



Twin Falls City Council Agenda

Monday, October 7, 2024, 5:00 PM

Council Chambers
203 Main Avenue East Twin Falls, Idaho

Members: Mayor Ruth Pierce, Vice Mayor Jason Brown, Council Members Craig Hawkins, Spencer Cutler, Christopher Reid, Grayson Stone, Cherie Vollmer

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS
 - a) **PRESENTATION:** Breast Cancer Awareness Month
 - b) **PRESENTATION:** Fire Prevention Week
- 4) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve City Council 2024 September 30, Minutes.
By: Amy Luna, Deputy City Clerk
 - b) **ACTION ITEM:** Request to approve Accounts Payable for September 23 thru October 02, 2024.
By: Amy Luna, Deputy City Clerk
 - c) **ACTION ITEM:** Request to approve a Alcohol License Transfer for Rudy's By:
Amy Luna, Deputy City Clerk
 - d) **ACTION ITEM:** Request City Council to approve the Special Event Permit for the organizers of the Harvest Festival event.
By: Lou Coronado, Sergeant, Twin Falls Police Department
 - e) **ACTION ITEM:** Request City Council to approve the Special Event Permit for the organizers of the Downtown Christmas Street Market event.
By: Lou Coronado, Sergeant, Twin Falls Police Department
- 5) ITEMS OF CONSIDERATION
 - a) **ACTION ITEM:** Request to negotiate with Suburban Construction Management for CM/GC services associated with the renovation of the Public Works Site and use \$1.2M from water and wastewater reserves to fund the project.
By: Erin Steel, Assistant Public Works Director
 - b) **ACTION ITEM:** Request to approve the purchase of a 2024 John Deere 624P wheel loader at a cost of \$165,390.47 using a Cooperative Purchasing Agreement with Sourcewell and authorize the Public Works Director to execute the contract.
By: Mark Thomson Street Department Superintendent
- 6) GENERAL PUBLIC INPUT
- 7) ADVISORY BOARD REPORT/ANNOUNCEMENTS
- 8) PUBLIC HEARINGS
 - a) **ACTION ITEM:** Request to appeal the Planning and Zoning Commission's decision regarding Special Use Permit PZ24-0076 to allow drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E. c/o Floid Gilbert (PZ24-0098)
By: Kelli Ebersole
- 9) EXECUTIVE SESSION
- 10) ADJOURNMENT

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Josh Palmer (208) 735-7312 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall:
 - a. Wait to be recognized by the Mayor or Chairman.
 - b. Approach the microphone/podium.
 - c. State their name, and whether they are a resident or property owner of the City of Twin Falls and proceed with their input.
2. All public input will be limited to two (2) minutes. Individuals are not permitted to give their time to other speakers.
3. All presenters shall remain respectful.

Public input will not be about any of the items that were on this agenda, personnel, or a personnel-related issue. All issues involving City personnel should be directly communicated with the mayor and/or the City Manager.

Anyone failing to follow these rules will be provided with one (1) warning. Should the speaker continue to disregard these rules after the warning, will have the microphone muted and they will be asked to return to their seats.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, 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 public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - 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 Chairman. 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 to Public Testimony.
9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, 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 Chairman may limit the time permitted for the answer.
10. The Mayor or Chairman 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.

*Office of the Mayor of the
City of Twin Falls*

Proclamation

*Breast Cancer Awareness Month
October 2024*

WHEREAS: every year, too many Americans are impacted by the pain and hardship caused by breast cancer; and whereas breast cancer remains one of the leading causes of cancer-related deaths among women; the City of Twin Falls proudly honors those who lost their lives to breast cancer and the courageous survivors who are still fighting it.

WHEREAS: October is Breast Cancer Awareness Month, the City of Twin Falls will stand with breast cancer survivors and raise awareness in advancing research efforts. Furthermore, we commit ourselves to support survivors, their loved ones, and organizations that seek to forge a future free from all cancer.

THEREFORE, I, Ruth Pierce, Mayor of the City of Twin Falls, do hereby proclaim October 2024 to be:

BREAST CANCER AWARENESS MONTH

We encourage citizens, government agencies, private businesses, nonprofit organizations, and all others to join in activities that increase awareness of breast cancer prevention.

*In witness whereof we have
hereunto set our hand and caused
this seal to be affixed this 7th day of
October.*

*Ruth Pierce, Mayor
City of Twin Falls*

*Amy Luna
Deputy City Clerk*

*Office of the Mayor of the
City of Twin Falls*

Proclamation

*2024 Fire Prevention Week
October 6 – 12, 2024*

WHEREAS the City of Twin Falls is committed to ensuring the safety and security of all those living in and visiting our city. Fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire. Home fires killed more than 2,700 people in the United States in 2022, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 360,000 home fires; and

WHEREAS roughly three out of five fire deaths happen in homes with either no smoke alarms or with no working smoke alarms. Working smoke alarms cut the risk of dying in reported home fires almost in half; and smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS Twin Falls residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and Twin Falls residents should make sure their smoke alarms meet the needs of all their family members, including those with sensory or physical disabilities; and residents should test smoke alarms at least once a month. Residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS Twin Falls first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and residents are responsive to public education measures and can take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS the 2024 Fire Prevention Week™ theme, “Smoke alarms: Make them work for you.TM,” serves to remind us of the importance of having working smoke alarms in the home.

THEREFORE, I, Ruth Pierce, Mayor of the City of Twin Falls, do hereby proclaim the week of October 6-12, 2024, as

Fire Prevention Week

throughout this city, and I urge all the people of Twin Falls to make sure their homes have working smoke alarms and to support the many public safety activities and efforts of the Twin Falls Fire Department.

In witness whereof we have hereunto set our hand and caused this seal to be affixed this 7th day of October.

Ruth Pierce, Mayor
City of Twin Falls

Amy Luna
Deputy City Clerk



Twin Falls City Council Minutes

Monday, September 30, 2024, 5:00 PM

Council Chambers
203 Main Avenue East Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Ruth Pierce, Vice Mayor Jason Brown, Council Members Craig Hawkins, Christopher Reid, Spencer Cutler, Cherie Vollmer & Grayson Stone (byPhone).

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Gretchen Scott, City Attorney Bruce Castleton, Human Resources Director Kristen Kohntopp, Captain Matt Hicks, P&R Director Wendy Davis, P&R Project Coordinator Elois Joseph, Fire Chief Les Kenworthy, Deputy Fire Chief Mitchell Brooks, City Engineer Troy Vitek, Environmental Manager Nathan Erickson, Public Works Director Josh Baird, Help Desk Technician Brettrick Barker, Deputy City Clerk Amy Luna.

Mayor Pierce called the meeting to order at 5:00 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

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

3) CONSENT CALENDAR

MOTION: Council Member Reid moved to approve the Consent Calendar as presented. **Council Member Hawkins** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- Request to approve City Council 2024 September 23, Minutes.
- Request to approve Accounts Payable for September 19-25, 2024.
- Request to approve 2024 August Wells Fargo Credit Card Summary.
- Request for approval of Finding of Facts and Conclusions of Law for the following Final Plats: Ellis Subdivision (PZ24-0088), Grand Finale (PZ24-0092)

4) ITEMS OF CONSIDERATION

- Request approval of the Collective Bargaining Agreement between the City and Twin Falls Firefighters Local 1556.
HR Director Kohntopp requested approval of the Collective Bargaining Agreement between the City and Twin Falls Firefighters Local 1556.

Discussion ensued on the following: None.

MOTION: Vice Mayor Brown moved to approve the request to Collective Bargaining Agreement between the City and Twin Falls Firefighters Local 1556. **Council Member Vollmer** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- Consider a recommendation from the Public Arts Commission to approve the selected artwork, artists, and placement of art for the Downtown Commons Mural Project.
P&R Director Davis requested consideration of a recommendation from the Public Arts Commission to approve the selected artwork, artists, and placement of art for the Downtown Commons Mural Project.

Discussion ensued on the following:

Council Member Reid: How long are we expecting these to last?

Council Member Cutler: Spoke in favor of the request

Vice Mayor Brown: Was there any explanation of why they did their art?

Council Member Hawkins: Thanked the staff for their efforts.

MOTION: Council Member Hawkins moved to approve the request to approve the selected artwork, artists, and placement of art for the Downtown Commons Mural Project. **Council Member Vollmer** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- Request to enter negotiations with Wright Brothers Construction for CM/GC services associated with the Canyon Trail Junction and Chobani Wellness Park project.

P&R Director Davis requested to enter negotiations with Wright Brothers Construction for CM/GC services associated with the Canyon Trail Junction and Chobani Wellness Park project.

Discussion ensued on the following:

Mayor Pierce: Asked where Wright Brothers is out of.

MOTION: Council Member Reid moved to approve the request to enter negotiations with Wright Brothers Construction for CM/GC services associated with the Canyon Trail Junction and Chobani Wellness Park project.

Vice Mayor Brown seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- d) Consideration of an independent contractor agreement with Bruce Castleton of Castleton Law, PLLC for City Attorney services as defined in Idaho Code Section 50-208A.

City Manager Rothweiler requested consideration of an independent contractor agreement with Bruce Castleton of Castleton Law, PLLC for City Attorney services as defined in Idaho Code Section 50-208A.

Discussion ensued on the following:

Council Member Reid: Asked the City Manager to go over the exceptions. Spoke in favor of this request.

MOTION: Council Member Reid moved to approve the request for an independent contractor agreement with Bruce Castleton of Castleton Law, PLLC for City Attorney services as defined in Idaho Code Section 50-208A.

Vice Mayor Brown seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

5) GENERAL PUBLIC INPUT

6) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Reid reported that there will be an Airport Board meeting on October 1, 2024.

Mayor Pierce spoke about the Twin Falls Police Awards Banquet.

Council Member Hawkins spoke about the Citizens Police Academy.

7) EXECUTIVE SESSION

- a) EXECUTIVE SESSION §74-206(1)(c) To acquire an interest in real property which is not owned by a public agency; and (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

MOTION: Council Member Reid moved to adjourn to EXECUTIVE SESSION §74-206(1)(c) To acquire an interest in real property which is not owned by a public agency; and, (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. **Council Member Cutler** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

8) ADJOURNMENT

The meeting adjourned into Executive Session at 05:25 PM. The regular meeting adjourned at 6:13 PM.

Amy Luna, Deputy City Clerk

****If you wish to have a full accounting of this meeting, please listen to the recording that is located on our website. **** [Tfid.org](https://www.tfid.org)



Date: Monday, October 7, 2024
To: Honorable Mayor and City Council
From: Amy Luna, Deputy City Clerk, Deputy City Clerk

ACTION ITEM

Request:

Request to approve Accounts Payable for September 23 thru October 02, 2024.

Time Estimate:

Background:

Approval Process:

Budget Impact:

Regulatory Impact:

History:

Analysis:

Conclusion:

Attachments:

None



Date: Monday, October 7, 2024
To: Honorable Mayor and City Council
From: Erin Steel, Assistant Public Works Director

ACTION ITEM

Request:

Request to negotiate with Suburban Construction Management for CM/GC services associated with the renovation of the Public Works Site and use \$1.2M from water and wastewater reserves to fund the project.

Time Estimate:

5 Minutes

Background:

Public works staff, leveraging the long-term planning process, budgeted \$1.2M for the public works site improvement project in fiscal year 23. This request will bring the site into compliance with city code Title 10 requirements. The project was bid in August of FY 2023, with only one bid received for a significantly higher amount of \$2,153,300. In response, staff committed to finding solutions to reduce the cost to closer to the budgeted amount. A reevaluation of the project led to a decision to depart from the traditional design-bid-build project delivery method and release a Request for Qualifications (RFQ) for a Construction Manager/General Contractor (CM/CG) method. This approach, which the City has successfully employed in the past, offers a promising path forward for the project.

Working with a CM/GC will empower the city to have a more significant say in how the public works department can help offset the project's total cost. At 60% to 90% of design completion, the owner and CM negotiate a guaranteed maximum price for the project's construction with a defined scope and a more accurate estimate. The competitive pricing directly results from the CM's active involvement in bidding on other projects, giving a better understanding of the bidding environment. If a price is agreed upon, the construction manager transitions into the general contractor role and bids out any separate bid packages at that time. This flexible approach and the public works department's potential contributions will allow for a better price.

Using a qualification-based selection process (Idaho Code 67-2320), staff released an RFQ on August 7, 2024, soliciting responses from CM/GC contractors. Two firms, Suburban Construction Management and Peterson Brothers Construction, responded to the RFQ. Both proposals were scored against the criteria in the RFQ. Both firms are highly qualified. The review committee recommends Suburban Construction Management based on the evaluation criteria. City staff requests Council to approve the recommendation and authorize staff to negotiate with Suburban Construction Management for CM/CG services.

Approval Process:

Majority vote by Council.

Budget Impact:

Staff is requesting that \$1.2M in water and wastewater reserve funds be used to fund the project. This money was previously budgeted and rolled into reserves after the initial bidding of the project.

Regulatory Impact:

None

History:

None

Analysis:**Conclusion:**

Staff recommends that the Council approve the request to negotiate with Suburban Construction management for CM/GC services associated with the renovations of the Public Works Site.

Attachments:

None



Date: Monday, October 7, 2024
To: Honorable Mayor and City Council
From: Mark Thomson Street Department Superintendent

ACTION ITEM

Request:

Request to approve the purchase of a 2024 John Deere 624P wheel loader at a cost of \$165,390.47 using a Cooperative Purchasing Agreement with Sourcewell and authorize the Public Works Director to execute the contract.

Time Estimate:

The presentation will take approximately 10 minutes.

Background:

Idaho Code 67-2807 went into effect on July 1, 2019. It states, "With the approval of its governing board, a political subdivision may participate in cooperative purchasing agreements with the state of Idaho, other Idaho political subdivisions, other government entities, or associations thereof. Political subdivisions may also participate in cooperative purchasing programs established by any association that offers its goods or services as a result of competitive solicitation processes. Goods or services procured by participation in such cooperative agreements or programs shall be deemed to have been acquired in accordance with the requirements of this chapter".

On December 9, 2019, the City Council adopted resolution 2019-014 authorizing staff to use cooperative purchasing agreements and joint cooperative purchasing programs. City staff can approve purchases up to the informal bid limits. If the purchase is greater than the informal bid limit, which was recently increased to \$150,000, the city council must approve the purchase.

Over the last couple of years, the city fleet committee has developed a fleet replacement schedule. This purchase was approved by the fleet committee. It was later presented and approved by the LTP committee and adopted by the council as part of the FY 24-25 budget.

As we started looking at our equipment replacements for FY 24-25, we also looked at some operational changes that have taken place over the last few years. At one point, we had two different storage yards that different departments used. A loader was parked at each location to load trucks. Now, we only have one yard, so having two loaders at the same location does not make sense, so we'll be downsizing our fleet and trading in two loaders to make this purchase. We'll be replacing a loader purchased in 1988 and a loader purchased in 2012. The purchase price reflects the trade in values of both loaders.

Approval Process:

A simple majority will approve this request.

Budget Impact:

\$200,000.00 was budgeted for the replacement of the loader. The quote is under budget.

Regulatory Impact:

Council approval is required to make a purchase over \$150,000 using a Cooperative Purchasing agreement. Approval will allow staff to purchase a new loader.

History:

Analysis:

Conclusion:

Request to approve the purchase of a 2024 John Deere 624P loader at a cost of \$165,390.47 using a Cooperative Purchasing Agreement with Sourcewell and authorize the Public Works Director to execute the contract.

Attachments:

1. John Deere Sales Agreement



Date: Monday, October 7, 2024
To: Honorable Mayor and City Council
From: Kelli Ebersole, City Planner

ACTION ITEM

Request:

Request to appeal the Planning and Zoning Commission's decision regarding Special Use Permit PZ24-0076 to allow drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E. c/o Floid Gilbert (PZ24-0098)

Time Estimate:

Approximately 15 - 20 minutes for the presentation with questions/comments to follow.

Background:

The applicant, Stan Nicolaysen, submitted a Special Use Permit application to construct a drive-through with extended hours of operation on property located at 2616 Addison Avenue East. The property, zoned C-1, Commercial Highway District, is located at the corner of Addison Avenue East and Carriage Lane North. The property is currently undeveloped and is approximately 35,000 square feet.

On August 13, 2024, the Planning and Zoning Commission approved the request for a drive-through with extended hours of operation, as presented, with added conditions on the hours of operation, the screening requirement, and landscape plan by a vote of 5-1. The specific verbiage of the added conditions is outlined in the Conclusion section below.

Citizen Floid Gilbert is appealing the commission's decision, and the request is being brought to the City Council for a new Public Hearing.

Tonight, the City Council will make a brand-new decision on the request. The Council may approve the request, as originally presented; uphold the Planning and Zoning Commission's decision of approval, with added conditions; deny the request; or table the request for further information.

Approval Process:

Per City Code 10-13-2.2 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 decide 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.

Review Criteria to Special Uses:

- Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
- Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.

- 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.
- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- 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.
- 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.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Conditions may be attached to a Special Use Permit including, but not limited to, those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in this Title.

Budget Impact:

N/A

Regulatory Impact:

Should the commission approve the Special Use Permit, as presented, the applicant will be allowed to construct the drive-through for the restaurant and stay open until 2:00 am, as stated in the narrative, while following the site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

History:

The property is zoned C-1, Commercial Highway District. The property was once part of a larger lot, combined with 2634 Addison Ave E. Records show the lot was split prior to the year 2000. Staff could not find a record the property has ever been developed and has remained vacant since the property split.

There has been a lot of development in this area in the past few years and many requests have come before the commission. Addison Springs Storage ZDA was recently amended to allow drive-through restaurant service to be outright permitted (the appellant misunderstood this approval), the property at 2794 Addison Avenue East has rezoned the property to include C-1 zoning for the northern portion of the property, and a Special Use Permit was approved for storage unit rentals on the NW corner of Addison Avenue East and Carriage Lane.

This request follows the development pattern in this area. This area has transitioned from farm grounds to Neighborhood Commercial, with a mix of residential uses, commercial, professional office and services. The addition of a drive-through restaurant to this area fits with this pattern of development.

Analysis:

Staff did receive public comments regarding the request and the comments have been included with the staff report for review.

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for “Neighborhood Commercial”, which provides for supporting services and small-scale commercial uses for the surrounding neighborhood.

Based on the standards for approval, staff foresees that while the restaurant use is permitted by right and compatible with the comprehensive plan, the drive-through and extended hours may have potential negative impact(s) due to the proximity of the residences to the south. Potential impacts the Commission may wish to consider are as follows:

Potential Impacts of Drive-through Request:

- The proposed location is close to a residential neighborhood that may be affected by the extended hours request, due to noise and glare from the vehicles in the drive-through. The applicant has shown on the site plan that the menu board is located closer to the northern part of the property to help mitigate speaker noise.
- Noise and glare from headlights could also come from customers waiting for their drive-through orders along the rear of the property. The applicant has addressed it with a six foot (6') tall solid screening fence on the southern property line, along the residential properties, as required by city code. If the commission finds the minimum code requirements for the screening is not sufficient to block potential impacts to the residential neighbors, the commission could condition the materials, height, and/or intensity of screening.
- Per city code, drive-through lanes have a vehicle stacking requirement of five (5) cars per lane from the first window, pickup window, order board, or other stopping point and a single stacking space shall be provided after the final window, order board, or stopping points, to allow vehicles to pull clear of the transaction area prior to entering an intersecting on site driveway or maneuvering aisle.
- Per city code, an escape lane shall be provided for any use containing a drive-through facility. An escape lane shall be nine feet (9') wide and shall provide access around the drive-through facility. An escape lane may be part of a circulation aisle. The applicant has shown the escape lane to run down the west side of the property, next to the drive-through queue. The site plan shows the escape lane does not start until the vehicles reach the menu board. Staff will address this issue at the building permit review. One solution may be to move the menu board further south, fulfilling the escape lane requirement by code.
- Per the site plan, the trash enclosure is located at the southeast corner of the parking lot. To help mitigate disturbances to the residents to the south, staff believes a better location for the enclosure is to place it north of the building.
- The applicants' narrative states they anticipate serving 500 vehicles per day. A drive-through restaurant will add vehicle traffic to this area. Staff believes it will not generate 500 new vehicle trips to this location. Rather, it will serve a combination of vehicles already on the roads plus purpose-driven trips to the area. Addison Avenue East is an arterial street, and has been built to handle the increased traffic. Carriage Lane is a collector, and is also able to handle the anticipated traffic loads.

Potential Impacts of Extended Hour Request:

- Regular allowed retail hours in this zone are 7:00 am - 10:00 pm. The applicant is asking to extend those hours to stay open until 2:00 am, like their other locations. Noise and glare from headlights during the proposed extended hours of operation could impact the residential neighbors to the south. The applicant has addressed it by building a six foot (6') tall solid screening fence on the southern property line, as required by city code. If the commission finds the minimum code requirements for the screening are not sufficient to block potential impacts on residential neighbors, the commission could condition the materials, height, and/or intensity of screening.

Conclusion:

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

Staff originally recommended the following conditions of approval:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to the traffic flow of the drive-through does not impact the local public roads.

The Planning and Zoning Commission approved the request, as presented, with the following added conditions:

1. Subject to construction of a 7' CMU wall on the South property line.
2. Subject to the Commission reviewing and approving a landscape plan prior to issuing a building permit.
3. Subject to extended hours being granted for Friday and Saturday from 10 pm – 12 am.

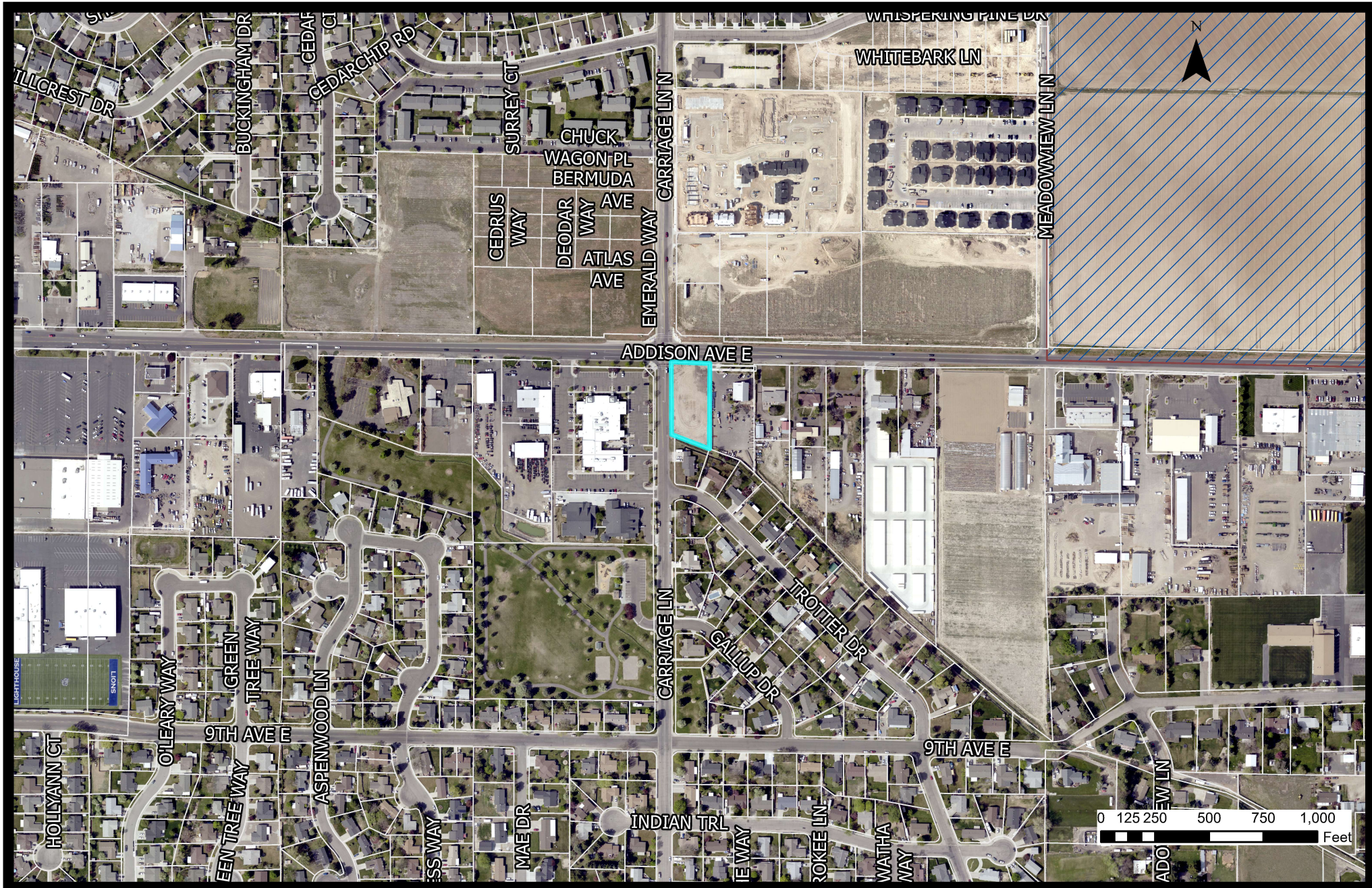
This application has two (2) desired special uses to be approved, drive-through for the restaurant and extended hours of operation.

Attachments:

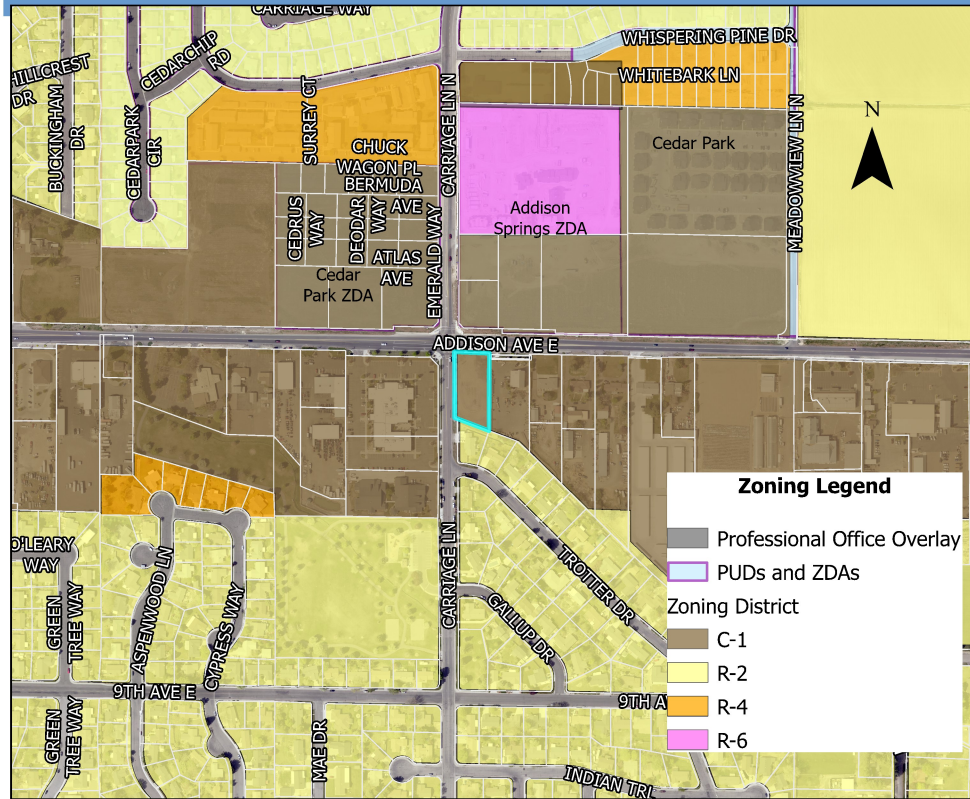
1. PZ24-0076 original Vicinity Map
2. PZ24-0076 original Presentation Map
3. PZ24-0076 original narrative
4. PZ24-0076 proposed site plan
5. PZ24-0076 proposed Elevations
6. PZ24-0076 PZFOF
7. PZ24-0076 PZSUP
8. 081324 Minutes
9. PZ24-0098 Appeal Narrative
10. TACO BELL - SITE PLAN - TWIN FALLS (REV_093024)
11. TF Taco Bell Landscape Set
12. 1 - PZ24-0076 K Stewart Public Comment 7-30-24
13. 2 - PZ24-0076 BT Sorenson Public Comment 8-2-24
14. 3 -PZ24-0076 S Martens Public Comment 8-6-24
15. 4 - PZ24-0076 E Covington Public Comment 8-6-24
16. 5 -PZ24-0076 CPR Public Comment 8-9-24

17. 1 - PZ24-0098 Public Comment 1 M Heiner 9-19-24
18. 2 - PZ24-0098 Public Comment K Stewart 9-19-24
19. 3 - PZ24-0098 Public Comment T Griggs 9-19-24
20. 4 - PZ24-0098 Public Comment K Stewart 9-19-24
21. 5 - PZ24-0098 Public Comment R Lang 09-24-24
22. 6 - PZ24-0098 Public Comment H Stewart 09-24-24
23. 7 - PZ24-0098 Public Comment L Lang 09-24-24
24. 8 - PZ24-0098 Public Comment B Anderson 09-24-24
25. 9 - PZ24-0098 Public Comment A Powell 09-24-24
26. 10 - PZ24-0098 Public Comment L McMurty 09-24-24
27. 11 - PZ24-0098 Public Comment S Martens 09-30-24
28. 12 - PZ24-0098 Public Comment L Miller 09-30-24
29. 13 - PZ24-0098 Public Comment G Moreno 09-30-24
30. 14 - PZ24-0098 Public Comment C Bearup 09-30-24
31. 15 - PZ24-0098 Public Comment T Sorenson 10-1-24
32. 16 - PZ24-0098 Public Comment R Kerr 10-2-24
33. 17 - PZ24-0098 Public Comment S Vogelmann 10-3-24
34. 18 - PZ24-0098 Public Comment J Grandeau 10-3-24
35. 19 - PZ24-0098 Public Comment C Miltenberger 10-3-24

Request for a Special Use Permit to allow a drive through with extended hours of operation on property located at 2616 Addison Avenue East.



ZONING MAP



Zoning

Current Zoning: C-1 Commercial

Current Land Use: Vacant

Proposed Zoning: N/A

Proposed Land Use: Drive Thru Restaurant

Surrounding Area

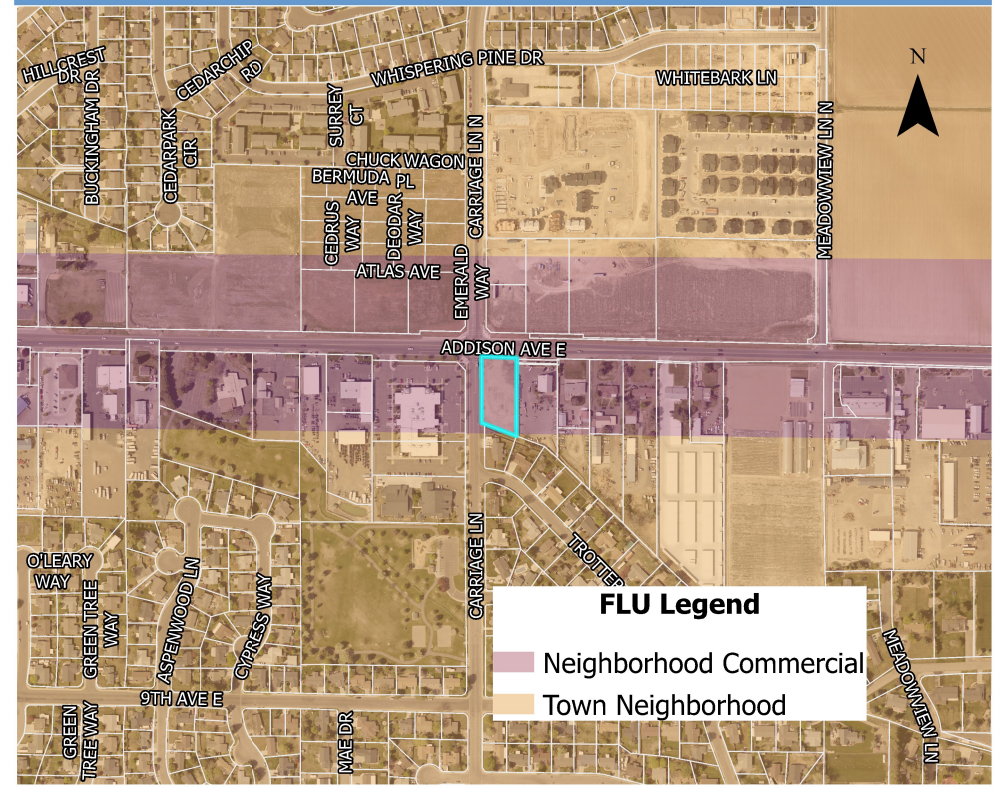
North: Addison Avenue East/Storage Units

South: Residential

East: Commercial

West: Carriage Lane/Medical Facility

FUTURE LAND USE MAP



Regulations

10-4-8.2, 10-13-2.2

FLU Category

Neighborhood Commercial:
Provides supporting service and small scale commercial for the surrounding neighborhood.
Designed to compliment the neighborhoods character.



1010 S. Allante Place,
Suite 100
Boise, Idaho 83709
Telephone 208 336-8370
Fax 208 336-8380

July 1, 2024

City of Twin Falls
Community Development Services
203 Main Avenue
East Twin Falls, ID 83303

RE: Taco Bell – 2616 Addison Ave E
Special Use Permit Application
BRS Architects Project #24030

Dear Planning Staff,

On behalf of Stan Nicolaysen with ES-O-EN, LLC, please accept this letter of explanation for our submittal of a new Taco Bell Drive-Thru Restaurant on the undeveloped property at 2616 Addison Ave E.

This Taco Bell location should be typical of the national brand. The majority of customers typically use the drive-thru to purchase their food with a smaller percentage choosing to come in to sit down and dine. Because of this, the drive-thru is longer to allow for a 5-car stack from the menu board/order point to the pick-up window. Typical hours of operation for Taco Bell restaurants are from 7 am-2am. The owners are anticipating up to 500 cars per day at this site. There are usually 3-5 employees working during open hours.

This property is located on the corner of Addison Ave E and Carriage Lane. As a corner lot, we tried to address site circulation by utilizing the existing access point shared with the adjacent property off of Addison Ave E and we added a second access point from Carriage Lane. This will allow traffic to safely enter the site if traveling from the East or North and provide a way for customers to exit in the direction they need to go to continue on their way. We utilized a reverse drive-thru layout to get a longer drive-thru that provides the required 5-car stack from the menu board/order point. This also allowed us to move the noise of the order point further away from the residential property to the south and hopefully mitigate some of the noise. Since we had to push the building further away from the street to accomplish this, we are planning to have a pylon sign out at the corner for easy visibility to traffic coming from all four directions. The trash enclosure is located at the south end of the parking lot to allow for easy access by trash collectors. This is located closer to the residential neighborhood but any concerns about odor should be eliminated due to strict standards of cleanliness and regular inspections by the owners and corporate. A fence will be located along the south to separate the parking lot from the irrigation ditch. 38% of the site will be landscaped.

The current design for the Taco Bell brand is a more modern look with clean lines and neutral colors with just a pop of the purple brand color. This style fits well into a mixed commercial area and the scale of the building ties in nicely with adjacent residential neighborhoods. We have provided colored images of the prototypical building

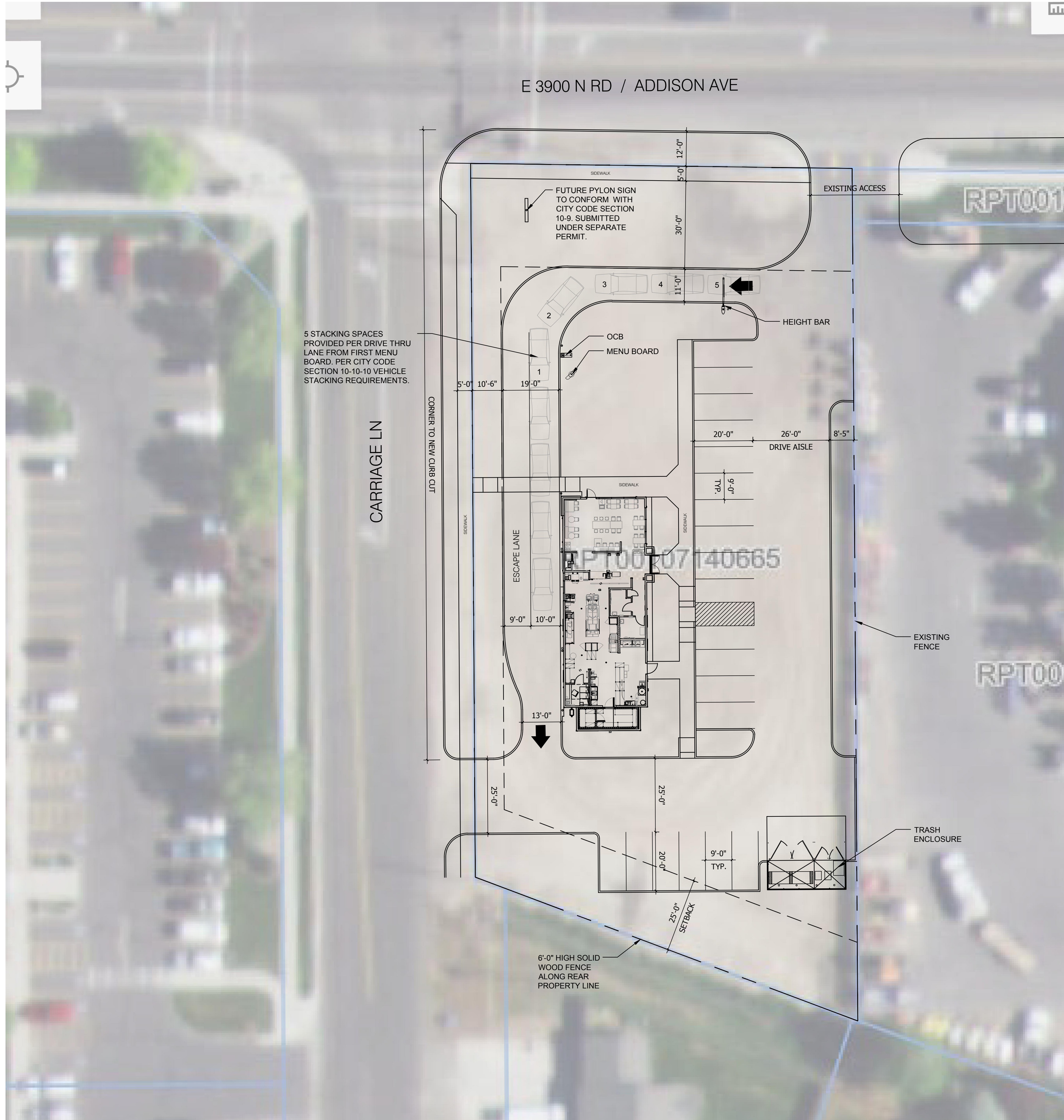
design and other elements of the site to show the scale of the building and look of the materials. Per city requirements, there will be no signage on the façade facing the residential neighborhood.

Thank you for taking the time to review this submittal. We welcome input and helpful interaction from you and your staff during the review process to provide the owner and the City of Twin Falls a successful project. Please contact me with any questions or comments regarding this application.

Sincerely,

A handwritten signature in black ink that reads "Julie Benintendi". The script is fluid and cursive, with a small dot at the end of the last word.

Julie Benintendi, Senior Project Manager
BRS Architects
julieb@brsarchitects.com



SITE PLAN
SCALE: 1" = 20'-0"

PROJECT DATA

NEW DRIVE-THRU TACO BELL RESTAURANT AND ASSOCIATED SITE IMPROVEMENTS.	
PROJECT ADDRESS:	2616 ADDISON AVE E TWIN FALLS, ID 83301
PROJECT OWNER:	STAN NICOLAYSON CDT X ENTERPRISES LLC PO BOX 607 MERIDIAN, IDAHO 83680 208-855-4910 STAN@ESOEN.COM
LEGAL JURISDICTION:	TWIN FALLS, IDAHO
LAND USE ZONE:	C-1 COMMERCIAL HIGHWAY DISTRICT
ASSESSOR ID:	PARCEL: RPT00107140665
LOT AREA:	0.793 ACRES
CONSTRUCTION TYPE:	V-B (NON SPRINKLER)
OCCUPANCY GROUP:	A2
BUILDING AREA:	2,234 SF
NO. OF OCCUPANTS:	58
NUMBER OF STORIES:	ONE
BUILDING HEIGHT:	24'-0"
PARKING:	
PARKING REQ'D:	1 PER 100 SQ FT/QUEUE FOR 5 CARS 22 PARKING SPACES REQ'D
TOTAL PROVIDED:	20 SPACES (INCLUDING 2 ADA SPACE) 9 CAR QUEUE IN DRIVE-THRU
BIKE PARKING:	3 SPACES

--	--	--	--	--	--	--	--	--	--

NO.	REVISIONS	DATE

1010 S. ALLANTE PL.
SUITE 100
BOISE, IDAHO 83709
(208) 336-6370

BRS
ARCHITECTS

PROPOSED DESIGN FOR:

TACO BELL
PRELIMINARY DESIGN

2616 ADDISON AVE E
TWIN FALLS, IDAHO

DRAWN	JAB
DATE	7/24/2024
CHECKED	-
JOB NO.	24063

SITE PLAN

SD1



PYLON SIGN



SIDING
HARDIE REVEAL PANEL
Reveal Panel System
Cyberspace (SW7076)
Semi Gloss



NOTE:
COLOR IMAGES ARE FROM A PROTOTYPICAL LAYOUT AND
ARE FOR COLOR/MATERIAL IDENTIFICATION PURPOSES
ONLY. SEE BLACK AND WHITE ELEVATIONS FOR LOCATION
OF SIGNAGE AND BUILDING SIZE FOR THIS PROJECT.



1010 S. ALLANTE PL.
SUITE 100
BOISE, IDAHO 83709
(208) 336-8370



TACO BELL
PRELIMINARY DESIGN

PROPOSED DESIGN FOR:

2616 ADDISON AVE E

TWIN FALLS, IDAHO

DRAWN	JAB
DATE	
CHECKED	-
JOB NO.	24030

ELEVATIONS

SD2



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

In Re:	)	
	)	
<u>Special Use Permit</u> , Application,	)	FINDINGS OF FACT,
	)	
<u>Stan Nicolaysen</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 August 13, 2024 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of a drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E 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 for the purpose a drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E.
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: July 23, 2024.
3. The property in question is zoned C-1 Commercial pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Neighborhood Commercial 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, Addison Avenue East/Storage Units; to the south, Residential; to the east; Commercial; and to the west, Carriage Lane/Medical Facility.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-2 and 10-13-2.2, 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 for the purpose of a drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E is consistent with the purpose of the C-1 Commercial 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 C-1 Commercial 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 for the purpose of a drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E 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 for the purpose of a drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E 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. Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.
2. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and Standards.
3. Subject to the traffic flow of the drive-through does not impact the local public roads.
4. Subject to construction of a 7' CMU wall on the South property line.
5. Subject to the Commission reviewing and approving a landscape plan prior to issuing a building permit.
6. Subject to extended hours being granted for Friday and Saturday from 10 pm – 12 am.



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

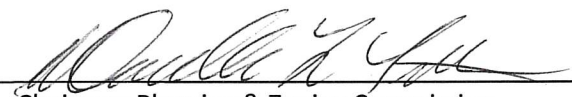
Permit No. PZ24-0076

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on August 13, 2024 to Stan Nicolaysen whose address is PO Box 607 for the purpose of a drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E and legally identified with the following Parcel ID: RPT00107140665.

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

1. Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.
2. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and Standards.
3. Subject to the traffic flow of the drive-through does not impact the local public roads.
4. Subject to construction of a 7' CMU wall on the South property line.
5. Subject to the Commission reviewing and approving a landscape plan prior to issuing a building permit.
6. Subject to extended hours being granted for Friday and Saturday from 10 pm – 12 am.




Chairman Planning & Zoning Commission
8/14/24
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.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, August 13, 2024, 6:00 PM

203 Main Ave East
Twin Falls, ID 83303

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact: Susan Petruzzelli

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 06:00 PM

Members Attending: Titus,, Rambur, Weatherford, Herrgesell, Zimmerman, Petruzzelli

Staff Attending: Spendlove, Klaver, Strickland, Ebersole, Green, Glaesmann

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Approval of minutes from the following meeting: July 9, 2024

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

Commissioner Herrgesell seconded the motion.

4) Items of Consideration

5) Public Hearings

- a) Request for an automobile and truck service and/or repair facility with drive-thru on property located at 1552 Sun West Way c/o Gerald Martens (PZ24-0071).

Staff Presentation:

City Planner Ebersole presented the request for an automobile and truck service and/or repair facility with drive-thru on property located at 1552 Sun West Way c/o Gerald Martens (PZ24-0071).

Per City Code 10-13-2.2 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 decide 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.

Conditions may be attached to a Special Use Permit including, but not limited to, those:

- Minimizing adverse impact on other developments.
- Controlling the sequence and timing of development.
- Controlling the duration of development.
- Assuring that development is maintained properly.

- Designating the exact location and nature of development.
- Requiring the provision for on-site or off-site public facilities or services.
- Requiring more restrictive standards than those generally required in this Title.

Review Criteria to Special Uses:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. 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.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. 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.
7. 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.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

The property is zoned Commercial Highway with a Planned Unit Development (C-1 PUD), part of the Sun West Lazy J PUD. The property is currently undeveloped.

There are two neighboring properties that have received Special Use Permits recently. Tommy's Express received a permit for a drive-through car wash in June 2018 and Mountain West Motorsports received a permit for automobile and truck sales and service in August 2023. The 2016 Comprehensive Plan; "Grow With Us" designates this area as a transition between the College of Southern Idaho, Mixed Use, Town Neighborhood, and Commercial use.

Staff has reviewed the proposed plan for code conformance. The land use of an automobile and truck service and/or repair is allowed with a SUP in the C-1 zoning district, as well as the Sun West Lazy J C-1 PUD. The proposed site plan appears to meet city code requirements, but the drawings have not been viewed for technical review. All drawings will need to meet current code and standards, when the building permit is submitted for review.

The proposed site plan shows there will be three (3) drive-through bays for the oil change facility. City code 10-10-10 states that a stacking queue of three (3) vehicles per bay is required. Per the narrative, the hours of operation are Monday – Saturday from 7:00 am – 6:00 pm and there will be three to five (3-5) employees on staff.

The entrance to the facility will be located off Sun West Way, a private road. There is only one

business using this same access at this time (Tommy's Car Wash), with a second property currently under construction. Staff does not anticipate the traffic from the new facility will be excessive and detrimental to the area.

The Sun West Lazy J PUD has specific landscaping requirements that will need to be met by the applicant, which include a twenty foot (20') average landscape buffer along Cheney Drive and a fifteen foot (15') average landscape buffer along private roadways. The applicant will need to produce a landscape plan with their building permit application.

The applicant has stated there will be no adverse effects to neighbors due to noise, glare, and fumes. The use is similar to the uses of the neighboring properties and staff has determined the use would be compatible with the pattern of development in that subdivision.

Based on the standards for approval, staff does not foresee negative impacts related to the land use.

Staff has determined the proposed use is compatible with the comprehensive plan, as it meets Land Use Goal 3 to encourage mixed-use developments that provide the benefits of more compact, denser development with a mix of living, shopping and working environments. This project is located near the intersection of two arterial roadways (Pole Line Road and Washington Street North), surrounded by commercial, residential, civic, and educational facilities. The proposed use appears to be compatible with the car wash and auto sales and detail business located directly across Sun West Way.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

Upon conclusion, should the Commission recommend approval of the request as presented, 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.

Applicant Presentation:

Gerald Martens explained that he is a developing partner and also owns the property surrounding and feels this is a good fit.

Public Hearing: Opened and closed with no public input.

Discussions Followed:

- Commissioner Rambur stated that there is a similar business in the area and this will fit in.
- Chairperson Titus asked for clarification from staff if this was for an SUP and what exactly was being asked for.
- Planner Ebersole explained that it is for 2 requests, drive-through and vehicle repair/service, if one is not approved then they don't want the permit.

MOTION: Commissioner Herrgesell moved to approve the request for an automobile and truck service and/or repair facility with drive-thru on property located at 1552 Sun West Way c/o Gerald Martens (PZ24-0071). Commissioner Rambur seconded the motion. Roll call vote showed all

members present voted.

Approved 6 to 0.

- b) Request for a home occupation eye lash/spray tanning studio on property located at 1716 Skyline Dr. c/o Tylor Prescott on behalf of LeAndrea Prescott (PZ24-0075).

Staff Presentation:

City Planner Strickland presented the request for a home occupation eye lash/spray tanning studio on property located at 1716 Skyline Dr. c/o Tylor Prescott on behalf of LeAndrea Prescott (PZ24-0075).

Per City Code 10-13-2.2 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 decide 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.

Conditions may be attached to a Special Use Permit including, but not limited to, those:

- Minimizing adverse impact on other developments.
- Controlling the sequence and timing of development.
- Controlling the duration of development.
- Assuring that development is maintained properly.
- Designating the exact location and nature of development.
- Requiring the provision for on-site or off-site public facilities or services.
- Requiring more restrictive standards than those generally required in this Title.

Review Criteria to Special Uses:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. 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.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. 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.
7. 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.
8. Will have vehicular approaches to the property which shall be so designed as not to create

- an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

According to county records, the home was constructed circa 1973 and is approximately 960 sq. ft. The property is zoned R-4, Residential Medium Density. Per City Code 10-4-5, a special use permit is required for a home occupation. The applicant has submitted an application for a building permit to convert the garage of the home into a space for the home occupation. Recently, there was a request for a Zoning Development Agreement that was presented to the Commission and recommended for approval to allow for town homes on property north of South Hills Rd at 1607 Washington St S. and is scheduled for public hearing for Council August 12, 2024.

The narrative states the business will operate Monday-Friday from 12pm - 10 pm, Saturday & Sunday 9:30 to 3pm, with one customer at a time by appointment only. Clients will be directed to park in the applicant's driveway and, should they have to park on the street will be instructed not to block anyone's driveway. We have not received any calls or comments related to this request from the neighbors and the applicant has stated they have been contacted regarding the request and did not receive any negative feedback. The area that will be converted from a garage to a home occupation space is approximately 237 sq. ft well below the maximum allowance. The comprehensive plan identifies this area as town neighborhood with defining characteristics listed as residential in character with clustered development on smaller lots. The property is compliant with the compressive plan designation as it is zoned residential and the current use of the property is residential. The zoning designation allows for home occupations with an approved special use permit.

Potential Impacts:

- Increase of traffic with people visiting the neighborhood. The applicant proposes one (1) customer at a time, by appointment only, with a maximum of six (6) appointments per day. This limitation should mitigate the impact of traffic within the neighborhood.
- The system used for the spray tan is filtered and should produce very minimal odor and a very low probability of it being noticed by neighbors.

If approved, the approval does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project. Should the commission approve this request as presented, 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.
2. Subject to the home occupation being limited to the residents of the home, no employees shall be allowed.

Applicant Presentation:

Taylor Prescott explained that they will have appointments that are 2-3 hours for lashes and 30 minutes for spray tans.

PZ/Questions & Comments:

- Commissioner Herrgesell asked if there is only 1 client at a time.
- Taylor Prescott stated that yes only 1 at a time.

Public Hearing: Opened and closed with no public input

Discussions Followed:

- Commissioner Rambur feels the parking will not be an issue.
- Commissioner Petruzzelli likes that the city addressed issues.
- Commissioner Zimmerman feels that with only 1 at a time it will work.
- Chairperson Titus feels if no one showed up then it shouldn't be an issue.

MOTION: Commissioner Petruzzelli moved to approve the request for a home occupation eyelash/spray tanning studio on property located at 1716 Skylane DR c/o Tylor Prescott on behalf of LeAndrea Prescott (PZ24-0075). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- c) Request for a drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E. c/o Julie Benintendi on behalf of Stan Nicolaysen (PZ24-0076).

Staff Presentation:

City Planner Ebersole presented the request for a drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E. c/o Julie Benintendi on behalf of Stan Nicolaysen (PZ24-0076).

Per City Code 10-13-2.2 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 decide 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.

Conditions may be attached to a Special Use Permit including, but not limited to, those:

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- Controlling the sequence and timing of development.
- Controlling the duration of development.
- Assuring that development is maintained properly.
- Designating the exact location and nature of development.
- Requiring the provision for on-site or off-site public facilities or services.
- Requiring more restrictive standards than those generally required in this Title.

Review Criteria to Special Uses:

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3. 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.

4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. 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.
7. 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.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

The property is zoned C-1, Commercial Highway District. The property was once part of a larger lot, combined with 2634 Addison Ave E. Records show the lot was split prior to the year 2000. Staff could not find a record the property has ever been developed and has remained vacant since the property split.

There has been a lot of development in this area in the past few years and many requests have come before the commission. Addison Springs Storage ZDA was recently amended to allow drive-through service to be outright permitted, the property at 2794 Addison Avenue East has rezoned the property to include C-1 for the northern portion of the property, and a Special Use Permit was approved for storage unit rentals on the NW corner of Addison Avenue East and Carriage Lane.

This request follows the development pattern in this area. This area has transitioned from farm grounds to Neighborhood Commercial, with a mix of residential uses, commercial, professional office and services. The addition of a drive-through restaurant to this area fits with this pattern of development.

Staff did receive public comments regarding the request and the comments have been included with the staff report for review.

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for “Neighborhood Commercial”, which provides for supporting services and small-scale commercial uses for the surrounding neighborhood.

Based on the standards for approval, staff foresees that while the restaurant use is permitted by right and compatible with the comprehensive plan, the drive-through and extended hours may have potential negative impact(s) due to the proximity of the residences to the south. Potential impacts the Commission may wish to consider are as follows:

Potential Impacts of Drive-through Request:

- The proposed location is close to a residential neighborhood that may be affected by the extended hours request, due to noise and glare from the vehicles in the drive-through. The applicant has shown on the site plan that the menu board is located closer to the northern part of the property to help mitigate speaker noise.
- Noise and glare from headlights could also come from customers waiting for their drive-through orders along the rear of the property. The applicant has addressed it with a six foot

(6') tall solid screening fence on the southern property line, along the residential properties, as required by city code. If the commission finds the minimum code requirements for the screening is not sufficient to block potential impacts to the residential neighbors, the commission could condition the materials, height, and/or intensity of screening.

- Per city code, drive-through lanes have a vehicle stacking requirement of five (5) cars per lane from the first window, pickup window, order board, or other stopping point and a single stacking space shall be provided after the final window, order board, or stopping points, to allow vehicles to pull clear of the transaction area prior to entering an intersecting on site driveway or maneuvering aisle.
- Per city code, an escape lane shall be provided for any use containing a drive-through facility. An escape lane shall be nine feet (9') wide and shall provide access around the drive-through facility. An escape lane may be part of a circulation aisle. The applicant has shown the escape lane to run down the west side of the property, next to the drive-through queue. The site plan shows the escape lane does not start until the vehicles reach the menu board. Staff will address this issue at the building permit review. One solution may be to move the menu board further south, fulfilling the escape lane requirement by code.
- Per the site plan, the trash enclosure is located at the southeast corner of the parking lot. To help mitigate disturbances to the residents to the south, staff believes a better location for the enclosure is to place it north of the building.
- The applicants' narrative states they anticipate serving 500 vehicles per day. A drive-through restaurant will add vehicle traffic to this area. Staff believes it will not generate 500 new vehicle trips to this location. Rather, it will serve a combination of vehicles already on the roads plus purpose-driven trips to the area. Addison Avenue East is an arterial street, and has been built to handle the increased traffic. Carriage Lane is a collector, and is also able to handle the anticipated traffic loads.

Potential Impacts of Extended Hour Request:

- Regular allowed retail hours in this zone are 7:00 am - 10:00 pm. The applicant is asking to extend those hours to stay open until 2:00 am, like their other locations. Noise and glare from headlights during the proposed extended hours of operation could impact the residential neighbors to the south. The applicant has addressed it by building a six foot (6') tall solid screening fence on the southern property line, as required by city code. If the commission finds the minimum code requirements for the screening are not sufficient to block potential impacts on residential neighbors, the commission could condition the materials, height, and/or intensity of screening.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

Upon conclusion, should the Commission recommend approval of the request as presented, 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.
2. Subject to the traffic flow of the drive-through does not impact the local public roads.

This application has two (2) desired special uses to be approved, drive-through for the restaurant

and extended hours of operation. This leads to several different outcomes. In order to mitigate confusion on what is being voted on, staff asks two (2) main motions to be made. Other motions to add or remove conditions may also be made, but that would be up to the discretion of the Commission. Potential verbiage for the main motions are as follows:

1. Recommend approval for the request of a drive-through, as presented, on property located at 2616 Addison Ave E.
2. Recommend approval for the request of extended retail hours of operation, as presented, on property located at 2616 Addison Ave E.

PZ/Questions & Comments:

- Chairperson Titus asked for clarification on the drive-thru and about if the menu board moves, will they have enough room for car stacking.
- Director Spendlove clarified that they would move it south and it will give more stacking room.
- Commissioner Rambur asked about the south fence and what they propose to use.
- Planner Ebersole said the applicant will address.
- Commissioner Petruzzelli asked about the property to the east and if it has a fence.
- Director Spendlove stated it's chain-link and the Council has dictated that chain-link with privacy slates is not acceptable. The commission can dictate what kind to use.
- Commissioner Petruzzelli asked if they can ask for specific landscape with foliage.
- Director Spendlove explained that they can have them come back and show the landscape plan or be very specific now.
- Commissioner Rambur asked about lighting.
- Planner Ebersole stated there was nothing specific in the narrative.
- Commissioner Weatherford asked for clarification about where the cars are coming in.
- Planner Ebersole showed both entrances and where the drive thru is.

Applicant Presentation:

Stan Nicolaysen, one of the owners, gave a little information about his background and their start-up.

Julie Benintendi is the architect and clarified a few things. She stated that traffic influx will come with growth and they are trying to mitigate with 2 different entrances. The escape lane location was placed because of the setback with the sidewalk. The 5 car stack from window to menu board is that they found that is ideal for food preparation and delivery. They are open to other ideas for the fence and the material. The trash container in the back is to maximize parking stalls also to help with trash pick-up.

PZ/Questions & Comments:

- Commissioner Rambur asked about a landscape plan.
- Julie Benintendi stated they don't yet but they have had discussions on it and they are open to ideas.
- Commissioner Rambur asked about the space to the north and if there will be landscaping.
- Julie Benintendi replied that yes, they will have landscaping there.
- Commissioner Weatherford asked about other taco bell locations and if they are all drive-

throughs.

- Julie Benintendi stated that most are
- Commissioner Weatherford asked if they all close in early morning hours.
- Julie Benintendi they have requirements for hours of operations. If there is no demand they don't stay open.
- Commissioner Petruzzelli asked about the existing location and if it has 5 car stack positions.
- Julie Benintendi yes we have more than that.
- Commissioner Herrgesell asked if they would be open to a taller fence if it is necessary.
- Julie Benintendi replied that yes they would.

Public Hearing: Opened

- Kurt Stewart stated he is opposed to the application. He feels the drive-thru will cause problems with the surrounding area. He feels noise and security issues will be concerns. He shared information from an article he read about drive-thru restaurants and the problems they cause the neighbors. He feels this will not improve the neighborhood.
- Kristen Stewart is opposed and she feels the noise will cause problems. She feels crime will increase.
- Gretchen Scott talked about 3 of the items needed for a Special Use Permit. She feels this will not be harmonious with the surrounding area. She feels there will be an increase of trash, vandalism, loitering, traffic and noise.
- Ron Black is for the application. He would like to be able to walk to the location and have curb and gutter. He doesn't like the extended hours but feels the number of vehicles will be less than stated.
- Chairperson Titus asked about what has to be done with the building permit with regards to curb and gutter.
- Director Spendlove stated that stacking, gutter and sidewalk are all required.
- Floyd Gilbert stated he has young children and is nervous about the extra traffic. He feels that the drive-thru customers will park at the local park late at night. He feels this will cause bottleneck and accidents at the intersection.
- Denny Lumsden feels like the decision has already been made and doesn't want it in this location. She feels the noise will scare the elderly people. They already have issues in Thompson park with people screaming.
- Paula Clelland asked if the sidewalk will extend past the neighbors access. She asked if the cars will be able to turn left on Addison or right onto Carriage Ln. She asked how late the current location is open and how many cars will go through in a day. She commented about the canal easement on the back.
- Patti Genter feels the surrounding business will be negatively impacted by this with noise, traffic, trash, lights and smog. There will be trouble getting out of the neighborhood, people drinking late at night will increase and home values will go down.
- Leanne Miller is the property owner south of the location. Her concerns are with traffic and problems getting in and out of her driveway.
- Robert Lowe his thought and feeling have already been previously expressed. He feels the additional traffic will cause problems.
- Tenille Sorenson stated she went by the current taco bell at lunch to see the drive thru. She feels this extra traffic will be a problem at the intersection.
- Bill Sorenson feels this will make the area more congested. He thinks the area should have

a traffic counter as he has had previous issues with people in the past. He feels the noise will cause the property values to go down.

- Dennis Gillette owns the business east of the location. He shares the access from Addison. He feels traffic will be backed up due to the stop light. He feels his clients will not have direct access to the business.
- Sam Nevarez has concerns about the safety of his young kids walking with the increased traffic. He also feels that late night traffic will increase the current problem they have with the park.
- Cade Searle is a partner with the business to the east. He has concerns about the easement access. He feels that directing traffic would be helpful.
- Wendy Yoshinaga stated she has no sidewalks or stop sign on her road. She is concerned that people driving east on Addison will turn south and cannot get into Taco Bell they will U-turn on her road.
- Danny Trevino has concerns about the traffic with people at Thompson park. He feels the extended hours aren't needed.
- Erica Akridge has concerns about the extended hours. She works in the medical field and sees people drunk and injured from late night outings.

Julie Benintendi addressed some concerns from the neighbors. They feel that noise, lights and other things are part of living in a city. To avoid traffic turning left on Addison they have the Carriage Lane access. The Taco Bell at the mall location is one of the busiest in Idaho and they don't anticipate this one to be the same. They don't feel that the additional 500 people will be new traffic. The potential of noise from the menu board was looked into and they moved it closer to Addison and placed it in that direction.

Commissioner Petruzzelli asked what they will do about people turning left onto Carriage Lane. Julie Benintendi stated that would have to be discussed with City Engineers. They will paint directional arrows in the parking lot for traffic.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur asked about the operating hours at sonic and how many cars Addison can handle.
- Director Spendlove stated that Addison and Carriage Ln are still a level "A" and not near capacity and 5:00 is busy in Twin Falls. Addison appears Right in and Right out at the entrance, with the joint access being agreed to by the previous owners. Carriage Ln access will be looked at by the City engine during the building permit stage.
- Chairperson Titus asked if there were any comments from police or from a public safety standpoint.
- Director Spendlove replied that we do not ask for that.
- Commissioner Zimmerman asked what would happen for the police to make a report
- Director Spendlove stated that it would need to be something extraordinary. They will not get involved before issues arise.
- Commissioner Petruzzelli asked if there have been any noise complaints at the current location.
- Director Spendlove replied that nothing had been turned in to code enforcement.
- Commissioner Petruzzelli asked if there are any existing bike lanes.
- Director Spendlove stated that none are planned for that area currently.
- Commissioner Petruzzelli asked if more rigid traffic control on a Special Use Permit have

been issued.

- Director Spendlove replied that it hasn't but you can if you feel it is needed.
- Chairperson Titus asked for clarification.
- Director Spendlove explained that the city uses "candle sticks" to keep traffic from turning left.
- Commissioner Petruzzelli asked specifically for Carriage Ln.
- Director Spendlove replied that they should let the city decide if it's warranted and the applicant pays for it.
- Chairperson Titus asked about the other ZDA that was mentioned earlier.
- Planner Ebersole showed the Addison Springs ZDA that was approved for a drive-thru.
- Director Spendlove explained to the audience that the public hearing is closed.
- Chairperson Titus let audience know this time is now for clarification from staff and deliberations for commission.
- Chairperson Titus asked about car stacking and if it exceeded where would they put the cars.
- Julie Benintendi stated that they would loop into the parking lot.
- Commissioner Petruzzelli asked Chairperson Titus about why she asked about the ZDA across the street.
- Chairperson Titus explained that she was looking at the proximity and zoning.
- Commissioner Herrgesell asked if this is subject to review of traffic before a building permit is issued.
- Director Spendlove explained that at that point they will look at minimum requirements. Any conditions placed are then enforced.
- Commissioner Petruzzelli asked when Addison Springs was amended.
- Planner Ebersole stated it was brought at the beginning of the year and the ordinance just finished for approval.
- Commissioner Rambur feels that Addison can handle the increase of traffic.
- Commissioner Weatherford wants to add a condition for fencing. She would like it taller and solid with landscaping, 7-8 feet like the one at McDonalds.
- Commissioner Rambur asked if it is for the south end. Could something be added.
- Director Spendlove explained that screening between commercial and residential is required but not commercial and commercial.
- Commissioner Petruzzelli would like to add landscaping to soften if approved.

Condition #1 - **MOTION:** Commissioner Weatherford moved to add a condition for applicants to construct a 7' CMU wall on the south property line. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- Director Spendlove explained that the commission can ask the applicant to come back to get approval so you know what you are getting.
- Chairperson Titus asked if that is something that is brought back as an Item of Consideration.
- Director Spendlove replied that it is.

Condition#2 - **MOTION** Commissioner Petruzzelli moved to add condition to the Commission reviewing and approving a landscape plan prior to issuing a building permit. Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- Commissioner Petruzzelli feels there should be a condition to help mitigate traffic

concerns.

- Commissioner Rambur stated that he feels the Street department does a good job.
- Chairperson Titus asked about placing something if it's deemed necessary.
- Director Spendlove replied that if it's a problem it will come back.
- Commissioner Petruzzelli feels they should encourage a requirement for the traffic.
- Director Spendlove clarified that signage on property is installed with the building permit. The current condition will address any issues that traffic may cause.
- Chairperson Titus feels like lighting is not a concern she feels the condition for the wall will fix any issues.
- Commissioner Petruzzelli had questions about the recourse to come back.
- Director Spendlove explained that traffic accidents or notice from citizens will cause this to come back to the Commission.
- Commissioner Herrgesell wondered about when they open new stores and what that looks like.
- Chairperson Titus thinks that with the fact they have one already it shouldn't be as big of a honeymoon phase and 500 cars will not be "new" traffic.

MOTION: Commissioner Herrgesell moved to approve the request of a drive-through, as presented with staff recommendations and additional conditions, on property located at 2616 Addison Ave E. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 1.

- Director Spendlove stated that retail hours can't be changed. He gave some different options for store hours vs drive-thru.
- Commissioner Petruzzelli asked if they can they asked for something different after.
- Director Spendlove stated that yes they can, they can appeal or come back and ask for more hours.
- Planner Ebersole clarified that they want to be open until 2am.
- Commissioner Weatherford would like to place conditions on the drive through. She feels the neighborhood will be impacted. She would like to allow until 11pm.
- Commissioner Rambur stated he feels different because this is a new area and similar areas have residential. He commented about Blue Lakes having residential behind the restaurants there. He wonders if because it's different if they feel that way.
- Commissioner Herrgesell asked if they can do different hours for weekend vs weekday.
- Commissioner Petruzzelli asked what the noise ordinance is in Twin Falls.
- Director Spendlove stated we don't have on but we do have disturbing the peace.
- Chairperson Titus stated an example of hours being restricted after opening.
- Commissioner Rambur feels if the issue is that the bars closing will have people go to Taco Bell then look at closing earlier.
- Commissioner Herrgesell is in favor of closing earlier and people can go to the other location.
- Commissioner Zimmerman agrees with Commissioner Herrgesell that the other location can be used that late at night.
- Commissioner Herrgesell midnight on Friday and Saturday and 10pm on weekdays.
- Commissioner Weatherford likes that idea.
- Chairperson Titus asked what hours the other businesses run. She feels that as the area builds more it can be revisited.
- Commissioner Petruzzelli asked if it's approved and they receive complaints, can the hours be adjusted.
- Director Spendlove stated yes.
- Commissioner Petruzzelli asked what Thompson park hours were.

- Director Spendlove stated he's not sure.
- Commissioner Zimmerman likes the 10 pm weekdays and midnight weekends Fri- Sat.
- Commissioner Petruzzelli asked if the extended hours are not granted can the applicant come back in a few months and ask for them again.
- Director Spendlove stated that yes they can, there is no set timeframe for that.

Condition #3 **MOTION:** Commissioner Weatherford moved to add condition for extended hours being granted for Friday and Saturday from 10 pm - 12 am. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 1.

MOTION: Commissioner Herrgesell moved to approve the request of extended retail hours of operation, as presented with staff recommendations and added condition, on property located at 2616 Addison Ave E. Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 1.

6) Upcoming Meeting(s)

a) August 27, 2024

7) Adjournment

The meeting adjourned at 08:32 PM

Jody Green

Jody Green, Planning Technician

Appeal of Decision for Special Use Permits Application PZ24-0076

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1 Summary

This is a joint appeal on behalf of individuals affected by the special use permit application PZ24-0076. The appellants assert that the Planning and Zoning Commission (PZC) abused discretion without sufficiently considering impact when they voted to grant special use permits during the public hearing held on August 13, 2024. Furthermore, the appellants maintain that neither PZC nor the City of Twin Falls have the right to violate the peace, security, property values, and overall quality of life of the affected residents and businesses without just cause or compensation. Taco Bell is a non-essential business. Its drive through and extended hours do not qualify as just cause.

Our appeal narrative begins with a point-by-point response to proceedings from the hearing. The subsequent sections contain detailed arguments by category. The narrative ends with our concluding statements.

Attachments:

1. Photos of the drive through at the Taco Bell north of the Magic Valley Mall.
2. Petition submitted for the August 13th hearing. The petition was not included in the hearing's agenda packet because it was submitted after the 72-hour deadline.
3. Consolidated list of names and addresses of property owners within 750 feet of 2616 Addison Ave. E. as required by the application for appeal.

2 Response to Planning and Zoning Hearing Proceedings

Note: The August 13th hearing minutes were not available as of this writing. In lieu of the minutes, we follow the video recording available at the City's public portal. The provided time stamps reference the same video.

2.1 Opposition's Representation

An estimated 40-50 people representing the affected neighborhood and businesses were present at the hearing. 18 people presented public testimony. All but one of these testimonies were in opposition to PZ24-0076. Some attendees left the meeting early because they were frustrated by the PZC's apparent lack of regard for the community's arguments. One such instance was recorded at 1:49:30 in the video.

Four neighborhood residents and one business (CPR Physical Therapy) submitted written comments expressing their opposition.

The petition contains 78 signatures from the neighborhood. The signatures were collected by Kirsten Stewart and Denny Lumsden. Kirsten was unable to visit all of the affected neighbors, and she did not return to locations where no contact was made upon the first attempt. Of the people Kirsten and Denny contacted, only four people chose not to sign the petition. Based on this evidence, Kirsten believes that the petition is representative of the area, and that she could have collected many more signatures.

In all, the meeting attendance, public testimony, written comments, and petition show a significant and collective opposition to PZ24-0076.

2.2 City Staff Report

22:00 – Kelli Ebersole, City Planner, presents the special use permit application summary and history.

The report states:

Addison Springs Storage ZDA was recently amended to allow drive through service to be outright permitted, the property at 2794 Addison Avenue East has rezoned the property to include C-1 for the northern portion of the property, and a Special Use Permit was approved for storage unit rentals on the NW corner of Addison Avenue East and Carriage Lane. ... The addition of a drive through restaurant to this area fits with this pattern of development.

The appellants disagree with this statement. A storage facility drive through is not generally comparable to a fast-food drive through. The storage facility will not likely produce traffic volume spikes. Nor will it involve similar noise, lines of idling cars producing air pollution, loitering, drunken patrons, night-time disturbances, and littering associated with fast food operations. Therefore, the fast-food drive through does not fit with the pattern of development in the area that has up until this point been conducive to the clean, safe, and peaceful character of this neighborhood.

The report states, “the drive through and extended hours may have potential negative impact(s) due to the proximity of the residences to the south.” It then lists the impacts and suggested mitigations for the drive through and the extended hours. They are discussed in turn here.

2.2.1 Potential Impacts of Drive Through Request

The first point recognizes that the noise and glare of the drive through will affect the neighborhood. The proposed mitigation moves the menu board north, away from the residential properties. However, the fourth point in the list of impacts/mitigations directly contradicts the first point by suggesting that the menu board be moved south, closer to the residential properties, to allow for a nine-foot-wide escape lane.

The neighbors’ confidence in the procedures and care of the applicant and PZC are completely compromised when contradictory mitigations are proposed in the same short list. Moreover, even if the final design moves the menu board speaker north, the neighbors do not have evidence that it will be sufficient to mitigate the noise. In fact, later in this meeting the applicant’s architect admits that the menu board speaker will still be audible (1:28:30). The persistent speaker noise heard from the nearby residences will, by itself, have a major negative impact on quality of life and property resale values for the immediate neighbors. It is not reasonable that PZC should override the current, appropriate zoning laws to frivolously devalue the adjoining neighbors’ peace and property for a non-essential business.

The third point in the list of impacts/mitigations states that city code requires a five-car stacking capacity in the drive through up to the first stop (the menu board in this case). Based on observations of other drive through restaurants in Twin Falls, especially Taco Bell, the stated capacity is not sufficient for this drive through. In Tenille Sorenson’s public testimony (1:11:15), she observed the traffic at the Taco Bell north of the Magic Valley Mall during lunch hour. That drive through had 13 cars waiting in line while other cars waited in the mall parking lot to enter the queue. Tenille took a few photos of the drive through at lunch one day, and at night another. Those photos are included in the attachments. In three of the photos, the drive through overflows and the last waiting car blocks the access to the north parking lot.

While it is true that a Taco Bell on Addison may not be as busy, it will not take nearly as many waiting cars to overflow onto Addison or into the parking lot of CPR Physical Therapy. Allowing the overflow onto Addison, a two-lane road, near an intersection, is reckless. Allowing the overflow into CPR Physical Therapy is both illegal and unsafe for CPR’s vulnerable clientele. During public testimony, Wendy Yoshinaga (1:20:30) points out that if cars cannot get into the Taco Bell from Addison, they will possibly use Trotter as an alternative to get to Carriage Ln., adding undue traffic to her neighborhood where there are children and people crossing the street to get their mail. This increased traffic will disturb the peace, compromises safety, and affect property values. There is no just cause for this extreme negative impact.

The sixth point states that the applicant anticipates serving 500 vehicles per day. How was the number of 500 cars derived? Was there a statistical traffic impact analysis performed by Taco Bell? The applicant gives no support for the proposed number in their narrative. Moreover, the applicant has a lot to gain by under-reporting the estimated volume. To our surprise, PZC accepts this number at face value. Furthermore, the number of 500 vehicles per day does not speak to volume spikes. Neither the applicant nor PZC offered estimates of peak usage at the site. It doesn’t really matter if

500 vehicles per day is correct if, for example, 10 cars show up in the same 15-minute period and form a line onto Addison Ave.

Kurt and Kirsten Stewart performed an ad hoc vehicle count on Carriage Ln immediately south of the Taco Bell during two short periods on Tuesday, August 21st. They counted 150 vehicles in the 30 minutes from 8:15 to 8:40 am, and 200 vehicles during the 40 minutes from 3:25-4:05 pm. As noted in the staff report, Carriage Ln is a collector, not an arterial street like Addison. Yet even Carriage Ln experiences significant traffic bursts during very short periods. If this volume is indicative of the larger volume spikes on Addison, it is reasonable to believe that more than five cars will choose to visit the drive through in a short frame of time, especially during peak hours. This is a critical safety issue in addition to being a nuisance and creating a bottleneck at the intersection.

The applicant's narrative states that the 500-car daily estimate applies to their normal operating hours of 7 am to 2 am. Without any further details presented, this suggests that the applicant believes the new location can process cars at an average rate of one car every 2.28 minutes (19 hours x 60 minutes / 500 cars). It is probable that this processing time could be exceeded during peak hours. Even from this very naïve calculation, it follows that the small capacity of the drive through will be insufficient, causing overflows outside of the applicant's property. However, a more realistic estimate accounts for volume spikes, which infers the Taco Bell must process cars consistently at a rate much faster than 2.28 minutes per car to keep the entryway clear of cars during surges. Does this rate seem consistently maintainable to the PZC and the Council? It does not seem probable to the appellants. How many times do cars need to back up onto Addison Ave. to be deemed a hazard?

2.2.2 Potential Impacts of Extended Hour Request

The staff report lists only noise and glare as the potential negative impacts of extended hours. The proposed mitigation is a six-foot screening fence as required by city code (this is amended by PZC later in the meeting). The appellants assert that there are many more considerations related to extended hours than just noise and glare. Additional considerations are discussed in detail later in this document.

2.2.3 Staff Report Conclusion

Staff recommends that one of the conditions of acceptance are that traffic flow does not impact the local public roads. The appellants claim that the local public roads will be impacted in many ways. We address those impacts later in those documents, in addition to the foregoing arguments.

2.2.4 Commission Questions for Staff Analysis

31:50 – Planning and Zoning Director Jonathan Spendlove repeats that the menu board could be moved south to provide room for the escape lane. PZC accepts this mitigation. Again, this is in direct conflict with the proposed mitigation to move the menu board north to reduce noise for the adjacent residents.

2.3 Applicant Presentation

38:00 – Julie Benintendi, Senior Project Manager for BRS Architects, addresses items from the staff report and the written comments from residents and CPR Therapy.

Ms. Benintendi states that the Addison-Carriage intersection is in a developing area, so increasing traffic is a natural consequence. She says that this plot of land could have been purchased by any business, such as another restaurant or a grocery store. The appellants assert that the nature of a fast-food drive through has specific characteristics that are not comparable to other businesses, including those Ms. Benintendi stated. The potential negative impact of drive-throughs is precisely why special use permits are required. For example, a drive through extends the business capacity beyond the physical parking lot by orders of magnitude. In contrast, a dine-in restaurant is limited to whatever parking the small lot can accommodate. The same can be said for a grocery store. Furthermore, neither dine-in restaurants nor grocery stores have the noise associated with drive-in speakers or long lines of running cars.

Ms. Benintendi states that there is “only so much you can do” to alleviate traffic concerns. The appellants assert otherwise. Alleviating traffic concerns and other conflicts are precisely the motives behind zoning laws and regulations. It is as if Ms. Benintendi is arguing that traffic conflicts can’t be helped. Yet every other business in the area manages to match traffic capacity and flow responsibly. This is fundamentally a matter of good design which, as an architect, Ms. Benintendi should know. Her claim erodes the appellants confidence that the applicants are presenting their case in good faith or competence.

Ms. Benintendi argues against the recommendation to move the trash enclosure away from the residential area and towards Addison because it will limit parking spots. This is an indirect admission that the plot is not large enough for their business. She presents several other arguments for putting the trash enclosure next to the residential area demonstrating again that the applicant does not have the best interests of the adjacent properties in mind.

2.4 Applicant’s Response to Public Testimony

1:26:30 - Following the public’s testimonies, Ms. Benintendi says that she understands the concerns of the residents and that she lives near a drive through in Boise. However, she claims that noise and lights are “part of living in a city and it’s part of what I accepted by living there” (1:26:50). She qualifies this claim briefly when she acknowledges that the neighborhood predates the restaurant in this case, but she offers no remedy. The appellants assert again that zoning regulations and careful city planning are meant to partition areas into appropriate uses. In the case of neighborhoods, the goal is to provide safe and peaceful living areas. The intention of this appeal is to protect our peaceful neighborhood and the existing businesses from unnecessary traffic, pollution, and other negative impacts.

1:27:45 – Ms. Benintendi claims that this Taco Bell location will not see the same volume as the proposed Taco Bell north of the Magic Valley Mall. This is probably true. However, the appellants argue that even with a smaller volume, the area around the Addison location will be significantly affected. All we have is Ms. Benintendi’s word that the plan is sufficient, though she also asserts that noise and traffic congestion are just part of living in the city, and she admits that they have little control over what drivers do when the site is crowded. The appellants agree, as is evidenced by the photos of the Taco Bell at Magic Valley Mall (see attachments). Even in this small sample, we see three separate cars choosing to block an entrance while they wait to enter an overflowed drive through.

Furthermore, there have been no credible studies or evidence brought forth in support of BRS's design. The applicants likely do not, and probably cannot, know how many customers they will pull from the nearby apartments, neighborhoods, schools, and businesses. The appellants have no guarantees or for restitution if the Taco Bell experiences more volume than the design can manage. This presents an unnecessary and unacceptable risk.

1:28:30 – Regarding the noise of the menu board, Ms. Benintendi states,

Stan [Nicolaysen] had a study recently done where they did try to find out like how far that noise travels. With the location of the menu board being up towards Addison, it should help mitigate, not completely eliminate, but help lessen the impact of the menu board.

She does not provide any technical details pertaining to the study or the noise levels. She does say that the neighbors will still hear the menu board speaker. She does not address the conflicting proposed mitigation to move the menu board south to allow for the escape lane. If the menu board is moved south, the noise will be louder for the neighbors.

As we have stated before, the menu board noise will have a major negative impact on quality of life and property values for the neighbors. It is not reasonable that PZC would override the current, appropriate zoning laws to frivolously devalue the adjoining neighbors' peace and property for a completely non-essential business.

2.5 Planning and Zoning Commission Questions for Staff

1:34:50 – Following a conversation regarding crime and law enforcement, City Staff confirms that some bars close at 1:00 am and that it is possible that people leaving the bars will visit the Taco Bell if it stays open until 2:00 am. This is the basis for PZC's later argument to limit extended hours to midnight on the weekends. The appellants note that people also leave the bars before 1 am; so, this is only a partial mitigation. Later in the meeting, the PZC practically invite the applicants to submit another application request in the future after the neighborhood acclimates to the Taco Bell (2:22:40). This contradicts the PZC's original motive to mitigate nighttime disturbances by drunken patrons.

1:35:30 – Commissioner Petruzelli asks whether there have been any noise complaints at the Taco Bell north of the Magic Valley Mall. This question is surprising because that Taco Bell is not near a residential area; it is located in a strictly retail commercial area (i.e., the mall). This may have been a minor oversight, or it may be indicative that PZC has not sufficiently studied the matter at hand.

1:36:28 – Commissioner Petruzelli expresses her concern for the current plot layout and suggests more rigid traffic requirements. This concern is repeated often by PZC and the appellants in the meeting. It is strange that everyone recognizes the danger, but the PZC is intent on pushing it through anyway.

1:40:55 – Commissioner Titus asks if the drive through overflows, whether it will overflow into the Taco Bell parking area. Ms. Benintendi responds, "Ideally. I mean, I can only control so much." She goes on to explain that she hopes people will not block traffic on Addison, but she can't promise anything. The applicant has admitted that the traffic scenario is untenable yet is still willing to put the neighbors and other drivers at risk.

2.6 Planning and Zoning Commission Discussion and Motions

2.6.1 Drive Through Permit

1:45:45 – Todd Rambur states that Addison Ave. E. can handle 500 cars. He estimates it can handle 15,000 cars a day. The absolute throughput of Addison is not generally a concern of the appellants. Some major concerns include:

1. Peak hours will overload the drive through, and cars will back up onto Addison or into CPR Therapy's lot.
2. Traffic moving in and out of Taco Bell will interfere with the busy intersection. This will lead to unnecessary accidents and slowdowns.
3. Extra traffic will flow to and from the neighborhood roads at all times of day, but also worsen at peak hours, causing unnecessary noise and endangerment to pedestrians and children.

1:54:20 – Commissioner Petruzelli voices her concern that drivers will make left hand turns across double yellow lines out of either Taco Bell exit. She says she doesn't know how to encourage a better design. A long discussion follows. Concerns of traffic flow came up frequently in the hearing. The PZC seems to implicitly understand that the drive through is a bad fit for this location, yet they keep trying to force the issue. This lack of discretion is why the residents are frustrated. PZC repeatedly gives the residents the distinct impression that the matter was decided before the hearing. The PZC appears to be looking for ways to push the permits through without sufficient regard to the negative impacts on the area.

1:59:00 – During the traffic flow discussion, Planning and Zoning Director Jonathan Spendlove says that if the drive through traffic backs up onto public roads, or drivers make illegal turns, the drive through permit can be revoked at some future date. The appellants assert that there is sufficient evidence to show that this circumstance is virtually inevitable. Wisdom dictates that we should avoid, not tempt, traffic accidents from the start. Furthermore, if the drive through fails, the Taco Bell may fail. This failure will waste both the applicant's and the City's resources. It will also leave the lot unusable by most businesses due to the specialized building type. Wisdom dictates that the permits should not be issued to save everyone from an expensive wasted effort. This is in addition to the unnecessary negative impact this Taco Bell will have upon the surrounding area.

2:04:26 – Commissioner Herrgesell states that because there is another drive through in the vicinity, that the PZC is "probably" obligated to permit the drive through. This oversimplified argument categorically ignores all evidence that the Taco Bell drive through is unique with regards to the traffic flow, peak hours, menu board noise, long queues, and negative impact on property values. This line of reasoning is completely negligent as it fails to account for the significant negative consequences to the Taco Bell's adjacent properties.

2:05:00 – Commissioner Titus repeats the applicant's claim that this location could be occupied by any other business under existing commercial zoning. She believes that any of these businesses would generate similar traffic. The appellants strongly disagree with this claim. Drive throughs would not require special permits and hearings such as this one if they did not require special consideration. As explained previously, a drive through extends the business capacity beyond the physical parking lot by orders of magnitude. In contrast, almost all other businesses are limited to whatever their parking lot can accommodate. In this case, the lot is very small, so it cannot

accommodate many cars without a drive through. Furthermore, businesses without a drive through or extended hours will not pose the same threat to the neighborhood's character and safety.

2.6.2 Extended Hours Permit

Throughout the extended hours discussion, PZC recognizes that opening a new late-night drive through in this neighborhood area is not appropriate, even though there are late-night drive-throughs that border neighborhoods all along Blue Lakes. They reason that the two cases are not directly equivalent for several reasons, and therefore precedence does not apply. The appellants agree. This same line of reasoning should have been used for the drive through permit. As stated earlier, the Taco Bell drive through is not comparable to the storage facility drive through for several reasons, and therefore the Taco Bell drive through should not be approved upon the basis of precedence. As discussed later in this document, PZC's decision to deny permits to In-N-Out Burger follow the same "special-case" argument. In that scenario, PZC understood that the traffic drawn to the In-N-Out Burger is a special case compared to existing businesses in the area.

2:13:50 – Todd Rambur agrees with the appellants' contention that when bars close at 1 am, bar patrons will visit the Taco Bell before it closes at 2 am. Upon this consideration, PZC agrees to limit the extended hours to midnight on Friday and Saturday and no extended hours during the rest of the week. Later in the discussion, Director Spendlove clarifies for PZC that Taco Bell can resubmit their request for extended hours until 2 am. At 2:22:40, Commissioner Petruzelli states, "Let the neighborhood get used to [Taco Bell] before open [sic] until 2 [am]." The PZC agrees with this statement also, even though it discounts and conflicts with the initial reasoning to require the restaurant to close before the bars empty at 1 am. The appellants find this vacillation by PZC remarkable and very frustrating because drunk patrons are a major cause of concern for the area.

3 Traffic

The lot at 2616 Addison Ave. E. fills the southeast corner of the intersection at Addison Ave. and Carriage Ln. The lot is small, so it does not extend far enough to the south or the east to permit safe, legal left-hand turns out of the lot onto Addison or Carriage. Even so, Taco Bell patrons will certainly attempt left-hand turns from both exits because the alternatives will seem too far out of the way for many drivers who cannot return the same way they came. In the case of the Addison exit, a right-hand turn requires the driver to go almost $\frac{1}{4}$ mile east before the first road, Meadowview Ln N, which leads into a neighborhood. The next road is Hankins Rd, which is almost $\frac{1}{2}$ mile from the Taco Bell location. Hankins Rd does not offer a convenient nearby side road to return to the city, so drivers must travel miles just to get back to town. Many drivers will not want to go so far out of their way, so they will attempt a left-hand turn out of the Taco Bell lot, or they will turn right on Addison only to attempt a U-turn a short distance down the road, or they will pull into a nearby business such as Spring Creek Storage to turn around. In the case of the Carriage Ln exit, drivers will attempt to turn left to access Thomsen Park or to return to the Lighthouse Christian School and other common southerly destinations.

It is irresponsible to expose the nearby businesses, the surrounding residents, and travelers on Addison to a situation that provokes dangerous driving decisions. The applicants and PZC argued that any other business on this lot will face similar issues. This is untrue: virtually no other type of business invites the same volume of traffic to such a small lot as a fast-food drive through. This high volume of traffic turns an awkward, small lot into a dangerous one. Note that none of the other businesses in the area exhibit these acute shortcomings. In contrast, they were designed responsibly with the harmony and safety of the surrounding area in mind.

As noted previously in this appeal, the applicant estimates 500 cars per day but offers no credible support for the estimate. Furthermore, they do not offer any information about volume spikes that could overwhelm the small drive through and force cars to back up onto Addison Ave. or into CPR Therapy's lot. The applicant's architect, Julie Benintendi, admits on multiple occasions (noted previously in this document) that they have little control over what drivers will do when the site is crowded. Facilitating dangerous traffic situations and illegal driving is patently irresponsible and could invite litigation.

The Commission recently denied In-N-Out Burger similar permits based in part on traffic concerns. The appellants argue that the same conclusion is appropriate in this case.

4 Environment, Safety, and Property

The residents south of 2616 Addison Ave. E. cherish the serene, walkable, family-friendly atmosphere of their neighborhood. Thomsen Park is enjoyed thoroughly by everyone in the area. Children walk or bike to the park every day. Families and other groups frequently host gatherings at the pavilion. Even though the neighborhood borders a commercially zoned area to the north, to date no business has contradicted the environmental and livability goals of our happy community. Much to our dismay, this is not the case for the special use permit requests by Taco Bell. The proposed drive through and extended hours will violate the safety and quality of life of this area. The residents are perplexed that PZC would violate their right to pursue this simple, peaceful lifestyle over something as frivolous as a fast-food restaurant.

PZC denied drive through and extended hours permits to the proposed In-N-Out Burger location near the Perrine Bridge in part because, as Commissioner Petruzelli stated, “I don’t think this is the location because our bridge and our visitor center is so important I think this will have a negative effect to that historic area.” Can the PZC or City Council believe that the appellants value the peace of their long-established neighborhood and its happy atmosphere the same way the PZC values the historicity of the bridge? This neighborhood is our home. Our lives play out here. This area has more experiential influence on our lives than the Perrine Bridge does. We stress that the same consideration PZC afforded the bridge should be afforded to our neighborhood.

Drive throughs and extended hours are considered special requests precisely because they often conflict with the livability goals of communities. They invite all types of pollution (air, noise, light, and trash), high volumes of traffic, and night-time disturbances involving drunkenness, loitering, theft, and vandalism. The article “Drive-thrus are creating problems for cities and towns,” published by CNN Business (June 25, 2023), reports “Minneapolis; Fair Haven, New Jersey; Creve Coeur, Missouri; Orchard Park, New York, and other cities have banned new drive-thrus in recent years. ... Some cities in Southern California, such as Long Beach in 2019, have passed temporary moratoriums blocking new developments.” The reason? David Dixon, a fellow at the design and planning firm Stantec explains that drive throughs don’t “support any of the life and vitality and amenities that suggest people might want to come live, work or play in a neighborhood.” This was the case in the Sugar House neighborhood of Salt Lake City. The planning commission there proposed a ban on new drive through development because “residents complained drive-thrus were blocking sidewalks, bike paths and driving lanes on streets.” The facts in this article exemplify our concerns for our own neighborhood around Carriage Ln. If the City Council is interested, we can provide other articles that detail the move away from drive throughs in walkable and established living spaces.

During the hearing, neighborhood resident Patty Gunther testified that she moved from California to Idaho specifically to escape the traffic and pollution produced by car-centric city planning.

Kurt Stewart related an article from Minnesota that states residents closest to the drive through documented “noise, trash, passed out people generated by the late-night drive through.” He continued: “Plus late-night drive throughs do not offer bathrooms so many people simply urinate on the street.”

Dennis Gillette, owner of CPR Therapy, testified that elderly patients, people with disabilities, and others with limited driving ability will have difficulty accessing his parking lot when the drive through overflows. He is also concerned that drivers will try to use his lot to make a U-turn while his patients

with limited mobility (e.g. on walkers or on crutches) are in the parking lot. He has plans to expand his business, which will only make the parking and access situation more difficult for his clients. Note that Dennis is an established business in the area, unlike the applicants who have not yet purchased the lot. They have only deposited earnest money to hold the lot. It seems appropriate that CPR Therapy would be given consideration over Taco Bell.

Sam Nevarez testified that students walk through the neighborhood to attend Lighthouse and O'Leary schools. Athletes from both schools run through the neighborhoods for training. He is concerned that the extra traffic that the drive through will pull through the streets like 9th Ave. will endanger the students. He is also concerned about late-night patrons who are often drunk. Finally, he is worried about disruptions, security concerns, and litter at Thomsen Park.

Erica Akridge testified that in her experience working in a hospital-like setting, she has witnessed drunken patrons who have been picked up at late-night drive throughs with gunshot wounds or injuries from fights. She cherishes coming home to a peaceful neighborhood after spending her working day in a chaotic medical setting.

These are just five of the 17 testimonies given in opposition to the special use permits. Why didn't PZC respect the weight of these testimonies? Are they not credible? Or is the safety and livability of our neighborhood for sale because it's a modest, working-class neighborhood on the south side of town? Would the PZC push a similar, anti-residential decision on an upper-class neighborhood?

PZC limited the extended hours permit to midnight on Friday and Saturday only due to concerns about drunken patrons. However, the hours between 10 pm and midnight will attract much of the same inebriated population which will still submit the neighbors to all manner of disturbances and safety concerns. Related: PZC effectively invited the applicants to resubmit their application for a 2 am extended hours permit, contradicting PZC's original motive to limit intoxicated clientele.

Many of the appellants have expressed concern about the impact Taco Bell will have on our treasured Thomsen Park. The park is a favorite spot for family parties and group activities. Children walk and ride to the park often. The park has a low-capacity parking lot and is often full. Naturally, Taco Bell patrons may choose to eat their meals at Thomsen Park. This will bring more traffic to the park, which is a concern for children crossing the street to get to the park. Also, if the park's lot is full, Taco Bell customers may attempt a U-turn or suddenly turn into a side street, endangering pedestrians. The appellants are also concerned that late-night customers, especially inebriated people, will litter, vandalize, or cause other disturbances in the park. Not only will this impact the park, but it will add work for the police force and medical units.

There is no sufficient benefit for the residents in the immediate vicinity of the proposed Taco Bell. The only people who might significantly benefit from using this location are the plot's seller, and the Taco Bell owner who resides in Boise. The neighborhood and businesses gain only noise pollution (the applicants have admitted that the menu speaker board will be audible), air pollution, light pollution, litter, traffic congestion, possible security issues, and more.

Does PZC not believe that this is the case? Do they not believe that their decisions will cause an unjust, negative impact on the area? The day after PZC's decision, Kurt and Kirsten Stewart at 1036 Carriage Ln contacted a real estate agent to begin looking for a new home because they didn't believe they had any viable recourse against PZC. They feel they are being forced to find a new home

even in the current inflated market. What material justification does PZC have to cause the Stewarts this undue stress and extreme expense while they are in their retirement?

4.1 Property Values

All of the foregoing arguments and evidence of negative impact demonstrate that residents and businesses in the area can expect that their property values will be eroded significantly. It goes without saying that a person's home is a major life investment, and it often represents a major portion of their assets and financial security. If the livability of a neighborhood is decreased, so will the property values of its homes. This is a grave matter. The City does not have the right to take private property from a citizen without just cause and compensation. Knowingly damaging property values equates to taking private property.

5 Conclusion

In this appeal we have shown that PZC did not use sufficient discretion when they voted to grant special use permits for a drive through and extended hours to the applicant. We contend that the City's own criteria for special uses have not been met to warrant permits for the Taco Bell drive through or extended hours. Specifically, we assert that the following special use criteria are unmet.

- Will not be hazardous or disturbing to existing or future neighboring uses.
- 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.
- Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

In failing to meet these criteria, PZC has effectively threatened the livability, safety, and property values in the surrounding area. Taco Bell is a non-essential business, and so the special use permits do not qualify for just cause to overlook any deficiency in the special use criteria. Furthermore, there are many other locations in Twin Falls where a drive through restaurant would be profitable and would not pose a nuisance. As the applicant noted, the Taco Bell at the Magic Valley Mall is one of the busiest Taco Bell locations in Idaho. It stands as a good example that a Taco Bell can thrive in the right location without presenting a negative impact. Ultimately, there is no substantive reason for the Taco Bell to operate a drive through and extended hours at 2616 Addison Ave. E.

The appellants ask the City Council to deny special use permits to the applicant to protect the lifestyle, safety, and property values in our long-established neighborhood. Rejecting the special use permits follows the precedent set by PZC's decision for In-N-Out Burger. If the City Council does not reject the permits, and cannot present satisfactory evidence for just cause, we plan to appeal to the District Court.

6 Attachments

1. Photos of the drive through at the Taco Bell north of the Magic Valley Mall.
2. Petition of 78 neighbors in opposition to the special use permits submitted for the August 13th, 2024, Planning and Zoning Commission hearing.
3. Consolidated list of names and addresses of property owners within 750 feet of 2616 Addison Ave. E. as required by the application for appeal.



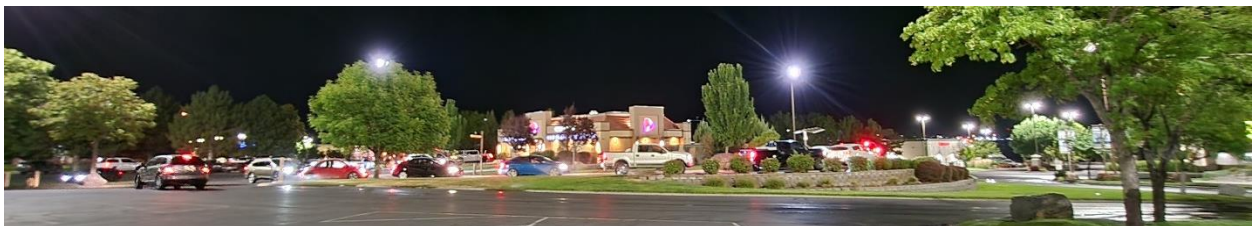
(Above) Magic Valley Mall Taco Bell – August 8th, 12:22 pm. Drive through completely full.



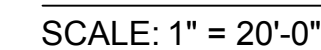
(Above) August 8th, 12:27 pm. Last car blocking north business center access.

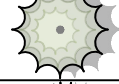
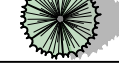
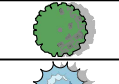
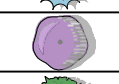
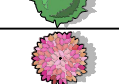
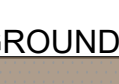
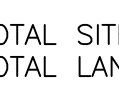
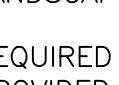


(Above) August 8th, 12:32 pm. Another car blocking north business center access.



(Above) August 24th, 10:18 pm. Drive through overflowing. Last car blocking north business center access.



PLANT SCHEDULE						
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	MATURE SIZE HXW	CLASS	QTY
DECIDUOUS TREES						
	Acer saccharum 'Commemoration'	Commemoration Sugar Maple	1.5" CAL. B&B	50'X35'	Class II	5
	Celtis occidentalis	Common Hackberry	1.5" CAL. B&B	45'X30'	Class II	3
EVERGREEN TREES						
	Juniperus scopulorum 'Moonglow'	Moonglow Juniper	6'-7" B&B	20'X8'		2
	Picea glauca densata	Black Hills Spruce	6'-7" B&B	30'X20'		11
	Pinus nigra	Austrian Pine	6'-7" B&B	55'X30'		4
	Pinus nigra 'Oregon Green'	Oregon Green Austrian Pine	6'-7" B&B	20'X15'		13
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	MATURE SIZE HXW		QTY
SHRUBS						
	Buxus microphylla japonica 'Winter Gem'	Winter Gem Japanese Boxwood	5 GAL.	5'X5'		27
	Juniperus Scopulorum 'Blue Arrow'	Blue Arrow Juniper	4'-6" HGT.	12'X3'		6
	Physocarpus opulifolius 'Hoogi021'	Little Joker® Ninebark	2 GAL.	3'X3'		13
	Pinus mugo 'Pumilio'	Dwarf Mugo Pine	5 GAL.	5'X6'		36
	Weigela florida 'Bokraspiwi'	Spilled Wine® Weigela	1 GAL.	2'X3'		22
GRASSES						
	Bouteloua gracilis 'Blonde Ambition'	Blonde Ambition Blue Grama	1 GAL.	3'X3'		6
	Calamagrostis x acutiflora 'Karl Foerster'	Feather Reed Grass	1 GAL.	4'X2'		11
ANNUALS/PERENNIALS						
	Hemerocallis x 'Happy Returns'	Happy Returns Daylily (yellow)	1 GAL.	1.5'X1.5'		17
SYMBOL	BOTANICAL NAME	COMMON NAME	CONT			QTY
GROUND COVERS						
	3/4" minus Black and Tan	Perma bark rock mulch	3" Depth			7,537 sf
	Rhizomatous Tall Fescue	RTF	SOD			8,032 sf

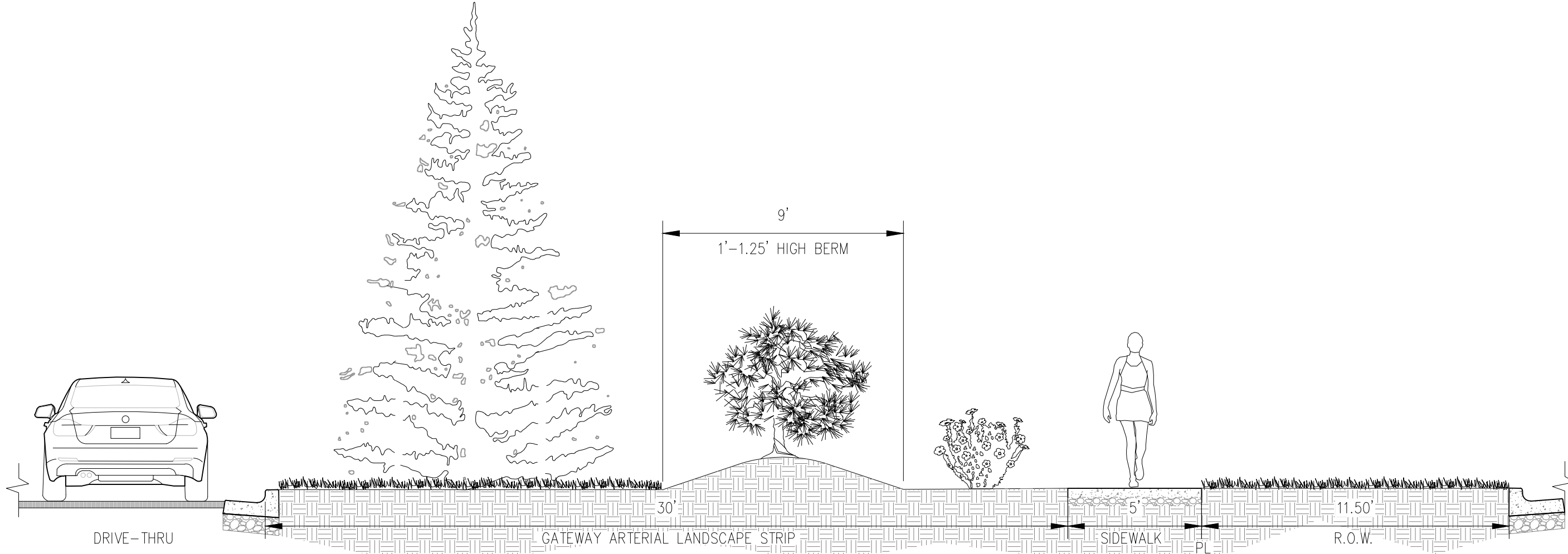
CITY LANDSCAPE REQUIREMENTS

LANDSCAPE HAS BEEN DESIGNED TO THE MINIMUM TWIN FALLS CITY CODE; TITLE 10, CHAPTER 11—2 LANDSCAPING.

TOTAL SITE: 34,628.20 SF
TOTAL LANDSCAPE: 13,173.65 SF
LANDSCAPED SITE: 38%

REQUIRED TREES: 26
PROVIDED TREES: 38 (12 ADDITIONAL TREES — BUFFER AT SOUTH PROPERTY LINE)
REQUIRED EVERGREEN: 13
PROVIDED EVERGREEN: 30

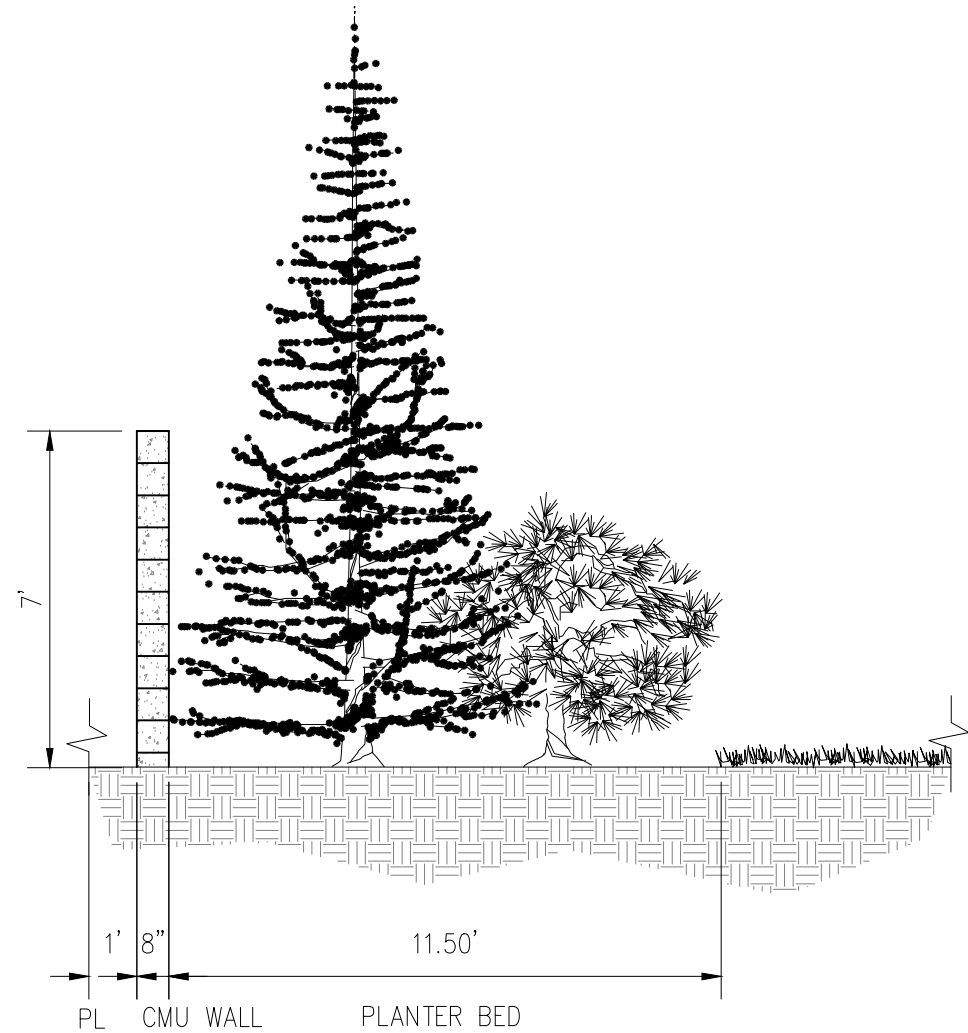
REQUIRED SHRUBS: 138
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REQUIRED EVERGREEN: 69
PROVIDED EVERGREEN: 69



S1 SECTION A
NTS



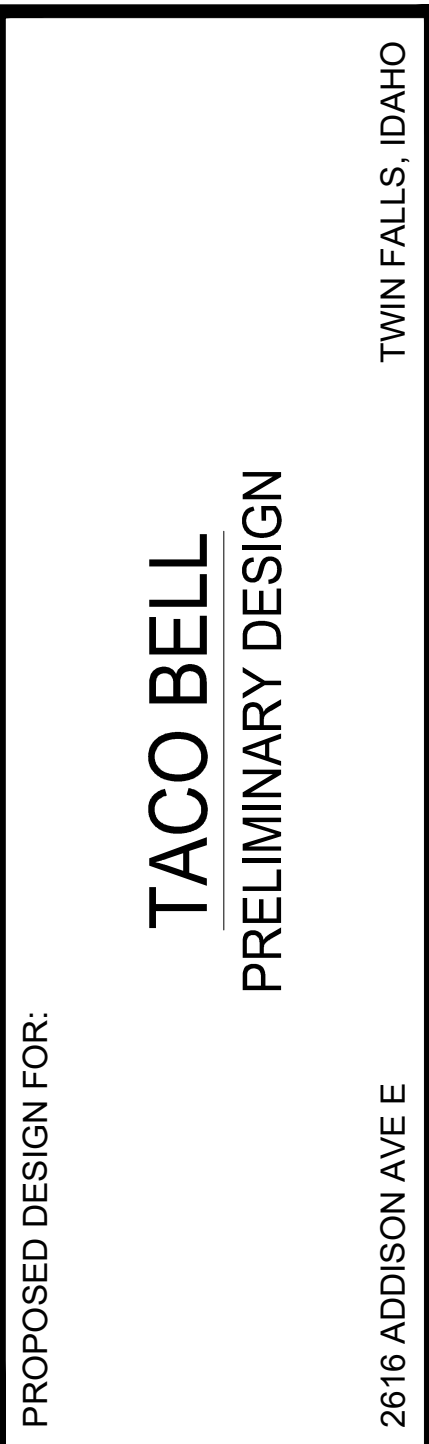
LANDSCAPE PLAN



S2 SECTION B
NTS

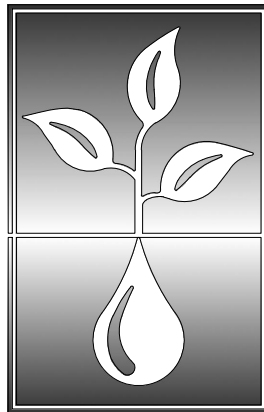


NO	DATE	REVISIONS



DRAWN	JR
DATE	10/2/2024
CHECKED	JR
JOB NO.	24063





BAER DESIGN GROUP, LLC
josh@baerdg.com
Ph. 208.867.5983



NO	REVISIONS	DATE

1010 S. ALLANTE PL.
SUITE 100
BOISE, IDAHO 83709
(208) 336-6370



TWIN FALLS, IDAHO

TACO BELL
PRELIMINARY DESIGN

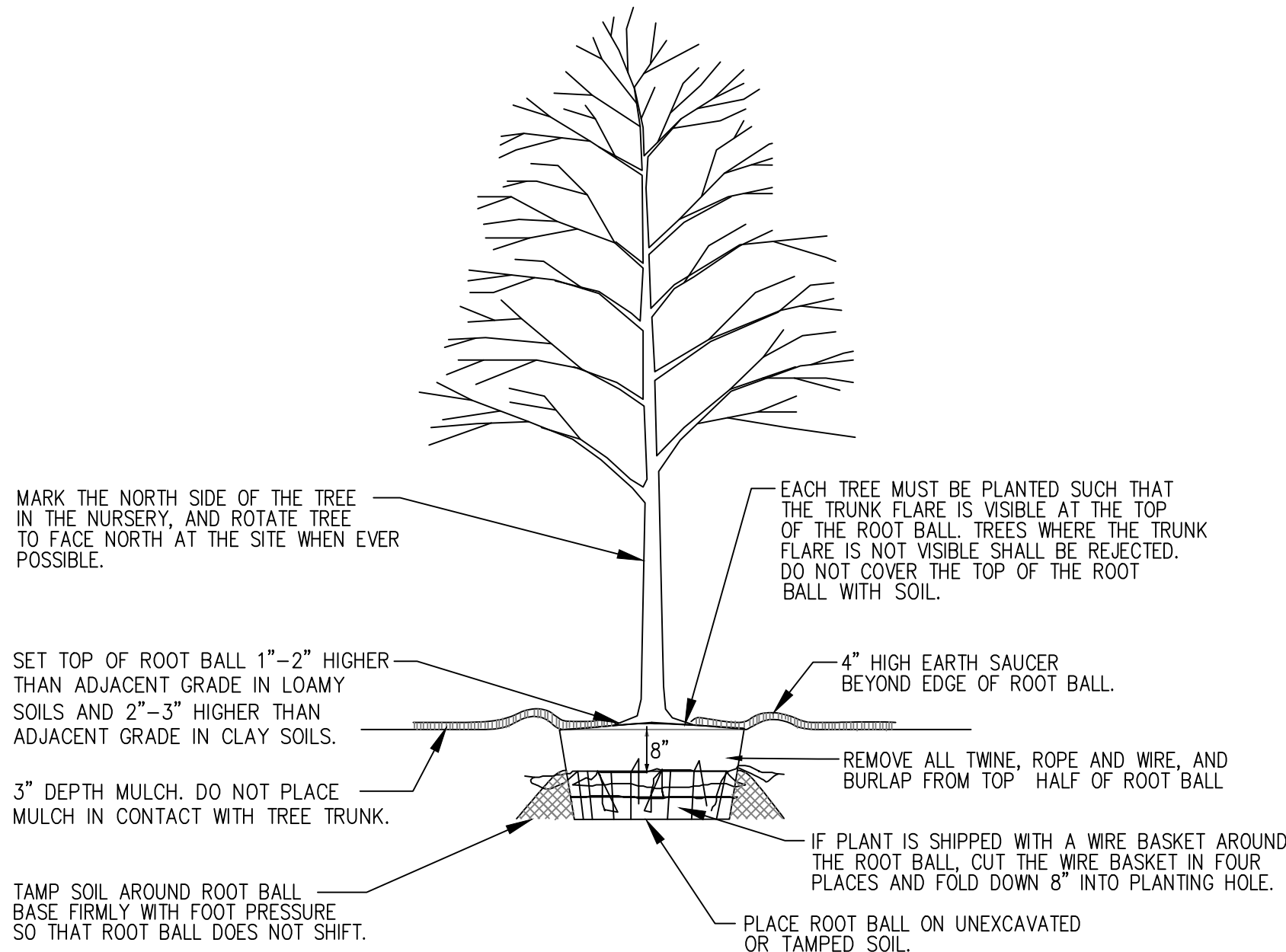
PROPOSED DESIGN FOR:

2616 ADDISON AVE E

DRAWN	JR
DATE	10/2/2024
CHECKED	JR
JOB NO.	24063

**LANDSCAPE
NOTES &
DETAILS**

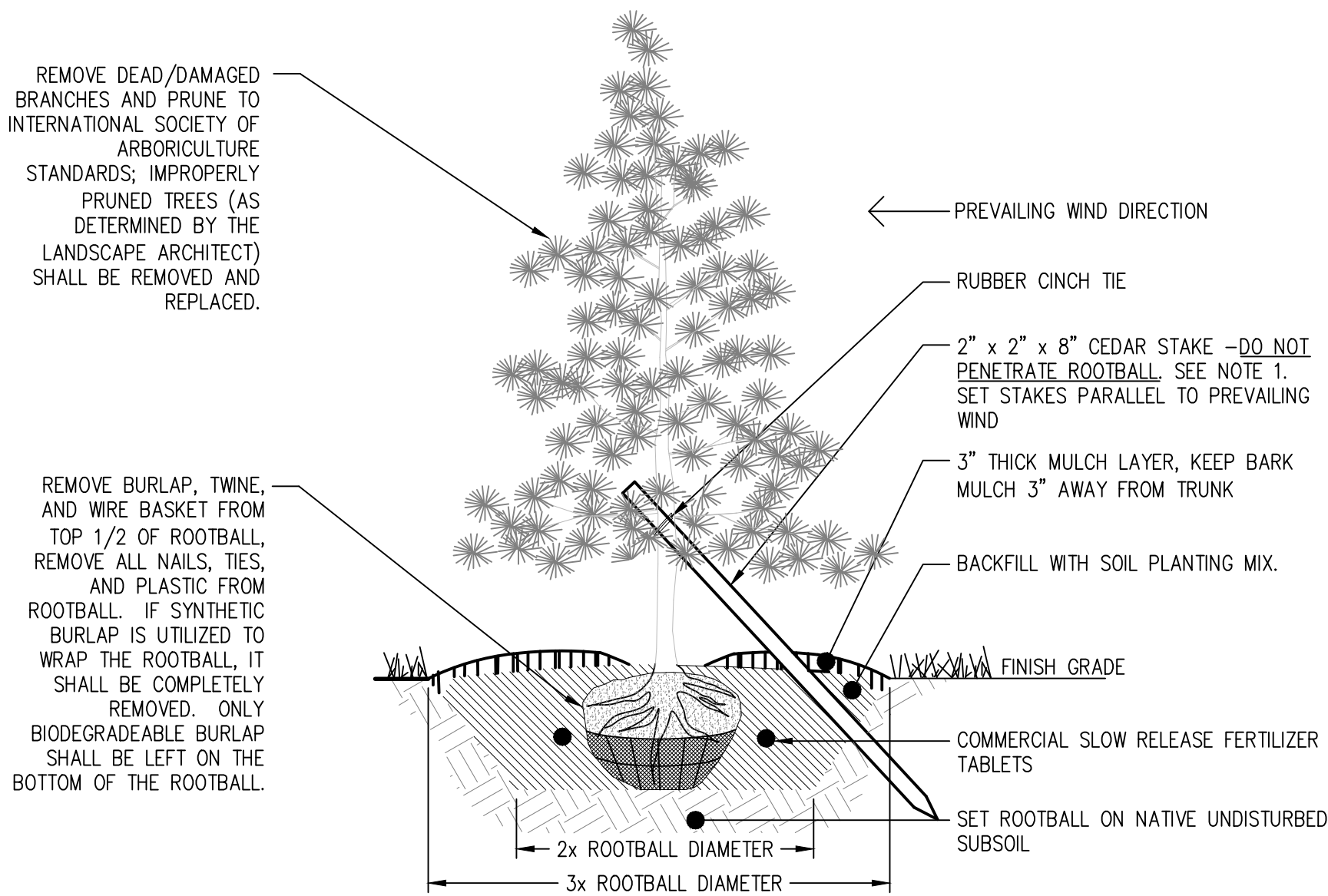
L1.1



NOTES:

- DO NOT HEAVILY PRUNE TREE AT PLANTING. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS, AND BROKEN AND DEAD BRANCHES. DO NOT PRUNE TERMINAL BUDS OF BRANCHES EXTENDING TO THE CROWN.
- WRAP TREE TRUNKS ONLY UPON APPROVAL OF THE LANDSCAPE ARCHITECT.
- STAKE TREES AS NECESSARY. STAKES MUST BE REMOVED WITHIN 12 MONTHS OF PLANTING.

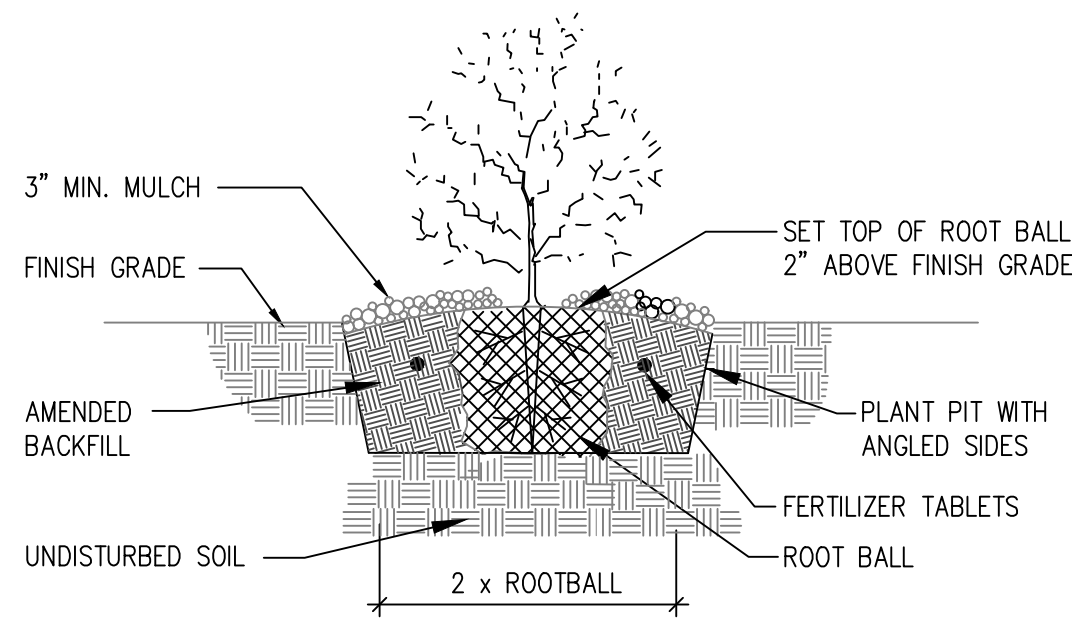
1 TREE PLANTING DETAIL
NTS



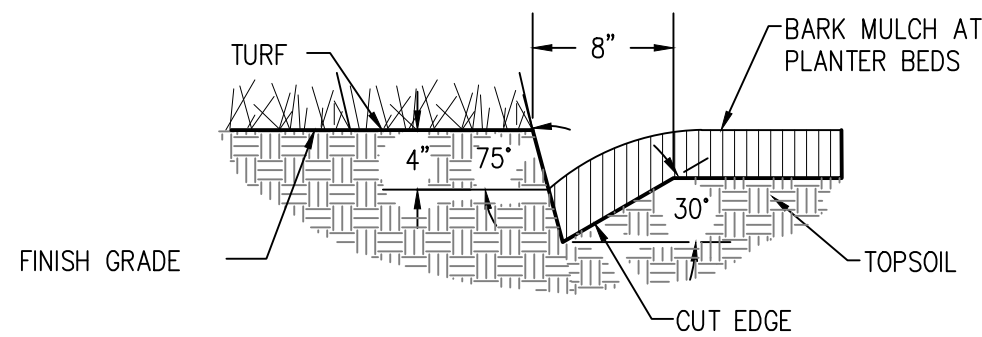
NOTES:

- THE STAKING OF TREES IS TO BE THE CONTRACTOR'S OPTION. ALL STAKING SHALL BE REMOVED AT THE END OF THE ONE YEAR WARRANTY PERIOD.
- WRAP RUBBER CINCH TIES AROUND THE TREE TRUNKS AND STAKES USING EITHER THE STANDARD OR FIGURE EIGHT TYING METHOD. SECURE THE TIES TO THE STAKES WITH GALVANIZED NAILS TO PREVENT SLIPPAGE.
- WATER TREE TWICE WITHIN THE FIRST 24 HOURS.

2 CONIFER TREE DETAIL
NTS



3 SHRUB PLANTING DETAIL
NTS



4 EDGING DETAIL
NTS

GENERAL LANDSCAPE NOTES - DESIGN REVIEW/ AGENCY SUBMITTAL

- CONTRACTOR SHALL LOCATE AND IDENTIFY EXISTING UNDERGROUND AND OVERHEAD UTILITIES WITHIN CONTRACT WORK AREAS PRIOR TO CONSTRUCTION. CONTACT DIG LINE, INC. @ 1.800.342.1885. PROVIDE ADEQUATE MEANS OF PROTECTION OF UTILITIES AND SERVICES DESIGNATED TO REMAIN. REPAIR UTILITIES DAMAGED DURING SITE WORK OPERATIONS AT CONTRACTOR'S EXPENSE.
- ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN NURSERYMAN STANDARDS FOR TYPE AND SIZE SHOWN.
- ALL TOPSOIL TO BE AMENDED AT A RATIO OF 3 CU. YDS. OF ORGANIC MATTER PER 1000 SQ. FT. ROTO-TILL ORGANIC MATER INTO THE TOP 6 INCHES OF TOPSOIL.
- ALL SHRUB BEDS SHALL HAVE A MIN 12 INCHES OF TOPSOIL, ALL PLANTER ISLANDS SHALL HAVE MIN 12" TOPSOIL AND ALL LAWN AREAS SHALL HAVE MIN 6" TOPSOIL. SPREAD, COMPACT AND FINE GRADE SMOOTHLY TO 3 INCHES BELOW THE SURFACE OF WALKWAYS AND CURBS.
- FINISH GRADES ARE TO BE SMOOTH WITH POSITIVE DRAINAGE IN ACCORDANCE WITH THE GRADING PLAN.
- TOPSOIL SHALL BE A LOOSE, FRIABLE, SANDY LOAM, CLEAN AND FREE OF ROCKS (LARGER THAN 2 INCHES), WEEDS, ROOTS, GRASS, OR OTHER FOREIGN MATERIAL THAT IS HARMFUL TO PLANT GROWTH. TOPSOIL SHALL HAVE A PH OF 5.5 TO 7.0.
- WHERE POSSIBLE, RE-USE EXISTING SURFACE TOPSOIL FROM SITE. VERIFY TOPSOIL WILL MEET THE REQUIREMENTS AND AMEND AS NECESSARY. IMPORT WHEN EXISTING TOPSOIL QUANTITIES ARE INSUFFICIENT.
- IF IMPORTING TOPSOIL FROM OFFSITE, OBTAIN FROM LOCAL SOURCES THAT HAVE SIMILAR SOIL CHARACTERISTICS TO THE PROJECT SITE. NEW TOPSOIL MUST BE FERTILE, FRIABLE, NATURAL LOAM, REASONABLY FREE OF SUBSOIL, CLAY CLUMPS, WEEDS, ROOTS, STONES LARGER THAN 1 INCH. REPRESENTATIVE SAMPLES SHALL BE TESTED FOR ACIDITY, FERTILITY AND GENERAL TEXTURE. COPIES OF THE TESTING AGENCY'S FINDINGS AND RECOMMENDATIONS SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT.
- ALL PLANTED BEDS TO RECEIVE A MIN. 3" DEPTH BLACK AND TAN PERM-BARK ROCK MULCH. INSTALL A PERMEABLE FABRIC WEED BARRIER UNDER ROCK MULCH. IMPERMEABLE PLASTIC WEED BARRIERS ARE PROHIBITED. STAPLE ALL EDGES 10' MAX.
- TREES PLANTED IN PARK STRIPS TO BE CENTERED IN STRIP.
- NO SUBSTITUTIONS WILL BE ALLOWED WITHOUT CONSENT FROM THE LANDSCAPE ARCHITECT.
- CONTRACTOR SHALL STAKE ALL TREES NECESSARY TO PREVENT THEM FROM BEING BLOWN OVER.
- ALL PLANT MATERIAL SHALL BE GUARANTEED FOR ONE YEAR AFTER THE DATE OF ACCEPTANCE BY OWNER. CONTRACTOR SHALL REPLACE ALL PLANT MATERIAL FOUND DEAD OR UNHEALTHY IMMEDIATELY WITH THE SAME SIZE AND SPECIES AT NO COST TO THE OWNER.
- FERTILIZE ALL TREES WITH 'AGRIFORM' PLANTING TABLETS. FOLLOW MANUFACTURER'S RECOMMENDATIONS.
- CONTRACTOR IS RESPONSIBLE FOR THE IMMEDIATE CLEAN UP OF ANY TOPSOIL OR OTHER DEBRIS ON SITE CREATED FROM LANDSCAPE CONSTRUCTION OPERATIONS.

GENERAL IRRIGATION NOTES - DESIGN REVIEW/ AGENCY SUBMITTAL

- ALL PLANT MATERIALS TO BE WATERED BY THE DEVELOPMENT OR SUBDIVISION PRESSURIZED IRRIGATION SYSTEM. IRRIGATION OF COMMON AREAS SHALL BE VIA THE SUBDIVISION'S PRESSURIZED IRRIGATION SYSTEM. IRRIGATION OF INDIVIDUAL LOTS AND LANDSCAPING ALONG THE FRONTAGE OF PRIVATE LOTS SHALL BE VIA METERED, POTABLE WATER AND THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS.
- COVERAGE; THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ONE HUNDRED PERCENT (100%) COVERAGE WITH HEAD TO HEAD SPACING OR TRIANGULAR SPACING AS APPROPRIATE.
- MATCHED PRECIPITATION RATES: SPRINKLER HEADS SHALL HAVE MATCHED PRECIPITATION RATES WITHIN EACH CONTROL VALVE.
- IRRIGATION DISTRICTS: SPRINKLER HEADS IRRIGATING LAWN OR OTHER HIGH WATER DEMAND AREAS SHALL BE CIRCUITED SO THAT THEY ARE ON THE SEPARATE ZONE OR DISTRICT FROM THOSE IRRIGATING TREES, SHRUBS, OR OTHER REDUCED WATER DEMAND AREAS.
- OVERSPRAY: SPRINKLER HEADS SHALL BE ADJUSTED TO REDUCE OVERSPRAY ONTO IMPERVIOUS SURFACES SUCH AS STREETS, SIDEWALKS, DRIVEWAYS, AND PARKING AREAS.

Kelli Ebersole

From: No Reply
Sent: Tuesday, August 6, 2024 7:21 AM
To: Kelli Ebersole; Will Klaver; Jody Green; Lisa Strickland; Jonathan Spendlove
Subject: Public Comment Notice for PZ24-0076

Follow Up Flag: Follow up
Flag Status: Flagged

A public comment has been submitted for PZ24-0076 presented at the Planning and Zoning Meeting on 8/13/2024.

Name: Kirsten Stewart
Email: stewartki13@yahoo.com

Comments:

Dear Planning and Zoning community,

I received the public record request concerning the proposed Taco Bell construction on Addison and Carriage. I previously wrote a letter, but need to address new concerns.

I see that Carriage Lane is planning on being used as one of the entrances and exits. This is too close to the traffic light and will cause congestion since the Taco Bell is requesting a drive-thru. This planned drive-thru is supposed to have near 500 cars per day in that tiny area very close to a traffic light. Imagine the mess and the congestion in a residential neighborhood. The noise and congestion both on Addison and Carriage would overwhelm this area. I can't think of a positive for this site to be used for a drive-thru or extended hours.

I read the letter about extended hours from 7 am - 2 am. Curiously the existing Taco Bell is open until 3 am on Sat night. Once approval for extended hours, will there then be more extensions at a later time? Imagine the patrolling of crime extending to this quiet residential neighborhood.

I am strongly against the drive-thru with the extended hours. Selling a taco at 2:00 am doesn't add to the Twin Falls residential community.

I implore the council to not approve this request. Then Taco Bell could then find another area that would be more feasible to them and the community.

Sincerely,

Kirsten Stewart
1036 Carriage Lane
208-886-0373

Kelli Ebersole

From: forms@tfid.org
Sent: Monday, July 29, 2024 7:05 PM
To: Kelli Ebersole; Will Klaver; Jody Green; Lisa Strickland; Jonathan Spendlove
Subject: Public Comment Notice for PZ24-0076

A public comment has been submitted for PZ24-0076 presented at the Planning and Zoning Meeting on 8/13/2024.

Name: Kirsten Stewart

Email: stewartki13@yahoo.com

Comments:

I am writing in concern of the proposed building of a Taco Bell on the corner of Carriage and Addison at 2616 Addison Ave E. I have a number of concerns about this proposition.

First, the location is very close to a traffic light. I imagine the entrance and exit are both on Addison. This might cause a backup of traffic at the light.

Second, if the entrance or exit is on Carriage Lane, this would interrupt the residential neighborhood.

Third, the extended hour request is a concern in a residential neighborhood.

The late long hours, business lights, and traffic sounds would be disruptive. Thomson Park would be used after hours and would police supervision would be required.

I am not in favor of a Taco Bell at that location, maybe across the street would be less traffic and be a better location.

Kelli Ebersole

From: Bill and Tenille Sorenson <captainandtenillesorenson@gmail.com>
Sent: Friday, August 2, 2024 5:30 PM
To: Planning and Zoning
Subject: PZ24-0076 - Taco Bell proposed @ 2616 Addison Ave E, Twin Falls

[EXTERNAL SENDER]

Dear Twin Falls Planning and Zoning Committee,

We are writing this letter to express our strong opposition regarding the proposal of a new extended hours drive-thru establishment being built at 2616 Addison Ave E., Twin Falls, ID 83301. We own and reside at our residence located at 1076 Trotter Drive which is approximately 350 feet southeast as a crow flies of this new proposed Taco Bell. We have lived in our home since 2006 and many of our neighbors have lived here much longer, raising their families in the safety and quiet of Carriage Estates Subdivision.

We have many issues with this new Taco Bell being built so close to our quiet neighborhood. Please see the major issues below that we would like the City of Twin Falls to take into consideration and ultimately deny the request to build this extended hour drive-thru fast-food restaurant near our home.

This proposed Taco Bell will negatively affect our quiet neighborhood in the following ways:

1. Excess traffic throughout the day and increased late night hours due to the business' open late policies.
2. Risking the safety of our children walking to and from the neighborhood park due to the increased traffic.
3. Safety risks to our homes and parked vehicles on our residential streets due to impaired drivers in the late-night hours when they go get food after attending parties or being at the bars.
4. Increased congestion and impede traffic flow at the intersections of Carriage Ln. and Trotter Dr. and Addison Ave. and Carriage Ln. and cars overflowing from the drive-thru onto our quiet neighborhood streets and all hours of the day and night.
5. Littering and loitering on our residential streets, in the parking lots of adjacent businesses and Thomsen Park all hours of the day and night while customers eat their food.
6. Additional traffic speeding through-out our neighborhood to get to the establishment.
7. Noise pollution caused by customer's music, revving of vehicle engines or customer's yelling and shouting at each other while sitting in the drive-thru, honking horns due to stationary cars not moving through the drive-thru in a timely manner or causing traffic issues on the roadways.
8. Noise, light & odor pollution created and caused by the operation of the Taco Bell including but not limited to the drive-thru intercom system, banging of dumpster lids, etc., odors coming from disposed grease, food and dumpsters, as well as lights from the Taco Bell signage and vehicle headlights, etc.

9. Risks for victimization of crimes, vandalism of personal property, theft, and late night drug activity.
10. Decrease the values of our homes due to all the above reasons.

We all know the saying very well; “Nothing good happens after midnight”. If this request to build this extended hour Taco Bell is approved, the City of Twin Falls will not only be approving that they are okay with the safety risks to the residents in the area, but also that they are okay with jeopardizing our peaceful, quiet neighborhood.

WE feel that there are better suited commercial locations through-out the City of Twin Falls for a new extended hours Taco Bell that will NOT impact a quiet residential neighborhood. However, the question does arise, *IF* the City of Twin Falls does not hear our voices regarding the issues listed above or the voices of our opposing neighbors; and the City does approve this request for the new Taco Bell at 2616 Addison Ave E., how will us as home owners be compensated for the risks associated to this extended hours business such as crime, vandalism, lack of security & safety, the noise pollution, and our decreased home values?

Thank you for your time and taking into consideration our concerns.

Sincerely,

William and Tenille Sorenson

Kelli Ebersole

From: No Reply
Sent: Tuesday, August 6, 2024 7:21 AM
To: Kelli Ebersole; Will Klaver; Jody Green; Lisa Strickland; Jonathan Spendlove
Subject: Public Comment Notice for PZ24-0076

Follow Up Flag: Follow up
Flag Status: Flagged

A public comment has been submitted for PZ24-0076 presented at the Planning and Zoning Meeting on 8/13/2024.

Name: Susan Martens
Email: smpack3@msn.com
Comments:

Susan Martens

736 Trotter Dr.

Twin Falls, ID 83301

8/05/24

Dear Members of the Twin Falls City Council,

I am writing to express my strong opposition to the proposal of establishing a Taco Bell drive-through restaurant with extended hours on our street. Our residential community strongly believes that such an establishment would have numerous detrimental effects on our neighborhood.

The presence of a drive-through restaurant would likely decrease the property values of our homes as few families would choose a home so close to a fast food restaurant operating until 2 AM. This would negatively affect the investment we have made in our properties.

Moreover, the increased traffic, including cars entering and leaving the drive-through, would create a substantial amount of noise, bright lights, congestion, and exhaust fumes, not to mention the smell of fast food in the air. This would significantly disrupt the peaceful and serene nature of our residential neighborhood, causing undue stress and discomfort for the residents. Notably, the proposed site is directly adjacent to two neighboring family homes, and the operation of a loud restaurant until 2 AM will undoubtedly compromise the quality of life for the families residing there as well as other nearby homes.

Taco Bell is noted for having long lines of cars waiting and idling in line, causing noise and smell. If those lines extend off the property, there will cars backed up on Addison, which has only one lane in each direction, as well as the fact that the property is extremely close to the intersection light. If cars enter or exit on Carriage Ln., Carriage is a residential street and will impact neighbors trying to get to work, school, St. Luke's Clinic, Chardonay Home for elders, etc.

We implore the City Council to carefully consider the concerns of the community and reject the proposal for the Taco Bell drive-through restaurant at the aforementioned location. Perhaps if the members took a moment to imagine how they would feel to have a fast food drive-through restaurant open and running 19 hours each day directly next to their homes, they could understand the distress this proposition is causing the neighbors in the Indian Subdivision of Twin Falls.

Sincerely,

Susan Martens

Kelli Ebersole

From: No Reply
Sent: Tuesday, August 6, 2024 3:29 PM
To: Kelli Ebersole; Will Klaver; Jody Green; Lisa Strickland; Jonathan Spendlove
Subject: Public Comment Notice for PZ24-0076

A public comment has been submitted for PZ24-0076 presented at the Planning and Zoning Meeting on 8/13/2024.

Name: Erica Covington
Email: covingtoner@trsd.org
Comments:

Erica Covington

614 Trotter Dr.

Twin Falls, ID

Dear City Council Members,

We oppose the building of a drive-thru Taco Bell with extended hours on the corner of Addison and Carriage.

One of our biggest concerns is the increase of traffic coming and going. That corner also is where St. Luke's Clinic and CPR Rehab is located and the 500 projected cars going to Taco Bell each day is going to cause intense traffic congestion, back-ups, and collisions.

It is also going to impact and increase the traffic on our residential streets, mainly Carriage and Trotter. These streets are residential and children play here and wait for school buses here. Neighbors do not want an increase in traffic on our streets.

Although the lot is zoned for commercial use, a drive-thru Taco Bell does not just impact Addison. The south and west sides of the lot are RESIDENTIAL. Five hundred cars driving to and fro and idling in line

from early morning until 2 AM will be a nightmare. One of the entrances to Taco Bell is on Carriage and literally yards away from a residential home.

Please do not allow fast food, drive thru, extended hours in our neighborhood.

Sincerely,

Erica Covington



cprtherapy.org

Twin Falls Planning and Zoning Committee

August 09, 2024

Dear Members of the Twin Falls Planning and Zoning Committee,

We are writing to express our concerns regarding the proposed development of a Taco Bell at 2616 Addison Ave. E., which will operate with extended hours from 7 AM to 2 AM and is anticipating 500 vehicles per day. Our business, located next door at 2634 Addison Ave. E., shares a street entrance with the proposed Taco Bell site. As a physical therapy clinic, it is crucial that our patients, many of whom have mobility challenges, have safe and easy access to our facility.

Our primary concerns with the proposed development include:

1. **Traffic Congestion:** The shared entrance will likely become congested due to the increased traffic flow from the Taco Bell drive-thru. This could result in significant delays for our patients and staff, impacting our business operations. Due to the design of the drive-thru traffic flow, it seems highly likely East-bound traffic on Addison will be backed up due to the lack of a right-hand turn lane immediately following the traffic light on Addison and Carriage. If traffic does get backed up on Addison, we are concerned that traffic may line up in our parking lot to wait in line for the drive-thru.
2. **Safety:** The high volume of vehicles entering and exiting the shared entrance, especially during peak traffic hours, raises concerns about the safety of our patients. Many of our clients require special assistance and may have difficulty navigating through a crowded and busy parking lot. Immediately surrounding the area includes other medical offices including St. Luke's Primary Care offices and Chardonay Assisted Living, both of which also share similar populations of clientele.
3. **Parking and Loitering:** With limited parking within the Taco Bell drive-thru, we are concerned a shared entrance/exit on Addison with consumers of Taco Bell will take up valuable parking spots reserved for our clientele with mobility issues. The hours of operation also raise concerns of trash and illicit activities taking place on our property.

Given these concerns, we respectfully request that the committee carefully consider the impact of this development on existing businesses, particularly those like ours (including St. Luke's and Chardonay Assisted Living) that serve a vulnerable population. We urge you to explore alternative solutions, such as a separate entrance for Taco Bell or requiring more extensive landscaping/barriers between our parking lots, to mitigate the potential negative effects on our business and ensure the safety and accessibility for our patients.

Thank you for your attention to this matter. We appreciate your consideration and hope that a solution can be found that benefits all parties involved.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cade Searle'.

Cade Searle, Doctor of Physical Therapy
Owner/Partner representing
CPR Physical Therapy + Performance
cade@cprtherapy.org

RENAISSANCE OFFICE

754 N. College Rd., Suite D
Twin Falls, ID 83301
FAX: 208-736-1582
208-734-5313

ADDISON OFFICE

2634 Addison Ave. E.
Twin Falls, ID 83301
FAX: 208-326-2002
208-326-2000

BUHL OFFICE

1015 Main St
Buhl, ID 83316
FAX: 208-543-8892
208-543-8887

Kelli Ebersole

From: Jody Green
Sent: Thursday, September 19, 2024 8:27 AM
To: Kelli Ebersole
Subject: FW: Subject: Opposition to Proposed Taco Bell Near Thomsen Park Reference application: PZ24-0098

Have a great day!



Jody Green, Planning Technician
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
[208.735.7267](tel:208.735.7267)
jgreen@tfid.org

From: Michelle H <michkheiner@gmail.com>
Sent: Thursday, September 19, 2024 8:00 AM
To: Jody Green <jgreen@tfid.org>
Subject: Subject: Opposition to Proposed Taco Bell Near Thomsen Park Reference application: PZ24-0098

[EXTERNAL SENDER]

Subject: Opposition to Proposed Taco Bell Near Thomsen Park
Reference application: PZ24-0098

Dear Neighborhood Planning Committee,

I hope this message finds you well. I'm writing to express my strong opposition to the proposal of bringing a Taco Bell into our neighborhood, especially so close to Thomsen Park.

Thomsen Park is one of the most cherished parts of our community—a beautiful, quiet space where families gather, children play, and neighbors connect. The introduction of a fast food chain with extended hours would greatly disrupt the serenity and charm of this area. Late-night traffic, noise, and pollution would inevitably detract from the peaceful environment that we all value.

Given Taco Bell's extended hours of operation, we are also concerned about increased traffic through our residential streets, especially at night. Our dead-end street would likely see an uptick in vehicles making turnarounds, creating both a safety hazard and additional noise for those of us who live nearby.

One of the biggest concerns we face is that many drivers don't realize our street is a dead end until it's too late, leading to unsafe, hurried turnarounds. This already happens far too often, and with a Taco Bell drawing more traffic—especially late at night—it's bound to get worse. We've seen reckless U-turns and speeding as drivers try to quickly exit, posing a real danger to pedestrians and residents, particularly children who live and play nearby.

Our family, including our two young children, live at the end of this dead end street. This could lead to disturbances that extend well into the evening, affecting the quality of life for residents and quality of sleep for us and our children.

In addition, fast food establishments tend to attract more litter and pollution, which could spill over into Thomsen Park. The park is a sanctuary for many, and I fear that the presence of a commercial establishment like Taco Bell would compromise this treasured space.

I urge the committee to reconsider this proposal and explore alternatives that better align with our community's values and commitment to preserving the peaceful, family-friendly atmosphere of our neighborhood.

Thank you for your attention to this matter.

Sincerely,
Michelle Heiner
2582 Navajo Circle
Twin Falls ID 83301
(208)431-8613

Kelli Ebersole

From: Jody Green
Sent: Thursday, September 19, 2024 10:32 AM
To: Kelli Ebersole
Subject: FW: Taco Bell reference PZ24-0098

Have a great day!



Jody Green, Planning Technician
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
208.735.7267
jgreen@tfid.org

From: Kirsten Stewart <stewartki13@yahoo.com>
Sent: Thursday, September 19, 2024 10:17 AM
To: Jody Green <jgreen@tfid.org>
Subject: Taco Bell reference PZ24-0098

[EXTERNAL SENDER]

Kirsten Stewart
1036 Carriage Lane
Twin Falls, Idaho 83302

Reference PZ24-0098

Dear City Council,

We are appealing the decision of the Taco Bell drive-thru and extended hours. First, Taco Bell didn't have a plan for how they will deal with the overflow traffic that will contest Addison and Carriage Lane. Since they didn't have that plan, they shouldn't be allowed to operate a drive-thru. Safety on the streets and not blocking roadways is a top priority. By allowing the drive-thru, there will be cars backed up on Carriage Lane and at Addison. Will the council revoke the drive-thru once this happens?

The entrance and exit of the proposed Taco Bell entrance is too close to the traffic light. I notice that First Federal on the corner of Falls and Eastland has a sign that says exit only at Falls Ave. This signage is helpful due to being too close to the traffic light. This makes me wonder about the recommended entrance of any building near a light. Traffic flow is important and this location with a busy Taco Bell doesn't provide that entrance and exit in a safe manner.

I listened to the planning and zoning decide the extended hours on a Friday and Saturday night. Yes, they didn't allow them to be open to 2 am, but they did say that they could later ask for this on an appeal. Will we the residents even know about this matter so we can address it? If not, I am addressing that now. All appeals should have notification to the residents within the 750 feet just like this appeal. The appeal should be mentioned with signage at the cost of Taco Bell just like this appeal cost the residents. On a second note, we the residents didn't even get a chance to address the question of the Friday and Saturday night until midnight. I will do that at this time by stating that allowing late night runs to fast food creates an environment that is chaotic in a residential area. Please remember that one door down the area is residential.

One planning and zoning member mentioned that residents bought homes knowing that was a commercial area. Yes, we did know, however even Taco Bell had to request special permits for the drive-thru and extended hours. So we as residents who purchased near commercial had never thought that our nights and our homes would be by a late night drive-thru fast food.

Again the car noise, speaker noise, smell of the trash, smell of the cooking oil, lights, traffic, congestion, and problems at the park are reasons enough not to allow the drive-thru.

Remember the traffic overflow and remember all the u- turns and congestion. If the answer is to allow the drive-thru to run, will you be ready to stop it when the traffic backs up? How long will that have to be tracked and how long will my life be affected for be the watchman? I hate to think I would have to be interrupting the police on this matter and I hate to have to check up on this. I assume that every city council member has visited this location and examined what I am describing. It just doesn't sound like the right location for a busy drive-thru. I implore the council to revoke the drive-thru at this busy intersection to allow traffic flow on our streets and not to block it by a special use permit.

Sincerely,

Kirsten Stewart

[Sent from Yahoo Mail for iPhone](#)

Kelli Ebersole

From: Jody Green
Sent: Thursday, September 19, 2024 1:00 PM
To: Tom Griggs; Leonard Grant; Nick Brito
Cc: Kelli Ebersole
Subject: RE: Taco Bell. YES

Thank you for your comment. It will be added to the packet for City Council.

Have a great day!



Jody Green, Planning Technician
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
208.735.7267
jgreen@tfid.org

From: Tom Griggs <griggsy.griggs@gmail.com>
Sent: Thursday, September 19, 2024 12:57 PM
To: Jody Green <jgreen@tfid.org>; Tom Griggs <griggsy.griggs@gmail.com>; Leonard Grant <sloweed@hotmail.com>; Nick Brito <nbelite.b1@gmail.com>
Subject: Taco Bell. YES

[EXTERNAL SENDER]

Twin Falls needs more businesses on Addison Avenue East! We who live out here, at least one block away from Addison, by the way, presently have to put up with excessive traffic to get to stores and other businesses. Twin Falls should not concentrate shopping to just one area as it continues to become a city. Many folks live within a block of businesses in Twin Falls, many in much more affluent neighborhoods than this one on and around Carriage Lane. They seem to have no problem, as many of the businesses were there before their homes were built. I was sick when Kmart closed because I lost a convenient close source of things I needed. SAY YES TO TACO BELL! I am old and handicapped and cannot come to the public hearing on the Taco Bell issue. Please provide a copy of this for the record.

Kelli Ebersole

From: Jody Green
Sent: Thursday, September 19, 2024 4:58 PM
To: Kurt Stewart
Cc: Kelli Ebersole
Subject: RE: Taco Bell reference PZ24-0098

Thank you for your comment. We will include it with the packet for City Council.

Have a great day!

—Original Message—

From: Kurt Stewart <kustew@yahoo.com>
Sent: Thursday, September 19, 2024 4:50 PM
To: Jody Green <jgreen@tfid.org>
Subject: Taco Bell reference PZ24-0098

[EXTERNAL SENDER]

Kurt Stewart
1036 Carriage Lane
Twin Falls, Id 83301

Dear City Council,

I recently went to the Chick Fil drive-thru. I proceeded to go through properly by lining up along the Target parking lot. Another truck was trying to back out of a parking space and I couldn't go forward or back to help them. The parking lot wasn't a safe place. One truck must have not known the rules and cut into the drive-thru. There were two lanes to the drive-thru. I didn't get to see the menu board but a man took my order. This was to speed up the drive-thru. After getting my order, I proceeded to exit. A truck almost ran into me. The last time I went to Chick Fil, I had parked at Target walked into the restaurant. That was safer than the drive-thru!

I tell that story to think about the nightmare of the upcoming Taco Bell. I see 5 cars ordering and other cars trying to get in off Addison. Then I see other cars noticing the packed drive-thru, and they quickly turn onto Carriage Lane. They do a U- turn in front of my house and go into the parking lot blocking parked cars that are in Taco Bell to get in line for the drive-thru. I see other cars that notice the busy Taco Bell. They park at St Luke's and walk over. Other cars do the U-turn at Chardonay.

Then my wife has had it and calls 311 and decides to tape the entire episode. Can I have peace? How do I obtain this peace? The police will get tired of the 311 calls. Do I have to come to every City Council meeting with my complaints?

You are allowing a busy drive-thru that isn't planning enough room for all the traffic and the traffic will be congested. Believe me when I say, this is not a honeymoon phase! Vote no to the drive-thru based on not enough room!

Sincerely,

Kurt Stewart
Sent from my iPhone

Kelli Ebersole

From: Jody Green
Sent: Tuesday, September 24, 2024 8:35 AM
To: Kelli Ebersole
Subject: FW: NO TO TACO BELL. Application PZ24-0098

Have a great day!

—Original Message—

From: Ruth lang <ruth50@lbs2.com>
Sent: Saturday, September 21, 2024 11:51 AM
To: Jody Green <jgreen@tfid.org>
Subject: NO TO TACO BELL. Application PZ24-0098

[EXTERNAL SENDER]

I'm voicing my "No" vote to Taco Bell.

I am in total opposition to Taco Bell coming into our neighborhood. Taco Bell certainly does not fit into our quiet residential neighborhood. I also feel that you folks knew this was controversial,

so you quietly went ahead this the project without this neighborhood's consideration.

There are so many issues wrong with Taco Bell coming.

1. Taco Bell does NOT fit the profile for our neighborhood. We all knew it was zoned commercial, but we had anticipated a quiet office-type business coming in. Certainly not a Taco Bell.
2. Traffic will be horrendous.
3. We have a quiet, clean family-oriented park. We wish to continue to keep it quiet, clean, and safe.
4. Light pollution. You can put up any fence, but the folks immediately located in that area will be flooded with lights.
5. It also appears your approved extended hours. This is not acceptable.
6. Property values will decrease.

We need City Council to reject Taco Bell coming to that location.

Ruth Lang

Kelli Ebersole

From: Jody Green
Sent: Tuesday, September 24, 2024 8:35 AM
To: Kelli Ebersole
Subject: FW: Taco Bell

Have a great day!

—Original Message—

From: Heath Stewart <heathstewart78@yahoo.com>
Sent: Sunday, September 22, 2024 9:24 AM
To: Jody Green <jgreen@tfid.org>
Subject: Taco Bell

[EXTERNAL SENDER]

Heath Stewart
1036 Carriage Lane
Twin Falls, Id 83301

Reference PZ24-0098

Dear City Council,

What is progress? Moving forward or an advancement is a simple definition. So, what would most of the citizens and this City Council agree would be progress in Twin Falls?

Here are some examples of progress. Bringing in Chobani, Cliff Bar, Glanbia, and Jayco have supplied the population with job growth. The city parks in town are well maintained and many neighborhood parks have been added. This is progress!

Maintaining law and order is critical so that explains the added jail facility. Yet, is a jail progress??? Keeping youth involved in healthy physical activities and events would be progress, yet I see a lack of a recreational center for the youth. It would cost money, yet could the same youth eventually end up in the jail due to lack of involvement in healthy choices. The jail and the missing recreational center would be a lack of progress.

Now there is a question of restaurants. In and out and Taco Bell are both in the news. Is this progress? To the city it brings a tax base. Yet, could that still be a cost when considering safety of the public? Numerous car wrecks in both areas entering and/ or exiting these restaurants is a city safety issue and this is not progress! There might be some extra space within the strip mall of the future In and Out, but the traffic from Blue Lakes entering and exiting can't have police presence continually. The Taco Bell will not have this extra room and will spill out into the city streets. I realize the amount of traffic from In and Out and the Taco Bell are different, however has the traffic been analyzed at the corner of Addison and Carriage Lane? Analyzing the traffic issues shows planning and zoning have not completed their homework and have not thought of the safety of the public!

Please think about progress along with the issue of public safety.
Do more impact studies and complete the necessary work prior to
allowing any commercial business to be added into our city.

Sincerely,

Heath Stewart

Sent from my iPhone

Kelli Ebersole

From: Jody Green
Sent: Tuesday, September 24, 2024 8:35 AM
To: Kelli Ebersole
Subject: FW: NO TO TACO BELL. Application PZ24-0098

Have a great day!



Jody Green, Planning Technician
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
[208.735.7267](tel:208.735.7267)
jgreen@tfid.org

From: Larry Lang <llangid@gmail.com>
Sent: Sunday, September 22, 2024 7:27 PM
To: Jody Green <jgreen@tfid.org>
Subject: NO TO TACO BELL. Application PZ24-0098

[EXTERNAL SENDER]

I'm voicing my "No" vote to Taco Bell.
I'm voicing my "No" vote to Taco Bell extended hours.

I am in total opposition to Taco Bell coming into our neighborhood. Taco Bell certainly does not fit into our quiet residential neighborhood. I also think you folks knew this was controversial, so you quietly went ahead with the project without this neighborhood's consideration.

There are many issues wrong with Taco Bell coming.

1. Taco Bell does NOT fit the profile for our neighborhood. We all knew it was zoned commercial, but we

had anticipated a quiet office-type business coming in. Certainly not a Taco Bell.

2. Traffic will be horrendous and will present several safety issues.

2A. traffic entering into Taco Bell right after a traffic light, especially if Taco Bell has a full drive-thru lane (more than 5 cars past first menu sign)

2B. traffic entering back onto Addison headed West (a left out of Taco Bell onto Addison)

2C. additional non-home owner neighborhood traffic in our community during Taco Bell open hours.

3. We have a quiet, clean, community family-oriented park. We wish to continue to keep it quiet, clean, safe, and community-oriented.

4. Light pollution. You can put up any fence, but the folks immediately located in that area will be flooded with lights and unwanted car noise.

5. If Taco Bell receives extended hours approval, this could increase unwanted traffic into our community during a time when the community is quiet or asleep.

6. Property values will decrease.

We need the City Council to reject Taco Bell coming to that location and not allow extended hours operation.

Larry Lang

Kelli Ebersole

From: Jody Green
Sent: Tuesday, September 24, 2024 8:35 AM
To: Kelli Ebersole
Subject: FW: New Taco Bell location

Have a great day!

—Original Message—

From: Becky Anderson <beckaroo1961@yahoo.com>
Sent: Sunday, September 22, 2024 7:42 PM
To: Jody Green <jgreen@tfid.org>
Subject: New Taco Bell location

[EXTERNAL SENDER]

I am writing to state my opposition to the proposed new location of a Taco Bell on the corner of Addison and Carriage. I live in Twin Falls and I have family who live close to the suggested site of the new location. I feel that this location will negatively impact the neighborhood. I really would not want possible problems to occur. Please reconsider a different location not so close to a

neighborhood.Thank you for your time. Sincerely, Becky
Anderson
Sent from my iPhone

Kelli Ebersole

From: Jody Green
Sent: Tuesday, September 24, 2024 8:39 AM
To: Kelli Ebersole
Subject: FW: PZ24-0098

Have a great day!



Jody Green, Planning Technician
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
208.735.7267
jgreen@tfid.org

From: aleshiaguard <aleshiaguard@gmail.com>
Sent: Monday, September 23, 2024 9:08 AM
To: Jody Green <jgreen@tfid.org>
Subject: PZ24-0098

[EXTERNAL SENDER]

Hello, my name is Aleshia Powell.

I live in the Thomsen Park neighborhood. I was present at the first City Hall meeting concerning the Taco Bell being built on Addison and Carriage Ln.

As a citizen of the Twin Falls community and this neighborhood, I was very disappointed by the outcome of the City Council's decisions regarding the extended hours of the Taco Bell. What I saw at the meeting were numerous citizens who had very valid concerns regarding how the extended hours and drive-through could negatively impact the safety and pollution of the neighborhood. The council, according to my understanding, then voted against the extended hours at the meeting and then just a few short weeks

later, approved them without another public meeting. I was under the impression that the city council represented Twin Falls, it's citizens and the actual people who live in the neighborhoods affected by these decisions. Are the meetings just for meetings sake? If the input of many citizens who will be personally affected by these decisions is not taken into account, why do we even waste everyone's time?

I was also curious as to why there wasn't a meeting for the Taco Bell to even be allowed to be built on that specific corner in the first place? While I think everyone in our neighborhood is well aware that the lot the Taco Bell is being built on is zoned for commercial use, the neighbors that I have talked to assumed that a quiet business with normal business hours would be built there. It makes sense that everyone would assume that since all the surrounding businesses are very quiet and do not leave the noise/smell/traffic/pollution footprint that a Taco Bell will. That intersection leads to a quiet neighborhood and having a Taco Bell there will look very out of place and bring down the neighborhood aesthetic and property values.

After attending the City Council meeting, I am fully aware that my opinion as a Thomsen Park resident has absolutely no impact on any decision making regarding the extended hours of the Taco Bell. However, as a concerned and impacted citizen, I would like to ask that some consideration is used when making decisions that can very much negatively impact citizens who love their neighborhood and want to keep it safe and clean.

Thank you,
Aleshia Powell

Kelli Ebersole

From: Jody Green
Sent: Tuesday, September 24, 2024 12:54 PM
To: Kelli Ebersole
Subject: FW: Yes to Taco Bell....reference application PZ24-00098

Have a great day!



Jody Green, Planning Technician
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
208.735.7267
jgreen@tfid.org

From: L.J. McMurtry <flindar28@hotmail.com>
Sent: Tuesday, September 24, 2024 12:36 PM
To: Jody Green <jgreen@tfid.org>
Subject: Yes to Taco Bell....reference application PZ24-00098

[EXTERNAL SENDER]

Dear JGreen,

Sorry that I don't know if you're a Mr. or a Ms, but some crusader taped a flyer on my door the other day saying that our neighborhood needs to stand against Taco Bell for running their business like they always run their business.

However, I DO NOT AGREE with the crusaders. Addison Avenue is getting a Fit1 gym across the street, and more businesses will follow. A community needs a healthy growth rate, otherwise we'll will look like downtown Hazelton. I just can't process the Mothers-Against-the-Future fallacy of "Can't we just have everything remain the same...except get better". To me that's malarky. Change is how we get better.

A couple of facts. I'm L.J. (Lindsay) McMurtry and I live at 809 Apache Way, right in the middle of the Indian Trails subdivision that's supposed to rise up against late night munchies. And, full disclosure, I really like eating occasionally at Taco Bell. That said, how is a drive-thru window supposed to ruin the neighborhood? Thomsen Park is closed at sundown to everyone. Maybe the police would just do a drive by more often, but I don't see how someone closer to the new Taco Bell getting food in their car after a late-night shift or a Dungeons & Dragons game is going to destroy "our beautiful neighborhood". I get in my car, I buy food in my car, I drive away in my car. Hmm, to me the neighborhood stays the same.

Thank you for the courtesy of noting my message here. And I hope that you will politely process all the "damn those who get hungry after dinner time" fussy folk who are upset at the idea that late night food will destroy all that is holy (cue eye roll). However, after kindly listening to all, please support the application PZ24-00098 and allow the regular Taco Bell business hours.

Sincerely,

L.J. (Lindsay) McMurtry

Susan Martens
736 Trotter Dr.
Twin Falls, ID 83301

Reference: PZ24-0098

Dear Members of the City Council,

I ask that the City Council reads the appeal document. I understand they are not required to do so, yet I feel if they had a full understanding of the situation, they would withdraw the Taco Bell permit.

Please read the following letter aloud to add it to the record at the appeal hearing as I am unable to attend.

In opposition to allowing a drive-through and extended hours to Taco Bell:

1. Both Addison and Carriage are single lanes in each direction with no turn off lane. It is inevitable that cars will be slowing down or stopping to turn into the restaurant, causing potential and likely rear end accidents from both entrances.
2. This corner lot is too small to accommodate a busy drive-through. There literally is no place for cars to queue up, except for spilling out and blocking Addison and/or Carriage. Taco Bell's plans allow for only 5 cars to queue up between the order board and Addison. Any more than 5 cars will be stopping traffic on Addison.
3. The entrance on Addison is literally meters from the busy intersection of Addison and Carriage, sandwiched in between CPR Physical Therapy and a telephone pole. It is a very unsafe location.
4. Both Addison and Carriage have double yellow lines. Cars will be crossing these lines when turning left which could lead to collisions. Or they may turn right and turn into the CPR property to turn around on Addison, or turn around in St. Luke's parking lot or the first homeowner's driveway. It is disheartening when this was brought up to the P&Z, their reply (paraphrasing) was: "We can't control what people do".
5. There are residential homes that have been here for decades that literally touch the potential Taco Bell property. The first homes in the subdivision

will be forced to listen to “Welcome to Taco Bell: May I take your order?” 500 or more times a day for up to 19 hours on weekends in the future. The neighborhood homes will also be forced to listen to cars idling, loud music and thumping bass from cars waiting in line, car doors slamming, as well as the smell of exhaust fumes. Allowing this drive-through will reduce the quality of life for nearby neighbors as well as reduce the value of their homes. Can the City Council take a moment to envision what it would be like to have a Taco Bell drive-through next to their own homes?

6. Extended hours means extended problems. In an effort to avoid intoxicated drivers going to Taco Bell when the bars close, P& Z limited the extended hours to midnight on weekends. What makes them think being open 10 pm to midnight would not see the exact problem? Plus, very upsetting, is the P&Z told Taco Bell, paraphrasing, “You can appeal the extended hours to 2 am in the future once the neighborhood gets used to Taco Bell being there.” There doesn’t seem to be concern for neighbors who have lived here for decades.
7. Allowing this permit will increase the traffic dramatically on our quiet residential streets. Our streets are where children play, walk to school, and wait for busses. The intersection is where children cross to walk to school or the park. Allowing this drive-through endangers our children.

Please do not allow Taco Bell to have a drive-through and extended hours. There are too many problems associated with this location.

Sincerely,
Susan Martens

Kelli Ebersole

From: Jody Green
Sent: Monday, September 30, 2024 8:06 AM
To: Kelli Ebersole
Subject: FW: reference PZ24-0098

Have a great day!



Jody Green, Planning Technician
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
208.735.7267
jgreen@tfid.org

From: Doug Miller <millerfam78@gmail.com>
Sent: Friday, September 27, 2024 3:50 PM
To: Jody Green <jgreen@tfid.org>
Subject: reference PZ24-0098

[EXTERNAL SENDER]

Dear City Council Members,

This letter is in reference to the City Planning and Zoning recommendation to allow the special use permit for Taco Bell, located at the corner of Addison and Carriage Lane. I believe that allowing such a potentially high impact business into our neighborhood would have a very negative impact on our neighborhood on several levels.

First, added traffic. Carriage Lane can and does get busy with school traffic, especially during school hours. Many parents use Addison and Carriage Lane to deliver and pick up their children from the area schools. We also have a good amount of pedestrian traffic in the area due to the proximity of Thomsen Park. The sports teams from the area schools use this area for their group runs. What will the added traffic do to the safety of these individuals.

Second, increased noise. As with any business, a certain amount of noise is expected. But, by allowing the drive-thru and extended hours permit, our ability to have a quiet evening at home will be greatly hindered. Our home is located directly south of the location in question. The drive-thru traffic will face directly into our property. Even with the proposed concrete wall , the tranquility of our home will be negatively impacted.

Third, trash, loitering and the potential for vandalism. Allowing a drive- thru with extended hours in such close proximity of a park (that is closed at 10 pm) increases the likelihood that the park will be used as a place to gather and eat. This will inevitably lead to trash being left in the park and surrounding areas.

Last, this will negatively impact the value and sellability of our properties. As with most homeowners in our area, my husband and I are not in a position to sell and relocate. Due to the current housing market and interest rates, we cannot afford to relocate even if we wanted to (which we don't, we like our neighborhood).

I am all for the growth of our fine city. But not at the detriment of an established ,much-loved ,neighborhood. Allowing this special use permit at this particular site would be detrimental to the tranquility and safety of our neighborhood. Please vote no .

Thank you for your service to the community.

With respect,

LeAnn Miller
1068 Carriage Ln
Twin Falls, ID 83301

Kelli Ebersole

From: Jody Green
Sent: Monday, September 30, 2024 8:07 AM
To: Kelli Ebersole
Subject: FW: Taco Bell app# PZ24-0098

Have a great day!



Jody Green, Planning Technician
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
208.735.7267
jgreen@tfid.org

From: Guadalupe Moreno <Lupemoreno7@hotmail.com>
Sent: Sunday, September 29, 2024 11:02 AM
To: Jody Green <jgreen@tfid.org>
Subject: Taco Bell app# PZ24-0098

[EXTERNAL SENDER]

Good morning. I love that you are wanting to put food businesses over this area BUT the long extended hours of Taco Bell will be a nightmare. We want to keep our beautiful neighborhood quiet, clean and safe. This just makes it easy for people to "hangout" at the park during LATE hours and trash it! We do not want Taco Bell!!!! Please please no Taco Bell on addison ave e/carriage ln.

Thank you.

Kelli Ebersole

From: Jody Green
Sent: Monday, September 30, 2024 2:55 PM
To: Kelli Ebersole
Subject: FW: Taco Bell

Follow Up Flag: Follow up
Flag Status: Flagged

Have a great day!



Jody Green, Planning Technician
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
208.735.7267
jgreen@tfid.org

From: Carol Bearup <cbeaurup42@gmail.com>
Sent: Monday, September 30, 2024 2:53 PM
To: Jody Green <jgreen@tfid.org>
Subject: Taco Bell

[EXTERNAL SENDER]

I am writing in opposition to the Taco Bell being put at the intersection of Addison & Carriage Lane. That intersection is already busy with a clinic on the corner and two Alzheimer facilities next to the clinic and then the park next to Chardonnay.

You have already wrecked our neighborhood with the vote on zoning for the 40 acres behind the Mennonite farmers' market. I guess zoning it from agricultural to retail is a case of "show me the money!" However, we will probably not have a farmers' market at this end of town

now and the dirt from construction will not help my cancer. I wrote a letter of protest on that issue and several of my neighbors showed up at your city council meeting (I was in AZ at the time). However, you chose to disregard us. We have dealt all summer with the dirt from Mark Jones project with the gym. They have had big piles of dirt and have not carted them away. When the wind blows (lots) we have a dust storm.

We will look forward to see what your decision on this latest project will be.

Ciao,

Carol Bearup
cbearup42@gmail.com
208-421-4123

Kelli Ebersole

From: Jody Green
Sent: Tuesday, October 1, 2024 8:08 AM
To: Kelli Ebersole
Subject: FW: PZ24-0098 - Taco Bell drive-thru with extended retail hours appeal letter

Have a great day!



Jody Green, Planning Technician
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
[208.735.7267](tel:208.735.7267)
jgreen@tfid.org

From: Bill and Tenille Sorenson <captainandtenillesorenson@gmail.com>
Sent: Monday, September 30, 2024 8:07 PM
To: Planning and Zoning <tfplanning@tfid.org>; Jody Green <jgreen@tfid.org>
Subject: PZ24-0098 - Taco Bell drive-thru with extended retail hours appeal letter

[EXTERNAL SENDER]

Dear Twin Falls Planning and Zoning Commission,

We are writing to formally appeal the approval of extended hours and the drive-thru service for the proposed Taco Bell located at 2616 Addison Ave E., Twin Falls, ID 83301. We reside at 1076 Trotter Drive, approximately 350 feet southeast of this site. Since moving into our home in 2006, we have valued the safety and tranquility of the Carriage Estates Subdivision, as have many of our neighbors who have lived here for much longer.

We attended the City Hall meeting (PZ24-0076) on August 13, 2024, regarding Taco Bell's request for extended hours and drive-thru service. Following the meeting, we felt disheartened by the perception

that our concerns about excessive traffic, crime, loitering, litter, and various forms of pollution were not genuinely considered by the City. It appeared that the Commissioners had reached a decision to approve Taco Bell's requests prior to fully addressing the valid issues presented by residents.

During the meeting, Taco Bell's architect, Julie Benintendi, acknowledged the lack of solutions for the anticipated increased traffic flow and congestion, stating that there is a limit to what they can do to manage the associated issues, including illegal lane changes. Unfortunately, the City Commissioners did not probe further into these concerns, including the potential for increased traffic accidents or strategies for managing overflow onto Addison Ave. and Carriage Ln. There was also no request for current traffic flow statistics or the installation of traffic count monitors prior to the decision-making process.

Additionally, our neighbors expressed concerns about the existing foot traffic in the area, which includes residents walking, children walking to and from school and children participating in cross-country track, and individuals enjoying nearby Thomsen Park. MUST we wait until a person is killed or severely injured in order for the City to take seriously the traffic concerns at hand? At present, peak hours already see congestion and speeding in our residential streets. If traffic counters had been utilized, the City may have gathered valuable data to inform a more prudent decision regarding Taco Bell's requests.

Taco Bell has suggested that they do not expect their operation to significantly increase traffic and that their customers will primarily be those already passing through the intersection. We strongly disagree with this assumption. Consideration should also be given to residents from the nearby Kimberly area who may seek late-night dining options. It is reasonable to anticipate that they might travel to this Taco Bell, thus increasing traffic further. Moreover, Twin Falls High School students will also contribute to speeding traffic and congestion during their 35 minute lunch breaks as they race to grab food from Taco Bell.

In our previous remarks at the meeting, we referenced the traffic challenges posed by the existing Taco Bell at Magic Valley Mall. While Ms. Benintendi acknowledged the high traffic volume at that location, we question how much of that traffic can be expected to transfer to the Addison Ave. site. It is unclear whether any studies have been conducted to ascertain the origins of customers frequenting the Magic Valley Mall Taco Bell. Attached are photographs taken at various times of day to illustrate the overflow traffic issues at their current location.

We also raise concerns about the classification of Taco Bell's extended hours and drive-thru within the same regulatory framework as the nearby storage unit facility. These businesses operate within fundamentally different sectors, and it is not appropriate to draw comparisons between their respective approvals. We ask how the City justifies permitting one based on the other when they serve different community interests.

It appears that Taco Bell is prioritizing their profit over the welfare of the Twin Falls community and our neighborhood. Their operation will lead to increased traffic, accidents, and safety issues. It will also contribute to a rise in crime, loitering, and littering on our residential streets and Thomsen Park.

As City Commissioners, we urge you to make informed decisions that consider the long-term implications for our neighborhood and the broader community. It is vital that you prioritize the welfare of the community over business interests. We believe there are alternative locations better suited for Taco Bell that would mitigate any negative impact on our area.

Finally, we recognize that as City Commissioners, you may not fully appreciate the daily implications of this proposed business due to infrequent visits to this intersection. Therefore, we, the residents of Carriage Estates Subdivision, ask that you trust our perspectives, as we are best positioned to assess the ongoing issues and impacts affecting our neighborhood.

Sincerely,

William and Tenille Sorenson







Kelli Ebersole

From: Jody Green
Sent: Wednesday, October 2, 2024 3:05 PM
To: Kelli Ebersole
Subject: FW: Taco Bell Carriage and Addison

Have a great day!



Jody Green, Planning Technician
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
208.735.7267
jgreen@tfid.org

From: rjkerr83301@gmail.com <rjkerr83301@gmail.com>
Sent: Wednesday, October 2, 2024 3:00 PM
To: Jody Green <jgreen@tfid.org>
Cc: 'Floid Gilbert' <floidgilbert@gmail.com>
Subject: Taco Bell Carriage and Addison

[EXTERNAL SENDER]

To the members of Planning and Zoning of Twin Falls

I'd like to start off with the fact that I can't imagine trying to satisfy so many people and at the same time helping our amazing town grow. That balance has got to be a challenge in many ways. With all that, I see you making informed decisions in most cases.

This is why I find it hard to believe you made the decision to approve the request for a the special use permit for the drive up and extended hours for the Taco Bell request. I honestly wish I had made the time to attend the last hearing in person, but I expect it was best I was not there. I'm sure I would have had a hard time not voicing my opinion a bit louder than one would deem appropriate. I did log in and watched every minute of the meeting live and was completely taken back when almost every person that spoke, spoke against any extended hours and

defiantly not welcoming a drive up. However you, in my opinion, did not care or take into consideration what anyone who spoke said. It was like “Oh thanks for wasting your time”, we will now push this trough even when the percentage of those in favor were next to none.

I know many that spoke were completely against the idea of a Taco Bell being on the property. I realize the zoning already has this provision so, those speaking against it in your eyes must have been completely discredited. What I hear with those who were against the entire project was they too were against the drive up as well as the extended hours. How else would one interpret someone not wanting this project at all.

I bought my property at 748 Trotter Dr. here in Twin Falls as part of the Indian Trails subdivision. We already were a resident of Twin Falls and had not sold our property prior to looking for a new home. With that said, we had no pressure to buy, no deadlines to meet. A very large drive to the property we chose was the fact it was in Indian Trails subdivision. We decided this subdivision was one of the top three areas we wanted to call home. We fell in love with the neighborhood before falling in love with the house we still own today. This subdivision has remained a quiet and peaceful area where I see my neighbors walking dogs in the morning and in the evening, 7 days a week rain or shine. I see strollers with babies, kids on bikes racing across the street sometimes without even looking. It truly is small town America in our small subdivision that is part of the town that is becoming more of a city than town.

The proposed drive up and extended hours will impact the area we call home in a very negative way. Our subdivision has very limited options to come in or go out. We have ZERO roads that connect east to west and ZERO connecting north to south. So anyone coming into our subdivision needs to make several left and right turns to find an exit. If you exit the proposed Taco Bell and turn south on Carriage you cannot get to Kimberly road without zig zagging though the streets I mentioned with those walking dogs, kids playing in the road, families taking walks. This is the same to get to Hankins Rd. It is a bit easier to get to Eastland only a turn on 9th is required however 9th Ave has several large dips at cross roads so this is not a desired path for those lowered cars or heavy duty trucks as you either drag the car or bounce a truck so hard you find another path.

Thompson Park has been they gathering place for many birthday parties, family get togethers, BBQ's, and more. Throughout the summer the pavilion is full of families. Idling cars, drive up speakers will surly impact the peaceful pavilion so many families enjoy. Not to mention the traffic already lining the street on both sides of Carriage when these functions going on. This on road parking will impact a safe exit from the proposed Taco Bell out to Carriage.

I also have a concern for the safety of the kids that currently are allowed to go to Thompson. This is due to the enhanced traffic that surely will be part of the drive up option. As mentioned we have a quiet peaceful subdivision. Our residence would have to rethink letting younger kids go to the park unsupervised. I see a drive up as increased traffic over a Taco Bell without a drive up.

When I get my drive up Taco the park looks like a very inviting place to park and eat. Thompson park only has a total of 27 parking spots I can see many picking one of these spots to eat after picking up the food at the drive up taking away from parking for families, dog walkers, walkers in general as a walking trail goes through the park.

The map provided by the team at Taco Bell does not have adequate car stacking as required. I just walked outside and looked both ways down my road. I see 3 each 4 door full size trucks, 1 fill size extended cab truck, 1 full size SUV, 1 mid size SUV and 2 full size cars and 1 small car. I don't know if this is a great way to gain an average for the size of vehicles in Twin Falls but this was what I saw when writing this and thought this might be a way to gauge the vehicle sizes on average. Using this information against the scale shown on the Taco Bell provided map. The map is inaccurate

In closing, please know I have no issues with a fast food type of place on this property. What a great deal to walk to a place to grab something fast and not have to cross a main road. I am however strictly against any drive up or any hours outside of the current zoning allowing of 10 p.m.

Thank you for your consideration and thank you in advance for closing down the drive through idea and extended as I am confident this time you will get it right and only allow the restaurant portion of this project to advance

Randy J Kerr

748 Trotter Dr

Twin Falls Idaho 83301

208-420-1332

Rjkerr83301@gmail.com

Kelli Ebersole

From: No Reply
Sent: Wednesday, October 2, 2024 8:30 PM
To: Kelli Ebersole; Will Klaver; Jody Green; Lisa Strickland; Jonathan Spendlove
Subject: Public Comment Notice for PZ24-0098

Follow Up Flag: Follow up
Flag Status: Flagged

A public comment has been submitted for PZ24-0098 presented at the City Council Meeting on 10/7/2024.

Name: Stephanie Vogelman
Email: stephvogelman@hotmail.com
Comments:

My name is Stephanie, a resident of trotter dr. I am writing to you as a concerned mom and pet owner in opposition to the approval of the drive-thru at 2616 Addison Ave E.

There are many concerns about this drive thru being placed at this location, but I will make this short.

The safety of our children, pets and neighbors is at jeopardy. The increase in traffic to Addison, Carriage and 9th only further increases the likelihood that someone will be struck by a vehicle or get into a car accident.

Our neighborhood has kids walking and riding bikes to/from school, people walking pets, parents walking children and people walking to the park to recreate.

You are asking us as home owners and humans to be okay with giving up our safety and the safety of our children and pets for a fast food restaurant that doesn't need to be at this location, nor that we want at this location. Not to mention the increase in crime that will also follow a late night drive thru to people who are under the influence of drugs and/or alcohol.

I would also like you to consider the health of our community. Any drive thru restaurant is anything but healthy and is filled with garbage that we call " food" which is making our community even more unhealthy and sicker. I ask that you think about how having yet another fast food restaurant on another corner in twin falls is helping us financially or physically.

Lastly I would like you to be in our shoes for a moment, imagine someone wanting to put a fast food restaurant in YOUR backyard, would you be okay with this, would you be happy that a fast food restaurant was being placed in your neighborhood that you were opposed to. It feels like the city cares more about money then the safety and health of our community.

Again, I please ask that you consider the safety of our children, pets and neighbors, as well as our health.

Thank you for you time, Stephanie.



City Council Public Comments

Citizens have the ability to provide public comments for city staff and council members to review. If you would like to provide comments, please fill out the form below.

First Name *

Joss

Last Name *

Grandeau

Phone Number

2082120003

E-mail *

Joss@rmci.net

Are you a resident of Twin Falls?

☒ Yes

☐ No

Do you wish to speak on *

☒ an item on the agenda

☐ general public input on something not on the agenda

Date Of Council Meeting *

2024-10-07

Agenda Item Number *

PZ24-0098 - Taco Bell Application

Public Comments *

Please provide your comments in the space provided.

Ladies and Gentlemen of the Twin Falls City Council and Planning & Zoning:

Be it known that I **categorically OPPOSE** the establishment of *Taco Bell* (or any such business) at the proposed said location for the following reasons, in no particular order...

1)-If you have to put up a 7" Wall to "hide" a business, it should be a RED FLAG right there that it IS a MAJOR problem and it is obvious that it is an UNDESIRABLE business concern in the first place.

2)-This is the WRONG location for such business! Go to Kimberly Rd if you want, but NOT IN OUR NEIGHBORHOOD!

3)-Do you think for ONE second that the residents of *Wild Rose Subdivision*, for example, would put up with such nonsense of letting such a business set up shop right there on their front step? I don't think so! So why would you even give it one ounce of consideration and subject us to such ABOMINATION!? This is SOWRONG on so many levels!

4)-Please, do NOT let Corporate GREED get the best of our little town and takeover our community in the name of "expansion", because it has NO place here in our neighborhood! Thank you very much!

5)-There is already a lot of traffic on Addison, we don't need to encourage any more than we have now!

6)-The monstrosity of such Wall would also not only obstruct/block our open views, but would basically put us in a concrete jungle!

7)-A 7 Foot Wall WILL become a new Magnet and Breeding Ground for the misfits and bad elements in our community and beyond, to gravitate towards our peaceful neighborhood and hang out and cause nothing but trouble, havoc and discontent by, among other things, honing their Tagging and Graffiti "abilities" at our expense!

8)-Furthermore, the combination of such a business as *Taco Bell* (Cheap food!), along with the erection of such a wall, and.... Adding Insult to Injury, allowing that business such latitude as Extended hours till late into the night, is absolutely ludicrous! What were you thinking?!

9)-All this is going to do is attract and promote criminal activity! Nothing good can come of such combination and it should not even have been a consideration in the first place!

10)-SAFETY Issues: There are a lot of families with young children who live in our neighborhood. You will see many ride their bicycles on the streets, little kids with training wheels, while you will see others jogging, or older residents taking a leisurely stroll with their dog, whether in morning, noon or evening.

11)-Families gather at Thomsen Park for birthday parties and small friendly celebrations, we never have a problem!

12)-St. Luke's Clinic is also here, along with Nursing Homes! Those older residents want peace and quiet and harmony, they certainly don't need the noise and the risk of getting run over should they step off the curb by accident!

13)- I have lived here since May 2002 and I absolutely love our neighborhood because it is peaceful! Carriage Lane and 9th Ave. East are dead-end streets, which limits the traffic within our neighborhood, and it is just our little paradise here!

14)-Please do not ruin what we have here! Do not upset the apple cart! As the old adage goes... *"If it ain't broke, don't try to fix it!"* This could not be more true in this case here!

15)-Our Quality of Life is under attack here and the Negative Effect and Impact that **Taco Bell** (or any such business) would have on our neighborhood would be irreversible!

16)-Property Values would certainly be negatively impacted by the presence of such business too!

Bottomline...

Please do not sell us out! Cancel and/or Revoke and/or do NOT issue any Building or Operational Permits to **Taco Bell** or any other such businesses, we do NOT want them here, Period!

Thank you very much for your time and consideration, much obliged.

Joss Grandeau

Kelli Ebersole

From: No Reply
Sent: Thursday, October 3, 2024 11:54 AM
To: Kelli Ebersole; Will Klaver; Jody Green; Lisa Strickland; Jonathan Spendlove
Subject: Public Comment Notice for PZ24-0097

A public comment has been submitted for PZ24-0097 presented at the Planning and Zoning Meeting on 10/8/2024.

Name: Colleen Miltenberger
Email: cmmiltenberger@yahoo.com

Comments:

PZ24-0098 I do not want Taco Bell at this corner has tight turning into Carriage Lane. Will bring more cars at high traffic times, safety, pollution (Dr. Offices just across the the 2 lane street). and noise day and night in a quiet neighborhood.