



Twin Falls Planning & Zoning Commission Agenda

Tuesday, February 23, 2021, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

COUNCIL CHAMBERS

Members -

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

Area of Impact: David Detweiler

- 1) Call In Instructions
 - a) To call in for Public Comment on the items on this agenda, please call 1-208-939-6718, Conference ID: 820 430 246#. Calls must be received between 6:00 pm - 6:10 pm and will be put into the queue to speak during the Public Hearing portion of the meeting.
- 2) Confirmation of Quorum/Call Meeting to Order
- 3) Consent Calendar
 - a) **ACTION ITEM:** Approval of Minutes from the following meeting: February 9, 2021
- 4) Items of Consideration
 - a) **PRESENTATION:** Preliminary Presentation for a request for a Zoning District Change and Zoning Map Amendment for approximately 10 (+/-) acres from R-4 & R-6 CRO to R-4 & R-6 CRO ZDA for property located at the 500 block of Canyon Falls Drive c/o Gerald Martens on behalf of Concept Investors, LLC. (PZ21-0008)
By: Elizabeth Hart, Senior Planner
- 5) Public Hearings
 - a) **ACTION ITEM:** Request for a recommendation to City Council of an Annexation with a Zoning District Change and Zoning Map Amendment from R2 CRO to RM CRO ZDA for 11.08 (+/-) acres located at the southwest corner of Federation Road and Washington Street North c/o EHM Engineers, Inc. on behalf of Hepworth Family Landholdings, LLC. (PZ21-0004)
By: Jonathan Spendlove, Planning & Zoning Director
- 6) Upcoming Meeting(s)
 - a) Tuesday, March 9, 2021
- 7) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Kelli Ebersole (208) 735-7267 at least two working days before the meeting. Si desea esta información en español, 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, February 9, 2021, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Council Chambers

Members -

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

Area of Impact: David Detweiler

1) Call In Instructions

- a) To call in for Public Comment on the items on this agenda, please call 1-208-939-6718, Conference ID: 750 517 907#. Calls must be received between 6:00 pm - 6:10 pm and will be put into the queue to speak during the Public Hearing portion of the meeting.

2) Confirmation of Quorum/Call Meeting to Order

NAME called the meeting to order at 06:01 PM

A quorum was present.

Members Present: Titus, Kelley, Detweiler, Musser

Staff Present: Strickland, Spendlove, Hart, Zollinger, Hafer, Vitek, Nope

3) Consent Calendar

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

Commissioner Musser seconded the motion.

Unanimously approved by a vote of 4-0.

- a) Approval of Minutes from the following meeting: January 26, 2021

4) Items of Consideration

- a) Request for a consideration of a Preliminary Plat for the Claret Subdivision consisting of 8 lots (Lot 8 as Retention), and 1.81 acres (+/-) located on the west side of Harrison Street South, between Highland Avenue and Park Avenue, c/o EHM Engineers, Inc. on behalf of Greg Olsen. (PZ20-0152)

Staff Presentation:

PZ Director Spendlove presented the request for a consideration of a Preliminary Plat for the Claret Subdivision consisting of 8 lots (Lot 8 as Retention), and 1.81 acres (+/-) located on the west side of Harrison Street South, between Highland Avenue and Park Avenue, c/o EHM Engineers, Inc. on behalf of Greg Olsen. (PZ20-0152)

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.

Approval of the Preliminary Plat will set many parameters for which the Final Plat must substantially conform to. Including total number of lots, street layout, sidewalk connections, and other similar items.

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.

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.

There is no known history for this property.

This subdivision if approved would allow for a small infill project to occur. The Comprehensive Plan "Grow With Us" designates this area as "Town Neighborhood". Staff has determined this request complies with the 2016 Comprehensive Plan. It complies with the the City's General Subdivision Provisions and State Statute Chapter 50-13.

Upon 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

Applicant Presentation:

Dave Thibault, EHM Engineers, representing applicant, presented the request for a Preliminary Plat for the Claret Subdivision.

The surrounding neighborhood is residential. Seven (7) lots to be developed, with lot 8 used for retention. Access gained from Harrison St South. Pressurized irrigation to this project, with city services and infrastructure. This subdivision is in conformance with the city's Comprehensive Plan.

Discussions Followed: without concerns

Motion:

Commissioner Musser made a motion to approve the request for a Preliminary Plat for the Claret Subdivision consisting of 8 lots (Lot 8 as Retention), and 1.81 acres (+/-) located on the west side of Harrison Street South, between Highland Avenue and Park Avenue, c/o EHM Engineers, Inc. on behalf of Greg Olsen, as presented with staff recommendations. (PZ20-0152)

Commissioner Detweiler seconded the motion.

Unanimously Approved by a vote of 4-0.

- b) Preliminary Presentation for a request for a recommendation to City Council of an Annexation with a Zoning District Change and Zoning Map Amendment from R2 CRO to RM CRO ZDA for

11.08 (+/-) acres located at the southwest corner of Federation Road and Washington Street North c/o EHM Engineers, Inc. on behalf of Hepworth Family Landholdings, LLC. (PZ21-0004)

Staff Presentation:

PZ Director Spendlove presented the Preliminary Presentation for a request for a recommendation to City Council of an Annexation with a Zoning District Change and Zoning Map Amendment from R2 CRO to RM CRO ZDA for 11.08 (+/-) acres located at the southwest corner of Federation Road and Washington Street North c/o EHM Engineers, Inc. on behalf of Hepworth Family Landholdings, LLC. (PZ21-0004)

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.

After a previous application for this property was denied by the City Council on December 14, 2020 . The applicant has resubmitted the project with the changes proposed by the comments of the City Council during the Public Hearing.

A full analysis of this project will be made during the public hearing at a future date. Staff makes no recommendation at this time. A comprehensive staff analysis will be provided at the public hearing.

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc., gave a Preliminary Presentation for a request for a recommendation to City Council of an Annexation with a Zoning District Change and Zoning Map Amendment from R2 CRO to RM CRO ZDA for 11.08 (+/-) acres located at the southwest corner of Federation Road and Washington Street North.

He reviewed the changes made with this new application. He stated the residential portion complies with the density in the RM district.

PZ/Questions & Comments:

- Commissioner Musser asked what changes have been made to the plan.
- PZ Director Spendlove explained what was changed on the plan.
- Chairperson Titus asked about special conditions made on the first application.
- PZ Director Spendlove stated this is a new case. He gave the setback and landscaping buffer information.
- Commissioner Detweiler asked about the change to the duplexes.
- PZ Director Spendlove reviewed the plan for the duplexes.

5) Public Hearings

- a) Request for a Special Use Permit to allow alcohol beverages when consumed on the premises where sold if located less than three-hundred (300) feet from residential property and extended hours of operation on property located at 677C and 679 Filer Avenue c/o Wendee

Gardner. (PZ20-0151)

Staff Presentation:

Senior Planner Hart presented the request for a Special Use Permit to allow alcohol beverages when consumed on the premises where sold if located less than three-hundred (300) feet from residential property and extended hours of operation on property located at 677C and 679 Filer Avenue c/o Wendee Gardner. (PZ20-0151)

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 Records the multi-tenant building was constructed in the 1970s and has seen multiple businesses in its various spaces over the years.

The applicant has described the subject property to be a sports bar and grill. The sports bar will include a dart and pool lounge, located within 679 Filer Ave. The restaurant will be located within 677 Filer Ave. Both spaces will serve alcohol. The applicant has stated that no entertainment or loud music will take place on site.

The distance from the exterior building walls to neighboring residences located to the East and North varies from around ninety feet (90') to two hundred and fifty feet (250').

The applicant is also requesting extended business hours. Monday through Saturday from ten o'clock (10:00) A.M. to one o'clock (1:00) A.M., and Sunday from ten o'clock (10:00) A.M. to ten o'clock (10:00) P.M.

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

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

1. Subject to the hours of operation being extended to one o'clock (1:00) A.M. Monday thru Saturday; and ten o'clock (10:00) PM on Sunday.

Applicant Presentation:

Wendee Gardner, applicant, presented the request a Special Use Permit to allow alcohol beverages when consumed on the premises where sold if located less than three-hundred (300) feet from residential property and extended hours of operation on property located at

677C and 679 Filer Avenue.

She stated there will be no live bands at this time, with the restaurant being open to families.

PZ/Questions & Comments:

- Commissioner Kelley asked what the hours of the operation were for the previous tenants (bars).
- Senior Hart stated the previous tenants were in prior to the code changing, so there is no record of any operating hour conditions.
- PZ Director Spendlove clarified the previous tenants' conditions.
- Commissioner Musser asked normal hours of operation.
- Senior Planner Hart clarified the regular commercial business hours.
- Commissioner Detweiler asked if there will be live entertainment.
- Senior Planner Hart stated there will be no live entertainment.

Public Hearing: Opened

- Citizen Tina, The Potter's House Christian Center, expressed her concern with this request. She stated the church is leasing the kitchen from Ms. Gardner and is concerned with the ventilation system of the building and the crime rate on Filer Avenue in Twin Falls.
- Citizen Jean Reyes expressed her concern with this request due to the proximity to the day cares.
- Citizen Bryan Harshman is in favor of this request. He lives in the area and does not believe this establishment will be a problem.
- City Attorney Nope clarified there was a police officer shot at the incident referenced by the citizen.
- Applicant Wendee Gardner addressed the concerns of the citizens. She stated the bar was established prior to the church. She is interested in working with the community.

Public Hearing: Closed

Discussions Followed:

- Commissioner Kelley stated that Garabaldi's is established in the center and does not have any concerns with this request. He believes precedent has been set by the prior tenants in the building.
- Commissioner Detweiler is in favor of the request. He would like to see this building used and kept up.
- Commissioner Musser is in favor of this request. Applicant was established prior to the church.
- Chairperson Titus is in favor of this request. She feels it is a good fit for the area and that the applicant addressed any concerns.

Motion:

Commissioner Kelley made a motion to approve the request for a Special Use Permit to allow alcohol beverages when consumed on the premises where sold if located less than three-hundred (300) feet from residential property and extended hours of operation on property located at 677C and 679 Filer Avenue c/o Wendee Gardner, as presented with staff recommendations. (PZ20-0151)

Commissioner Detweiler seconded the motion.

Unanimously Approved by a vote of 4-0

6) Upcoming Meeting(s)

a) Tuesday, February 23, 2021

7) Adjournment

The meeting adjourned at 06:54 PM

Kelli Ebersole, Administrative Assistant



Date: Tuesday, February 23, 2021
To: Planning and Zoning Commission
From: Elizabeth Hart, City Planner, Senior Planner

PRESENTATION

Request:

Preliminary Presentation for a request for a Zoning District Change and Zoning Map Amendment for approximately 10 (+/-) acres from R-4 & R-6 CRO to R-4 & R-6 CRO ZDA for property located at the 500 block of Canyon Falls Drive c/o Gerald Martens on behalf of Concept Investors, LLC. (PZ21-0008)

Time Estimate:

Approximately 15 minutes for presentation and questions.

Background:

This is a preliminary presentation for a request of a Zoning District Change & Zoning Development Agreement from R4 CRO and R6 to R4 CRO & R6 ZDA for the 500 block of Canyon Falls Drive.

The property is currently used for Agricultural purposes and is currently zoned R4 CRO and R6.

Approval Process:

Per Twin Falls City Code 10-6-1.7(B) Approval of a ZDA sub-district requires a preliminary presentation to the Planning and Zoning Commission for a review of the proposed changes prior to a public hearing. 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

Budget Impact:

NA

Regulatory Impact:

City Code 10-6-1: Zoning Development Agreement.

City Code 10-14: Zoning Amendments.

City Code 10-4-5: R4, Residential Medium Density District.

City Code 10-4-6: R6, Residential Multi-Household District.

City Code 10-4-19: CRO, Canyon Rims Overlay District.

History:

NA

Analysis:

The request is to allow the parcel to be developed as an attached and detached single family residential subdivision. Staff will present a full analysis of the request at the public hearing-scheduled for Tuesday, March 23, 2021.

Conclusion:

Staff makes no recommendation at this time. Staff will present a full analysis of the request at the public hearing-scheduled for Tuesday, March 23, 2021.

Attachments:

1. PZ21-0008 PC SR Preliminary Presentation Residences at Breckenridge ZDCZDA
2. Vicinity Map
3. Narrative
4. ZDA
5. Exhibit



Comprehensive Staff Report

To: Planning & Zoning Commission

Presenter: Liz Hart, Senior City Planner

Request: **Preliminary Presentation** for a request for a Zoning District Change & Zoning Development Agreement from R4 CRO and R6 to R4 and R6 ZDA for the 500 block of Canyon Falls Drive.

Application: PZ21-0008

Applicant & Representative:
Concept Investors LLC
Gerald Marten
621 N. College Rd., Ste. 100
Twin Falls, ID 83301

Prelim Presentation: February 23, 2021

P&Z Public Hearing: March 23, 2021

Background

This is a preliminary presentation for a request of a Zoning District Change & Zoning Development Agreement from R4 CRO and R6 to R4 CRO & R6 ZDA for the 500 block of Canyon Falls Drive.

The property is currently used for Agricultural purposes and is currently zoned R4 CRO and R6.

The request is to allow the parcel to be developed as an attached and detached single family residential subdivision.

Approval Process:

Per Twin Falls City Code 10-6-1.7(B) Approval of a ZDA sub-district requires a preliminary presentation to the Planning and Zoning Commission for a review of the proposed changes prior to a public hearing. 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.

Applicable Regulations

City Code 10-6-1: Zoning Development Agreement.

City Code 10-14: Zoning Amendments.

City Code 10-4-5: R4, Residential Medium Density District.

City Code 10-4-6: R6, Residential Multi-Household District.

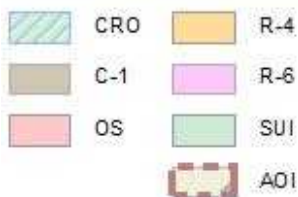
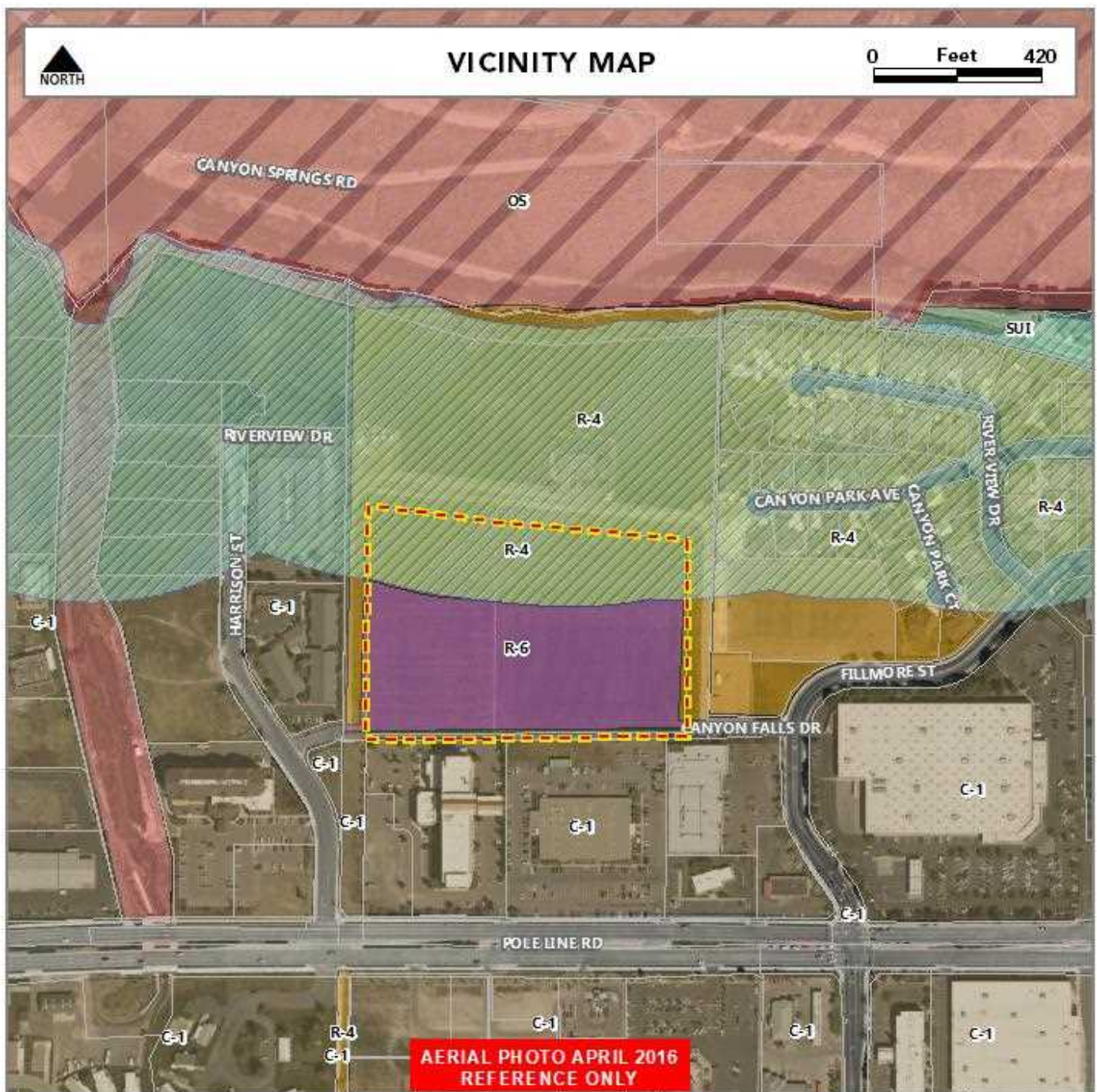
City Code 10-4-19: CRO, Canyon Rims Overlay District.

Conclusion:

Staff makes no recommendation at this time. Staff will present a full analysis of the request at the public hearing-scheduled for Tuesday, March 23, 2021.

Attachments

1. Vicinity Map
2. R4 CRO, R6 ZDA



Current Zoning: R4 CRO and R6

Comprehensive Plan: Mixed Use

Existing Land Use: Undeveloped

Proposed Land Use: Residential

Surrounding Zoning Designations & Land Use(s)

North: R4, Residential; Canyon Rim

East: R4, Residential; C1, Commercial

South: C-1, Commercial

West: C-1, Mixed Use

Applicable Regulations

10-6-1, 10-4-5, 10-4-6, 10-4-19, 10-14

Reason for Request

This request is to allow the proposed parcel, partially located in the Canyon Rim Overlay District to be developed as an attached and detached single family residential subdivision.

The area is designated in the city comprehensive plan for residential use. The proposed townhouse development is totally compatible with the adjacent Breckenridge Subdivisions located east and north of the approved project which includes attached and detached single family residences.

The development includes private streets, landscaping, pedestrian pathways all similar to the development features are common in the Breckenridge residential developments.

The uses will be detached single family residences, attached zero lot line town homes not to exceed two units per structure, and limited common area improvements and facilities.

Residences at Breckenridge, ZDA

R4 CRO, R6 Residential Zoning Development Agreement

This Zoning Development Agreement (ZDA) is 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 Concept Investors, LLC (hereinafter called "Developer") for the purpose of developing a Residential Subdivision on property located between Fillmore St. and Harrison Street, known as Residences at Breckenridge Subdivision, a ZDA.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 6; R6 Residential Multi-Housing District, or as amended, Title 10 – Chapter 4 – Section 5; R4 Residential Medium Density District or as amended, Title 10 – Chapter 4 – Section 19; CRO Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:
2. R4, R6 and CRO, modified to include the following:
 - A. Permitted uses;
 1. Residential:
 - a. Dwellings – Detached single family household units.
 - b. Dwellings – Attached single family residences in groupings of two (2) or less.
3. Property Development Standards to be modified to include the following:

The following property development standards shall apply to all land and buildings in the R4, R6 and CRO district:

A. Lot Area:

1. Each residential building to be located on an individual lot of not less than four thousand (4,000) square feet in size. Open space and/or common area to have no minimum or maximum square footage.

B. Yards:

1. No property line building setbacks will be required from the common residential lot lines for attached single family residences.
2. For detached single family residences the side yard setback shall be five (5') feet, front yard setback shall be fifteen (15') feet and rear yard setback shall be fifteen (15') feet except for the subdivision boundary where the setback shall be twenty (20') feet.

Residences at Breckenridge, ZDA

R4 CRO, R6 Residential Zoning Development Agreement

C. Landscaping:

1. Street Buffers: Residential uses shall provide a fifteen (15') foot landscaped buffer from property line adjacent to all roadways with the exception of vehicular turn-outs.

D. Other Development Criteria:

1. All internal roadways and overflow parking areas are private and shall be owned and maintained as part of the common area by the Homeowner's Association.
2. Each residential unit shall have a driveway wide enough to provide two (2) parking spaces as well as a garage large enough to provide space for at a minimum of two (2) vehicles.
3. All streets, common landscaping and storm water retention area shall be owned and maintained by the Homeowners Association.

Developer: Concept Investors, LLC
621 N. College
Twin Falls, ID 83301

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

"CITY"
CITY OF TWIN FALLS

By: _____
Mayor

ATTEST:

City Clerk

"DEVELOPER"
Concept Investors, LLC

By: _____

Residences at Breckenridge, ZDA

R4 CRO, R6 Residential Zoning Development Agreement

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 2021 before me, a Notary Public for said County and State, personally appeared _____ and _____, known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and acknowledged to me that such City executed the same.

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

Residing at _____

Commission Expires: _____

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 2021 before me, a Notary Public for said County and State, personally appeared Gerald Martens, known or identified to me, to be the person that executed said instrument.

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

Residing at _____

Commission Expires: _____

Located in A Portion of

WIDE OPEN SMITH!
Twin Falls County, Idaho
1900

Prescription Data

PRELIMINARY PLAT
for
RESIDENCES AT BRECKENRIDGE SUBDIVISION
No. 1

RESIDENTIAL TYPICAL PAVEMENT SECTION



Vicinity Sketch:



PLAAT



Date: Tuesday, February 23, 2021
To: Planning and Zoning Commission
From: Jonathan Spendlove, Planning & Zoning Director

ACTION ITEM

Request:

Request for a recommendation to City Council of an Annexation with a Zoning District Change and Zoning Map Amendment from R2 CRO to RM CRO ZDA for 11.08 (+/-) acres located at the southwest corner of Federation Road and Washington Street North c/o EHM Engineers, Inc. on behalf of Hepworth Family Landholdings, LLC. (PZ21-0004)

Time Estimate:

Approximately 5-10 minutes for Staff with questions/comments to follow; approximately 10-15 minutes for Applicant.

Background:

On December 14, 2020, the applicant was denied annexation by the City Council. During that Public Hearing, the Council provided feedback to the applicant as to why the application was denied.

The applicant revised their proposal to reflect the feedback by the City Council and has re-applied per the requirements of City Code.

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 then be held before the Commission for a recommendation to City Council. The City Council may then approve the request as presented, approve with conditions, or deny the request.

Budget Impact:

N/A

Regulatory Impact:

If approved the property would come under the regulatory authority of the City of Twin Falls for all aspects of City Code.

In addition, the applicant has proposed a handful of modifications to the RM District as part of their ZDA Document. These changes focus on the following categories: Land Uses, Lot Area, Setbacks, Arterial Landscaping, and Other Development Criteria.

History:

The property is currently zoned R-2 CRO, Residential Single Household or Duplex District with the Canyon Rim Overlay District. The property is undeveloped and is located south of the Sport Shooting Range along Federation Road.

The Commission held a public hearing regarding a rezone of this property previously in November 2020. Subsequently, the City Council held a public hearing on December 14, 2020. The City Council ultimately

denied the request. The written denial by the Council referenced the number of proposed dwelling units and their correlation to traffic increases in the area.

Analysis:

The applicant has proposed a handful of exceptions to the RM District as part of their ZDA Document. These changes focus on the following categories: Land Uses, Front Yard Setbacks, Arterial Landscaping, and Other Development Criteria. The applicant is not seeking additional units beyond what is permitted within the base RM Zoning District.

The changes sought through the ZDA are focused primarily on internal elements. Building Setbacks from existing neighboring land uses, maximum heights, and densities, will follow the base RM Zoning Code.

Staff believes the layout of this project makes for a gradual transition between existing competing land uses: Outdoor Sport Shooting Range (aka Gun Club) to the North, existing single family residential to the West/South, and Commercial Retail to the East.

The potential detrimental impacts on surrounding areas will be largely mitigated with the screening wall, solitary access to these properties from Arterial and Collector Roadways, and the fine grain transition from Single Family Detached Homes towards the West, to Duplexes within the development, and then to 4-plexes towards the Arterial Roadway (Washington St North).

Conclusion:

The Planning and Zoning Commission may recommend approval of the Zoning request as presented, recommend approval with conditions, or recommend denial.

Staff recommends the following conditions:

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

Attachments:

1. A-PZ20-0104 ZDA Staff Report REVISED 2-17-20
2. B-Vicinity Map
3. C- Future Land Use Map
4. D- Applicant Narrative
5. E-Proposed ZDA Document
6. F-Proposed Master Plan {Updated 8x11} EXHIBIT B 2-8-2021
7. G-Proposed Elevations Examples
8. H-Proposed Roadway Details



Comprehensive Staff Report

To: Planning & Zoning Commission

Presenter: Jonathan Spendlove, PZ Director

Request: for a recommendation to City Council of an Annexation with a Zoning District Change and Zoning Map Amendment from R2 CRO to RM CRO ZDA for 11.08 (+/-) acres located at the southwest corner of Federation Road and Washington Street North c/o EHM Engineers, Inc. on behalf of Hepworth Family Landholdings, LLC. (PZ21-004)

Application: PZ2-0004

Applicant & Representative:

Hepworth Family Landholdings, LLC
c/o EHM Engineers, Inc.
621 N College Rd, Ste 100
Twin Falls, ID 83301

Public Hearing:

Background:

This application is for a request to annex approximately 11.08 (+/-) acres with a proposed zoning designation of RM CRO ZDA.

The purpose of the RM, Residential Mixed-Use District is intended to provide for a mixture of residential housing types in a unified plan through a ZDA process.

On December 14, 2020, the applicant was denied annexation by the City Council. During that Public Hearing, the Council provided feedback to the applicant as to why the application was denied.

The applicant revised their proposal to reflect the feedback by the City Council and has re-applied per the requirements of City Code.

History

The property is currently zoned R-2 CRO, Residential Single Household or Duplex District with the Canyon Rim Overlay District. The property is undeveloped and is located south of the Gun Club along Federation Road.

The Commission held a public hearing regarding a rezone of this property previously in November 2020. Subsequently, the City Council held a public hearing on December 14, 2020. The City Council ultimately denied the request. The written denial by the Council referenced the number of proposed dwelling units and their correlation to traffic increases in the area.

Approval Process:

Per City Code 10-15-1 Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission on the proposed plan and zoning ordinance changes for the unincorporated area.

Per City Code 10-15-2 The council, prior to adoption, amendment or repeal of the plan or zoning ordinance, shall conduct at least one public hearing using the same notice and hearing procedures as the commission.

Applicable Regulations or Codes:

Per City Code 10-14-5 Zoning Map Amendment: The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section City Code 10-7-20.

Per City Code 10-4-15 & 10-4-19 a Zoning Development Agreement is required prior to development for any property within the CRO Zone.

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. The City Council may add, remove, or modify requirements they deem appropriate.

Comprehensive Plan Compliance

The Future land use map shows this area as a transition between "Town Neighborhood" and "Mixed Use" Future Land Use Maps are not property specific and transition areas generally occur along arterial roadways.

This specific project accomplishes a number of goals found in the Comprehensive Plan:

Land Use Goal 3: encourage mixed use developments... etc

Land Use Goal 5: Create great neighborhoods with a wider range of housing types, mix of uses and amenities.

Community Character - Protect and preserve the Canyon Rim Experience – the applicant is proposing an addition to the Rim Trail.

Analysis

The applicant has proposed a handful of exceptions to the RM District as part of their ZDA Document. These changes focus on the following categories: **Land Uses, Front Yard Setbacks, Arterial Landscaping, and Other Development Criteria**

Land Use Changes - The ZDA Document has identified additional land uses the applicant would like to make "Outright Permitted" and others they would add as "Special Uses" (see ZDA Document Sections 2A and 2B).

City Staff finds the result of this change creates more opportunities for the land owner to utilize the land along Federation as a buffer zone between the residential areas to the South and West and the Sport Shooting Range to the north. Additionally, the list of added uses has been narrowly tailored towards low-impact neighborhood type uses.

Lot Area - The ZDA states that buildings are not required to be located on a separate lot. However, for multi-family, the minimum lot or parcel shall be six (6) acres and shall contain no more than 90 Units {19 fourplexes and 7 duplexes} as shown on the master development plan.

This change results in no change from the number of allowable units per the RM District.

Setbacks – Various setback distances have been requested to be modified by the applicant. Namely a fifteen (15) foot front yard setback along Federation and Washington, and internal setbacks for the Residential and Commercial

buildings amongst themselves down to ten (10) feet.

No changes are proposed for the Southern and Western boundary of the property adjacent to existing residential property.

The rear yards along these boundaries will follow the base RM Zone Setbacks of twenty (20) feet. Additionally the applicant is proposing a masonry fence/wall along that boundary to further mitigate possible impacts.

Arterial Landscaping - The applicant requests a reduction in arterial landscaping from thirty (30), to twenty five (25) feet along Washington St North, and adding that depth as a requirement for landscaping along Federation Road.

This change goes along with the reduced setback of buildings along Federation and Washington St N. Staff does not believe this change will have a detrimental impact on surrounding area.

Other Development Criteria - The Applicant is proposing, at their cost, a six (6) foot high masonry wall be installed along the west and south boundary of the development adjacent to exiting residential lots.

The applicant is also proposing, at their cost, to reconstruct the entirety of Federation Road. This would include a new ten (10) foot wide concrete path on the north side of Federation Road.

Potential Impacts:

The changes sought through the ZDA are focused primarily on internal elements. Building Setbacks from existing neighboring land uses, maximum heights, and densities, will follow the base RM Zoning Code.

Staff believes the layout of this project makes for a gradual transition between existing competing land uses: Outdoor Sport Shooting Range (aka Gun Club) to the North, existing single family residential to the West/South, and Commercial Retail to the East.

The potential detrimental impacts on surrounding areas will be largely mitigated with the screening wall, solitary access to these properties from Arterial and Collector Roadways, and the fine grain transition from Single Family Detached Homes towards the West, to Duplexes within the development, and then to 4-plexes towards the Arterial Roadway (Washington St North).

Conclusion:

Upon conclusion should the Commission recommend approval of the request as presented, staff recommends the following:

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

Attachments:

1. Vicinity Map
2. Narrative
3. Federation Pointe ZDA
4. Elevations
5. Photos



- C-1
- R-2
- OS
- CRO
- PUD
- AOI

Current Zoning: R-2

Comprehensive Plan: Town Neighborhood

Existing Land Use: Undeveloped

Proposed Land Use: Residential with Commercial

Surrounding Zoning Designations & Land Use(s)

North: Gun Club/Federation Road

East: Mixed Residential/Washington Street North

South: Residential

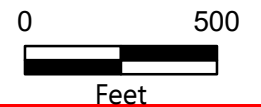
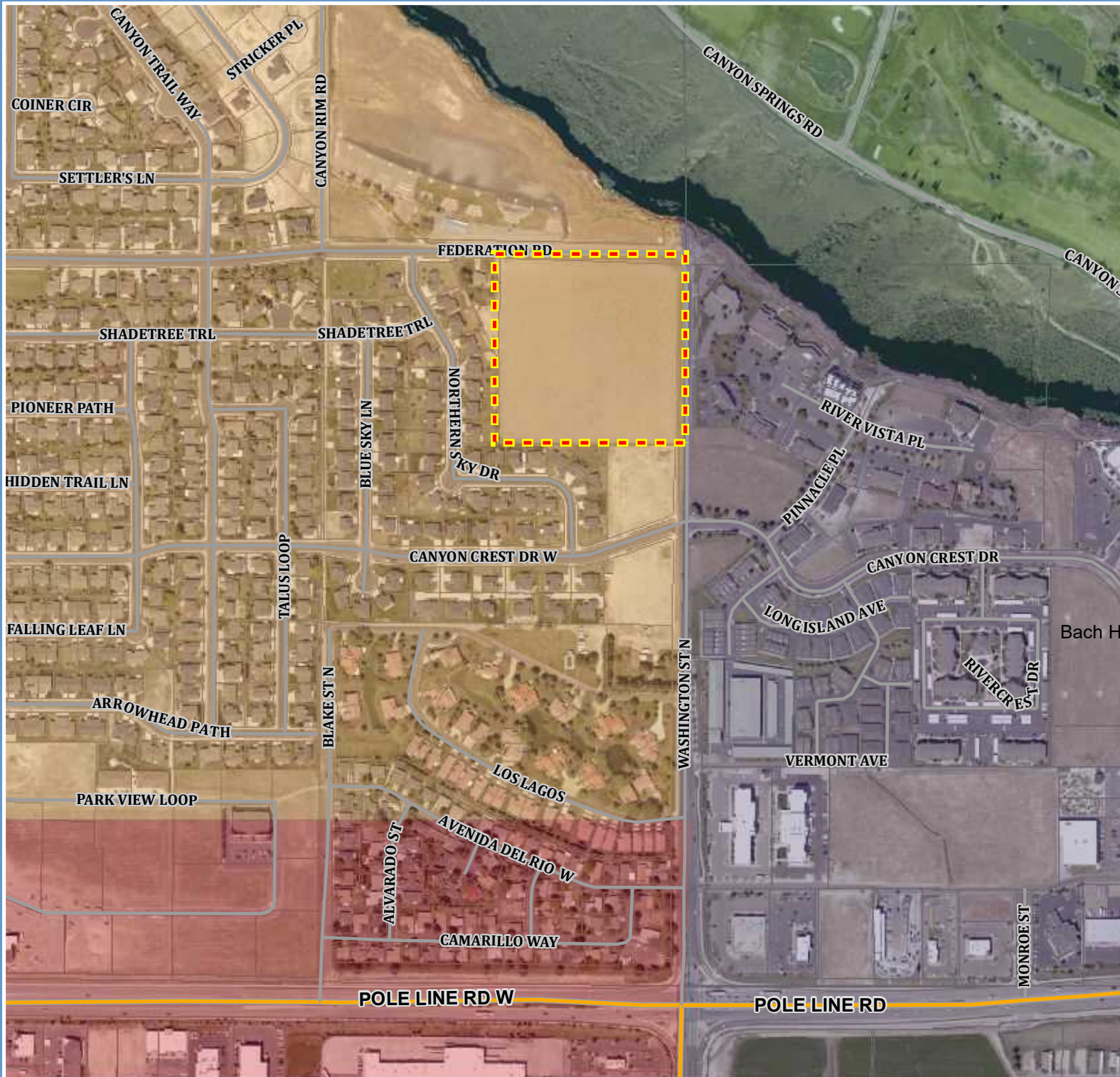
West: Residential

Applicable Regulations

10-1-4, 10-1-5, 10-4-15, 10-4-19, 10-6

Future Land Use Map

- Commercial
- Mixed Use
- Open Space
- Town Neighborhood



AERIAL PHOTO APRIL 2016
REFERENCE ONLY

FEDERATION POINT, ZDA
APPLICATION NARRATIVE

4.b.i. This property is located adjacent to Federation Road and Washington Street North and the majority of the land is located in the Canyon Rim Overlay District. The future land use map shows the area as town/neighborhood and the Canyon Rim Overlay District allows for the type of limited commercial development that is depicted along Federation Road and Washington Street frontage with the multi-family residential as a transition to the existing neighboring land to the south and west of the development.

4.b.ii. The subject property is bordered on the east, west, and south by City limits. The area north of the property is impact area.

4.b.iii. This development would be compatible with the neighboring property to the east which is the Westpark and River Vista developments. It also has a residential component adjacent to the majority of residential to the west and south. The property to the north is the Twin Falls Gun Club so the commercial will act as a transitional buffer to that use from the residential. Due to neighbors testimony and comments during deliberation of the Twin Falls City Council the residential fourplex units that were originally depicted bordering other residential units within Northern Sky Subdivision have been revised to duplex units that will be similar to what would be allowed by code in that development's zoning designation and provide a transition to the fourplex units.

4.b.iv. The intended use of the development is for commercial type businesses and multifamily residential dwellings on a large lot. The plan is to develop the residential portion and then improve the commercial portion of the property over phases as users are identified.

4.b.v. Specific exceptions of uses or development standards include permitting of multiple residential buildings on one large lot as well as a few limited commercial uses not already allowed within the Canyon Rim Overlay District such as an antique shop, art galleries and or frame shops, cottage businesses, general merchandise, hardware store, and laundry facilities. Since there will be private access and/or parking areas as well as additional dedication of right of way and improvements for trail extensions, exceptions are also being requested for setbacks that work with the master plan as depicted. It should be noted that setbacks adjacent to existing residential uses have been depicted to comply with the zoning district requirements in those developments.

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

This Zoning Development Agreement (ZDA) is made and entered into this ____ day of _____, 2020, by and between the City of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Steve Hepworth (hereinafter called "Developer") for the purpose of developing Residential Mixed Uses and Limited Commercial Uses on property located West of Washington Street North and South of Federation Road, known as Federation Point Subdivision, a ZDA.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 15; RM, Residential Mixed Use District or as amended, Title 10 – Chapter 4 – Section 19; CRO, Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:
2. RM and CRO, Residential Mixed Use District and Canyon Rim Overlay District modified to include the following;
 - A. Permitted uses;
 1. Governmental facilities:
 - a. Governmental office buildings.
 2. Medical facilities:
 - a. Doctor's offices.
 3. Residential:
 - a. Bed and breakfast facilities.
 - b. Household units in the same building as an allowed use by the owner or an employee of the allowed use.
 - c. Household units in the upper floors of commercial or professional buildings.
 4. Retail Trade:
 - a. Antique shop.
 - b. Apparel and accessories.
 - c. Art galleries and frame shops.
 - d. Bakery.
 - e. Bookstore.
 - f. Craft shop, in conjunction with retail business.
 - g. Eating places.
 - h. Florist shop.
 - i. Food, drugs, etc.
 - j. General merchandise.
 - k. Hardware store.
 - l. Hobby and toy store.
 - m. Home décor, excluding appliances

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

- n. Home furnishings and appliances.
- o. Ice cream store.
- p. Import store.
- q. Laundering and dry cleaning.
- r. Laundromats.
- s. Music store.
- t. Sporting goods store.

5. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barber shops.
- d. Cottage businesses.
- e. Finance and investment offices.
- f. Insurance and related business.
- g. Photographic studios.
- h. Professional organizations.
- i. Professional services.
- j. Real estate and related business.

Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

- B. Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the District unless special provisions are taken. Special use permits may be granted for the following uses:

1. Misc.:

- a. Any facility with drive-through service.

2. Parks:

- a. Public parks and playgrounds with crowd attracting facilities.

3. Public Assembly:

- a. Funeral chapels.
- b. Schools – private, single purpose.
- c. Schools - private, vocational and/or academic.
- d. Schools – public.
- e. Theaters – indoor.
- f. Wedding chapels and/or reception halls.

4. Residential:

- a. Accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings except those physically attached garages built at the

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

same time the home is built.

- b. Motels or transient hotels
- c. Nursing homes, rest homes, and assisted living facilities.

5. Retail Trade:

- a. Alcoholic beverages, when consumed on premises where sold.
- b. Permitted retail/trade operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- c. Pet shop.

6. Services:

- a. Dog Grooming.

7. Sports Facilities:

- a. Athletic areas.
- b. Indoor recreation facility.

3. Property Development Standards to be modified to include the following;

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

A. Use Of Lots:

- 1. Each building is not required to be located on a separate lot. If desired, multiple buildings (including dwellings – duplex, triplex, fourplex) may be located on one contiguous lot/parcel.

B. Lot Area:

- 1. Commercial Uses: The lot area for shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. No commercial building shall occupy more than sixty percent (60%) of a lot.
- 2. Multi-family Residential: The lot/parcel area shall be a minimum of six and one-tenth (6.1) acres and shall contain 19 fourplex buildings and 7 duplex buildings with a total of 90 residential units per 6.1 acre parcel as depicted upon the master development plan included as Exhibit B.

C. Yards:

- 1. The front building line shall be as depicted on the master development plan. All front yard building setbacks shall be twenty feet (20') from the property line or when multiple units are on one parcel a minimum of twenty-five feet (25') from the centerline of a private drive.

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

2. The side building line shall not be closer than five feet (5') to the side property line.
3. The rear building line shall not be closer than ten feet (10') to the rear property line for multifamily units or five feet (5') for commercial units.
4. Rear, front, or side building lines adjacent to Federation Road and Washington Street North shall be fifteen feet (15') from the right of way line. No other building setback limitations shall be applicable to this development.
5. Rear, front, or side building lines adjacent to the western and southern boundary of the development shall be twenty feet (20') from the subdivision boundary.

D. Other Development Criteria:

1. Perimeter Landscape Buffer and Screening: A landscaping buffer of twenty-five feet (25'), including sidewalks, shall be installed from back of curb along Washington Street North and Federation Road. A six foot (6') high masonry wall shall be installed along the south and west boundary of the development adjacent to existing residential lots.
2. Streets: Federation Road and Washington Street North shall be constructed per the attached Exhibit C with a ten foot (10') wide concrete path on the north side of Federation Road adjacent to the development boundary for infill of a portion of the Canyon Rim Trail Extension.

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

Developer: Steven F. Hepworth

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

"CITY"
CITY OF TWIN FALLS

By: _____
Mayor

ATTEST:

City Clerk

"DEVELOPER"
Hepworth Family Landholdings, LLC
Steven F. Hepworth, Member

By: _____

SATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 2020 before me, a Notary Public for said County and State, personally appeared _____ and _____, known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and acknowledged to me that such City executed the same.

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

Residing at _____

Residing at _____

EXHIBIT A
Legal Description
Proposed Annexation
Twin Falls County, Idaho

Being a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Beginning at the East Quarter corner of said Section 32 as shown on that certain map entitled "Northern Sky Subdivision", recorded November 21, 2007 as Instrument No. 2007-030627 in the office of the County Recorder of Twin Falls County and being the REAL POINT OF BEGINNING;

Thence, along the East Boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, South 00°00'00" East 662.96 feet to a point on the Boundary of said map;

Thence, along said Boundary, North 89°48'21" West 685.43 feet;

Thence, continuing along said Boundary, North 00°34'11" East 302.37 feet;

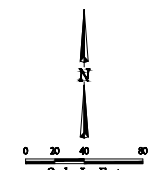
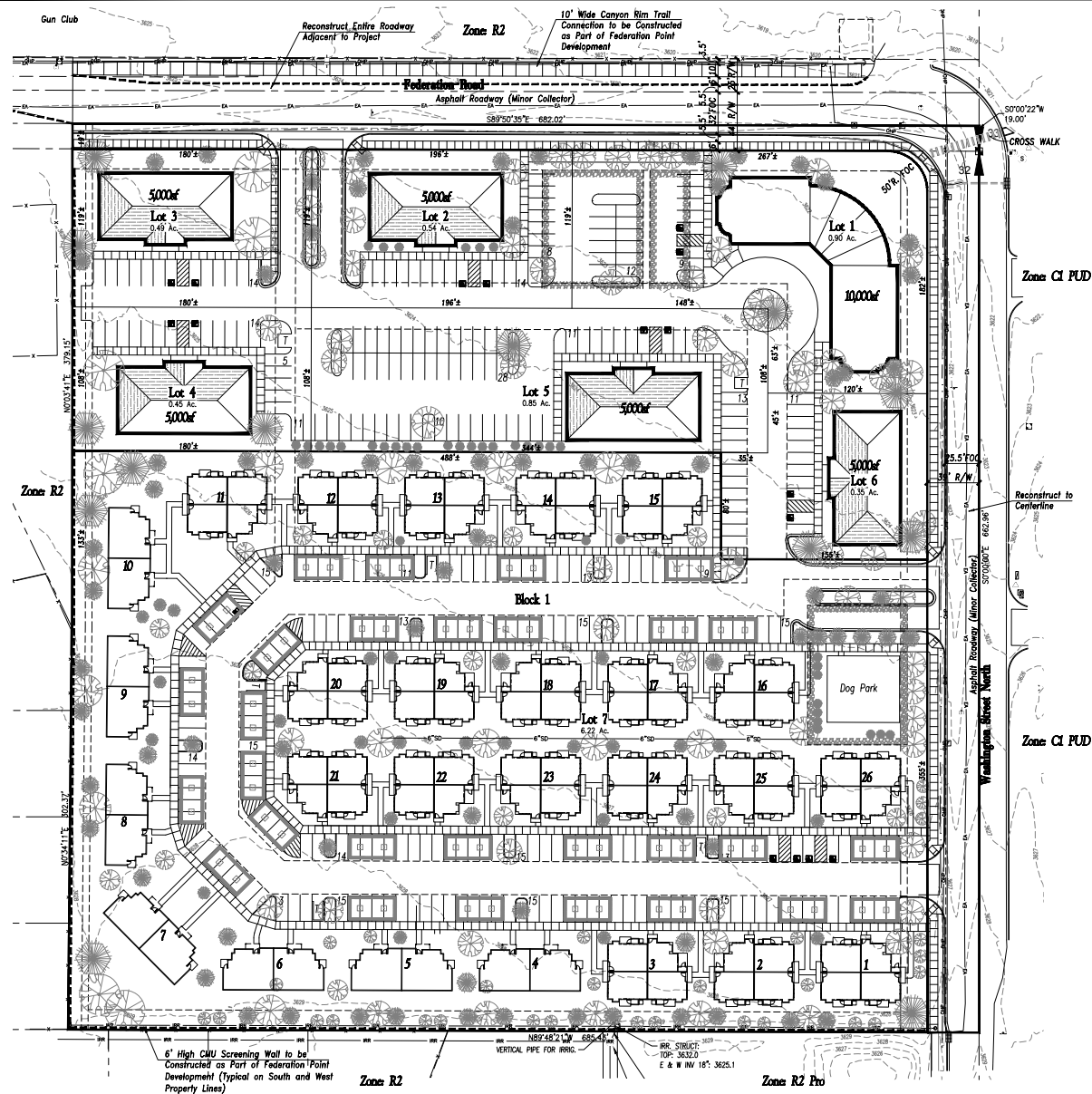
Thence, leaving said Boundary, North 00°03'41" East 404.15 feet to a point on the centerline of Federation Road;

Thence, along said centerline, South 89°50'35" East 682.00 feet to a point on the East Boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32;

Thence, along said East Boundary, South 00°00'22" West 44.00 feet to said REAL POINT OF BEGINNING.

Containing approximately 11.08 acres.

End of Description



Federation Point Subdivision
A ZDA
Located In
A Portion of
NE4 SE4 & SE4 NE4, Section 32
T. 9 S., R. 17 E., BM.
Twin Falls County, Idaho
2020

Legend

	EXISTING	PROPOSED
PROPERTY BOUNDARY LINE	---	---
PROPOSED RIGHT OF WAY	---	---
STREET CENTERLINE	---	---
EASEMENT AS NOTED	---	---
WATER MAIN (FIRE LINE)	---	---
8" SEWER MAIN	---	---
PRESSURE IRRIGATION	---	---
PRESSURE IRRIGATION	---	---
UNDERGROUND POWER	---	---
NATURAL GAS LINE	---	---
FIBER OPTIC LINE	---	---
STORM DRAIN	---	---
STANDARD CURB & GUTTER	---	---
EDGE OF ASPHALT	---	---
CONTOUR LINE	---	---
MANHOLE	---	---
FIRE HYDRANT	---	---
GATE VALVE	---	---
WATER SERVICE	---	---
SEWER SERVICE	---	---
P.U. SERVICE	---	---
P.I. BLOW-OFF ASSEMBLY	---	---
CATCH BASIN	---	---
LIGHT POLE	---	---
UTILITY RISERS/STRUCTURES	---	---
SIGN	---	---
DRAINAGE ARROW	---	---

Existing Zone: R2
Proposed Zone: RM, ZDA

Exhibit B

ZDA Master Plan

EHM Engineers, Inc.
Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83301
P (208) 734-4888 fax (208) 734-6049 web ehm-inc.com

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

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL
CONDITIONS AND DIMENSIONS AT
THE JOB SITE AND NOTIFY THE
ENGINEER OF ANY DISCREPANCIES,
ERRORS, OMISSIONS, OR DIS-
CREPANCIES BEFORE BEGINNING
OR FABRICATING ANY WORK.

APPROVED

DESIGN T. MCBRIDE

UPON T. MCBRIDE

DATE JUNE, 2020

SCALE AS SHOWN

PLAN 137-202DA Exhibit B

JOB NO. 137-20

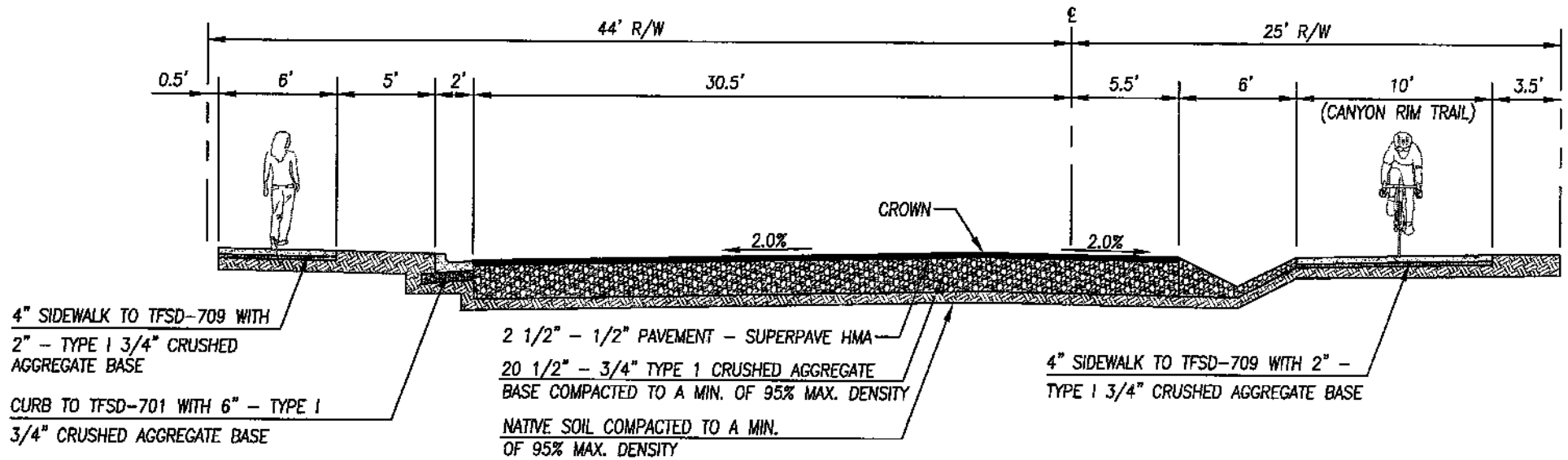
Sheet 1



TYPICAL DUPLEX UNIT



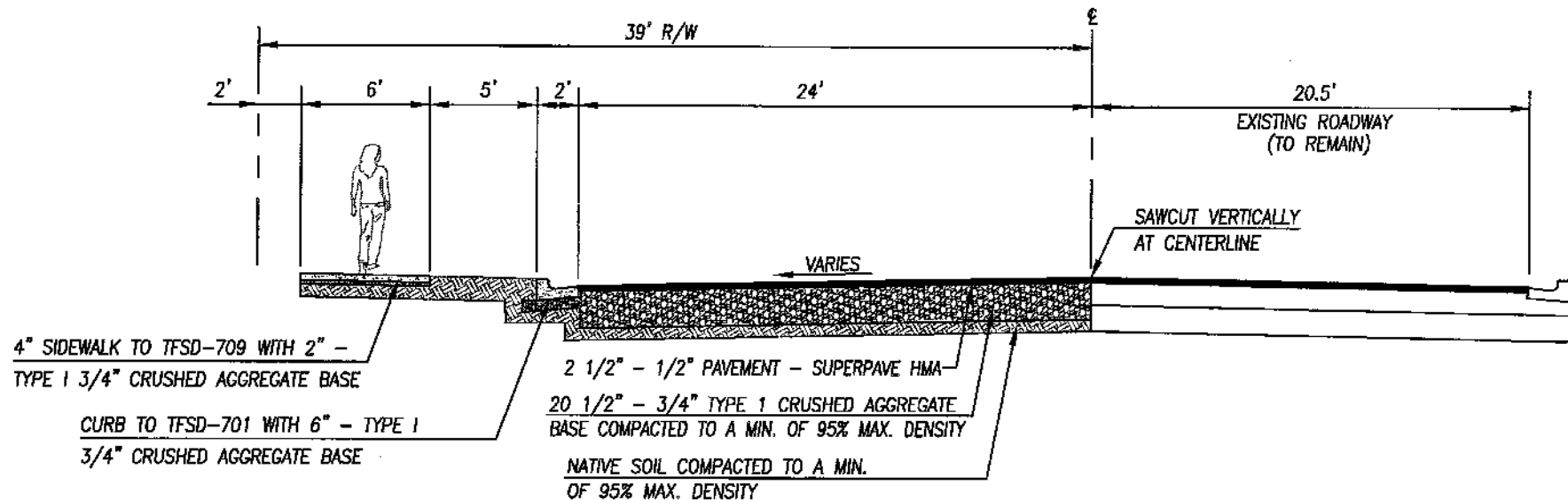
TYPICAL FOUR-PLEX UNIT



Typical Street Cross Section

Federation Road

n.t.s.



Typical Street Cross Section

Washington Street North

n.t.s.

EXHIBIT C - Roadway Details