

CITY OF KIMBERLY

PLANNING & ZONING COMMISSION
MEETING AGENDA

MAY 12, 2014
6:00PM

Planning & Zoning Commission meetings are televised, videotaped and/or recorded

Location: 242 Highway 30, Kimberly, Idaho 83341

CALL TO ORDER

WELCOME – PLEASE TURN OFF CELL PHONES – THANK YOU.

ROLL CALL OF COMMISSION MEMBERS

1. CONSIDER APPROVAL OF:

- a. Minutes from April 16, 2014 Meeting

2. PUBLIC HEARINGS

- a. Public Hearing and consideration of an application by Agri-Service, LLC and an ordinance to amend the City of Kimberly Zoning Map, which was adopted on February 10, 2009. As a condition of approval, a proposed development agreement with conditions will also be considered. The proposed area for rezone is approximately 42.99 (+ or -) acres and is within the SE1/4, Section 17, Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho (approximately at 22326 Kimberly Road), and would be rezoned from Agriculture to Commercial-Gateway (CG).

3. OLD BUSINESS

- a. Findings of Fact for an application by Shawn Allen for a land division (lot split) of 2.36 (+ or -) acres within the City of Kimberly Section 20, Township South, Range 18 East of Boise Meridian, Twin Falls County, Idaho on the west end of Madison St. West and on the south side of Monroe Street West, into two parcels with the parcels being Parcel A with 2.15 (+ or -) acres and Parcel B with . 21 (+ or -) acres. A portion of the 2.36 acres is zoned Mobile Home Park (MH) and the other portion is zoned Residential –General (R-3).

4. NEW BUSINESS

- a. 235 Polk Street Curb Gutter and Sidewalk Consideration and Determination
- b. Discussion on Pedestrian/Bicycle Path Plan

5. UPCOMING MEETINGS: –

- a. Regular P&Z Meeting June3, 2014 – 6 PM

6. STAFF REPORTS

Community Development Director

6. ADJOURNMENT

Questions concerning items appearing on this Agenda or requests for accommodation of special needs to participate in the meeting should be addressed to the Office of the City Clerk, 242 Highway 30, Kimberly, Idaho 83341 or call 208-423-4151.

Ted Wasko	Leland Belin	Perry Dangerfield	Candy Weth	VACANT	Cindy Schmidt	Dan Shewmaker
		<i>Co-Chair</i>	<i>Chairperson</i>		<i>Area of Impact</i>	<i>Area of Impact</i>

STAFF REPORT

TO: Kimberly Planning & Zoning Commission
FROM: Bart Bingham, Community Development Director
RE: Amendment to Zoning District Map
HEARING: May 12, 2014

Application

Applicant Agri-Service, LLC made application to amend the City of Kimberly Zoning Map, which was adopted on February 10, 2009. As a condition of approval, the applicant has consented to a development agreement which includes conditions for the rezone. The proposed area for rezone is approximately 42.99 (+ or -) acres and is within the SE1/4, Section 17, Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho (approximately at 22326 Kimberly Road), and would amend the described area so it is rezoned from Agriculture to Commercial-Gateway (CG).

Notice

Notice for the public hearing was published in the Times News on April 27, 2014 and was mailed to owners within 300 feet and to public agencies on April 28, 2014.

Procedural History

A public hearing on the proposed rezone will be conducted before the Kimberly P&Z Commission on May 12, 2014.

Standards of Evaluation

Note: Staff analysis is in lighter type.

17.14.040: COMMISSION ACTION:

Zoning districts, zoning subdistricts and overlay districts shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission, which shall evaluate the request to determine the extent and nature of the amendment requested;**

The Commission shall evaluate the request for the zone change.

- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and**

The Council is presently considering the Comprehensive Plan amendment pertaining to the property. A recommendation can be forwarded to Council, but the Council may not act upon the recommendation unless and until the Council determines the Comprehensive plan should be amended as it pertains to the property.

- C. If the request is not in accordance with the comprehensive plan, the request shall be submitted to the commission or, in its absence, the council, which shall recommend and the council may**

adopt or reject an amendment to the comprehensive plan under the notice and hearing procedures provided in Idaho Code section 67-6509. After the comprehensive plan has been amended, this title may then be amended as hereinafter provided for.

Applicant is hereby notified of standard.

Summary

The Commission, prior to recommending a zoning map amendment that is in accordance with a comprehensive plan to the council, shall conduct at least one public hearing at which interested persons shall have an opportunity to be heard.

Approval:

PZ

Motion to recommend the Council approve the development agreement and application to amend the zone district map and d for the City of Kimberly Area of Impact Area to change the zoning of approximately 42.99 (+ or -) acres within the SE1/4, Section 17, Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho (approximately at 22326 Kimberly Road) from Agriculture to Commercial-Gateway (CG) zoning, conditioning the recommendation on approval of the Comprehensive Plan being amended to show Commercial Gateway for the property, finding the proposed amendment will promote the public health, safety and general welfare.

Denial:

PZ

Motion to recommend the Council deny the development agreement and application to amend the zone district map for the City of Kimberly Area of Impact Area changing the zoning of approximately 42.99 (+ or -) acres within the SE1/4, Section 17, Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho (approximately at 22326 Kimberly Road) from Agriculture to Commercial-Gateway (CG) zoning, finding the proposed amendment will not promote the public health, safety and general welfare.

Continuation:

Motion to continue the public hearing upon the application for the development agreement and application to amend the zone district map for the City of Kimberly Area of Impact Area changing the zoning of approximately 42.99 (+ or -) acres within the SE1/4, Section 17, Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho (approximately at 22326 Kimberly Road) from Agriculture to Commercial-Gateway (CG) zoning, to _____ [the Commission/Council should specify a date].



Development
Agreement Exhibit

AGRI-SERVICE

THE SE1/4, SECTION 17, TOWNSHIP 10 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17, THENCE NORTH 89°39'17" WEST A DISTANCE OF 2641.88 FEET ALONG THE SOUTH SECTION LINE, THENCE NORTH 00°05'28"W A DISTANCE OF 49.95' TO A POINT ON THE NORTH RIGHTS OF WAY OF U.S. HIGHWAY 30, THENCE SOUTH 89°39'59" EAST A DISTANCE OF 617.81 FEET ALONG THE NORTH RIGHTS OF WAY OF U.S. HIGHWAY 30 TO THE REAL POINT OF BEGINNING;

THENCE NORTH 00°11'41" WEST A DISTANCE OF 302.98 FEET;

THENCE NORTH 56°28'21" WEST A DISTANCE OF 89.96 FEET;

THENCE NORTH 00°05'37" WEST A DISTANCE OF 562.71 FEET;

THENCE NORTH 89°38'57" WEST A DISTANCE OF 542.32 FEET TO A POINT ON THE WEST BOUNDARY OF THE SE1/4, SECTION 17;

THENCE NORTH 00°05'28" WEST A DISTANCE OF 1677.50 FEET ALONG THE WEST BOUNDARY OF THE SE1/4, SECTION 17;

THENCE SOUTH 89°40'28" EAST A DISTANCE OF 1316.75 FEET ALONG THE NORTH BOUNDARY OF THE SE1/4, SECTION 17;

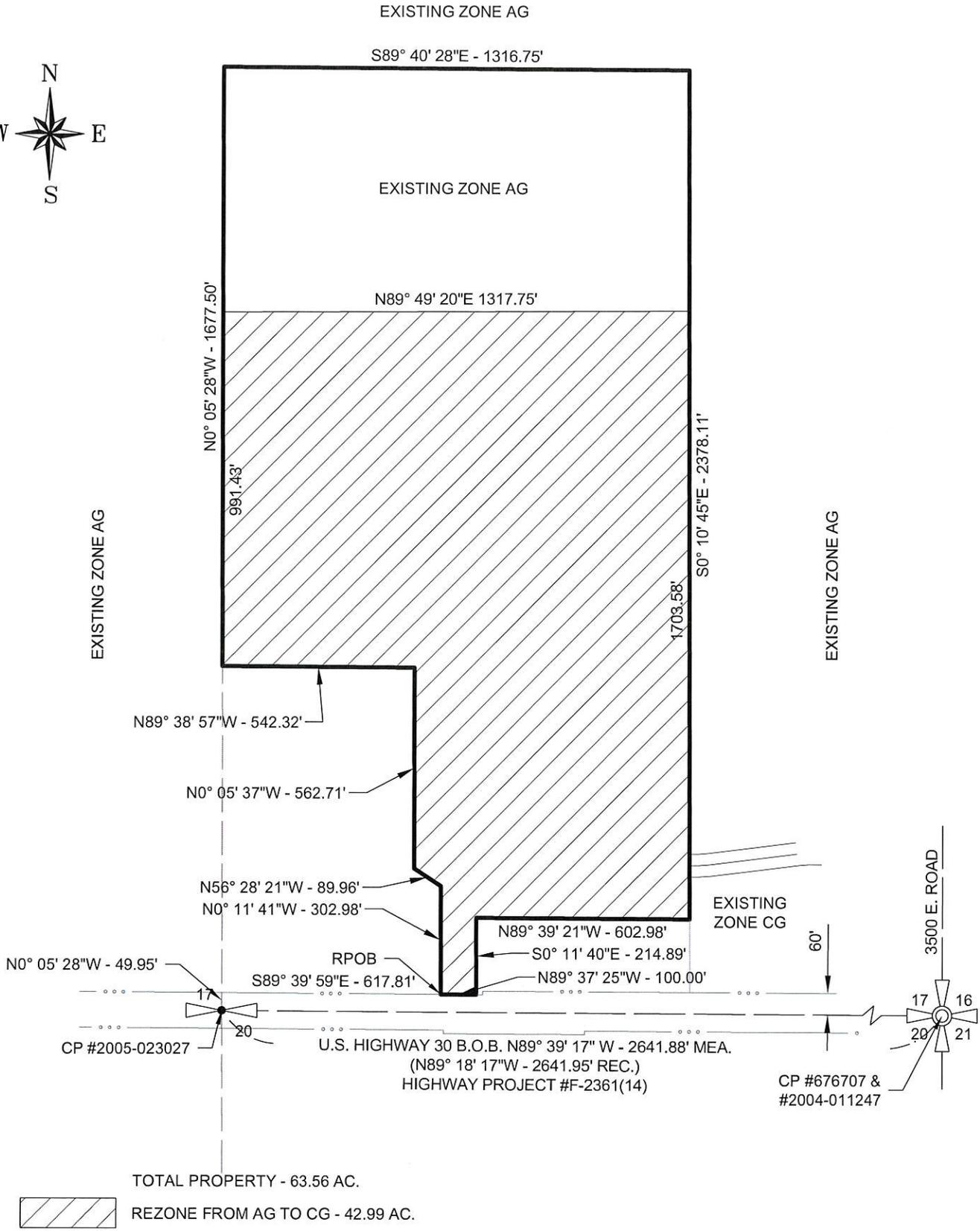
THENCE SOUTH 00°10'45" EAST A DISTANCE OF 2378.11 FEET ALONG THE EAST BOUNDARY OF THE WEST HALF OF THE SE1/4, SECTION 17;

THENCE NORTH 89°39'21" WEST A DISTANCE OF 602.98 FEET;

THENCE SOUTH 00°11'40" EAST A DISTANCE OF 214.89 FEET TO A POINT ON THE NORTH RIGHTS OF WAY OF U.S. HIGHWAY 30;

THENCE NORTH 89°37'25" WEST A DISTANCE OF 100.00 FEET ALONG THE NORTH RIGHTS OF WAY OF U.S. HIGHWAY 30 TO THE REAL POINT OF BEGINNING. CONTAINING 63.56 ACRES MORE OR LESS.

SECTION 17, T. 10 S., R. 18 E., B.M.



TOTAL PROPERTY - 63.56 AC.



REZONE FROM AG TO CG - 42.99 AC.

AGRI-SERVICE REZONE
 SEC. 17, T. 10 S., R. 18 E., B.M.
 TWIN FALLS COUNTY, ID

REZONE MAP

SCALE: 1" = 400' DATE: 3/24/14 PROJ. NUMBER: 2275
 DWG. PATH: Z:\2275-Agri Service\CADD\DRAWINGS\2275-PROP.dwg



202 Falls Avenue
 Twin Falls, Id. 83301
 Phone: (208) 733-2446
 Fax: (208) 734-2748

KIMBERLY ORDINANCE NO. 613

Rezone Ordinance:

AN ORDINANCE REZONING 42.99 (+ or -) ACRES OF REAL PROPERTY SITUATED IMMEDIATELY NORTH OF KIMBERLY ROAD (APPROXIMATELY 22326 KIMBERLY ROAD) WITHIN THE CITY OF KIMBERLY AREA OF IMPACT AND WITHIN THE SE ¼, SECTION 17, TOWNSHIP 10 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO, REZONING TO PROPERTY FROM AGRICULTURE TO COMMERCIAL GATEWAY (CG).

WHEREAS, application was made for rezone of the property in 2014; and

WHEREAS, duly noticed public hearings were held both before the Kimberly Planning & Zoning Commission and Kimberly City Council; and

WHEREAS, an ordinance adopting the rezone is required as part of a rezone;

BE IT ORDAINED by the Mayor and City Council of the City of Kimberly, County of Twin Falls, State of Idaho, as follows:

THAT the property shown in this ordinance and specifically described to be south of the line shown as N 89° 49' 20"E 1317.75' within the ordinance and legally described area below is hereby rezoned, from Agricultural to Commercial Gateway (CG):

The SE1/4, Section 17, Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho more particularly described as follows:

Commencing at the Southeast Corner of said Section 17, thence north 89° 39' 17" West a distance of 2641.88 feet along the south section line, thence north 00°05'28"W a distance of 49.95' to a point on the north rights of way of U.S Highway30, thence south 89°39'59" East a distance of 617.81 feet along the north rights of way of U.S. Highway 30 to the real property point of the beginning;

Thence north 00°11'41" West a distance of 302.98 feet;



Rezone Ordinance – 42.99 (+ or -) acres at approximately 22326 Kimberly Rd. from Agriculture to Commercial Gateway (CG).

Thence north 56°28'21" West a distance of 89.96 feet;

Thence north 00°05'37" West a distance of 562.71 feet;

Thence north 89°38'57" West a distance of 542.32 feet to a point on the West boundary of the SE 1/4, Section 17;

Thence north 00°05'28" West a distance of 1677.50 feet along the west boundary of the SE 1/4, Section 17;

Thence south 89°40'28" East a distance of 1316.75 feet along the north boundary of the SE1/4, Section 17;

Thence south 00°10'45" East a distance of 2378.11 feet along the east boundary of the west half of the SE1/4, Section 17;

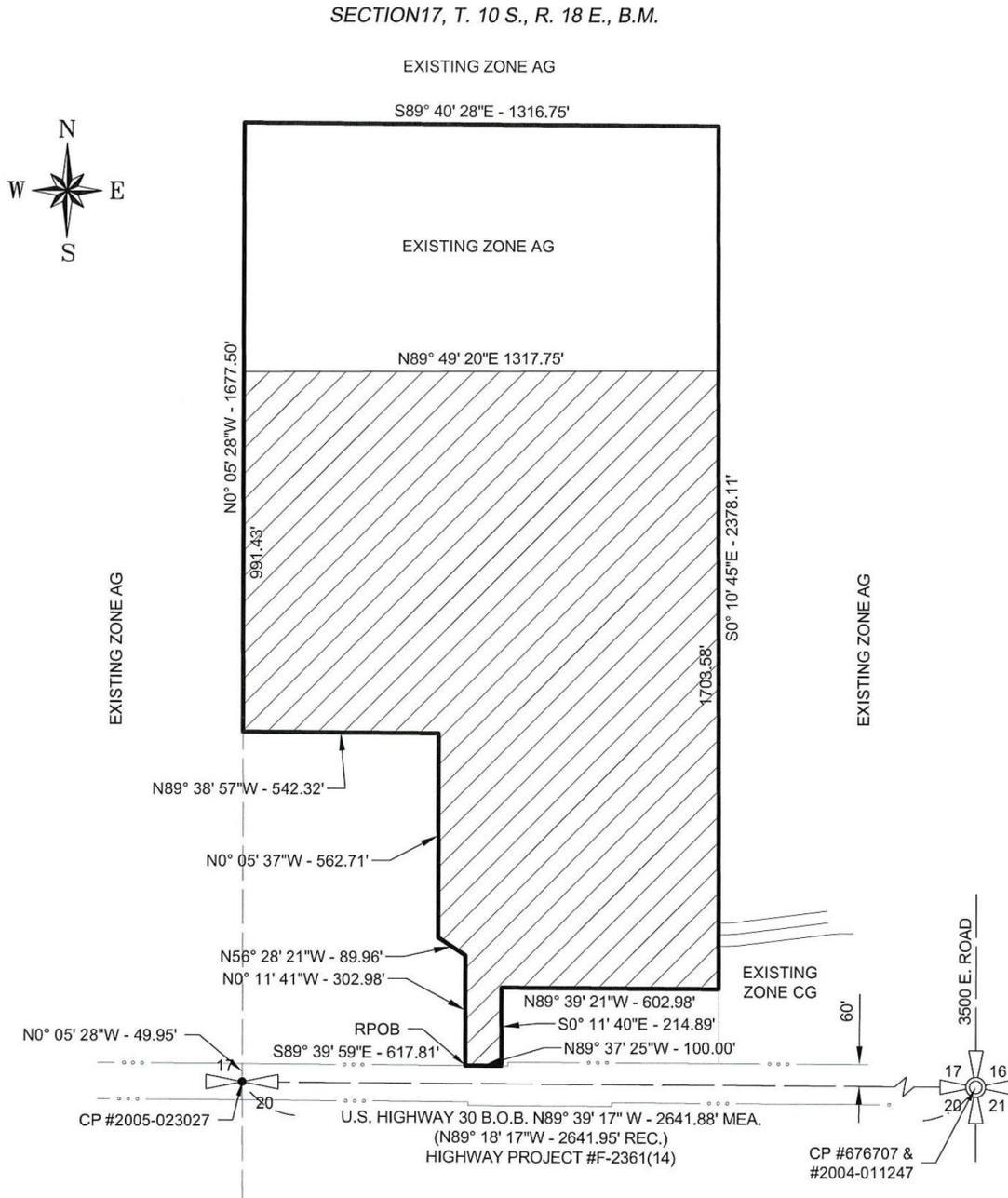
Thence north 89°39'21" West a distance of 602.98 feet;

Thence south 00°11'40" East a distance of 214.89 feet to a point on the north rights of way of U.S. Highway 30;

Thence north 89°37'25" West a distance of 100.00 feet along the north rights of way of U.S. Highway 30 to the real point of beginning. Containing 63.56 acres more or less.



AND WHEREAS, the subject property is shown and highlighted immediately below:



Rezone Ordinance – 42.99 (+ or -) acres at approximately 22326 Kimberly Rd. from Agriculture to Commercial Gateway (CG).

That the Zoning Map for the City of Kimberly be amended to reflect this rezone

This Ordinance is PASSED AND ADOPTED BY THE KIMBERLY CITY COUNCIL
AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2014.

TRACY ARMSTRONG, MAYOR, CITY OF KIMBERLY

Attest:

SHOSHONIE HEITMANN, CITY CLERK

Publish: Times News _____, 2013



Rezone Ordinance – 42.99 (+ or -) acres at approximately 22326 Kimberly Rd. from
Agriculture to Commercial Gateway (CG).

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

On April 16, 2014, the Kimberly Planning and Zoning Commission held a public hearing and considered an application by Shawn Allen with CTR Apartments LLC for a land division (lot split) application to divide a 2.36 (+ or -) acre piece of property into two pieces – Parcel A being 2.15 acres and Parcel B being .21 acres. The property is located within the City of Kimberly in Part of the Southwest ¼ of the Southeast ¼, Section 20, Township 10 South, Range 18 East, of the Boise Meridian, Twin Falls County, Idaho on the west end of Madison St. West and on the south side of Monroe Street West. The Commission, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Recommendation.

FINDINGS OF FACT

Zoning Mobile Home Park (MH)

Note Staff analysis is in lighter type.

Notice

Notice for the public hearing was published in the Times News on April 1, 2014 and mailed to property owners within 300 feet and public subdivisions on April 1, 2014.

Application

Application information noted above.

Standards of Evaluation

When evaluating any proposed amendment, the Commission and Council shall make findings of fact on the following criteria:

Standards of Evaluation:

17.02.010 Definitions:

Subdivision: The result of an act of dividing an original lot, tract or parcel of land into more than two (2) parts for the purpose of transfer of ownership of development.

The application does not qualify as a subdivision since it divides an original lot (original tract of land) into two (2) lots and not more than two lots. The Commission determined the 2.36 acres was also an original tract since a parcel date was not found as part of the application (see below).

Original Parcel of Land: A lot or tract as recorded on any plat or record on file in the office of the county recorder, or an unplatted contiguous parcel of land held in one ownership and of record at the effective date hereof. In cases of “unrecorded matters of fact”, the commission shall use its best judgment to determine a fair designation.

The Original Townsite was recorded between 1909 and 1911, and extended west to the east boundary of the applicant’s mobile home park. Neither the applicant or Community Development Department were able locate a plat to determine whether the 2.36 acres was an original parcel as determined by date versus the time of the zoning requirement. Based on most of the mobile homes in the park appearing over the age of forty years or more, which is likely before or around the date of the original parcel of land definition (1971), the Commission used its best judgment and determined the 2.36 acres is an original parcel.

Plat: The drawings, certifications, descriptions and approvals of a division or proposed division of real property into two (2) or more lots . . . of real property for the purpose of offering for sale . . . to any person having a separate interest or an individual interest in common together with a separate interest in any or all of the real property.

The application is for a division of real property into two (2) lots, for the purpose of offering one for sale. Thus, a plat is appropriate.

17.04.130: Official Height and Area Regulations
 MINIMUM YARD REQUIREMENTS

District	Maximum Height	Front	Rear	Interior Side	Street Side	Minimum Lot Area Per DU	Minimum Lot Width
MH	25'	15'	10'	15' between units	15'	None	None

Parcel B meets the minimum yard (setback) requirements. Parcel A has at least one mobile home that has been located near the west property line (within 1.5’ at the north and 3.5’ at the south portion) from what quite possibly was the initial beginning of the mobile home park. Using its best judgment, the Commission determined the mobile home within 1.5’ and 3.5’ was in its place prior to 1971, when the first rear yard requirements of five feet for mobile homes were implemented as requirements. Thus, the mobile home qualifies as nonconforming use, based on the requirements below, and may remain in its place as long as it meets the nonconforming use/building requirements shown and discussed below.

17.03.030: NONCONFORMING USES OR BUILDINGS:

A building or use made nonconforming but which was lawfully existing or under construction at the time of adoption hereof may continue to be used or occupied, subject to the provisions of this section.



The Commission used its best judgment to determine the mobile home nearby to the property line was in place prior to the building and height standards (1971), and thus the mobile home may remain in its present location, qualifying as a non-conforming use.

C. Expansion Of Nonconforming Building Or Nonconforming Use: Except as provided hereinafter:

1. No building or structural alteration, improvement or reconstruction shall be made which expands a nonconforming building or conforming building housing a nonconforming use beyond any part of the existing wall or roofline.

Applicant is hereby notified of standard.

2. No additional buildings or structures may be constructed or relocated on the property to house the same or any other nonconforming use. Under no circumstances may the person or entity responsible for a nonconforming building or use expand such building or use by the acquisition of additional real property.

Applicant is hereby notified of standard.

3. No person or entity may acquire additional real property to bring the nonconforming building or use into conformance with this title unless the use shall also conform to the requirements of this title.

Applicant is hereby notified of standard.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law and Conditions:

1. Adequate notice for the public hearing, pursuant to Idaho Code, was provided.
2. The Commission held a public hearing and conditionally approved the preliminary plat for additional information.
3. The following conditions are placed on the approval of this application:
 - a) The plat shall include signature areas for the city engineer and city clerk.
 - b) A mylar containing the city engineer and city clerk signatures areas shall then be submitted, and upon attainment of these signatures, shall be recorded by the applicant and applicant shall provide evidence of the recording back to the Community



Development Department.

- c) Upon signature approval of the final plat by City Engineer and City Clerk, the applicant or owner shall have one year to complete the following tasks:
- i. Cause the property to be surveyed and the final plat recorded,
 - ii. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
 - iii. Obtain new tax parcel numbers from the Twin Falls County Assessor; and
 - iv. Provide copies of the recorded plats, recorded deeds, and the new tax parcel numbers to the director.

Signed this _____ day of _____, 2014

Candy Weth, Commission Chair City of Kimberly

Attest:

Bart Bingham, Community Development Director, City of Kimberly



SURVEYORS CERTIFICATE

I, Jared M. Leavitt, a Licensed Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision.



RECORDERS CERTIFICATE

Instrument No. _____
 Time of Day _____
 Date _____
 Recorded in Twin Falls County, Idaho.

County Recorder

**Part of the Southwest 1/4 of the Southeast 1/4,
 Section 20, Township 10 South, Range 18 East,
 of the Boise Meridian,
 Twin Falls County, Idaho**

BOUNDARY DESCRIPTION

Parcel A

Part of the Southwest 1/4 of the Southeast 1/4, Section 20, Township 10 South, Range 18 East of the Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Commencing at the East 1/16 Corner of Section 20, between Sections 20 and 29, a point that is North 89°42'40" West 1319.04 feet from the Southeast corner of said section, and running thence North 00°14'00" West 330.34 feet to the TRUE POINT OF BEGINNING;

- Thence North 89°42'43" West 494.94 feet;
- Thence North 00°13'47" West 165.20 feet;
- Thence South 89°42'33" East 362.93 feet;
- Thence North 00°14'00" West 6.45 feet;
- Thence South 89°46'06" West 10.00 feet;
- Thence North 03°46'13" West 143.61 feet;
- Thence North 00°14'00" West 15.46 feet;
- Thence South 89°42'43" East 42.22 feet;
- Thence South 00°14'00" East 117.93 feet;
- Thence South 89°42'43" East 89.76 feet;
- Thence South 00°14'00" East 212.41 feet to the TRUE POINT OF BEGINNING.

Subject to a 25 foot City Right-Of-Way along the Northern boundary.

Parcel contains 2.15 acres more or less.

Parcel B

Part of the Southwest 1/4 of the Southeast 1/4, Section 20, Township 10 South, Range 18 East of the Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Commencing at the East 1/16 Corner of Section 20, between Sections 20 and 29, a point that is North 89°42'40" West 1319.04 feet from the Southeast corner of said section, and running thence North 00°14'00" West 542.75 feet to the TRUE POINT OF BEGINNING;

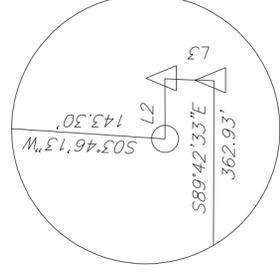
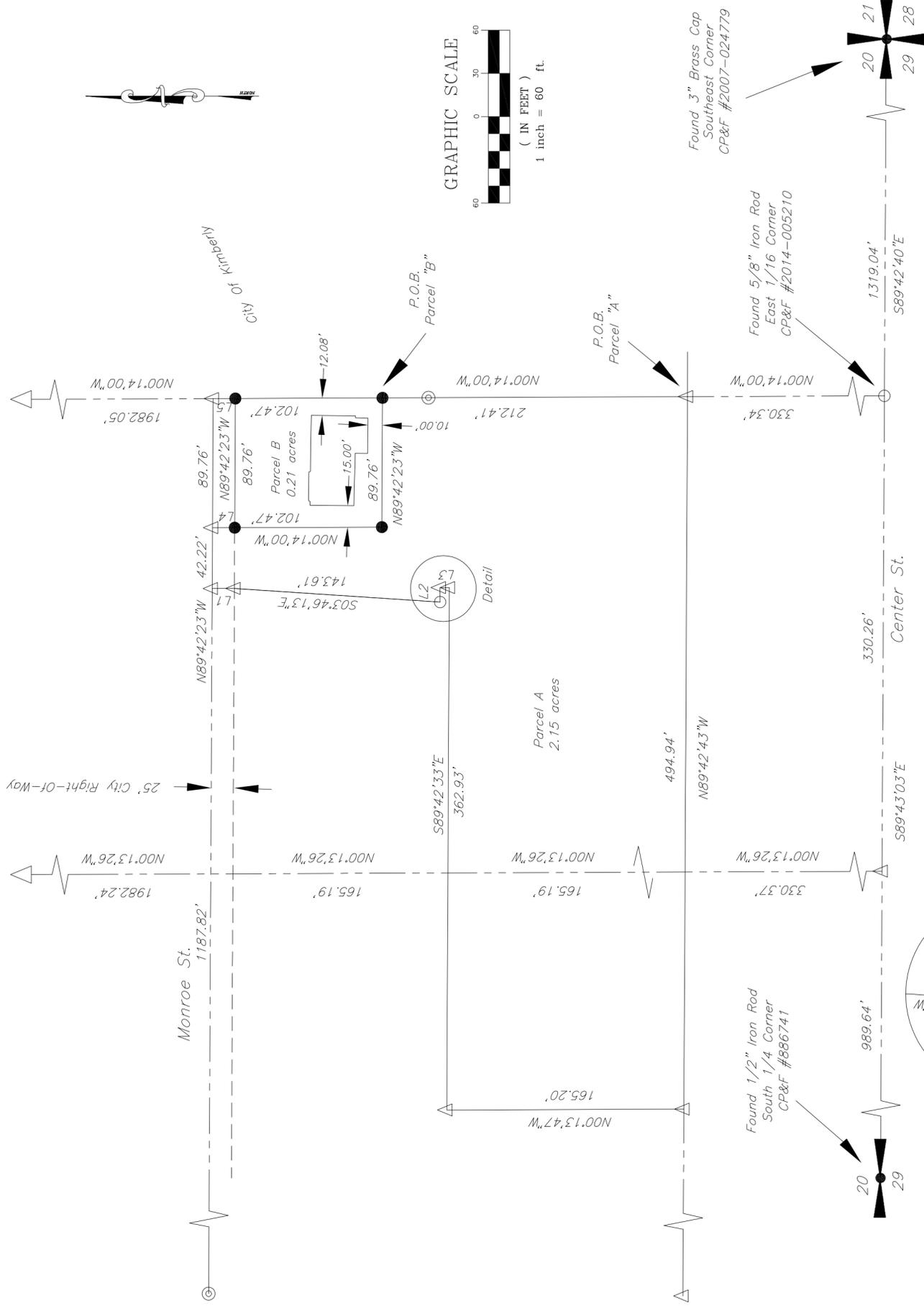
- Thence North 89°42'43" West 89.76 feet;
- Thence North 00°14'00" West 102.47 feet;
- Thence South 89°42'33" East 89.76 feet;
- Thence South 00°14'00" East 102.47 feet to the TRUE POINT OF BEGINNING;

Subject to a 25 foot City Right-Of-Way along the Northern boundary.

Parcel contains 0.21 acres more or less.

LEGEND

- Found 5/8" Iron Rod
- ⊙ Found 1/2" Iron Rod
- Set 1/2" Iron Rod W/Plastic Cap Marked PLS #13552
- △ Calculated Corner Nothing Found/Nothing Set
- Section Line
- Property Line
- County Right-Of-Way



DETAIL

not to scale

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°14'00"W	15.46'
L2	N89°46'06"E	10.00'
L3	N00°14'00"W	6.45'
L4	N00°14'00"W	15.46'
L5	N00°14'00"W	15.46'

SURVEYOR'S NOTE

Basis of Bearing derived from GPS North - WGS 84



202 FALLS AVENUE
 TWIN FALLS, IDAHO 83301
 208-755-2446

LAND DIVISION PLAT

FOR
SHAWN ALLEN

DATE:	3/17/14	PROJECT:	2308	SHEET	OF
DRAWN BY:	JG	CHECKED BY:	RHC	I	I
SEC. 20, T. 10 S., R. 18 E., B.M.					

House on Parcel B - Proposed to be Land Divided from Parcel A



FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On May 12, 2014, the Kimberly Planning and Zoning Commission considered the application by Wolverton Homes/ future homeowners Cory & Stacy Carter as to whether new curbs, gutters, and a sidewalk are required to be constructed by the applicant at the location noted below. The Commission, having been presented with all the information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

Applicant Wolverton Homes

Application Request Applicant Wolverton Homes, 1411 Falls Ave. E., Suite 1002, Twin Falls, Idaho 83301, requests that the 45' long frontage adjoining the northeast corner of a building lot fronting on E. Polk Street not be required to install new curbs, gutter and/or sidewalk on the frontage - due to the location and character of the development.

Procedural History

On May 12, 2014, The Commission considered the question as to whether new curbs, gutters and/or sidewalk are required to installed by the contractor/property owner during/in conjunction with a new home construction on the property located at 235 E. Polk Street (Parcel # RPK8681001005C).

Standards of Evaluation

Note: Staff analysis is in lighter type.

When evaluating the new curbs, gutters and/or sidewalk question, the Commission shall make findings of fact based on the following criteria:

17.11.050 STREETS:

B. Curb, Gutter and Sidewalk:

- 1. New curbs, gutters and sidewalks shall be constructed at the expense of the property owner with, and at the same time as, all new construction or modification of existing buildings in accordance with city standards on all streets, within and adjacent to the development, and in all zoning districts except the agricultural district, for all land uses, except where the commission determines that, due to the location or character of the development, new curbs, gutters and/or sidewalks need not be constructed.**

Summary

The Commission is required to determine whether the proposed new curbs, gutters and sidewalk should be required to be constructed or not based on the above standard.

CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Commission makes the following Finding:

1. Upon applying the standards of the Kimberly City Code above, due to the location or character of the development, new curbs, gutters and/or sidewalks along the 45' frontage of 235 E. Polk St are (circle one):
 - a) Required of the applicant contractor/property owner during/in conjunction with a new home construction on the property located at 235 E. Polk Street (Parcel # RPK8681001005C).
 - b) Not required of the applicant contractor/property owner during/in conjunction with a new home construction on the property located at 235 E. Polk Street (Parcel # RPK8681001005C).

Signed this _____ day of _____, 2014.

Candy Weth, Commission Chair, City of Kimberly

Attest:

Bart Bingham, Community Development Director, City of Kimberly



Motion Language

Require Curb, Gutter and Sidewalks:

Motion the Commission require new curbs, gutters and sidewalks on the 45' frontage on E. Polk Street by the applicant contractor/property owner during/in conjunction with a new home construction on the property located at 235 E. Polk Street (Parcel # RPK8681001005C), in compliance with the standards of the Kimberly City Code.

Not Require Curb, Gutter and Sidewalks:

Motion that the Commission not require new curbs, gutters and sidewalks on the 45' frontage on E. Polk Street by the applicant contractor/property owner during/in conjunction with a new home construction on the property located at 235 E. Polk Street (Parcel #RPK8681001005C), due to the location or character of the development.



Exhibit A: Polk Street Showing applicable 45' frontage

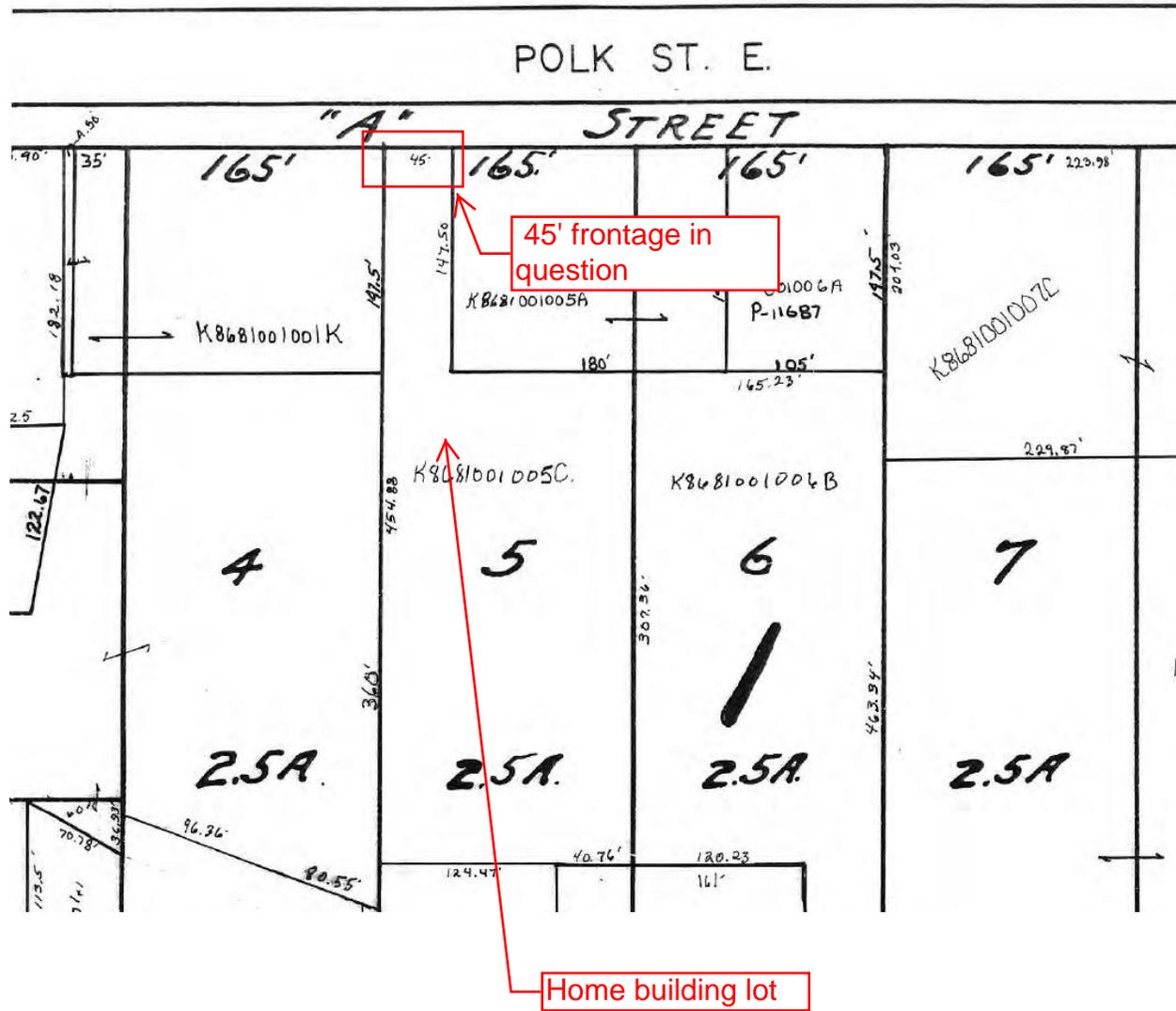


Exhibit B: Photos of 235 E. Polk 45' Frontage (w/ no sidewalks on either side of the road)

Camp Trailer is parked on 45' frontage



There are no sidewalks on Polk Street

