at the southwest portion of the 1400 N block of Sunway Drive on behalf of Believers Church. (PZ19-0019)

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

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

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings

of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Per City and County records the property has been utilized for agricultural uses and has not been developed.

This is a request to allow a Religious Facility on property located at the southwest portion of 1400 N block of Sunway. The subject property is located in the Suburban-Urban Interface (SUI) Zoning District.

The applicant is proposing a religious facility to be constructed in phases that will accommodate both family and youth programs. The primary religious facility and corresponding development is anticipated to utilize a maximum of six (6) acres.

The anticipated hours of the primary religious facility will be Sundays between 8:00 A.M. and 10:00 P.M. Other associated uses of the religious facility will be between 8:00 A.M. and 10:00 P.M. Monday through Saturday.

Staff notes that the site plan provided by the applicant does not meet all City Code regulations. The applicant will be expected to comply with City Standards during the Building Permit Review process.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to a signed deferral agreement for the roadway improvements along Sunway Drive (N 2700 E).
3. Subject to dedication of right of way along Sunway Drive (N 2700 E).
4. Subject to Cheney Drive being constructed when any property within three hundred (300) feet of future Cheney Drive roadway is developed or utilized for non-agricultural purposes.

City Planner Cherry reviewed a letter from a concerned neighbor regarding fencing around the property.

Applicant Presentation:

Applicant Clay Ramirez presented his request for a Special Use Permit the Believers Church facility. The location is ideal for their growing congregation. Church is active in Jerome and Twin Falls. He stated the building would happen in phases as needs present themselves.

PZ/Questions & Comments:

- Commissioner Detweiler asked about the property's proximity to the canal.
- Mr. Ramirez stated they will work with the Twin Falls Canal company regarding safety

issues from canal.

- Commissioner Bolton asked what the timeline is for construction.
- Mr. Ramirez stated construction would start within next two (2) years.
- Commissioner Bolton asked about the citizen's request for a fence.
- Mr. Ramirez stated they will be good neighbor and have no issue with building a fence.
- Chairperson Titus asked staff if the Special Use Permit is for the entire lot or only the marked section on the site map.
- PZ Director Spendlove stated the Special Use permit is only for the area marked on site map.
- Commissioner Bolton asked applicant where they are willing to place fencing.
- Mr. Ramirez stated that citizen is north of property and they would be willing to put a fence on that end of property.
- Commissioner Detweiler asked how much property will be purchased and would there be grass areas on property.
- Mr. Ramirez stated the complete 21 acre parcel would be purchased and there would be grass areas, while keeping some of the unused property as farming area.

Public Hearing: Opened

- Citizen Carol Sperry owns property near the proposed location of the religious facility. She has a concern with the increased traffic and parking issues that may come with building the church. She is also concerned that the facility would not be on city sewer and water and the potential for sinkhole issues. She stated the Special Use Permit should not allowed unless property is hooked up to city services or have a condition in permit to convert to city when available.

Public Hearing: Closed

Applicant Closing Statement:

Mr. Ramirez stated to address the traffic concerns, there will be a turn off lane to the facility off of Sunway Drive. He also stated there is a desire that the facility would be able to connect to city services as available.

Discussions Followed:

- Commissioner Musser asked staff when city services may be available.
- PZ Director Spendlove stated the property is not able to access city services now due to distance and grade of property. The city Comprehensive plan does not allow for city sewer and water west of Sunway Drive. South Central Public Health District will have to approve any underground sewage system for the facility and a sign off letter would need to be submitted before the city issues a building permit.
- Commissioner Hansen asked about the Sunway Soccer project and if a road is being put in to the north.
- Assistant City Engineer Vitek answered the city is putting in North College Rd from Creekside to Sunway Drive. This should be completed by the first part of May, weather permitting. The city owns the property around the park. The future bike path is planned on Creekside.
- Commissioner Bolton asked about the location of the turning lane to the church.
- Assistant City Engineer Vitek explained the two way traffic will go north and south and

a short turn lane feeding off to the church.

- PZ Director Spendlove explained the city has to work with the area of impact partners to have development occur. This happens at the building permit phase.

Motion #1:

Commissioner Bolton made a motion to add condition # 5 to construct fence on northern boundary of property prior to development of the property. Commissioner Musser seconded the motion.

Discussion:

- Commissioner Musser asked if Idaho is a fence in or fence out state. He asked whose responsibility is it to keep the neighbors cows off property.
- Commissioner Detweiler stated because of safety concerns, it could go either way.
- Commissioner Kelley stated if he read the citizen's letter correctly, the fence would be required during construction.
- Commissioner Hawkins stated he would not be comfortable defining the fence for the applicant.
- Commissioner Hansen stated the fence is a building issue. Planning and Zoning should not have the responsibility for the fence.

Roll call vote was taken on Motion #1. Motion failed by a unanimous vote.

Motion #2:

Commissioner Hansen made a motion to approve a Special Use Permit to allow a Religious Facility on property located at the southwest portion of the 1400 N block of Sunway Drive on behalf of Believers Church. (PZ19-0019). Commissioner Musser seconded the motion.

Unanimously approved

- b) Request for a Special Use Permit to allow Dog Grooming and/or kennels on property located at 314 2nd Avenue E on behalf of Jay and Shelly Fort. (PZ19-0020)

Staff Presentation:

City Planner Cherry presented request for a Special Use Permit to allow Dog Grooming and/or kennels on property located at 314 2nd Avenue E on behalf of Jay and Shelly Fort. (PZ19-0020)

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

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

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

of the previous hearing to reach a decision on the appeal.

Per City and County records the primary building on the subject property was built in 1963. The subject property was most recently operated as a retail smoke shop and market.

This is a request to allow a dog grooming and/or kennels service on property located at 314 2nd Avenue East. The subject property is located in the Commercial Business (C-B) and P-1 Parking Overlay Districts.

The applicant intends to provide dog grooming services including bathing, brushing, hair trimming, and nail trimming. The intended hours will be Monday through Friday 7:30 A.M. to 6:00 P.M. and Saturdays 8:00 A.M to 5:00 P.M. It is anticipated that services will be provided for ten (10) to thirty (30) customers per day. There will be three (3) employees on site with the potential to have five (5) employees total.

The applicant has stated in their narrative that they will provide approximately nine (9) parking spaces with both off and on street options.

Staff has determined that the request meets both City Code and Comprehensive Plan requirements.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

Applicant Jay Fort presented the request for a Special Use Permit for a dog grooming facility on property located at 314 2nd Avenue E . The applicant would like to move the business to this location. The applicant addressed any concerns/impacts that may arise to their neighbors, such as cleanliness, barking dogs, and parking. The applicant assured the commission that they will be a good neighbor to the surrounding businesses.

PZ/Questions & Comments:

- Commissioner Musser asked if this is strictly a dog grooming business or will there be overnight stays for the animals.
- Mr. Fort stated there will be no overnight stays and the dogs will only be on property while they are being groomed.
- Commissioner Detweiler asked the applicant the number of groomers that will be on staff.
- Mr. Fort stated the plan is to have up to 4-5 groomers in the future. Appointments times will be staggered.

Public Hearing: Opened and closed without input

Discussions Followed: without concerns

Motion:

Commissioner Hansen made a motion to approve a Special Use Permit to allow Dog Grooming and/or kennels on property located at 314 2nd Avenue E on behalf of Jay and Shelly Fort. (PZ19-0020). Commissioner Bolton seconded the motion.

Unanimously approved

5) Upcoming Meeting(s)

a) Tuesday, April 23, 2019 at 6:00 pm

6) Adjournment

The meeting adjourned at 6:59 pm

Kelli Ebersole, Administrative Assistant



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

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

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on April 9, 2019 for public hearing pursuant to public notice as required by law for a Special Use Permit to allow a Religious Facility on property located at the southwest portion of 1400 N block of Sunway Drive, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit to allow a Religious Facility on property located at the southwest portion of 1400 N block of Sunway Drive.
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: March 21, 2019.
3. The property in question is zoned SUI pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Rural Residential in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Agricultural; to the south, Residential-Agricultural; to the east; Agricultural; and to the west, Residential.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-2, 10-7-12, 10-10-11, 10-11-1 through 8, and 10-13, Twin Falls City Code.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit to allow a Religious Facility on property located at the southwest portion of 1400 N block of Sunway Drive is consistent with the purpose of the SUI Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

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

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

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

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

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

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

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

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

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

11. The application for a Special Use Permit to allow a Religious Facility on property located at the southwest portion of 1400 N block of Sunway Drive should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

DECISION

1. The application for a Special Use Permit to allow a Religious Facility on property located at the southwest portion of 1400 N block of Sunway Drive is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.
2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.
3. The Special Use Permit shall be issued, as presented.

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to a signed deferral agreement for the roadway improvements along Sunway Drive (N 2700 E).
3. Subject to dedication of right of way along Sunway Drive (N 2700 E).
4. Subject to Cheney Drive being constructed when adjacent property is developed.

APPLICATION # **PZ19-0019**



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

203 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907
Phone: 208-735-7267 Fax: 208-736-2641

SPECIAL USE PERMIT

Permit No. PZ19-0019

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **April 9, 2019** to **Believers Church** whose address is **100 E. Avenue D, Jerome, ID 83338** to allow a Religious Facility on property located at the southwest portion of 1400 N block of Sunway Drive and legally identified with the following Parcel ID: **RP10S16E011810**.

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

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to a signed deferral agreement for the roadway improvements along Sunway Drive (N 2700 E).
3. Subject to dedication of right of way along Sunway Drive (N 2700 E).
4. Subject to Cheney Drive being constructed when adjacent property is developed.

Chairman Planning & Zoning Commission

Date

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

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



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

In Re:	)	
	)	
<u>Special Use Permit</u> , Application,	)	FINDINGS OF FACT,
	)	
<u>Jay and Shelly Fort</u>	)	CONCLUSIONS OF LAW,
Applicant(s)	)	
	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on April 9, 2019 for public hearing pursuant to public notice as required by law for a Special Use Permit to allow a dog grooming and/or kennels service on property located at 314 2nd Avenue East, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit to allow a dog grooming and/or kennels service on property located at 314 2nd Avenue East
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: March 21, 2019.
3. The property in question is zoned C-B pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Downtown in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, 2nd Avenue East; to the southeast, Off Street Parking Lot; to the northwest; Retail; and to the west, Off Street Parking lot and Fuel Station.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-7, 10-7-12, 10-10-12, 10-11-1 through 8, and 10-13, Twin Falls City Code.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit to allow a dog grooming and/or kennels service on property located at 314 2nd Avenue East is consistent with the purpose of the C-B Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

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

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

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

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

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

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

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

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

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

11. The application for a Special Use Permit to allow a dog grooming and/or kennels service on property located at 314 2nd Avenue East should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

DECISION

1. The application for a Special Use Permit to allow a dog grooming and/or kennels service on property located at 314 2nd Avenue East is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.
2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.
3. The Special Use Permit shall be issued, as presented.

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to continued compliance with all local, state, and federal code requirements and other standard as applicable.

APPLICATION # PZ19-0020



CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT
203 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907
Phone: 208-735-7267 Fax: 208-736-2641

SPECIAL USE PERMIT

Permit No. PZ19-0020

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **April 9, 2019** to **Jay and Shelly Fort** whose address is **310 2nd Ave E, Twin Falls** to allow a dog grooming and/or kennels service on property located at 314 2nd Avenue East and legally identified with the following Parcel ID: **RPT00010890030**

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

1. Subject to continued compliance with all local, state, and federal code requirements and other standard as applicable.

Chairman Planning & Zoning Commission

Date

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

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



Date: Tuesday, April 23, 2019
To: Planning and Zoning Commission
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request for consideration of a preliminary plat for the Fieldwood Professional Subdivision, located at the 1000 Block of Cheney Drive West, on behalf of Brad Wills c/o EHM Engineers, Inc. (PZ19-0035)

Time Estimate:

10 minutes between Staff and the Applicant.

Background:

This is a request for approval of the Preliminary Plat for Fieldwood Subdivision a re-plat of Fieldstone Professional Subdivision a PUD. It consists of 14 lots. City Council approved the Park in Lieu request on April 1st.

This preliminary plat complies with the standards as set forth in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3, all regulations regarding R-4 zoning development standards, and the 2016 comprehensive plan. All general criteria for approval have been met, per State Statute 50-13.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council.

Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Approval Process:

As per Twin Falls City Code 10-12-2.3: The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

Budget Impact:

Regulatory Impact:

If approved, this area will be eligible for an increased number of buildings to be constructed on the property. Currently, there are five (5) lots eligible to contain one (1) building each. With this subdivision there will be fourteen (14) lots eligible to contain one (1) building each.

History:

There have been several plats of this property, most recently in 2015. Fieldstone Professional Subdivision in conjunction with the PUD #271 modified the western half of the original Fieldsone Subdivision. That original subdivision was platted as single family homes with the layout similar to what is constructed on the eastern half. Over the course of a few years the owner has applied for various changes to the zoning/layout of the property through PUD amendments and the Platting Process.

Analysis:

Staff has reviewed the Preliminary Plat and found it has followed the requirements in City Code per the applicable subdivision regulations.

Conclusion:

Staff recommends the Commission approve this request as presented, subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

Attachments:

1. PZ-19-0035 Prelim Plat Staff Report
2. 1 - Vicinity
3. 2 - Prelim Plat
4. 3 - Photos
5. Fieldstone Professional PUD (#271 recorded 02-10-15)



Comprehensive Staff Report

To: Planning & Zoning Commission
 Presenter: Steve O'Connor, City Planner
Request: To Consider a Preliminary Plat for Fieldwood Subdivision
 Application: PZ19-0035
 Applicant:
 Wills, Inc
 c/o EHM Engineers, Inc
 Tim Vawser
 621 North College Rd. Ste. 100
 Twin Falls, ID 83301
tvawser@ehminc.com
 208.734.4888

Public Meeting: Tuesday, April 23rd, 2019

Analysis

This is a request for approval of the Preliminary Plat for Fieldwood Subdivision a re-plat of Fieldstone Professional Subdivision a PUD. It consists of 14 lots. City Council approved the Park in Lieu request on April 1st.

This preliminary plat complies with the standards as set forth in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3, all regulations regarding R-4 zoning development standards, and the 2016 comprehensive plan. All general criteria for approval have been met, per State Statute 50-13.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed

A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by

the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Approval Process

As per Twin Falls City Code 10-12-2.3: The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

History

There have been several plats of this property, most recently in 2015 Fieldstone Professional Subdivision a PUD # 271.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Town Neighborhood" Therefore staff has

determined this request complies with the 2016 comprehensive plan.

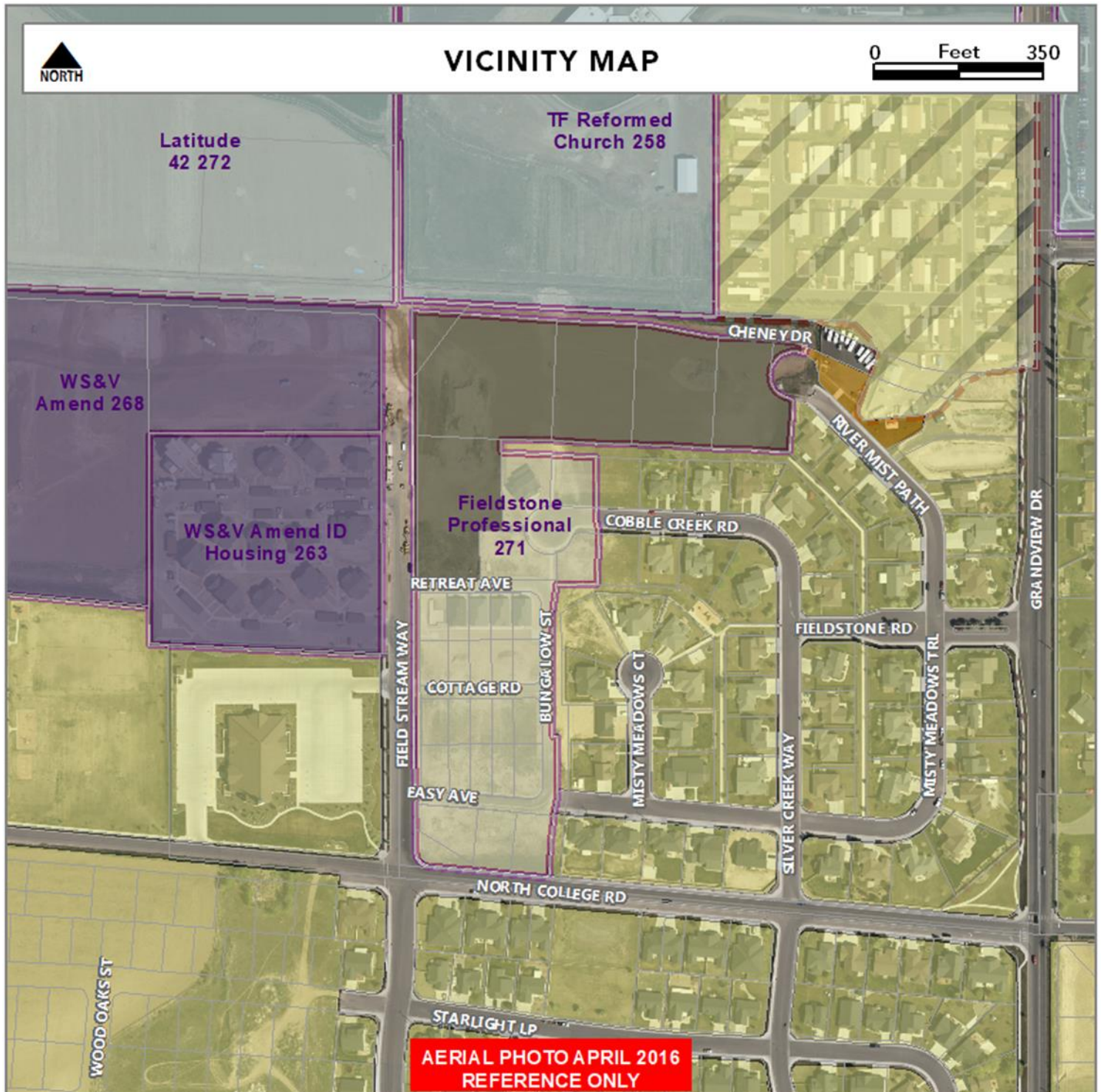
Conclusion

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

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

Attachments

1. Vicinity Map
2. Fieldwood Preliminary Plat
3. Photos



- | | | | |
|---|-----|---|-----|
|  | PRO |  | R-2 |
|  | PUD |  | R-4 |
|  | C-1 |  | R-6 |
|  | AOI | | |

Current Zoning: R-2 PRO PUD

Comprehensive Plan: Town Neighborhood

Existing Land Use: Vacant

Proposed Land Use: Residential & Professional Office

Surrounding Zoning Designations & Land Use(s)

North: Cheney Dr. W.; R-2 AOI & C-1 PUD; West: Fieldstream Way; R-6 PUD; Residential & Religious Facility

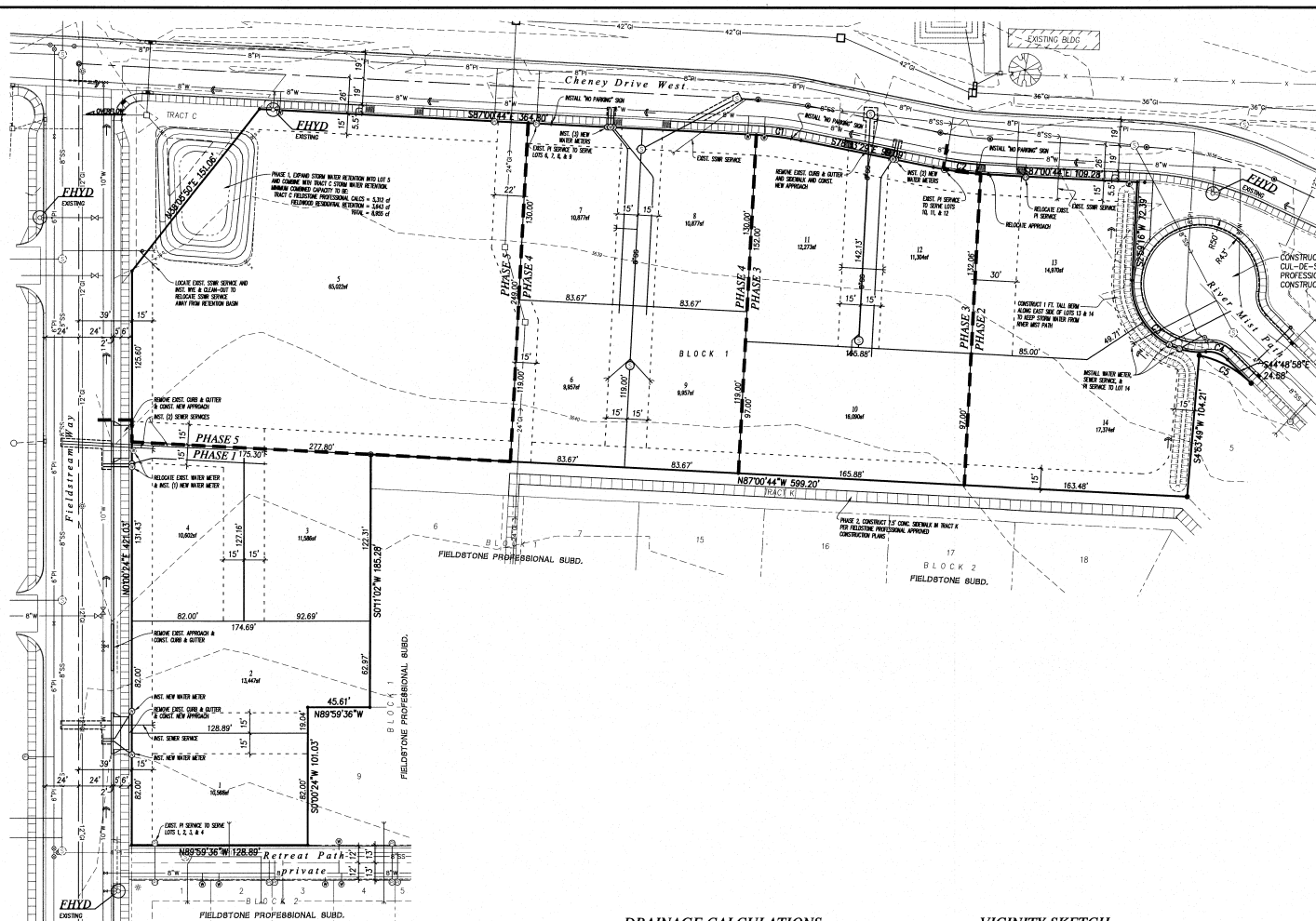
South: R-2; Residential

Multi Family

East: R-2: Residential

Applicable Regulations

10-1-4, 10-1-5, 10-11, 10-12, Fieldstone PUD #271

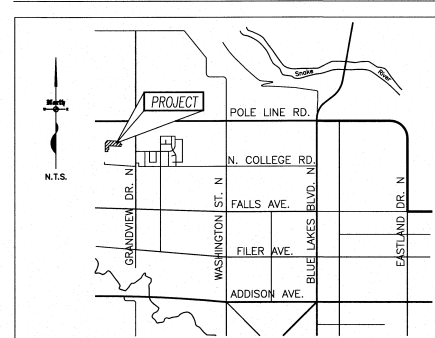


DRAINAGE CALCULATIONS

NOTES:
DRAINAGE RUNOFF COEFFICIENTS (C):
Impervious Area = 0.95
Landscape Area = 0.25
Pre-Development = -0.35 (Residential Only)
Dry Well Net Area = 10000 40%
Design Storm = 25yr, 24hr.
Design Storm Rainfall = 1.6in/12 = 0.133 ft.
RESIDENTIAL LOT < 12,000 sf
42% Impervious 58% Landscape
Weighted Coefficient = $(0.95 \times 0.25) + (0.25 \times 0.80) - 0.35 = 0.194$
Lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, Block 1 = 85,728 sf
 $85,728 \text{ sf} \times 0.133 \text{ ft.} \times 0.194 = 2,212 \text{ cf}$
RESIDENTIAL LOT > 12,000 sf
53% Impervious 47% Landscape
Weighted Coefficient = $(0.95 \times 0.53) + (0.25 \times 0.47) - 0.35 = 0.145$
Lots 2, 10, 11, 13, 14, Block 1 = 74,184 sf
 $74,184 \text{ sf} \times 0.133 \text{ ft.} \times 0.145 = 1,431 \text{ cf}$
Total Retention = 3,643 cf

PROFESSIONAL LOT
Lot 5, Block 1 = 65,022 sf
100% Retention will be required on Lot 5 at the time of professional site development.

VICINITY SKETCH:



FIELDWOOD SUBDIVISION
A Re-Subdivision and Re-Numbering of
Lots 1-5, Block 1
Fieldstone Professional Subdivision, a PUD
Located In
SE 1/4 NE 1/4, Section 6
Township 10 South, Range 17 East Boise
Meridian
Twin Falls County, Idaho
2019

RECEIVED
MAR 25 2019
CITY OF TWIN FALLS
ENGINEERING DEPT.

Development Notes:

- TRACT C IS CURRENTLY A STORM WATER RETENTION AREA OWNED & MAINTAINED BY THE FIELDSTONE HOMEOWNERS ASSOCIATION. THE TRACT C RETENTION BASIN SHALL BE COMBINED WITH FIELDWOOD RESIDENTIAL RETENTION AND THE BASIN EXPANDED INTO FIELDWOOD LOT 5, BLOCK 1. THE RESULTANT RETENTION BASIN SHALL BE JOINTLY OWNED AND MAINTAINED BY BOTH THE FIELDSTONE & FIELDWOOD HOMEOWNERS ASSOCIATIONS. AN AGREEMENT FOR THE EXPANDED AREA SHALL BE PROVIDED BY SEPARATE DOCUMENT PRIOR TO THE ACCEPTANCE OF PHASE 1 CONSTRUCTION.

Design Data:

PARCEL NUMBER:	APR1813001000, APR1913001000, APR1913001001, APR1913001002, APR1913001003	WATER:	CITY WATER
OWNERS/DEVELOPER:	WELLS INC. 222 CHESHIRE WEST TWIN FALLS, ID. 83301 PH: (208) 734-4411	IRRIGATION:	CITY PRESSURE IRRIGATION
ENGINEER:	EWB ENGINEERS, INC. 621 N. COLLEGE RD. SUITE 100 TWIN FALLS, ID. 83301 PH: (208) 734-6888	STREETS:	ARMED WEST MAIN CO. 66-54C TO BE CONSTRUCTED PER FIELDSTONE PROFESSIONAL SUBD. APPROVED CONSTRUCTION PLANS. ALL OTHER STREETS EXIST.
EXISTING ZONE:	R-4 PRO PUD	SEWER:	AS PER CITY OF TWIN FALLS ZONING ORDINANCE & PUD
PROPOSED ZONE:	R-4 PRO PUD	EASEMENTS:	15' UTILITY EASEMENT ALONG ALL BOUNDARY FRONTS. ALL OTHER EASEMENTS ARE LABELED.
EXISTING USE:	PROFESSIONAL UNDEVELOPED	UTILITIES:	UNDERGROUND POWER, TELEPHONE, GAS, & CABLE TELEVISION
PROPOSED USE:	RESIDENTIAL PER PUD AGREEMENT & PROFESSIONAL	BENCHMARK:	BENCH #4701-3709 BRASS CAP IN SE CORNER IRR SER W/S GRANDVIEW 2000'S S. PRODUCE ELEV. = 3646.83
DEVELOPMENT AREA:	5.16 ACRES		
VARIANCE:	NONE REQUESTED		
SEWER:	CITY SEWER		

Topographic Legend:

PROPOSED	EXISTING
CATCH BASIN	■
PRESSURE IRRIGATION METER	●
IRRIGATION VALVE	○
IRRIGATION AIR INJECTION ASSEMBLY	○
IRRIGATION BLOW-OFF ASSEMBLY	○
SEWER MANHOLE	○
CLEAN OUT	○
WATER METER	○
FIRE HYDRANT	○
WATER VALVE	○
LIGHT POLE	○
POWER POLE	○
TELEPHONE RISER	○
MAIL BOX	○
DRAINAGE FLOW ARROW	→
BUSH / SHRUB	○
SANITARY SEWER LINE	SS
STORM DRAIN LINE	SD
WATER LINE	W
GRAVITY IRRIGATION LINE	G
PRESSURE IRRIGATION LINE	PI
TELEPHONE LINE	T
FOOTCURE	X
EDGE OF ASPHALT	EA
EDGE OF GRAVEL	EG
VERTICAL CURB AND GUTTER	—
ROLLED CURB AND GUTTER	—
CONCRETE SIDEWALK	—
BUILDING FOOTPRINT	—
EXISTING GROUND CONTOUR	---3771---

Boundary Legend:

SURVEY BOUNDARY LINE	—
SECTION LINE	—
SUBDIVISIONAL SECTION LINE	—
PROPOSED EASEMENT LINE	—
ADJACENT PROPERTY LINE	—
CENTERLINE OF STREET	—
PLATTED LOT LINE	—



PRELIMINARY PLAT
for
FIELDWOOD SUBDIVISION

REVISIONS
3-25-2019
CITY REVIEW & COMMENTS

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL
CONDITIONS AND DIMENSIONS AT
THE JOB SITE AND NOTIFY THE
ENGINEER OF ANY DISCREPANCIES
PRIOR TO BEGINNING OF
CONSTRUCTION. NO
CHANGES BEFORE BEGINNING
OF CONSTRUCTION.

STAMP

APPROVED: D. Thibault
DESIGN: M. Lee
DRAWN: M. Lee
DATE: 11/30/2018
SCALE: AS SHOWN
SHEET NO. C 465-18 PPLAT

PPLAT



NE Corner Looking W



SW Corner Looking N

PUD-271

FIELDSTONE PROFESSIONAL P.U.D.
R-4 & R-4 PRO Planned Unit Development Agreement

THIS AGREEMENT, made and entered into this 9 day of FEB., 2015 by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City") and Wills Inc. (hereinafter called "Developer"), whose address is 222 W Shoshone Street West, Twin Falls, Idaho 83301.

RECITALS

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho more particularly described in **Exhibit "A"**, attached hereto, (the "Property") which property is located at the northeast corner of the intersection of North College Road and Field Stream Way.

WHEREAS, Developer intends to develop and/or sell all portions of the property from time to time; and

WHEREAS, Developer has made request of the City to develop a mixed use professional office and residential development (the "Project") on the property and has submitted to the City a Master Development Plan (**Exhibit "B"**) thereof which has been approved for development as "R-4 PRO PUD" by the City Council of the City ; and subject to the following conditions:

RECEIVED
FEB 09 2015
CITY OF TWIN FALLS
BUILDING DEPT.

WHEREAS, City, by and through its City Council on January 23, 2012 has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions, and understandings, which terms, conditions, and understandings are the subject of this Agreement and area as follows:

1. Subject to the designation of the property as an R-4 and R-4 PRO PUD with the single-family and duplex areas being R-4 and the professional use area being R-4 PRO PUD. Assure Uses comply with the R-4 and Professional Overlay zones.
2. Subject to the property being replatted and recorded prior to any building permits being issued.
3. Subject to compliance in the cottage-style residential area with the following recommendations of the Fire Marshall:
 - a. addresses need to be posted in the alleys.
 - b. access roads (alleys) with hydrants shall be a minimum of 26 feet total width. (IFC, D103.1)
 - c. no on-street parking in alleys and alley marked with approved "no parking" signs.
 - d. rear, unobstructed access into the dwellings is maintained (not through the garage or through fences or gates), or as approved by the Fire Marshall.
 - e. no overhead utilities in the alley (power lines, phone lines, etc.).
 - f. hydrants are installed on the ends of each alley.
4. Subject to final approval and recordation of the PUD Agreement.
5. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

COVENANTS

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

TWIN FALLS COUNTY
Recorded for:
TWIN FALLS, CITY OF
2:16:16 PM 02-10-2015
2015-001910
No. Pages:24 Fee: \$
KRISTINA GLASCOCK
County Clerk
RECEIVED

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

II. NATURE OF THE DEVELOPMENT. It is agreed by the parties hereto that certain language and requirements pertaining to the "Project" shall be interpreted as follows:

a. Uses: As Per "Exhibit C"

i. The uses shall be limited to those allowed in the R-4 & R-4 PRO (PUD) zones (Code Sections 10-4-5.2 & 10-4-18.2), attached hereto as "Exhibit C".

b. Lot Area: As Per "Exhibit C"

c. Lot Occupancy: As Per "Exhibit C"

d. Building Size: As Per "Exhibit C"

e. Building Height: As Per "Exhibit C"

f. Hours of Operation: As Per "Exhibit C"

g. Phasing of Development:

The Developer may install the Improvements at one time, or in phases, as the Developer shall determine at its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construction any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.

III. STREET, SEWER, WATER, AND DRAINAGE IMPROVEMENTS

Developer, or their designee by appropriate agreement shall be responsible for the design and construction of street, sewer, water, and drainage systems on the Property and adjacent right-of-ways (hereinafter called "Improvements") as described herein in accordance with City Standards.

a. Improvement Plans. Developer shall file or cause to be filed with the City a complete set of plans showing all improvements contemplated. The Improvement Plans and all improvements shall thereon meet the approval of the City, which approval shall be given if such plans conform to established City requirements, the Master Development Plan, and this PUD Agreement.

b. Improvement Design and Construction. Developer, at its expense, shall cause all Improvements shown on the Improvement Plan to be designed, constructed, and installed consistent with the approved Improvement Plans except as otherwise provided herein. Notwithstanding the foregoing, nothing in this Agreement shall prohibit City, State, or Federal participation in the cost or financing of Improvements on the Property if mutually agreed by the parties hereto.

- c. Phased Construction. The Developer may install the Improvements at one time, or in phases, as the Developer shall determine at its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construction any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City. There shall be no maximum or minimum limit of time between the occurrences of phases.
- d. Non-Compliance. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to the Developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice, or in the case of non-compliance that will require in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as requirements specified in this Section 3 have been complied with; PROVIDED HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the right of the parties are preserved at law and equity.
- e. Fees. Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.
- f. Maintenance of Improvements. City hereby agrees to accept maintenance responsibility for all public improvements upon their completion to City Standards in accordance with current City policy.

IV. PLATS.

- a. Developer agrees to file with City preliminary plat and final plats prepared by a registered professional engineer, of the real property, which is the subject of this agreement. Preliminary and final plats shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-ways the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plats and any amendments thereto must first be approved by the City.

V. PARCEL DEVELOPMENT CRITERIA. As Per "Exhibit C"

The Property or any portion thereof shall be developed in accordance with the criteria set forth in this Section V, As Per "Exhibit C".

- a. Approval and Construction. All Improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld.
- b. Landscaping and Planting. As Per "Exhibit C"
- c. Landscaping Plan. As Per "Exhibit C"
- d. Building Standards. As Per "Exhibit C" Buildings and Improvements shall comply with the following standards.
 - i. Architectural Standards. As Per "Exhibit C"
 - ii. Outside Storage/Loading Docks. As Per "Exhibit C"
 - iii. Utilities. 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 the view from streets, with screening material such as landscaping or other approved material.
 - iv. Sign Plan. All signage must conform to the City of Twin Falls Sign Regulations Ordinance subject to the following:

1. Building Signs, As Per "Exhibit C"

VI. STANDARD DEVELOPER'S AGREEMENT.

It is understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.

VII. GENERAL PROVISIONS.

- A. Cooperation. The parties hereto agree to cooperate with each other. Developer shall submit to the City all plans, specifications, and working drawings required by the City.
- B. Entire Agreement. This agreement constitutes the entire agreement between the parties concerning the Property and Improvements described herein, and no amendment or modification to this Agreement shall be valid or effective unless reduced to writing and signed by the parties.
- C. Applicable Law. This Agreement shall be construed in accordance with the laws of the State of Idaho.
- D. Notices. If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped, and sent with "return receipt requested".

- E. Successors and Assigns. This Agreement shall be binding upon the successors, assigns, and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this Agreement with respect to said transferred property.
- F. Severability. In the event any portion of this Agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining portions thereof shall not be affected.
- G. Signatories. Each of the persons executing this Agreement hereby warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this Agreement is binding on, and enforceable against, such entity.
- H. Effective Date. This Agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.
- I. Attorney Fees. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party which prevails, shall be entitled to a reasonable attorney's fee.
- J. Construction. Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.
- K. Attachment. All attachments to this Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.
- L. Captions. The captions, sections and paragraph numbers appearing in this Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this Agreement.

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

CITY OF TWIN FALLS

By:
Mayor

DEVELOPER
WILLS INC.
By:

Bradford J. Wills - President

ACKNOWLEDGMENTS

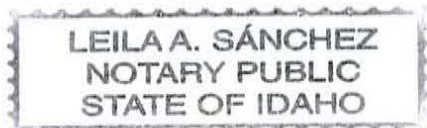
State of Idaho)
) ss.

County of Twin Falls)

On this 9th day of February, 2015 before me, the undersigned, a notary public in and for said State and County, personally appeared Don Hall known to me to be the Mayor of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

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

Leila A. Sanchez
 Notary Public For Idaho



Residing At: Twin Falls

My Commission Expires: 5-18-2018

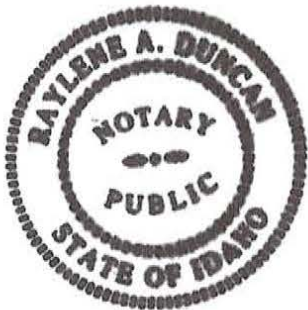
ACKNOWLEDGMENTS

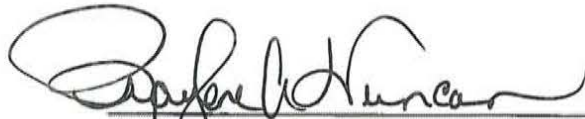
State of Idaho)
)ss.

County of Twin Falls)

On this 9th day of FEB, 2015, before me, the undersigned, a notary public in and for said State and County, personally appeared BOARDER J WILLS known to me to be the PRESIDENT of corporation that executed the foregoing instrument, or the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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




Notary Public For Idaho

Residing At: Twin Falls, Idaho

My Commission Expires: 10/10/19

EXHIBIT "A"

Fieldstone Rezone Description

A portion of "Fieldstone Subdivision", located in the SE⁴NE⁴, Section 6, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the Northwest corner of "Fieldstone Subdivision" and being the REAL POINT OF BEGINNING.

Thence South 87°00'44" East 948.79 feet along the Northerly boundary of said subdivision.

Thence South 43°23'17" East 52.80 feet along the boundary of said subdivision.

Thence South 25°20'12" East 23.89 feet along said boundary.

Thence South 04°01'14" West 19.14 feet along said boundary.

Thence South 20°15'57" West 21.03 feet along said boundary.

Thence South 23°32'34" West 81.56 feet along said boundary.

Thence South 02°57'54" West 18.41 feet along said boundary.

Thence South 41°32'16" East 13.02 feet along said boundary.

Thence South 79°33'00" East 10.17 feet along said boundary.

Thence North 86°50'49" East 68.01 feet along said boundary.

Thence North 84°19'44" East 56.97 feet along said boundary.

Thence South 13°23'16" West 35.98 feet along said boundary.

Thence South 62°27'52" West 84.00 feet along said boundary.

Thence North 44°48'58" West 166.52 feet along the Northeasterly Right of Way boundary of River Mist Path.

Thence South 45°11'02" West 50.00 feet.

Thence along a curve left on the Southerly Right of Way boundary of River Mist Path
 $\Delta - 33^{\circ}34'05''$
 $R - 75.00'$
 $A - 43.94'$
 $C - 43.31'$
 $LCB - \text{North } 61^{\circ}36'01'' \text{ West}$

Thence South $04^{\circ}53'49''$ West 104.21 feet along the Easterly boundary of Lot 6, Block 2, of said subdivision.

Thence North $87^{\circ}00'44''$ West 599.20 feet along the Northerly boundary of Track K of said subdivision.

Thence South $00^{\circ}11'02''$ West 25.03 feet along the Easterly Right of Way boundary of River Mist Path.

Thence South $87^{\circ}00'44''$ East 105.00 feet along the boundary of Track K.

Thence South $02^{\circ}59'16''$ West 105.00 feet along the Easterly boundary of Lot 13, Block 2 to the Southeast corner thereof.

Thence South $21^{\circ}19'37''$ East 54.87 feet to the Northeast corner of Lot 10, Block 5.

Thence South $02^{\circ}59'16''$ West 105.00 feet to the Southeast corner of said Lot 10.

Thence South $07^{\circ}01'39''$ West 81.57 feet along the Easterly boundary of Lot 11, Block 5 to the Southeast corner thereof.

Thence South $00^{\circ}11'02''$ West 240.00 feet along the Westerly boundary of Tract J.

Thence South $89^{\circ}48'58''$ East 12.00 feet along the boundary of Tract J.

Thence South $00^{\circ}11'02''$ West 113.00 feet along the boundary of Tract J.

Thence South $13^{\circ}18'03''$ West 50.47 feet to the Northeast corner of Lot 9, Block 6.

Thence South $05^{\circ}29'23''$ West 142.00 feet along the East boundary of said Lot 9 extended to a point on the Southerly boundary of "Fieldstone Subdivision".

Thence North $84^{\circ}30'37''$ West 305.05 feet along the Southerly boundary of "Fieldstone Subdivision: to the Southwest corner thereof.

Thence North $00^{\circ}00'24''$ East 1173.15 feet to the REAL POINT OF BEGINNING.

Containing approximately 12.54 acres.

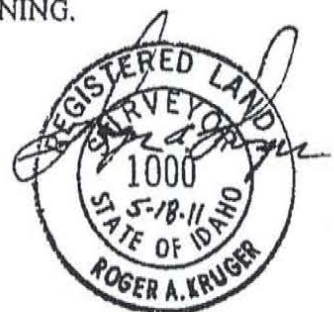
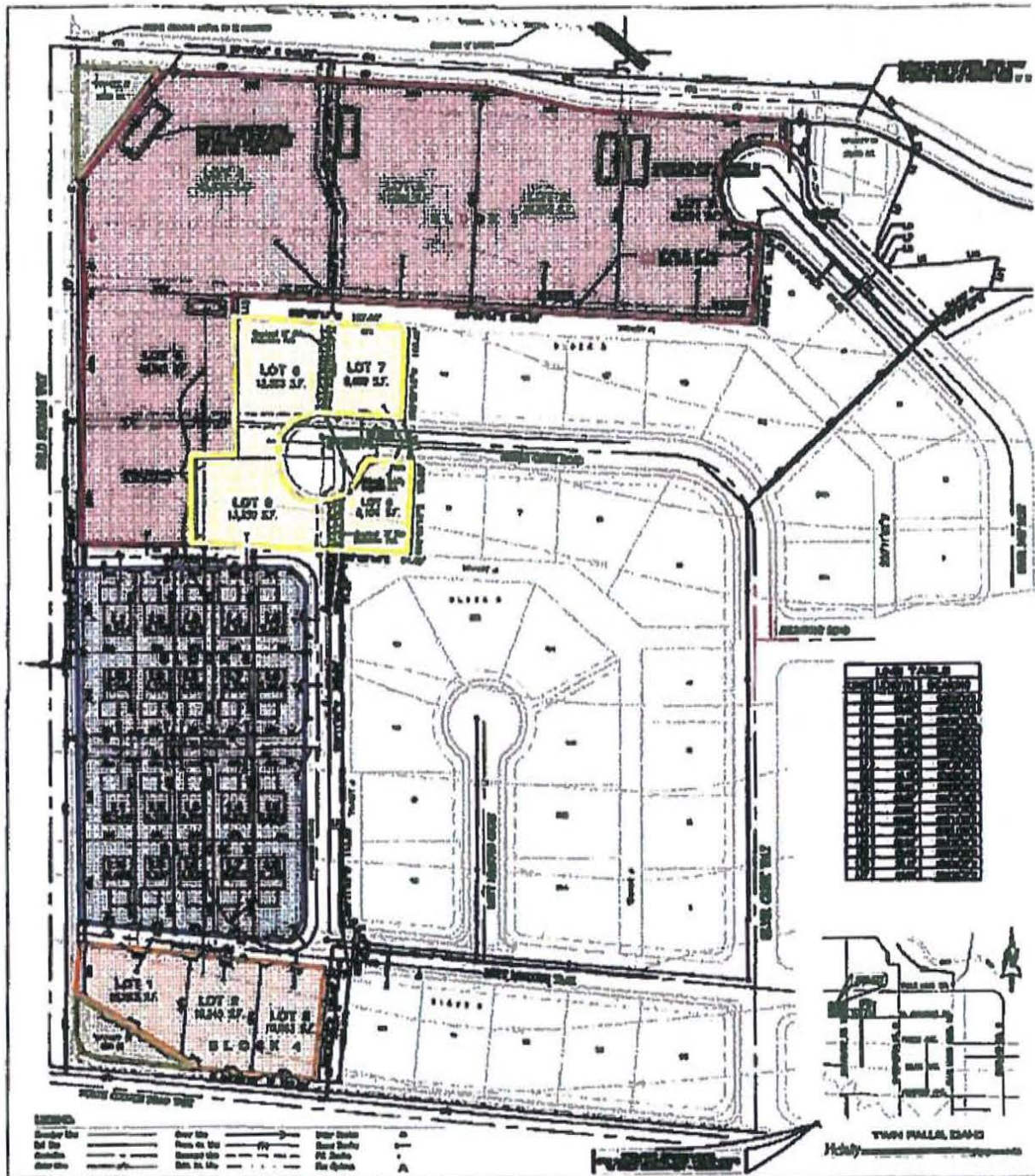


Exhibit "B"



5 Professional Office overlay use area lots

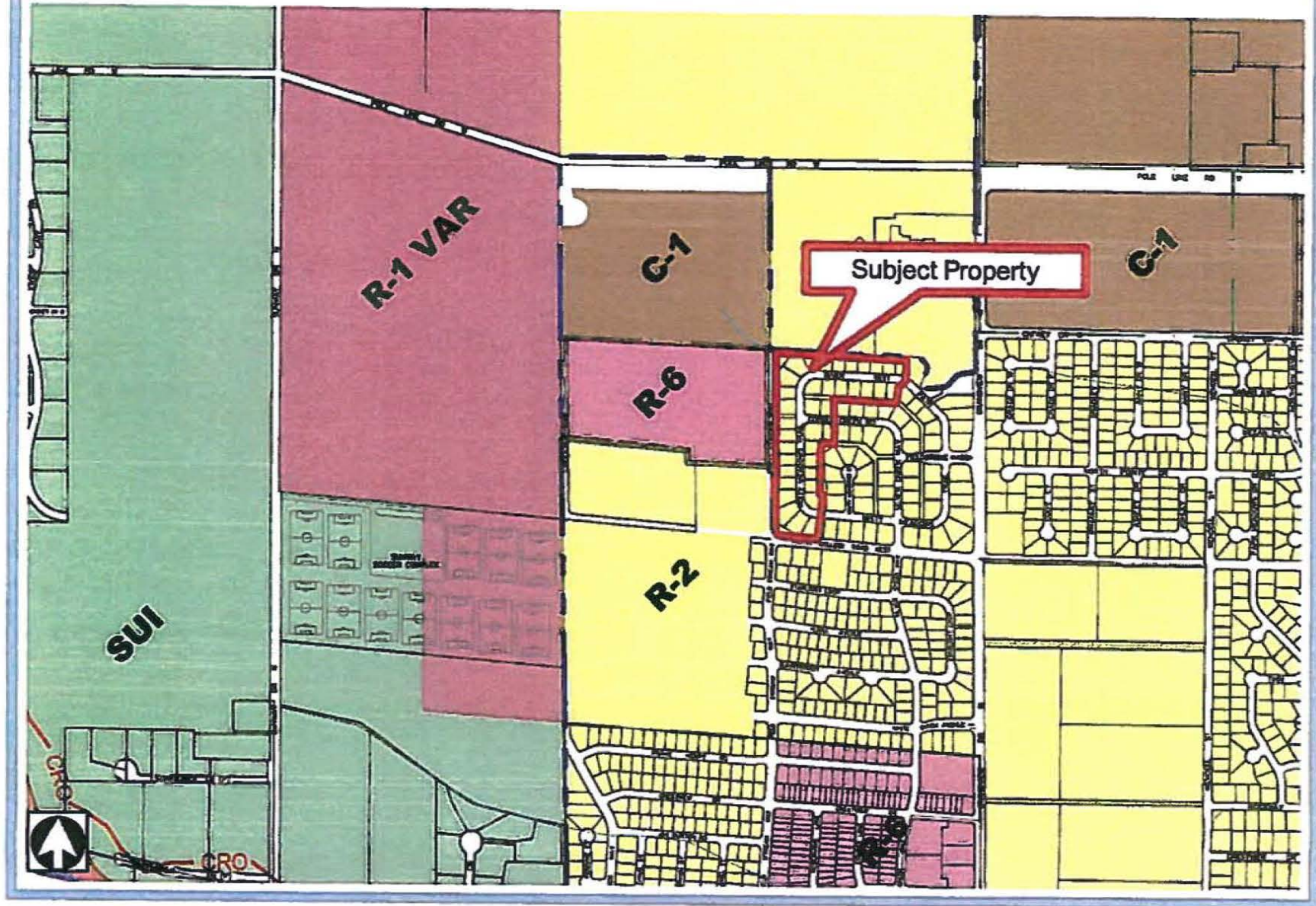
4 Single-family residential lots

3 Duplex residential lots

20 Single-family cottage-style residential lots

2 Tracts

ZONING MAP



PUD-271

EXHIBIT "C"

Fieldstone Professional Subdivision

R-4 & R-4 Professional Office Overlay – Planned Unit Development

- 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: (Hours of operation shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit or unless stated elsewhere in this document)

1. Communications and Utilities:
 - a. Underground and aboveground transmission lines
 - b. Utility owned buildings and structures less than twenty-five (25) square feet in area and less than three feet (3') above ground.
2. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
3. Residential – (unrestricted hours of operation):
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings – attached single household dwellings on lots fronting on an arterial or collector street.
 - c. Dwellings – detached single household.
 - d. Dwellings – duplex.

- B. Special Uses: A special use 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 unless special provisions are taken. Special use permits may be granted for the following uses: (Hours of operation shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit)

1. Communications and Utilities:
 - a. Utility owned buildings and structures more than twenty-five (25) square feet in area and more than three feet (3') aboveground.
2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Government Facilities:
 - a. Fire stations and police stations.
4. Medical Facilities:
 - a. Doctors' offices.
5. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.

EXHIBIT "C"

PUD-271

6. Public Assembly:
 - a. Auditoriums.
 - b. Religious facilities.
 - c. Private academic schools.
 - d. Public schools.
 7. Residential:
 - a. Detached accessory buildings (more than 1,000 square feet) i.e. garages and other accessory buildings.
 - b. Bed and breakfast facilities.
 - c. Home occupations.
 - d. Dwellings – triplex and four-plex
 - e. Household units in the same building as an allowed use and occupied by owner or an employee of the allowed use.
 8. Services:
 - a. Beauty salons and barbershops.
 - b. Commercial daycare facilities and preschools.
 - c. Consumer credit collection.
 - d. Employment agencies.
 - e. In-home daycare services.
 - f. Finance and investment offices.
 - g. Insurance and related businesses.
 - h. Professional services.
 - i. Photography studios.
 - j. Real estate and related businesses.
 9. Transportation:
 - a. Bus – pick up shelters.
- C. Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence.
- D. Property Development Standards:
1. Use of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein.
 - a. Minimum of 15% and maximum of 85% of the project is to be residential development.
 2. Lot Area:
 - a. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet.
 - b. The minimum lot area per duplex unit shall be seven thousand hundred (7,000) square feet.
 - c. The minimum lot area per multiplex dwelling unit shall be two thousand (2,000) square feet larger than duplex units per unit or one thousand (1,000) square feet larger than duplex units per unit above or below ground level unit.
 - d. For professional offices, the lot size shall be of sufficient size to provide for the building, off street parking, and landscaping.

EXHIBIT "C"

3. Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.
 - a. For professional offices, there is no occupancy requirement.
4. Building Height: No building shall be greater than thirty-five feet (35') above grade, as measured per 10-2-1 of City Code, as amended.
5. Building Size: The maximum building size is 14,000 square feet. (a larger building may be permitted with a Special Use Permit)
6. Yards:
 - a. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)
 - i. The front building line shall not be closer than twenty feet (20') to the front property line.
 - ii. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
 - iii. On a corner lot the required front yard of twenty feet (20') shall be required on both streets.
 - iv. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the property line on other street frontages.
 - b. Side Yard:
 - i. The side building line shall not be closer than five feet (5') to the side property line.
 - ii. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.
 - iii. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet (2½') to the side property line.
 - c. Rear Yard:
 - i. The rear building line shall not be closer than twenty feet (20') to the rear property line for residential uses and as per R-4 or R-4 PRO development requirements for other uses.
 - ii. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided in section 10-7-5 of this title.
 - iii. On a corner lot, the rear yard setback may be reduced to the side yard setback.
 - iv. For professional offices, the rear yard setback may be reduced to the side yard setback of the basic zoning district.

EXHIBIT "C"

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7. Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right-of-way, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.
8. Landscaping Plan (PUD): All landscaping shall comply with the provisions of section 10-11-2 of this title.
 - a. Professional Uses: Professional offices shall provide landscaping equal to twenty-five percent (25%) of the total lot area.
 - b. Residential Uses: Residential development, excluding single family and/or duplex dwellings, shall provide landscaping equal to ten percent (10%) of the total lot area.
 - c. Landscaping shall be required to be installed on each parcel/lot of the property at the time site and building improvements are completed thereon, or by the next planting season subject to a Temporary Certificate of Occupancy. Landscaped perimeters shall be installed from the back of the curb in the public right-of-way and shall be extended to the dimensions set forth below:
 - d. A minimum twenty foot (20') wide landscaped buffer, including sidewalk and/or storm water retention facilities planted in grass, measured from back of the curb will be constructed along Field Stream Way. Trees and shrubs will be provided in ratios meeting City Code 10-11-2. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings.
 - e. A minimum fifteen foot (15') wide landscaped buffer, measured from the property line, will be constructed along the north and south boundaries of the PUD project boundary. The landscaping shall include berms with a minimum height of 18 inches to a maximum height of 30 inches.
 - f. The use of planters and landscaped islands within parking lots will be used to reduce visual impact of large paved areas and these shall be planted with shade trees and shrubbery. The area adjacent to residential areas shall be landscaped with coniferous and deciduous trees and/or solid panel fencing with shrubs, berms, solid wall, and or planter boxes to create a buffer in a relatively short period of time.
 - g. All landscaping shall be installed in conformance with the project Master Development Plan. All landscaping maintenance will be in a uniform manner.
 - h. The property landscaping will utilize a city pressure irrigation system constructed in compliance with applicable standards.
9. Off-Street Parking:
 - a. Each use shall provide parking in compliance with city code.
10. Signs:
 - a. All uses shall comply with the provisions of Chapter 9 of this title.
 - b. Multiple-occupancy buildings shall have a sign plan approved by the administrator.

EXHIBIT "C"

11. Walls, Fences, Hedges, Trees, Shrubs, and Landscaping Structures: Walls, fences, hedges, trees, shrubs, and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: no wall, fence, hedge, tree, shrub, or landscaping structure shall be placed within the public rights-of-way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs, and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)
 - a. Professional offices shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the professional office use and any contiguous residential lot or use.
12. Building Standards:
 - a. Buildings: New buildings are to be designed in such a way as to conform with the general residential nature of the neighborhood. All buildings shall be of residential character with exteriors of architectural masonry, stone, stucco, and/or hardboard, steel or vinyl siding. Building faces shall include windows, setbacks, awnings, parapet variations material variations, color variations and other architectural treatments to break up large uniform surfaces.
 - b. Buildings shall have pitched roofs with a gable or hip roof with a minimum 5/12 pitch and twelve inch (12") eave. Roofing material shall consist of architectural asphalt shingles, architectural metal or tile.
 - c. Building faces shall be broken up with windows, recesses, awnings or other architectural features that break up large flat surfaces.
 - d. Buildings shall have exteriors of architectural masonry, stone, stucco, and/or hardboard, steel or vinyl siding.
 - e. All building public access will be oriented away from the adjacent residential areas where possible.
 - f. Lighting: Building and parking area lighting shall be enclosed in fixtures or soffits that direct lighting to the ground surface in a manner that the light source cannot be seen from adjacent properties.
 - g. Outside Storage/Trash Containers/Loading Docks/Emergency Facilities: Outside storage and/or display is prohibited. Loading docks, trash containers, and emergency facilities shall be visibly screened from roadways, residential areas, and adjacent properties with screening materials. Screening may consist of landscaping – as per D8, masonry walls, buildings, or vinyl fencing.

PUD-271







PUD 271



PUD 271





P40-271



PUD 271





Date: Tuesday, April 23, 2019
To: Planning and Zoning Commission
From: Planning & Zoning Department

ACTION ITEM

Request:

Request for a Zoning Map Amendment from R-4 to R-6 ZDA on property located at the 100 & 200 blocks of Caswell Avenue West on behalf of Dr. David Kemp c/o EHM Engineers, Inc. (PZ18-0097)

Time Estimate:

15 - 20 minutes between Staff and the Applicant.

Background:

Recently, the Planning and Zoning Commission heard a request to vacate a portion of Bolton Street Right of Way earlier this year. The City Council made a final decision to vacate that right of way, thus allowing this current project to move forward with utilizing a portion of that now vacated property.

Approval Process:

The applicant is required to present a preliminary review to the Planning and Zoning Commission in which the commission may give suggestions and ask questions of the applicant about the proposed ZDA. A public hearing shall be held before the Commission for a recommendation to City Council to; amend the zoning district and the zoning map, amend with recommendations or deny the request.

Budget Impact:

N/A

Regulatory Impact:

This request will change the current zoning district, thereby removing the development entitlement afforded with that zone. If approved the Zoning District Change would afford development entitlement of the requested zone and the approved Zoning Development Agreement.

History:

This property has been part of multiple subdivisions over the years and has been vacant and underutilized for some time.

Analysis:

This is a request to rezone, with a Zoning Development Agreement, property located in the vicinity of the 100 & 200 blocks North of Caswell Ave W, from R-4 to R-6 ZDA.

The ZDA is proposing a base zone of R-6, with a few deviations from the development standards. If approved the ZDA would allow multiple dwelling structures with multiple dwelling units per structure, on one lot. The applicant is also requesting to reduce the rear yard setback from fifteen feet (15') to ten feet (10') as denoted on the conceptual Master Development Plan. Building height is also requested to be

forty feet (40'), up from thirty-five feet (35').

Conclusion:

If the Commission determines the proposed request appropriate, you may recommend approval to the City Council, as presented, subject to the following conditions.

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

Attachments:

1. PZ18-0097 ZDA Staff Report
2. 1 - Vicinity Map
3. 2 - Narrative
4. 3 - Draft ZDA
5. 4 - MDP
6. 5 - Elevations
7. 6 - Photos



Comprehensive Staff Report

To: Planning & Zoning Commission
 Presenter: Steve O'Connor, City Planner
 Request: For the Commission's recommendation on a request for a **Zoning District Change and Zoning Map Amendment** from R-4 to R-6 ZDA on property located at the 100 & 200 blocks of Caswell Avenue West.
 Application: PZ18-0097
 Applicant and Representative:
 Dr. David Kemp
 c/o EHM Engineers, Inc
 621 North College Rd
 Twin Falls, ID 83301
 208.734.4888
 dthibault@ehminc.com

Public Hearing: April 23rd, 2019

Analysis

This is a request to rezone, with a Zoning Development Agreement, property located in the vicinity of the 100 & 200 blocks North of Caswell Ave W, from R-4 to R-6 ZDA.

The ZDA is proposing a base zone of R-6, with a few deviations from the development standards. If approved the ZDA would allow multiple dwelling structures with multiple dwelling units per structure, on one lot. The applicant is also requesting to reduce the rear yard setback from fifteen feet (15') to ten feet (10') as denoted on the conceptual Master Development Plan. Building height is also requested to be forty feet (40'), up from thirty-five feet (35').

History

This property has been part of multiple subdivisions over the years and has been vacant and underutilized for some time.

Approval Process

The applicant is required to present a preliminary review to the Planning and Zoning Commission in which the commission may give suggestions and ask questions of the applicant about the proposed ZDA. A public hearing shall be held before the Commission for a

recommendation to City Council to; amend the zoning district and the zoning map, amend with recommendations or deny the request.

Applicable Regulations or Codes

Per City Code 10-6: Zoning Development Agreements: A ZDA shall conform to all sections of Title 10 unless specifically addressed within the written zoning development agreement and approved by the City. The agreement shall list all requested deviations from city code. The council may add other requirements they deem appropriate.

Per City Code 10-7-20: Public Hearing Notice Requirements: The applicant must follow all public notice requirements per state and city regulations.

Regulatory Impacts

This request will change the current zoning district, thereby removing the development entitlement afforded with that zone. If approved the Zoning District Change would afford development entitlement of the requested zone and the approved Zoning Development Agreement.

Potential Impacts

The overall impact on the surrounding properties at full build out will have the

common impacts that come with increased development. The more obvious increase in impacts will be vehicular traffic and noise. Though these proposed changes are similar to the surrounding property uses it will increase the cumulative effects of those impacts. However, the increase of residential use in this area is consistent with the Comprehensive plan and will not be a detriment to the surrounding street networks.

Conclusion

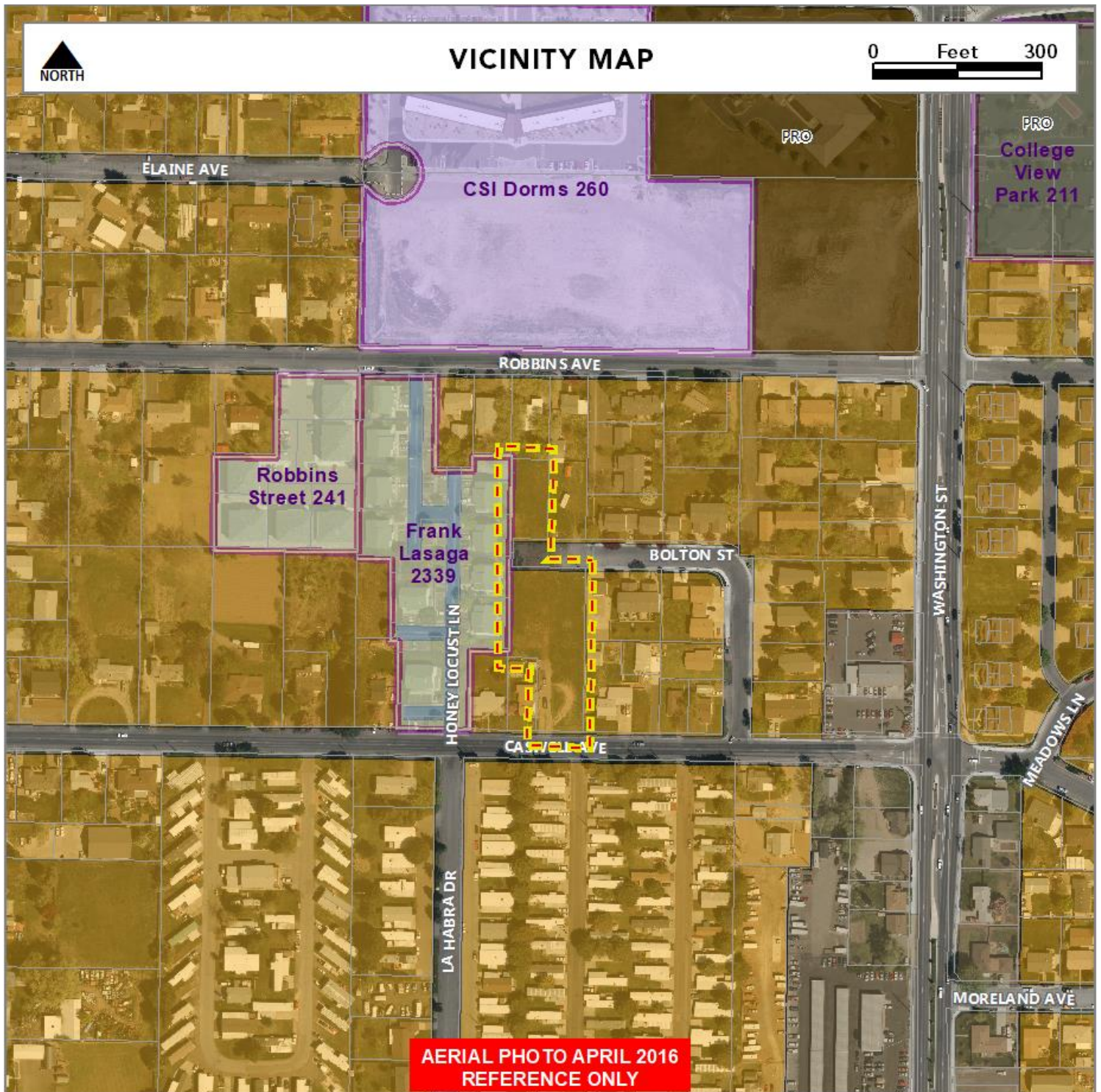
If the Commission determines the proposed request appropriate, you may recommend approval to the City Council, as presented, subject to the following conditions.

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

Attachments

1. Vicinity Map
2. Narrative
3. Draft ZDA
4. Conceptual Master Development Plan
5. Elevations
6. Photos

Public Hearing: April 23rd, 2019



PRO	R-4	Current Zoning: R-4	Existing Land Use: Vacant
PUD	R-6	Comprehensive Plan: Town Neighborhood	Proposed Land Use: Multi Family
C-1		Surrounding Zoning Designations & Land Use(s)	
		North: R-4; Residential	East: R-4; Residential
		South: Caswell Ave W.; R-4; Residential	West: R-4 PUD; Residential Multi-Family
		Applicable Regulations	
		10-4-6, 10-6-1, 10-11	

Supplemental Information Supporting
A ZDA Request for Dr. David Kemp

This is a formal request to establish a zoning designation agreement upon and across property owned by Dr. David Kemp at the end of Bolton Street in Twin Falls, Idaho. The R-6 ZDA is requested to permit the construction of 4-plex units and multiple household dwelling units (5 units or more) within the project.

This request is consistent with the comprehensive plan for the City of Twin Falls which identifies the area as town neighborhoods. Within the comprehensive plan the description for town neighborhoods includes contiguous and clustered developments which are primarily residential in character. The proposed project is neighbored by 4-plex developments to the west and north and duplexes have been established to the east. Single family residential development neighbors the subject property to the south. The properties which neighbor the project are zoned R-4 reserved for medium density residential. The proposal to rezone with R-6 ZDA designation is compatible with adjacent multi-family developments and neighboring residential uses.

The proposed project includes the development of three story 6-plex units on the property. Associated parking, utilities, stormwater retention, and landscaping areas are included on the property. The proposal for three-story 6-plex configuration will allow for more open space on the site. The accompanying ZDA language clarifies the specific code changes and requests.

ZDA - Zoning Development Agreement
Pursuant to All Parts of the Planning Exhibit

This ZDA - Zoning Development Agreement is made and entered into this _____ day of, 2018, by and between the City of Twin Falls, State of Idaho, a municipal corporation, hereinafter called “City” and David Kemp, MD, hereinafter called “Developer” for the purpose of developing a multi-family, multi-unit, residential development as a planned Zoning Development Agreement (ZDA). The Legal description of the property is 0.99 Acres, located in the NE1/4 NE1/4 Section 8, Township 10 South, Range 17 East, Boise Meridian in Twin Falls County Idaho. More specifically described in attached Exhibit A.

Development and Improvements shall conform to the standards and regulations of the Twin Falls City Code Title 10-4-6 for R-6, Residential High Density District, and all references to other sections herein, as amended, to include the following:

1) Property Development Standards:

1. Use of lots: Multiple dwelling structures are permitted to be constructed on a single lot.
2. Yards:
 - A. Side: A property line setback of five feet (5’) shall be maintained on the side yard, as depicted on the Master Development Plan.
 - B. Rear: A property line setback of ten feet (10’) shall be maintained on the rear yard for buildings adjacent to existing residential use, as depicted on the Master Development Plan.
3. Building Height: No building shall exceed forty (40) feet in height.
4. No outside storage is permitted to include Recreational vehicles, ware yard storage or other storage of material, goods, wares, and the like with the exception of materials and equipment for the purpose of construction and development of the property.

2) Project Phasing:

- a. The development shall be constructed in multiple phases. Each phase shall be subject to technical engineering review by the City of Twin Falls Engineering Department to confirm appropriate utility service to the project. The development schedule is to initiate during calendar year 2019 and be completed in successive phases according to market demands. In no case shall the development extend beyond June 1, 2025, without an extension of time being approved first by the City of Twin Falls Planning and Zoning Commission.
- b. If no development has occurred on the ZD A subject parcel within the time identified, the planning and zoning commission and city council may review the original ZDA development requirements and conceptual development plan to ensure their continued validity. If the city determines the concept is no longer valid, then:
 1. The city may initiate process to change the zoning classification, or
 2. New ZDA development requirements and/or a new conceptual development plan may be required to be approved prior to the city issuing a building permit for the any portion of the ZDA subject parcel.

Dr. David Kemp

By:

By:

STATE OF IDAHO)

)ss

County of Twin Falls)

On this _____ day of _____, 2018, before me, a Notary Public in and for said County and State, personally appeared _____ personally known or identified to me to be the _____ of the municipal corporation that executed the within and foregoing instrument and acknowledged to me that such municipal corporation executed the same.

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

Notary Public for Idaho

Residing in _____

Commission Expires _____

STATE OF IDAHO)

)ss

County of Twin Falls)

On this_____ day of

_____, 2018, before me, a Notary Public in and for said

State, personally appeared

Dr. David Kemp,

known or identified to me to be the governor of

_____, the Limited Liability Company that executed the foregoing

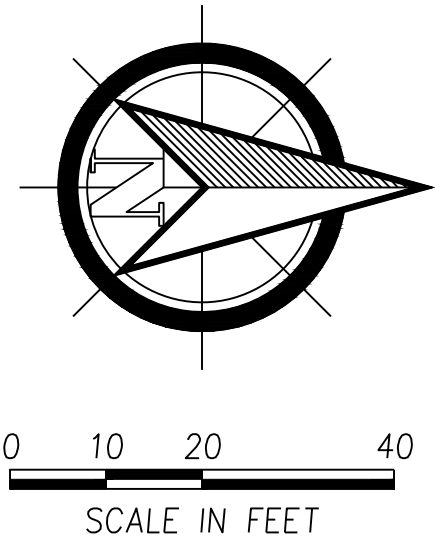
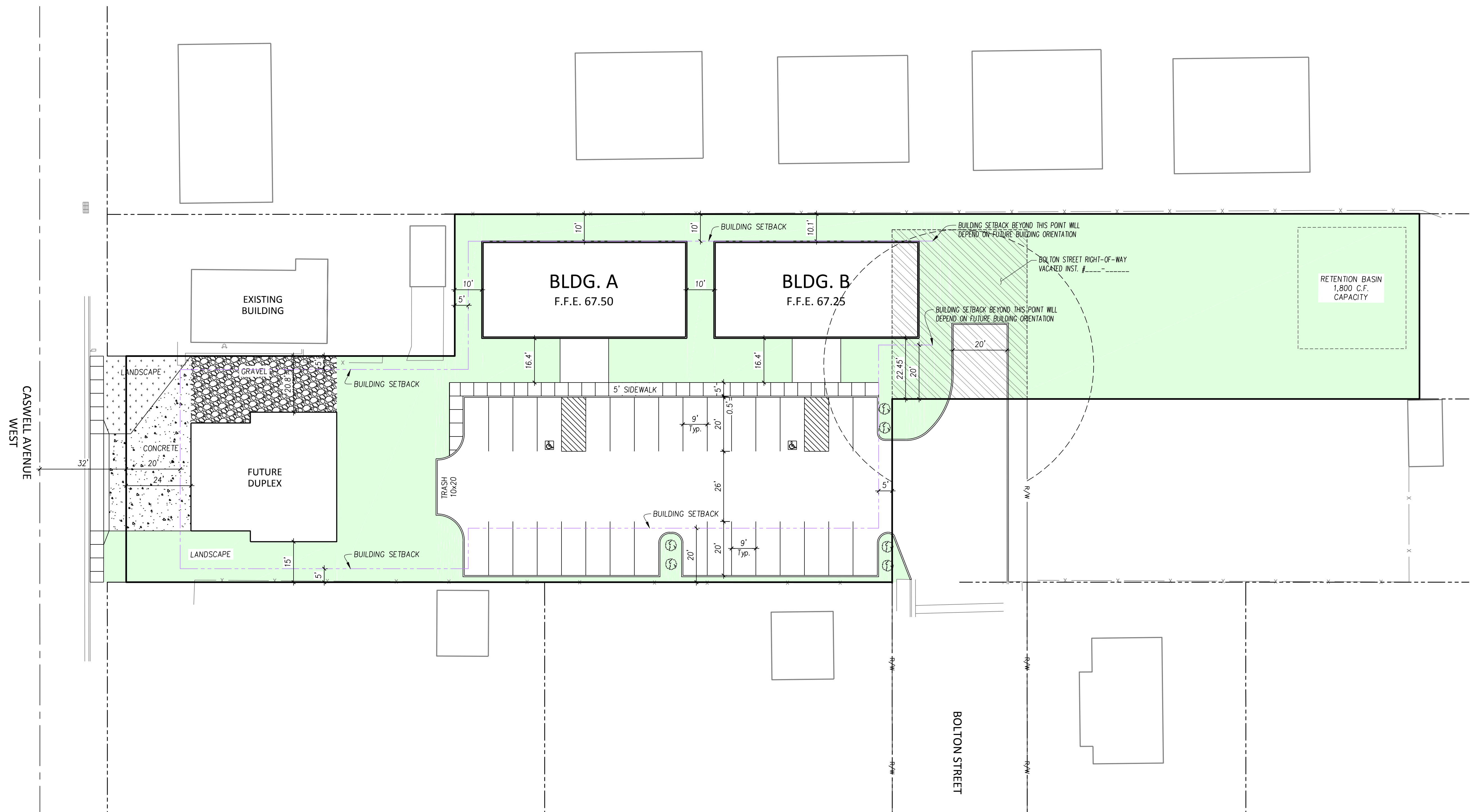
instrument, and acknowledged to me that the Limited Liability Company executed the same.

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

Notary Public for Idaho

Residing in

Commission Expires



Located In
Lot 3, Fireside Subdivision
In
NE ⁴ NE ⁴, Section 8
Township 10 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2018

PARKING SUMMARY:

NEW BUILDINGS = 16,416 SF
REQ'D PARKING STALLS = 30 (2 ADA - PER COTF STANDARDS)
PROPOSED STALLS = 31
ADA PROPOSED STALLS = 2

EHM Engineers, Inc.
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE

Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83301
p (208) 734-4888 fax (208) 734-6049 web: ehmine.com

SITE EXHIBIT for DR. KEMP	
REVISIONS	
DO NOT SCALE DRAWINGS CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ENGINEER OF ANY DIMENSIONAL ERRORS, OMISSIONS, OR DIS- CREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK.	
STAMP	
APPROVED	D.Thibault
DESIGN	-
DRAWN	M.Brander
DATE	12/12/2018
SCALE	AS SHOWN
DWG. 803-18 TOPO-EXHIBIT	
SHEET	
C1.01	







East Side Looking W



SW Corner Looking NE