



Twin Falls Historic Planning & Zoning Commission Agenda

Tuesday, April 25, 2017, 6:00 PM

Members -

City Limits: Tom Frank, Kevin Grey, Danielle Dawson, Darren Hall, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

Area of Impact: Ryan Higley, Steve Woods

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consent Calendar
 - a) Approval of Minuted from the following meeting(s):
April 5, 2017 WS, April 22, 2017 PH

Purpose: Action By: Chairman

- b) Approval of Findings of Fact & Conclusions of Law:
Blu, LLC (SUP 04-11-17) Renter Center (SUP 04-11-17)

Purpose: Action By: Chairman

- 3) Items of Consideration
None

- 4) Public Hearings
 - a) Request for the **Commission's recommendation on the zoning designation** for 2.19 (+/-) acres proposed for annexation with a zoning designation of R-2, currently zoned R-2 for property located at 491 Canyon Rim Road. c/o EHM Engineers, Inc. on behalf of Gordon Greaves (app.2857)
Purpose: Action By: Planning & Zoning
 - b) Request for the **Commission's recommendation on the vacation** of 2 easements 1) utility, vehicular & drainage easement approximately 15' x 160' along the western border of Lot 3, blk 2 of West Park Commercial Subdivision No. 2 and 2) utility, vehicular and drainage easement approximately 25' x 244' along the northern boundary of Lot 3 Blk 2 of West Park Commercial Subdivision No. 3 on property located at 1821 Canyon Crest Drive. c/o Gerald Martens on behalf of Jason Vickrey aka Putters (app. 2858)
Purpose: Action By: Planning & Zoning

- c) Request for a **Special Use Permit** for the purpose of expanding by more than 25% an existing tire and lube shop on property located at 721 Hankins Road in the City's Area of Impact. c/o Jack's Tire and Oil (app. 2859)

Purpose: Action By: Planning & Zoning

- d) Request for a **Special Use Permit** for the purpose of serving alcohol for consumption on site in conjunction with a restaurant on property located at 1040 Shoshone Street East. c/o Brenden Taylor dba Burnt Lemon Grill, LLC (app. 2860)

Purpose: Action By: Planning & Zoning

5) General Public Input

6) Upcoming Meeting(s)

- a) Work Session-May 3, 2017 Cancelled

- b) Public Meeting-May 9, 2017

7) Adjournment

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

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name and address, then commence with their comments. Following their statements, they shall write their name and address on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's 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.**

The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.
4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
 - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
 - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
 - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed-**No further public testimony is permitted.** Commission Members, as recognized by the

Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.

7. The Chairman shall then close the Public Hearing. The 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 Chairman.**



MINUTES
PUBLIC MEETING/WORK SESSION
Twin Falls City Planning & Zoning Commission
April 5, 2017 12:00PM
Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Danielle Dawson Tom Frank Kevin Grey Darren Hall Craig Hawkins Gerardo "Tato" Muñoz Ed Musser
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

ATTENDANCE

CITY LIMIT MEMBERS

Present Absent

Dawson

Frank

Grey

Munoz

Musser

Reid

Tatum

AREA OF IMPACT MEMBERS

Present Absent

Higley

Woods

CITY STAFF: Carraway-Johnson, Spendlove, Strickland, Weeks, Wonderlich

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 12:00 P.M. He then confirmed there was a quorum present and introduced City Staff.

I. CONSENT CALENDAR

1. Approval of Minutes from the following meeting(s): **03-28-17 PH**

2. Approval of Findings of Fact and Conclusions of Law:

- Cindy Bond (03-28-17 SUP)
- Forrest LeBaron (SUP 03-28-17 SUP)

Motion:

Commissioner Hawkins made a motion to approve the consent calendar, as presented. Commissioner Musser seconded the motion. All members present

II. DISCUSSION ITEMS FROM THE COMMUNITY DEVELOPMENT STAFF AND/OR THE PLANNING & ZONING COMMISSION:

1. General Commission training-

City Attorney Wonderlich reviewed the following items with the Commission.

- Conflict of Interest
- Open Meeting Law
- Deliberation
- Notice of Public Meetings
- City Transparency Code
- Exparte Contact
- Local Land Use Act
- Findings of Fact
- Subdivision
- Comprehensive Plan
- Hearing Procedures

Planning & Zoning Commission Work Session Minutes

April 5, 2017

Conflict of Interest

- City Attorney Wonderlich explained the best practice for dealing with citizens and items scheduled for a hearing is to tell the citizen that they are not able to discuss the item but they are welcome to attend the public meeting and express their concerns.

Exparte Contact

- City Attorney Wonderlich also explained that if there is an item on the agenda, the commissioners cannot take a ride out to the location and exam the property or the site before the hearing. This is considered Exparte Contact and is not allowed.

Local Land Use Act

- City Attorney Wonderlich also explained that the Local Land Use Act is written to follow the constitution.

Expressed Standards and Findings

- Written form for decisions

Findings Requirements that are specific to that request

- Variance
- Special Use Permits

Subdivision

- Preliminary Plat allows them to proceed to Final Plat phase
- Final Plat has conditions for the plat that are required prior to recordation

Hearing Procedures

- Hearing procedures are provided to the public on the back of the Agenda and each applicant is given a copy. At the beginning of each meeting the Chairman also reads the hearing procedures to the public for clarification.

III. GENERAL PUBLIC INPUT:

IV. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Public Hearing – Tuesday, [April 11, 2017](#)

V. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 1:15 pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
April 11, 2017 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Danielle Dawson Tom Frank Kevin Grey Darren Hall Craig Hawkins Gerardo "Tato" Muñoz Ed Musser
 Chairman **Vice-Chairman**

AREA OF IMPACT:

Ryan Higley Steve Woods

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Dawson
Frank
Grey
Hall
Hawkins
Muñoz
Musser

ABSENT

AREA OF IMPACT MEMBERS

PRESENT

Higley
Woods

ABSENT

CITY STAFF: Carraway-Johnson, O'Connor, Spendlove, Strickland, Vitek

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **None**
2. Approval of Findings of Fact and Conclusions of Law: **None**

III. ITEMS OF CONSIDERATION: **None**

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to sell alcoholic beverages consumed on premises in conjunction with a restaurant operating with extended retail hours of operation on property located at 1986 Addison Avenue East c/o Daniel Auth on behalf of Blu, LLC (app. 2848)

Applicant Presentation:

Daniel Auth, the applicant, stated they are a full service restaurant and they are requesting a special use permit to serve alcohol for consumption on premises. They are open Monday – Thursday 11am to 9pm and Friday – Saturday 11am to 11pm, so they are also requesting a Special Use Permit for extended hours.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated this request is located on lots 8, 9, and 10, of the East Addison Subdivision recorded at Twin Falls County in May 1950. The three lots were all residential lots at that time. The three lots were combined in 2007 and the lot was readdressed to 1970 Addison Ave E. A single commercial building was constructed with multiple users. In July 2009, the Planning and Zoning Commission approved SUP 1151, which allowed for a drive up window and Alcohol

consumption onsite with extended hours of operation for Java Jungle and Zulu Bagels, located at 1970 Addison Ave East, which is the same building as 1986 Addison Ave E. Zulu Bagels and Java Jungle business ceased operations several years ago.

This request is to operate a restaurant serving alcohol for consumption on site and with extended hours of operation. Permitted retail hours of operation are 7:00 AM to 10:00 PM. Hours of operation requested are Monday – Thursday 11am to 9pm and Friday –Saturday 11am to 11pm. currently the applicant has their state and county alcohol license and currently operates another establishment in Filer, ID. The applicant now needs a Special Use Permit to serve the alcohol for consumption onsite at 1986 Addison Avenue East. The applicant states the ability to sell and serve alcohol on site is a large and critical function for a restaurant such as this. The applicant has stated the SUP will be for their leased space only and not for the entire building. The drive-thru window, used for Zulu Bagels, will be locked and or blocked so no service will be conducted through it.

Zulu Bagels was granted SUP 1151 to operate with extended hours and to serve alcohol for consumption onsite. Being that the requested uses were granted at this same building in 2009 (1970 Addison Ave), it appears to be a reasonable request.

The 2016 Comprehensive Plan; “Grow With Us” designates this corridor as appropriate for Neighborhood Commercial. Neighborhood Commercial is described as supportive of services and small scale commercial uses serving and complementary to the surrounding neighborhood. Staff’s opinion is a restaurant serves this purpose and complies with the Twin Falls 2016 Comprehensive Plan.

Per City Code 10-4-8:

An SUP is required for any retail establishment requesting to serve alcohol for consumption on site that is within 300’ of a residential use and for extended hours of operation.

Per City Code 10-11-1 thru 8:

This is an established commercial site. It is not expected to require additional site improvements at this time.

The applicant does not anticipate any increase in impacts, which were created prior to this establishment operating at this location. Staff does not foresee any major impacts stemming from a restaurant offering the sale and consumption of alcohol from this site. The BLU restaurant recently opened so we may see an increase in customer traffic if the SUP is granted allowing them to serve alcohol, and with extended hours. Though this location has not had a restaurant style operation at this exact location for a few years, it fronts Addison Ave East, which is identified as a major arterial thoroughfare. Traffic to and from this location will take place on Addison Ave and is unlikely to be discernable from the current traffic pattern and habits of this road.

Planning & Zoning Commission Minutes

April 11, 2017

Planner I O'Connor stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to following all Liquor License requirements set forth by the applicable agencies.
3. Subject to extended hours of operation to 11pm Friday and Saturday.
4. Subject to the drive-through window being locked or blocked, with approval by staff.

PZ Questions/Comments:

- Commissioner Munoz asked about previous complaints when Zulu operated at this location with a similar SUP application and if there are any other businesses in the area operating during these hours.
- Planner I O'Connor explained staff is not aware of any complaints and there have been other businesses operating during the hours requested in this area.
- Commissioner Grey asked about the pod behind the building.
- Mr. Auth explained that is a pod that had things stored in it to get the business up and running, it will be removed shortly.

Public Hearing: Opened

Jim Ford 2133 Addison Ave E, stated they are very supportive of this request.

Public Hearing: Closed

Deliberations Followed: Without Concerns

Motion:

Commissioner Musser made a motion to approve the request, as presented, with the staff recommendations. Commissioner Dawson seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With the Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
 2. Subject to following all Liquor License requirements set forth by the applicable agencies.
 3. Subject to extended hours of operation to 11pm Friday and Saturday.
 4. Subject to the drive-through window being locked or blocked, with approval by staff.
-
2. Request for the **Commission's recommendation on a Zoning District Change and Zoning Map Amendment** from R-4 and R-4 PUD to R-6 ZDA for approximately 4.02 (+/-) acres to develop a planned 4-Plex development on property located on the south side of the 1800 Block of Elizabeth Boulevard. c/o Gerald Martens (app. 2856)

Applicant Presentation:

Gerald Marten, the applicant, stated the request is to rezone a property from R-4 PUD to R-6 ZDA for a multi-family project. The reason for the change is to allow the development to occur on one lot without having to subdivide the property. There are flood plain issues for the development. The project will be built in a minimum of two phases to three phases depending on the market. After review of the staff

report he concurs with all of the six recommendations except condition #3. They will be requesting that the sidewalk be attached to match the surrounding sidewalks in the area. The other first phase will occur along the south end of the property and the existing residence will remain in place....

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated this area was first platted as the Snyder Tract in September 1907. In April 2007, a majority of the land in this application came under the Tuscarora PUD #244, which currently governs the zoning and land use subject to the PUD. Currently has one (1) Residence at 1866 Elizabeth Blvd, while the rest of the land is vacant.

This is a request for a Zoning District Change and Zoning Map Amendment from R-4 and R-4 PUD to R-6 ZDA for 4.02 (+/-) acres to develop a planned 4-Plex development on property located on the south side of the 1800 Block of Elizabeth Boulevard. The applicant is requesting R-6 zoning to capitalize on and utilize the available space in order to mitigate the effects of the Flood Plain in the area. The Draft ZDA, requests to depart from the R-6 zone in that a maximum of seventeen (17) four (4) plexes will be built on a single lot, as well as specifically limiting the total number dwelling units to sixty-eight (68).

Per City Code 10-6: Zoning Development Agreements:

Development of a ZDA shall conform to all sections of Title 10 unless specifically addressed within the written zoning development agreement and approved by the City. The agreement shall list ALL requested variations from standard code requirements. The council may add other requirements they deem appropriate.

The applicant shall provide a written Zoning Development Agreement identifying land uses and development that are variations to minimum zoning code requirements. The agreement shall also include phasing and specific development criteria desired for this project. The Written Commitment may include, building heights-if greater than allowed by code, building materials, master landscaping plan, specific land uses-if not permitted by code, a lighting plan, parking plan, pathways, and other items as required.

The applicant shall also provide a color Master Development Plan that illustrates the phasing and specific development criteria as outlined in the commitment document.

Twin Falls "Grow With Us" 2016 Comprehensive Plan identifies this area as "Town Neighborhood." Town Neighborhood is defined as primarily residential in nature and supports a higher density than rural and low-density development to maximize open space and community areas. The applicant has submitted plans for 14 4-plex buildings, with a park area and an area identified "for future development once the floodplain issues are resolved". The Comprehensive Plan specifically details the need for housing over the next 10 years. Approximately 2,700 new residential housing units will need to be built and nearly 1,200 will need to be rental units. (2016 Comprehensive Plan, pg. 29). Staff has determined this request complies with the 2016 Comprehensive Plan.

Currently the 4 (+/-) acres has one (1) residential unit that will be demo'd during phase 1. The request could have an ultimate build out of an increase in the overall residential units to sixty-eight (68) units – seventeen (17) 4-plexes; however, the westerly portion of the property shows three (3) 4-plex building within the flood plain. No building may occur within this area until the flood plain issues are resolved. The developer states his plan is to develop the site in two (2) phases. The impacts of this will be a significant shift from current use. Those impacts will be in the form of increased vehicular trips, noise, light pollution, and all the ancillary impacts from a medium to a moderately high-density development.

Despite the impacts, which will occur over the entire period of development, multi-family housing availability is a great need in our community. The current comprehensive plan has called out the vision to provide a variety of housing types, in order to provide for the growing job market, and the increase in senior housing, as well as create areas of higher densities close to downtown.

At the preliminary presentation, the adjacent NE neighbor expressed concerns with the traffic and noise impacts this development could have on his property. Dave Thibault, of EHM Engineers, indicated they planned on a 5' barrier surrounding the perimeter of the project. City Code 10-11-3 states the minimum sight obscuring screening shall be six feet (6'). A condition to require the ZDA to place a minimum 6' sight obscuring and sound buffering fence along the perimeter of the project would be appropriate. Although this is a residential zone, a complex of 68 residential units may have negative impacts to the surrounding neighbors. The sight obscuring and sound buffering fence could help mitigate those impacts. Any lighting for the project should be downward facing and shall not glare onto the adjacent residential properties. The site plan shows a single 10' monument entrance sign for the project.

Senior Planner Spendlove stated upon conclusion should the Commission recommend approval to the City Council on this request, as presented, staff recommends approval be subject to 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 Right of Way dedication so that sidewalk is located in the Public Right of Way.
3. Subject to required improvements, curb, gutter, and detached sidewalk, being installed within the first phase of development.
4. Subject to a minimum six foot tall (6') sight obscuring and sound buffering screening fence built along the perimeter of the development.
5. Subject to no development on the western portion of the property that is within the floodplain until resolution of the floodplain issues by the City Engineering Department.
6. All lighting shall be shielding and downward facing to protect the adjacent properties.

PZ Questions/Comments:

- Commissioner Musser asked to clarify attached vs detached sidewalk.
- Assistant City Engineer Vitek, explained the difference between attached and detached sidewalk and that code requires sidewalks to be detached.
- Commissioner Munoz asked about the speed limit along this section of Elizabeth Blvd.
- Planner I O'Connor explained that it is 20-25 along Elizabeth Boulevard.

Planning & Zoning Commission Minutes

April 11, 2017

- Commissioner Munoz asked about the ZDA allowance for altering code, can that apply to the sidewalk.
- Senior Planner Spendlove explained that this property is not be platted, the requirement for the sidewalk to be detached does not apply.
- Mr. Martens explained he does understand the detached sidewalk design but in this case the sidewalks are attached, he just thinks that transitioning this sidewalk is going to be difficult. He would like the opportunity to work with staff.
- Commissioner Grey asked about the landscaping for the project. He stated that often times he sees properties that look nice in the beginning but over time the trees grow and create problems with foundations and then the trees are removed and not replace.
- Mr. Martens explained that he sees this often with trees and he will consider the Commissioners recommendation.
- Commissioner Woods asked about placing a 6' cinder block wall along the residential property that will be surrounded by this project.
- Mr. Martens explained that he will always be a good neighbor and there will need to be some planning for the fence/screening and sound buffering impacts. He is willing to meet with the neighbor to come up with a solution.
- Commissioner Munoz asked about a park contribution.
- Senior Planner Spendlove explained a parks-in-lieu is required during a platting process; however the building permits will pay impact fees.

Public Hearing: [Opened](#)

Mike 1872 Elizabeth Boulevard, stated he has some concerns related to excavation of the access to the site because if the tree roots are damaged they could come down with strong winds. A 6' fence along the east side of his fence is not going to provide much privacy and very little sound buffering. He is also concerned about the flooding in the area that exists when there is heavy rain and where the water is going to go once the site is built. He also asked about projected start date.

Public Hearing: [Closed](#)

Closing Statement:

Mr. Martens explained the city requires storm water to be retained on site, and the plan is to begin the project this fall. The fence has to be site obscuring and chain link is not site obscuring.

Deliberations Followed:

- Commissioner Woods stated he thinks this request is appropriate.
- Commissioner Munoz would like to recommend that condition #3 be changed to state the applicant will work with staff on the sidewalk.
- Commissioner Higley agreed.

Motion:

Commissioner Grey made a motion to recommend approval, to the City Council, of the request, as presented with staff recommendations as amended. Commissioner Hall seconded the motion. All members present voted in favor of the motion.

Recommended For Approval, To City Council, As Presented With The Following Amended 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 Right of Way dedication so that sidewalk is located in the Public Right of Way.
3. Subject to required improvements, curb, gutter, and sidewalk, being installed within the first phase of development, design of sidewalk to consistent with existing neighborhood.
4. Subject to a minimum six foot tall (6') sight obscuring and sound buffering screening fence built along the perimeter of the development.
5. Subject to no development on the western portion of the property that is within the floodplain until resolution of the floodplain issues by the City Engineering Department.
6. All lighting shall be shielding and downward facing to protect the adjacent properties.

Scheduled for City Council May 8, 2017

3. Request for a **Special Use Permit** to expand an existing equipment rental business and to include up to four (4) equipment display pad sites on property located at 153 Blue Lakes Boulevard c/o Kim & Darsi Mason on behalf of Renter Center (app. 2854)

Applicant Presentation:

Kim Mason, the applicant stated they have purchased property across the alley from their current business to store equipment and make it easier to get into and out of the property.

Staff Presentation:

Planner I O'Connor reviewed the request and stated 153 Blue Lakes Blvd consists of Lots 1, 2, 3 Block 94 of the Twin Falls Original Townsite recorded in December 1904. The address first appeared in the Polk Directory in 1963 as the A&W Drive Thru. Lots 1 and 2 appeared to be residential until the 1969 aerial photos show one structure and a large lot surrounding the structure, lot 3 had shown a non-residential use since 1950. All three lots were combined sometime in the '70s at which point the A&W expanded. In 1986 Elmer's Restaurant was listed as the tenant, then The Frosty Mug in 1987, and finally Mister Burger in 2004. The applicant purchased the property in February 2016, and subsequently demolished the vacant building in late 2016.

This is a request to expand an existing equipment rental business, located at 851 Main Ave E, on property located at 153 Blue Lakes Boulevard. The applicant is also requesting approval to construct up to four (4) equipment display pad sites on the Blue Lakes Blvd frontage. Currently the applicant owns and has operated the Renter Center, across the alley, for many years. In 2002 The Renter Center was granted SUP #784 to expand his business by adding Lot 12 of Block 94 TF Townsite. Mr. Mason finds he is once again in need of more space due to the growth of the business and issues with ingress and egress from Main Ave East and Blue Lakes Boulevard. The expansion may alleviate the access issues for customers and an overcrowded parking lot. The CB zone requires a SUP be granted prior to expanding his business onto this lot. Submitted site plans include a maximum of four (4) 9' x 20' hard surfaced equipment display pad sites within the required "Gateway Landscape" requirement along Blue Lakes Boulevard.

Due to the location of the alley between the main office and the storage and display area it is reasonable to assume equipment, employees and/or customers will be crossing it to for access. The applicant has

been made aware that paving of the alley and development of curb, gutter, and sidewalks are required improvements along Blue Lakes Blvd., 2nd Ave. E., and Nevada St. E.

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Downtown/High Density Residential." This designation serves a diverse mix of land uses for local, and regional purposes at a scale which is appropriate and inviting to pedestrians. Retail and other services such as offices, hotels, and entertainment establishments, as well as high density in the form of vertical housing are appropriate for this Future land Use designation.

Per City Code 10-4-7:

A Special Use Permit is required for an Equipment Rental business in the CB zone

Per City Code 10-7-12:

Gateway arterial landscaping a minimum of 35' from the back of curb or future curb is required along Blue Lakes Boulevard.

Per City Code 10-11-1 thru 8:

Required improvements include access, streets/alley, curb, gutter, sidewalk, drainage, lighting, storm water, etc. These required improvements would normally be evaluated at the time of building permit submittal. It is apparent no building will be constructed at this time. As such, a condition requiring these improvements shall be completed prior to using the property for the business would be appropriate.

The applicant stated in his narrative due to the length of time they have been part of the neighborhood he feels there will be no increased impacts to surrounding neighbors. The applicant nor staff anticipates any substantial increase in negative impacts from this expansion as the proposed use will only be utilized for storage of the rental equipment. Staff feels there will be positive benefits as the required site improvements will enhance this area. If there are complaints or a departure from this declared land-use, this SUP can be revisited and/or reconditioned.

The commission had a recent conversation regarding the practice of extending equipment rentals vertically into the air while being stored. It seems a primary reason for conducting this practice is for exposure or advertising of the equipment. Signs are typically used for the purpose of advertising. A free-standing sign may be up to 25' tall at this location. The Commission may feel this practice of vertical exposure of equipment is appropriate or not. If the Commission feels this type of display is appropriate they may feel extension of 25' into the air is too tall and perhaps a less impacting height of 10' may be more appropriate. The location of the main display area is proposed along Blue Lakes Blvd, 2nd Ave E and Nevada St E, which consists of two (2) major arterials that have considerable traffic. Assurance there are no safety hazards or sight obstructions would be appropriate if the commission felt permitting the vertical display of equipment along Blue Lakes Blvd as acceptable.

Planning & Zoning Commission Minutes

April 11, 2017

Planner I O'Connor stated upon conclusion should the Commission grant this request as presented staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to a Site Development Plan addressing: drainage, storm water, paved alleyway, curb, gutter sidewalk, access, landscaping, hard surfaced equipment display pad sites-location and size and other required improvements; being provided to and approved by City Staff prior to the SUP being issued and the land use being established.
3. Subject to rental equipment having a vertical height limitation of ten feet (10)' and assurance there are no safety hazards or sight obstructions.

PZ Questions/Comments:

- Commissioner Munoz asked for clarification on the location of the pad sites and if 2nd Avenue is a gateway arterial.
- Planner I O'Connor the pad sites will be located along Blue Lakes Boulevard and 2nd Avenue is not a gateway arterial.
- Commissioner Higley asked for clarification on the improvements and if they will have to replace the sidewalk along Blue Lakes Boulevard.
- Planner I O'Connor explained all of the improvements will need to be brought up to code.
- Mr. Mason stated he does not understand why the alley is required to be paved, as for the equipment he has never had any complaints about the equipment erected in the air. It provides exposure to give people an idea of what we rent.

Public Hearing: [Opened](#)

Mike Hayes, 509 Diamond Drive, stated he runs Maxi's Pizza and Pasta; he is in support of this request. He thinks that this will be an improvement to the property. He understands the cost of paving the alley and agrees that the applicant shouldn't have to pave the alley. He also asked about street reconstruction in the area.

Public Hearing: [Closed](#)

Deliberations Followed:

- Commissioner Frank asked for clarification of the requirements.
- Zoning & Development Manager Carraway-Johnson explained this alley is going to be the access point to and from the business, the suggestion was that a three year deferral could possibly apply.
- Assistant City Engineer Vitek stated he is not aware of any changes to the intersection.
- Commissioner Woods explained the history of the equipment height issue and stated limiting the pieces of equipment may be more appropriate then having a height restriction or not allowing it all.
- Commissioner Munoz stated this is in a commercial area, and the neighboring business stated he has never had any issues.
- Commissioner Frank stated he would agree with the consideration of a three year deferral for the information.
- Commissioner Hall explained this is a public alley and the business is going to be using it 99% of the time he asked if there is an alternative for the alley.
- Assistant City Engineer Vitek stated there is an option for wrapping and chip sealing.

Planning & Zoning Commission Minutes

April 11, 2017

- Commissioner Musser asked if there is anything in code that would address safety concerns with the equipment erected in the air.
- Senior Planner Spendlove explained that site obstruction could be addressed however there are not any other codes that would apply.
- Commissioner Grey asked for clarification on the staged deferral.
- Assistant City Engineer Vitek explained the applicant has to do something every year and have it completed within the three year timeframe, how the applicant does it is defined by the applicant.

Motion:

Commissioner Woods made a motion to approve this request, as presented, with staff recommendations, as amended and the removal of condition #3. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With the Following Amended Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to a Site Development Plan addressing: drainage, storm water, paved alleyway, hard surfaced alleyway per city standards, and paved curb, gutter sidewalk, access, landscaping, hard surfaced equipment display pad sites-location and size and other required improvements; being provided to and approved by City Staff prior to the SUP being issued and the land use being established.
4. Request for the **Commission's recommendation on a Zoning District Change and Zoning Map Amendment** for 30(+/-) acres of land proposed to be annexed with a zoning designation of R-4, currently zoned R-4 for property located at 248 Pheasant Road c/o EHM Engineers, Inc. on behalf of Jon Zernickow (app. 2855)

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc. representing the applicant, stated this request is to annex approximately 30(+/-) acres of land, the current zoning designation for the property is R-4 and the applicant prefers that this zoning remain in place. The applicant has plans to eventually subdivide the property for residential development.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated this lot has been an agricultural use since at least 1950. Records indicate the single-family residence was built in 1959. The residential developments to the South and East are part of the Golden Eagle Subdivision, which was recorded in the mid 2000's. The applicant purchased this property in November 2016.

This request is to annex 30 (+/-) acres of land located at 248 Pheasant Road. The property is zoned R-4. The request is if the property is annexed the zoning designation remain R-4. Please see attached maps for current and future zoning designations.

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed.

Planning & Zoning Commission Minutes

April 11, 2017

Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and **shall be limited to the proposed development plan and zoning changes.**" The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published it is sent to the State and the official zoning map is officially amended.

Staff recommends a zoning designation of R-4 to be appropriate for the entire 30 (+/-) acre site. This would be consistent with the zoning districts currently found within City Limits, as well as being closely aligned with the current zoning of the area. It would allow for future residential growth along Pheasant Rd, south of Rock Creek.

Senior Planner Spendlove stated upon conclusion should the Commission find the R-4 Zoning Designation appropriate, they should forward a positive recommendation to the City Council for the entire 30 (+/-) acre site.

PZ Questions/Comments: **None**

Public Hearing: **Opened**

Caren Fivecoat, asked for clarification on what type of residential development can occur.

Public Hearing: **Closed**

Closing Statement:

- Mr. Thibault explained the plan may be for single family and two family development.
- Senior Planner Spendlove explained that the surrounding residential areas in this location would be similar to what could be done on this property. Any tri-plex or four-plex development would require special use permits and another public hearing process.

Deliberations Followed: **Without Concerns**

Motion:

Commissioner Musser made a motion to recommend approval to City Council, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Recommended For Approval, To City Council, As Presented

Scheduled for City Council May 8, 2017

V. GENERAL PUBLIC INPUT: **None**

VI. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

- Zoning and Development Manager Carraway-Johnson explained the April 25, 2017 meeting has a few items and the May 3, 2017 Planning & Zoning Work Session may be cancelled. We will now for sure by the April 25, 2017 meeting.
- Commissioner Grey stated he has a topic for discussion: Landscape Design-as presented tonight about tree placement.

Planning & Zoning Commission Minutes

April 11, 2017

- Commissioner Frank stated that he is not convinced trees are always the answer and water conservation is an issue to consider.
- Planner I O'Connor explained that he is almost finished with creating a GIS layer that helps identify SUP's, the status of the SUP and inspection dates. This will allow for more focused enforcement.
- Senior Planner Spendlove explained that other cities have staff on site that review landscaping plans or they require plans stamped by landscape architects or nurseryman.
- Commissioner Higley explained that if there is a requirement for stamped landscaping plans, then there needs to be some guidelines codified for landscaping.
- Senior Planner Spendlove explained there are two separate water sources used in this town, potable water and canal water. Those properties on pressurized irrigation are using canal water to take care of their landscaping. These water shares need to be used, what needs to be addressed are properties that are not on pressurized irrigation and have to use potable water for their landscaped areas. Using irrigation water is not the issue.
- Commissioner Grey explained he would also like to look at the storm water retention requirement.
- Assistant City Engineer Vitek stated requiring the 100% is a proactive approach to the population reaching 50,000 and meeting EPA requirements.
- Commissioner Higley also asked if more clarification for the public could be provided as it relates to the Comprehensive Plan designation.

VII. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber unless otherwise posted)

1. Public Hearing- **April 25, 2017**
2. Work Session- **May 3, 2017-Cancelled**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:48 pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



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

324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

SPECIAL USE PERMIT

Permit No.1427

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **April 11, 2017** to **Blu, LLC c/o Daniel Auth** whose address is **2541 Joshua Way Twin Falls, ID 83301** for the purpose of **selling alcoholic beverages consumed on premises in conjunction with a restaurant operating with extended retail hours of operation** on property located at **1986 Addison Avenue East** and legally described as **Twin Falls East Addition Subdivision Lots 8,9,10, Exc N10 & Tri St Block 1 RPT1561001008AT**

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

This permit corresponds to Zoning Application No.2848

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to following all Liquor License requirements set forth by the applicable agencies.
3. Subject to extended hours of operation to 11pm Friday and Saturday.
4. Subject to the drive-through window being locked or blocked, with approval by staff.

Chairman-Planning & Zoning Commission

Date

Administrative Assistant

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.

cc: Building Inspection



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

In Re:)
)
Special Use Permit, Application,) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
)
Blu, LLC)
Daniel Auth) AND DECISION
Applicant(s))

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on **April 11, 2017** for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of **selling alcoholic beverages consumed on premises in conjunction with a restaurant operating with extended retail hours of operation on property located at 1986 Addison Avenue East**, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of **selling alcoholic beverages consumed on premises in conjunction with a restaurant operating with extended retail hours of operation on property located at 1986 Addison Avenue East**
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **March 23, 2017**
3. The property in question is zoned **C-1** 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/Smith's Supermarket**; to the south, **Residential/Alley**; to the east; **Sunrise Boulevard/Residential**; and to the west, **Commercial**.

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 **selling alcoholic beverages consumed on premises in conjunction with a restaurant operating with extended retail hours of operation on property located at 1986 Addison Avenue East** is consistent with the purpose of the **C-1** 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** 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 **selling alcoholic beverages consumed on premises in conjunction with a restaurant operating with extended retail hours of operation on property located at 1986 Addison Avenue East** should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

DECISION

1. The application for a Special Use Permit for the purpose of **selling alcoholic beverages consumed on premises in conjunction with a restaurant operating with extended retail hours of operation on property located at 1986 Addison Avenue East** is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

3. The Special Use Permit shall be issued, as presented.

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to following all Liquor License requirements set forth by the applicable agencies.
3. Subject to extended hours of operation to 11pm Friday and Saturday.
4. Subject to the drive-through window being locked or blocked, with approval by staff.

APPLICATION #2848
SUP# 1427



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

324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

SPECIAL USE PERMIT

Permit No.1428

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **April 11, 2017** to **Renter Center c/o Kim Mason** whose address is **851 Main Ave E Twin Falls, ID 83301** for the purpose of **expanding an existing equipment rental business to include display pad sites on property located at 153 Blue Lakes Boulevard** and legally described as **Twin Falls Townsite Lot 1; Exc SE 10' SQ of Lot 2; Lot 3 Block 94 (16-10-17)**

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

This permit corresponds to Zoning Application No.2856

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to a Site Development Plan addressing: drainage, storm water, **paved alleyway**, **hard surfaced alleyway** per city standards, and paved curb, gutter sidewalk, access, landscaping, hard surfaced equipment display pad sites-location and size and other required improvements; being provided to and approved by City Staff prior to the SUP being issued and the land use being established.

Chairman-Planning & Zoning Commission

Date

Administrative Assistant

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.

cc: Building Inspection



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

In Re:)
)
Special Use Permit, Application,) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
)
Renter Center)
c/o Kim Mason) AND DECISION
Applicant(s))

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on **April 11, 2017** for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of **expanding an existing equipment rental business to include display pad sites on property located at 153 Blue Lakes Boulevard**, 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 of **expanding an existing equipment rental business to include display pad sites on property located at 153 Blue Lakes Boulevard**
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **March 23, 2017**
3. The property in question is zoned **CB P-2** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Downtown/High Density Residential** in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. The existing neighboring land uses in the immediate area of this property are: to the north, **2nd Avenue East/Kinetico**; to the south, **Renter Center**; to the east; **Blue Lake Boulevard/Maxie's Restaurant**; and to the west, **Nevada Street East**.

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 **expanding an existing equipment rental business to include display pad sites on property located at 153 Blue Lakes Boulevard** is consistent with the purpose of the **CB P-2** 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 **CB P-2** 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 **expanding an existing equipment rental business to include display pad sites on property located at 153 Blue Lakes Boulevard** 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 **expanding an existing equipment rental business to include display pad sites on property located at 153 Blue Lakes Boulevard** is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

3. The Special Use Permit shall be issued, as presented.

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to a Site Development Plan addressing: drainage, storm water, paved alleyway, hard surfaced alleyway per city standards, and paved curb, gutter sidewalk, access, landscaping, hard surfaced equipment display pad sites-location and size and other required improvements; being provided to and approved by City Staff prior to the SUP being issued and the land use being established.

APPLICATION #2856
SUP# 1428



Public Hearing: **Tuesday, April 25th, 2017**

To: Planning and Zoning Commission

Presenter: Jonathan Spendlove, Senior Planner

Editor: Jonathan Spendlove, Senior Planner

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM IV-1

Request: Request for the **Commission's recommendation on the zoning designation** for 2.19(+/-) acres proposed for annexation with a zoning designation of R-2, currently zoned R-2 for property located at 491 Canyon Rim Road. c/o EHM Engineers, Inc. on behalf of Gordon Greaves (app. 2857)

Time Estimate:

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

Background:

Applicant:	Status: Owner	Size: 1.53+/- acres
Gordon Greaves 491 Canyon Rim Rd. Twin Falls, ID 83301 208.734.2228	Current Zoning: R-2, Low Density Residential District; AOI	Requested Zoning: Annexation
	Comprehensive Plan: Town Neighborhood	Lot Count: 1 Lot
	Existing Land Use: Residential	Proposed Land Use: Residential
Representative:	Zoning Designations & Surrounding Land Use(s)	
EHM Engineers, Inc 621 N College Rd. Ste 100 Twin Falls, ID 83301 208.734.4888 dthibault@ehminc.com	North: 4200 N Rd; SUI; Residential; AOI	East: Canyon Rim Rd; OS, Snake River Canyon; AOI
	South: R-2; Residential	West: R-2; Residential
	Applicable Regulations: 10-15-2	

Approval Process:

§10-15-2: Annexation

The Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

Budget Impact:

Approval of this request will have minimal impact on the City budget.

Regulatory Impact:

A recommendation on the zoning of this site will allow the application to be scheduled for the City Council. Approval of this request will allow the applicant to annex the subject property into the City Limits.

History:

There is very little historical zoning or building data for this parcel. However, aerial imagery from 1950 shows what could be a residence at this location, and County parcel records have a home appraisal for this parcel dated in July 1963.

Recently, the majority of the old Canyon Rim Road was converted to a multi-use pathway as part of the Settlers Ridge Subdivision #3. The small portion of road in front of Mr Greaves property remained under the jurisdiction and maintenance of the Twin Falls Highway District.

Analysis:

The request is to annex the 2.19 acres under the current zoning R-2 Zoning District. Currently the property is developed with a single family home and what appears to be a few detached accessory buildings. Please see the attached maps for current and future zoning designations.

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed.

Section 10-15-2(A) states: “The Commission hearing shall not consider comments on annexation and **shall be limited to the proposed development plan and zoning changes.**” The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published it is sent to the State and the official zoning map is officially amended.

An additional item that should be considered is Canyon Rim Road. The Settlers Ridge Sub #3 went through the public hearing process and the subsequent conversion of Canyon Rim road. At that time, Mr. Greaves elected to remain outside City Limits. As a result, multi-use path connections were made to the south of his property, and the Public Roadway in front of his property remained under the Twin Falls Highway District jurisdiction.

This described circumstance allowed the public to continue using the road in front of his property as part of that perpetual public roadway easement. This arrangement is not formalized in any agreement. As part of this annexation, it would be prudent to have a formalized easement recorded along the canyon rim for public access to the trail system.

Conclusion:

Should the Commission find the R-2 Zoning Designation appropriate, they should forward a positive recommendation to the City Council for the entire 2.19 (+/-) acre site with the following condition.

1. Subject to a 15’ wide public access easement, located adjacent to the Snake River Canyon Rim, being recorded prior to the Annexation Ordinance being approved by City Council. Location of 15’ easement to be determined by City Staff.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. Site Photos

Statement of Support For Annexation for Gordon Greaves

The subject property, as described in exhibit A, owned by Mr. Gordon Greaves is entirely surrounded by land which has been annexed into the City Limits of the City of Twin Falls. This particular parcel is an island in that regard. There is availability to municipal water and sewer mains and service lines which will serve the property. Mr. Greaves is desirous to have the property annexed in order to proceed with the development of this undeveloped portion of property.

Properties to the east, south, and west have been developed into residential subdivisions with single family residential homes constructed thereon. The comprehensive plan identifies the future land use in the area to be consistent with residential subdivision development. The zoning maps for the City identify the proposed property to be Town Neighborhood which is a residential zoning district. The proposal to annex the property is consistent with the comprehensive plan for the City of Twin Falls.

It is the intent of the owner to develop a single family residential lot with municipal services available. In order to accomplish this end, the property needs to be annexed into the City Limits as step one. There is an existing home site on the property and it will be proposed to incorporate this building and adjacent lot into the site design.

Zoning Vicinity Map

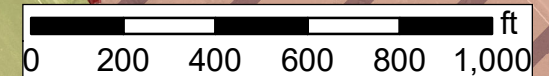
Reference Only



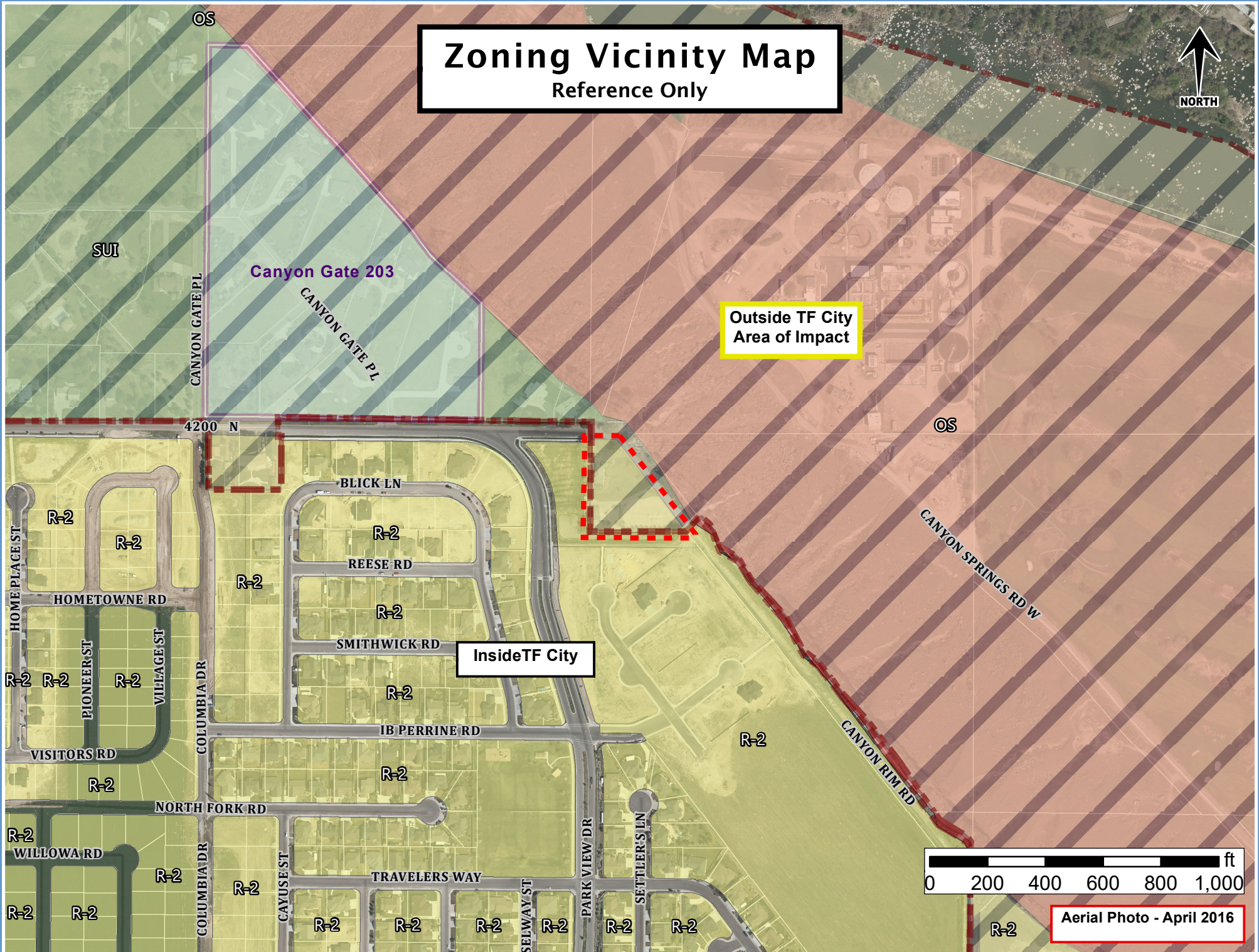
Canyon Gate 203

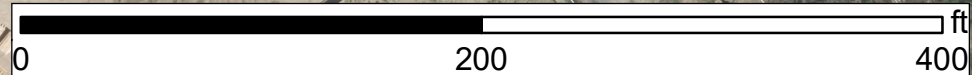
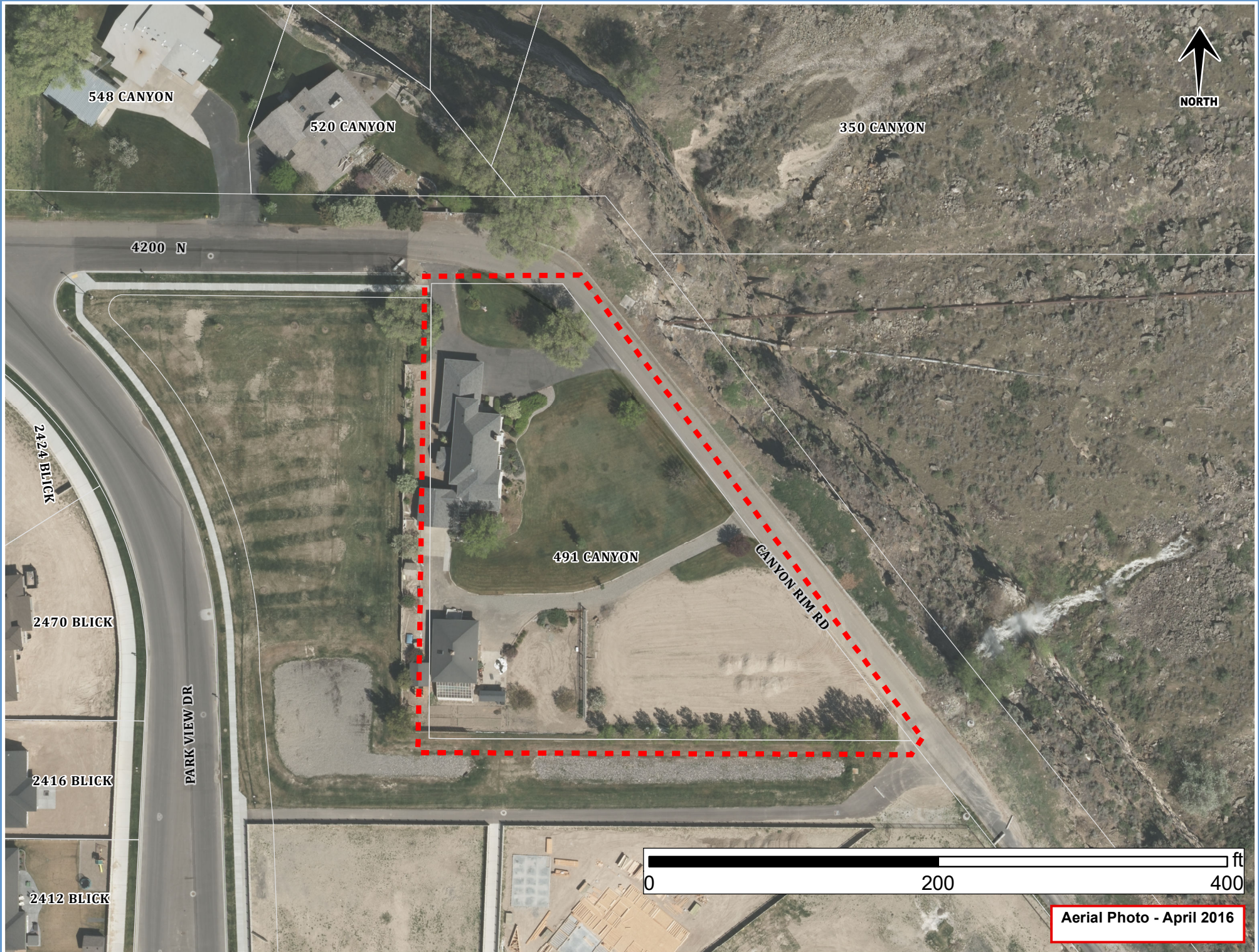
Outside TF City
Area of Impact

Inside TF City



Aerial Photo - April 2016

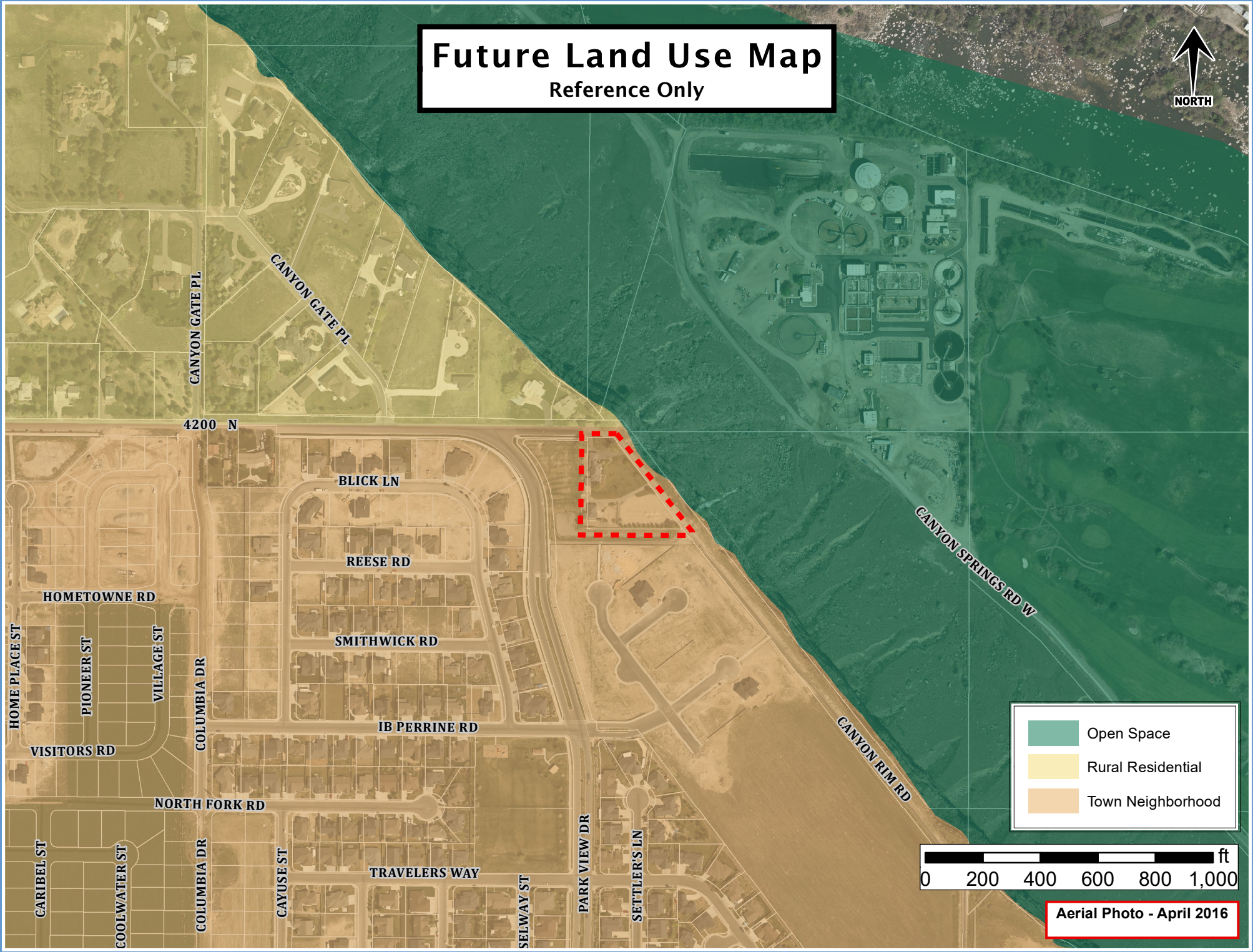




Aerial Photo - April 2016

Future Land Use Map

Reference Only



- Open Space
- Rural Residential
- Town Neighborhood

0 200 400 600 800 1,000 ft

Aerial Photo - April 2016



Public Notice Sign



SE Corner Looking NW



Looking West



SW Corner looking NE



NE looking SW



Public Hearing: **TUESDAY, April 25th, 2017**

To: Planning and Zoning Commission

Presenter: Jonathan Spendlove, Sr. Planner

Editor: Renee V. Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM IV-2

Request: Request for the **Commission's recommendation on the vacation** of 2 easements 1) utility, vehicular & drainage easement approximately 15'x160' along the western border of Lot 3, Blk 2 of West Park Commercial Subdivision No.2 and 2) utility, vehicular & drainage easement approximately 25' x 244' along the northern boundary of Lot 3 Blk 2 of West Park Commercial Subdivision No. 2 on property located at 1821 Canyon Crest Drive c/o Gerald Martens on behalf of Jason Vickrey (app. 2858)

Time Estimate:

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

Background:

Applicant:	Status: Owner	Size: 1) 15'x160' on western boarder 2) 25'x244' along northern boarder
Jason Vickery PO Box 8375 Twin Falls, ID 83301 jvickery@titleonecorp.com 208.933.2650	Current Zoning: C-1 PUD	Requested Zoning: Vacation of two utility, vehicular and drainage easements
	Comprehensive Plan: Mixed Use	Lot Count: 1 Lot
	Existing Land Use: Vacant Land / project under construction	Proposed Land Use: Outdoor Miniature Golf Establishment
Representative:	Zoning Designations & Surrounding Land Use(s)	
Gerald Martens 621 N. College Rd, ste 100 Twin Falls, ID 83301 208.734.4888 gmartens@ehminc.com	North: C-1 PUD (Northbridge 2); Vacant land	East: Canyon Crest Dr; C-1 PUD (Northbridge); Restaurant, Pizza Pie Cafe
	South: C-1 PUD (Northbridge); Retail, Cash & Carry	West: C-1 PUD (Northbridge); Vacant land
	Applicable Regulations: 10-1-4, 10-1-5, 10-16-1	

Approval Process:

All procedures will follow the process as described in TF City Code: 10-16-1

Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning & Zoning Commission will make a recommendation to the City Council that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

Budget Impact:

Approval of this request will not impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to proceed to the City Council with the request to vacate the Easements as listed in the description.

History:

This parcel is part of the Westpark Commercial Subdivision #2, recorded in September 1998. Aerial Imagery shows this lot being an agricultural use from 1957 to 2004. Imagery in 2012 showed a vacant lot with more development in the area. The Northbridge PUD was signed into effect in July 1993, and currently governs the zoning and land use of the property.

Analysis:

This is a request to vacate two (2) platted easements: 1) utility, vehicular & drainage easement approximately 15'x160' along the western border and 2) utility, vehicular & drainage easement approximately 25' x 244' along the northern boundary, both within Lot 3 Blk 2 of West Park Commercial Subdivision No. 2 on property located at 1821 Canyon Crest Drive. The applicant wishes to vacate the platted easements in order to develop the site as a mini golf establishment.

All utility companies have agreed to release their rights to their respective easements as shown with the attached letters of approval. As additional information, the City maintains an eight (8) inch sewer main along the northern boundary of the property. This sewer main is within a separately recorded easement and will not be changed or removed by this vacation. Furthermore, the applicant's development plan does not affect the sewer infrastructure.

Conclusion:

Should the Commission recommend to the City Council, this request be granted as presented, staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Utility Company Letters
5. Site Plan
6. Site Photos

NARRATIVE

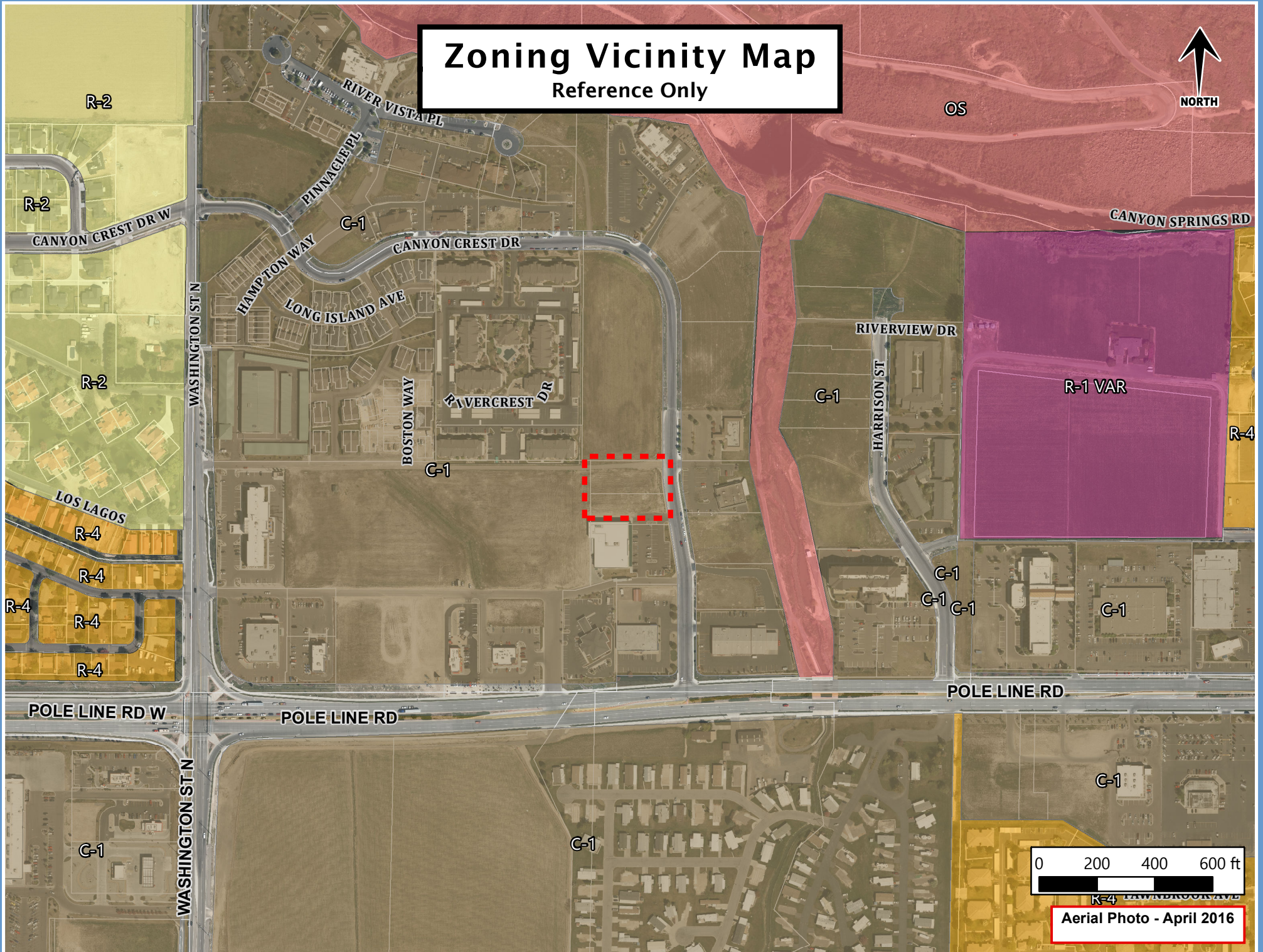
The development of Westpark Commercial Subdivision has progressed to the point where utility systems are generally established and several platted easements were provided that are now known to not be needed for development of Westpark Commercial Subdivision.

This application is specifically submitted to facilitate development of a portion of Lot 3, Block 2, Westpark Commercial Subdivision No. 2. The lot has two easements that are proposed to be vacated as part of this application. These easements are:

1. A 15-foot wide utility, vehicular and drainage easement along the westerly boundary. This easement has not been utilized to date, is not required for development of this lot and is not required for the undeveloped property to the west. This is confirmed by the utility companies and the adjacent property owner.
2. There exists two easements along the northerly boundary. The initial easement is a 20-foot wide sewer easement, which should remain as it contains an 8-inch diameter city sewer main. This easement is overlain with a 25-foot wide utility, vehicular access and drainage easement. This easement is not required for any additional utilities or access as noted by the input by the utility companies, development of this parcel and written report from the adjacent property owner. The adjacent property owner to the north and west is the project developer and has provided written documentation that this secondary easement is not required.

Zoning Vicinity Map

Reference Only



Aerial Photo - April 2016

Aerial Map

Reference Only

2037 RIVER

1826 CANYO

1784 CANYO

1
CANYON CREST DR

15' x 160' Utility Vehicle & Drainage Easement

25' x 244' Utility, Vehicle, & Drainage Easement

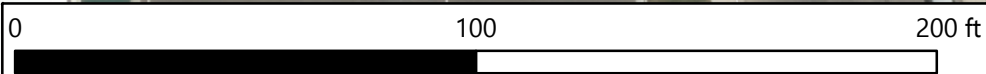
1821 CANYON

0

100

00 ft |

Aerial Photo - April 2016



March 20, 2017

Jason Vickrey
PO Box 8375
Twin Falls, Idaho 83303

Re: Application to vacate an area of Public Utility Easement within Westpark Commercial
Subdivision, City of Twin Falls, Twin Falls County, Idaho.

Mr. Vickrey:

This is in response to the Relinquishment Application submitted to Idaho Power Company on March 1, 2017 regarding the possible relinquishment of the public utility easement area along the north and west boundaries of Lot 3, Block 2, Westpark Commercial Subdivision and as shown on Exhibit A attached hereto (the "Utility Easement Area").

Our records and a physical inventory indicate that Idaho Power Company does not currently maintain facilities within the Utility Easement Area. As such, Idaho Power agrees to relinquish what easement rights are found within the Utility Easement Area.

Idaho Power Company thanks you for providing the opportunity to comment on the vacation petition/application.

Thank you,



Mary Alandt
Associate Real Estate Specialist
Land Management and Permitting Department
Phone: (208) 388-2699
Email: malandt@idahopower.com



TWIN FALLS CANAL COMPANY

357 6TH AVE WEST
POST OFFICE BOX 326
TWIN FALLS, IDAHO 83303-0326



March 7, 2017

Gerald Martens
EHM Engineers, Inc.
621 North College Rd., Suite 100
Twin Falls, ID 83301

RE: Westpark Commercial Subdivision #2 easement vacation

Gerald,

I have reviewed the plans for the Westpark Commercial Subdivision #2 easement vacation. The Twin Falls Canal Company has been asked to comment on a request for the vacation of an easement on lot 3, of Block 2, in the Westpark Commercial Subdivision No. 2. This Letter is to inform you that the Twin Falls Canal Company has no facilities in the area and therefore has no issues with the proposed vacation of the easement.

If you have any questions, please contact me at 733-6731.

Sincerely,

Jay Barlogi
Twin Falls Canal Company



451 Alan Dr, Jerome, Id 83338-5505

Office: (208) 737-6300 • Fax: (208) 737-6342 • In-State: 1-800-548-8771 • www.intgas.com

March 8, 2017

To Whom It May Concern:

We, the undersigned public utility company/adjoining property owner, Intermountain Gas Company, release rights for the utility easement that is located on the west and north sides of a portion of Lot 3 Block 2, in the Westpark Commercial Subdivision No. 2, Twin Falls, Idaho.

 McMILLAN, District Operations Manager

Intermountain Gas Company
451 Alan Dr.
Jerome, ID 83338



Watch us make you smile.

261 EASTLAND DRIVE
P.O. Box 1946
TWIN FALLS, IDAHO 83301
PH: 208•733•6230
FX: 208•733•6296

March 14, 2017

RE: WESTPARK COMMERCIAL SUBD. NO. 2 Easement Vacation Request

EHM Engineers, Inc.

Ms. Val Smith,

621 N. College Road, Ste. 100

Twin Falls, Idaho 83301

Dear Ms. Smith

We agree to abandon the 15' Wide Easement Located on the West Property Line and the 25 Ft Wide Easement located along the North property Line of Lot 3, Block 2 of the WESTPARK COMMERCIAL SUBD NO. 2 as indicated on the attachments.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Burns", written over a horizontal line.

Ron Burns

Cable One Construction

261 Eastland Dr.

P.O. Box 1946

Twin Falls, Idaho 83301

208-733-6877 Ext. 7150

208-539-9886



CenturyLink
Brad McNew
Engineer
216 South Park Ave
Twin Falls, Id. 83301

Office (208) 736-8760

Facsimile (208) 736-8755

February 28, 2017

Gerald Martens
621 North College Rd.
Twin Falls, Id. 83301

RE: Westpark Commercial Subdivision No. 2
Easement vacation Lot 3 Block 2

To whom it may concern:

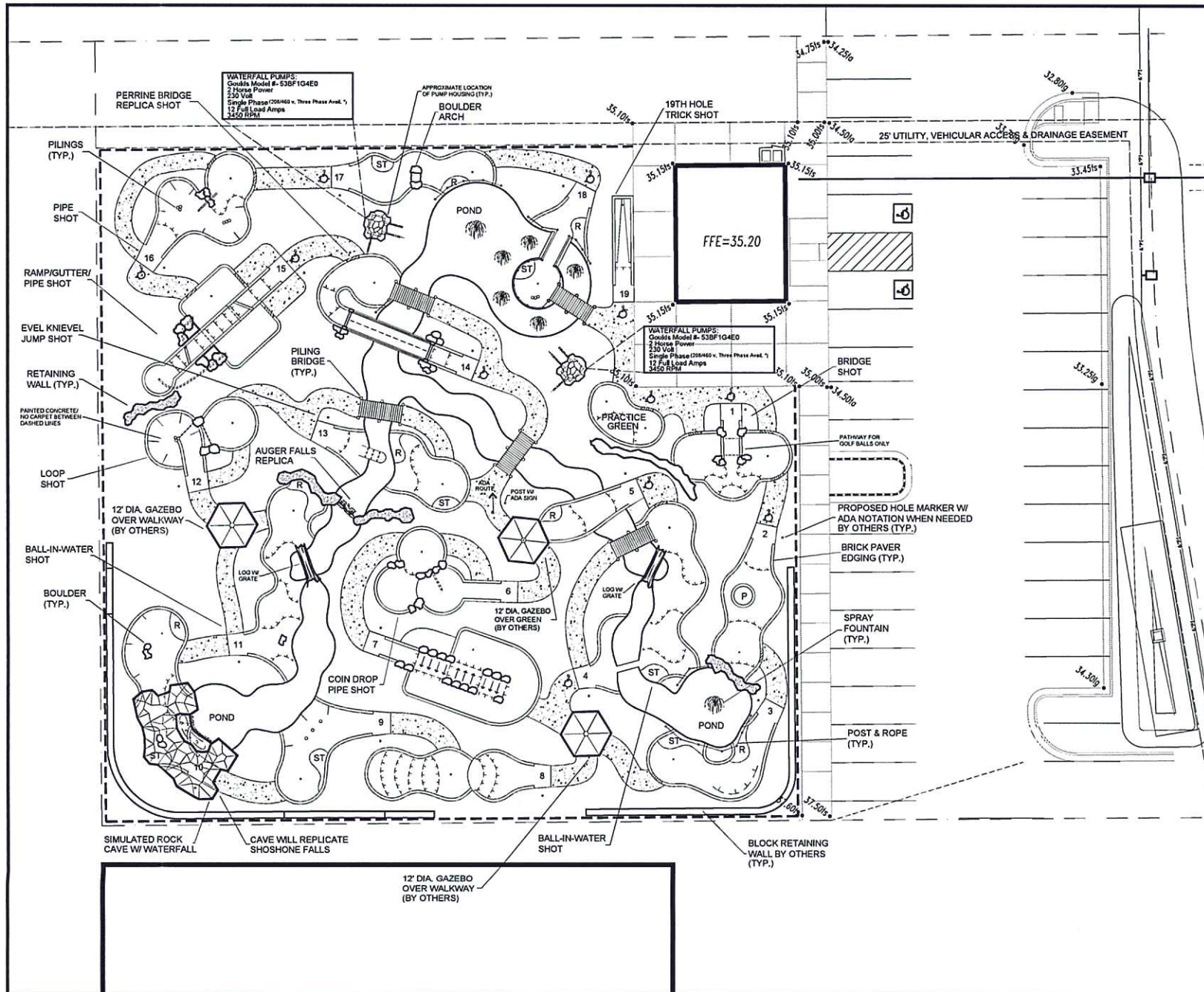
Reference is made to your request for CenturyLink to vacate the existing 15' easement, along West lot line Lot 3 Block 2 said easement located in a portion of, Westpark Commercial Subdivision No. 2 located in the City of Twin Falls, County of Twin Falls, State of Idaho. CenturyLink has no facilities in this area and has no need for easement.

If existing utilities need to be vacated contruction charges would apply for relocation of facilities.

Please call me if you have any questions.

Sincerely,

Brad McNew



L:\Logo\NEW 2013\HarrisGolf_Logo.jpg

PROJECT:		Putters Miniature Golf Twin Falls, ID	
DRAWN BY:	J. Onizuka	DATE	01 / 07 / 16
CHECKED BY:	P. Lohay	JOB #:	16-45-4
LAYOUT PLAN		SHEET:	2 OF 10
REVISIONS:			
U.L.O.	02 / 02 / 17	(COURSE LAYOUT)	
U.L.O.	04 / 18 / 17	(COURSE LAYOUT)	
U.L.O.	10 / 07 / 16	(COURSE LAYOUT)	
U.L.O.	05 / 22 / 16	(COURSE LAYOUT)	
DATE PRINTED:		02 / 06 / 17	

Handicap accessible portions of the course(s) are designed in accordance with ADAAG (Americans with Disabilities Act Accessibility Guidelines) Chapter 10 Section 1007.

REUSE OF DOCUMENTS
This document, and the design incorporated herein, are the property of Harris Miniature Golf Course, Inc. and are not to be used in whole or in part for construction of gas, or any other project without written authorization of Harris Miniature Golf Course, Inc.

NOTES
-All concrete on site shall be a fiber mesh based concrete with a 1500 P.S.I. rating
-Three Phase available but motor starter is required. Please consult your electrician in choosing appropriate pump assembly
-Unless otherwise agreed, electrician is responsible for supplying and installing starters and overloads for Three Phase pumps
-Owner MUST require Three Phase pumps IN WRITING
-It is strongly recommended that a phase retractor be installed if a single phase leg is taken from 3 phase service to power the pumps, due to the unstable voltage of this arrangement
-Spray fountain heads in lower ponds MUST be HIGHER than pump



GRAPHICS LEGEND:

R- Rough	Elevation Change	
ST- Sand Trap	Embankment	
*These colors represent how to be used in place of actual sand		



Public Notice sign



Approximate location of easements



Project Site looking west from Canyon Crest Dr



Approximate location of northern easement



Approximate location of northern easement



Approximate location of western easement



Approximate location of western easement



Public Hearing: **Tuesday, April 25th, 2017**

To: Planning and Zoning Commission

Presenter: Steve O'Connor, Planner

Editor: Jonathan Spendlove, Senior Planner

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM IV-3

Request: Request for a **Special Use Permit** to expand by more than 25% an existing tire and lube shop on property located at 172 Hankins Road in the City's Area of Impact. c/o Jack's Tire and Oil (app. 2859)

Time Estimate:

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

Background:

Applicant:	Status: Owner	Size: 4.54+/- acres, 4,200 sq.ft. building expansion
Jack's Tire & Oil 172 Hankins Rd. S. Twin Falls, ID 83301 208.735.1160 gperterson@jackstireandoil.com	Current Zoning: C-1; in the AOI	Requested Zoning: Expansion of Tire and Lube shop
	Comprehensive Plan: Commercial	Lot Count: 1 Lot
	Existing Land Use: Tire and Lube shop	Proposed Land Use: Tire and Lube shop
Representative:	Zoning Designations & Surrounding Land Use(s)	
Ike Smith Kalbfleisch Construction 3797 N 3700 E Kimberly, ID 83341 208.420.7842	North: C-1; Equipment Sales, NW Equipment	East: Hankins Rd. S.; C-1; Fuel Station, Convenience Store, Restaurant, Oasis Stop N' Go/McDonald's
	South: M-2; Agricultural	West: C-1; Agricultural
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-11-1 thru 8	

Approval Process:

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

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval. Conditions shall be implemented within 6 months or the permit is void.

If an applicant or interested party appeals the decision of the Commission with fifteen (15) days from the date of action (when the Findings of Fact are signed), the 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.

Budget Impact:

Approval of this request will not have a negligible impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to expand by more than 25% an existing tire and lube shop on property located at 172 Hankins Road in the City's Area of Impact

A special use 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.

History:

Aerial imagery shows this parcel as Agricultural land until 1989. At that time it appears there was some form of commercial operation established. According to county parcel records, Jack's Tire and Oil purchased the property in 2005. They have been operating at this location since.

Analysis:

This is a request to expand a tire and lube operation by more than 25% in the C-1 zone, thus an SUP is required. The building will be expanded to the west, as shown in the elevations. This general area has seen some recent development with the establishment of McDonald's and Oasis Stop N' Go across the street. The applicant has seen a steady increase in operations since they started operating over 10 years ago and require additional space. The applicant, nor City Staff, anticipate any increase in detrimental impacts to the area that would be cause for concern. Staff determines this request as reasonable due to the zone and surrounding land uses.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for Commercial or Industrial Flex. Areas with these two designations fit more intensive commercial or light industrial land uses. This request being an expansion of an already operating commercial establishment, fits the Commercial Future Land Use Designation. Therefore, staff has determined this request complies with the 2016 comp plan,

Per City Code 10-13-2:

Expansion of any building by over 25% for a use that originally has an SUP, requires a Special Use Permit.

Per City Code 10-11-1 thru 8:

Required improvements include access, drainage and storm water. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

Possible Impacts:

Increase in traffic to Jack's Tire and Oil is the only anticipated impact to the surrounding area. However, with the establishment of McDonald's/Oasis Stop N' Go directly across Hankins and being in close proximity to Kimberly Rd/State Hwy 30, this increase is not likely to be detected.

Conclusion:

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. Applicant Submitted Site Plan
6. Applicant Submitted Elevations
7. Site Photos

Zoning Vicinity Map

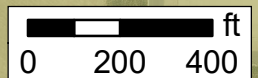
Reference Only



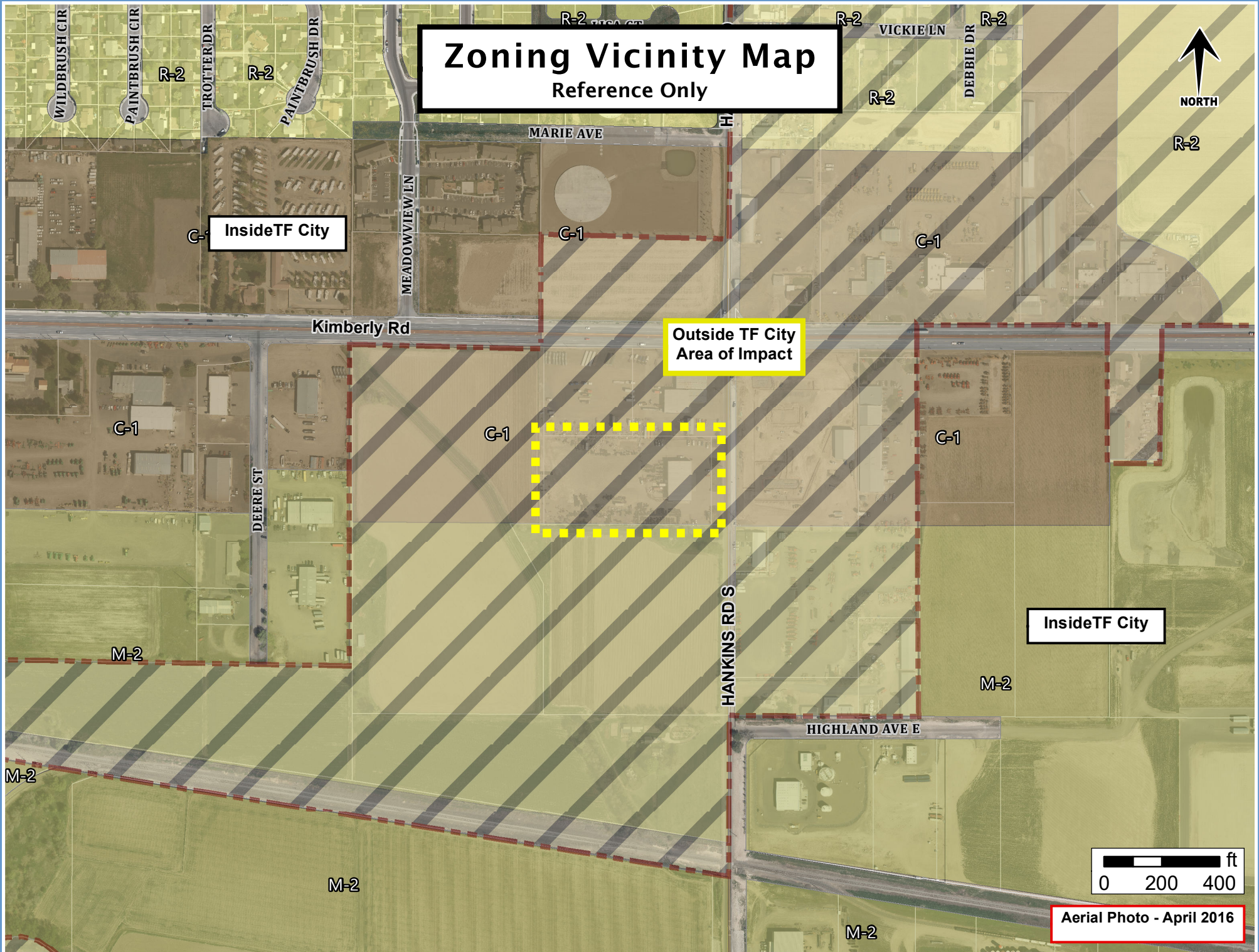
Inside TF City

Outside TF City
Area of Impact

Inside TF City



Aerial Photo - April 2016



Aerial Map

Reference Only



2992 KIMBE

3204 KIMBE

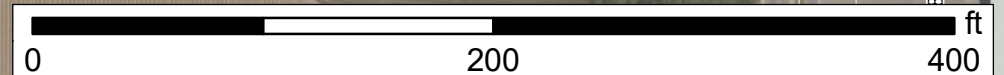
2810 KIMBE

198 HANKIN

HANKINS RD S

B5 3200

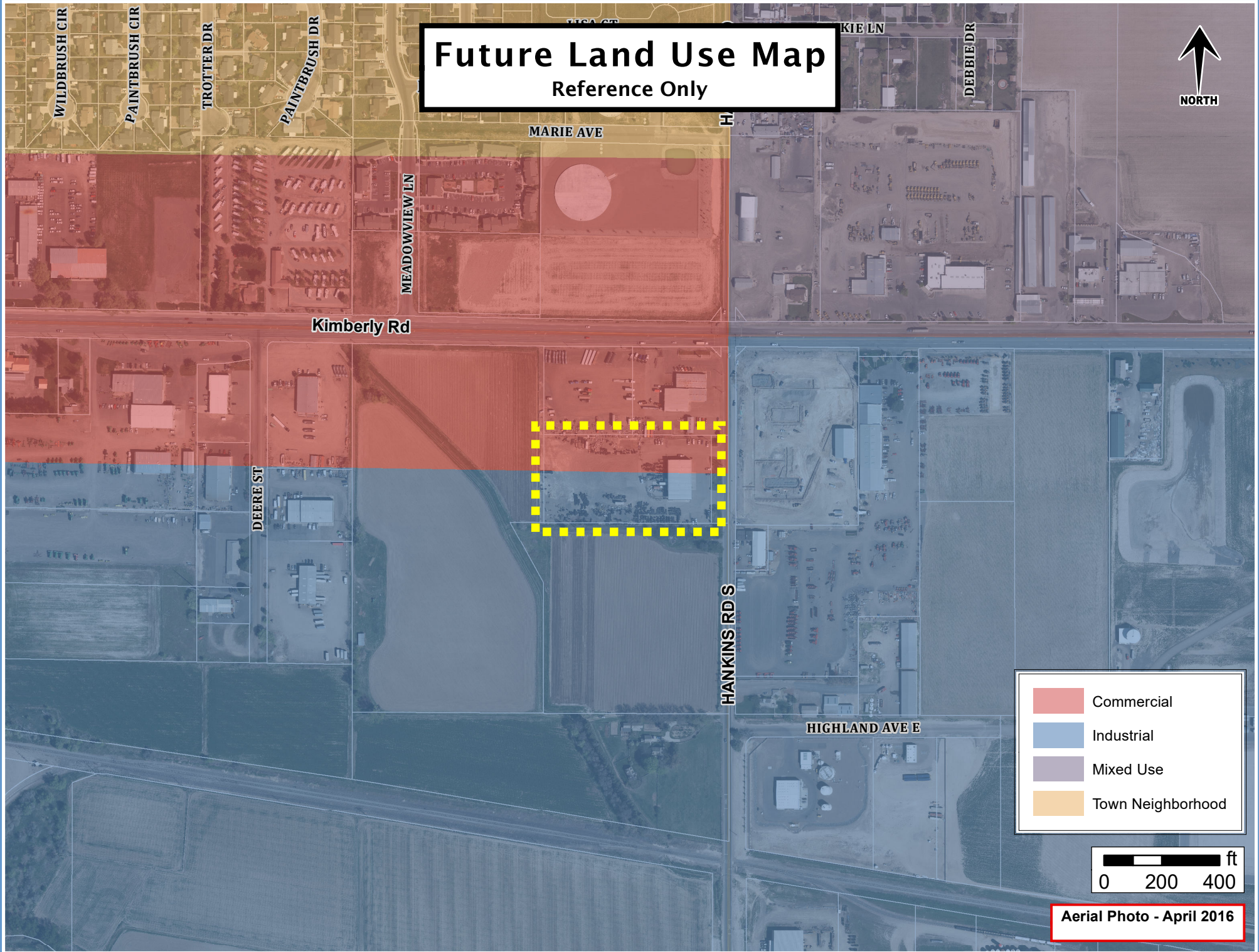
3140 KIMBE



Aerial Photo - April 2016

Future Land Use Map

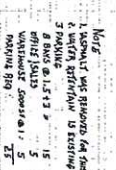
Reference Only



- Commercial
- Industrial
- Mixed Use
- Town Neighborhood



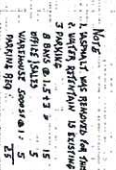
Aerial Photo - April 2016

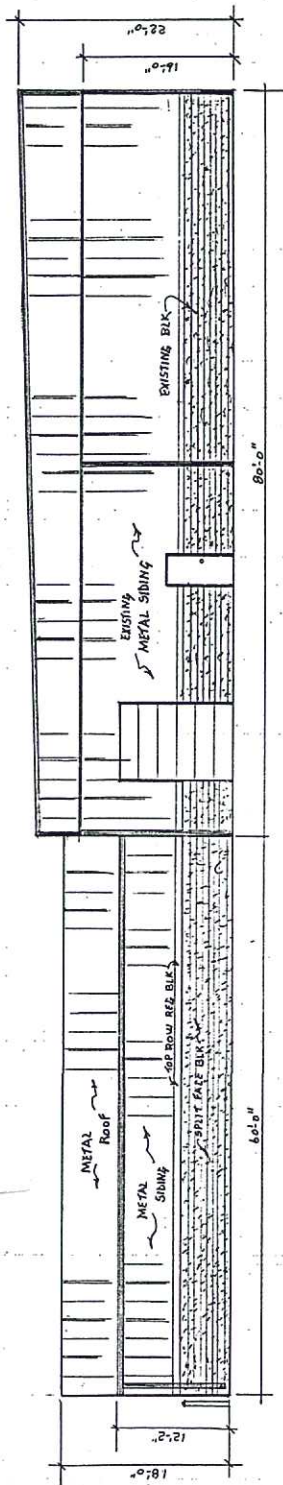


Notes

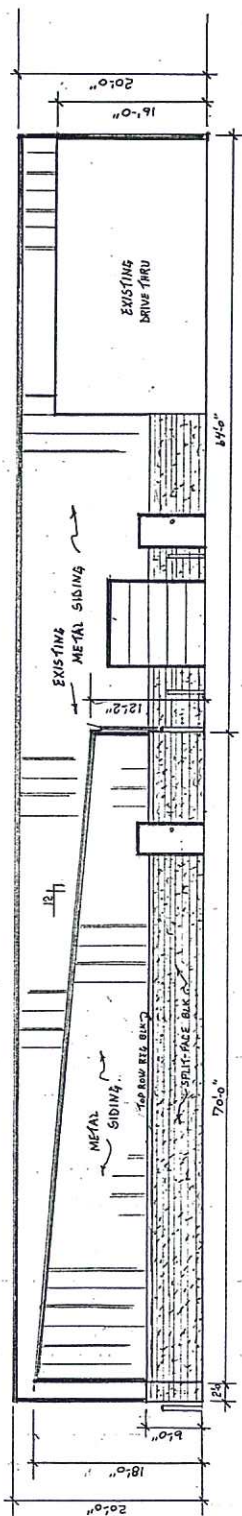
1. MAGNAT WAS REMOVED FOR THE
2. WATER RESERVATION IS EXISTING
3. PARKING

8 BAYS @ 1.5 + 3 =	15
OFFICE SALES	5
WATERHOUSE 5000SF @ 1 =	5
PARKING 8500	<u>25</u>

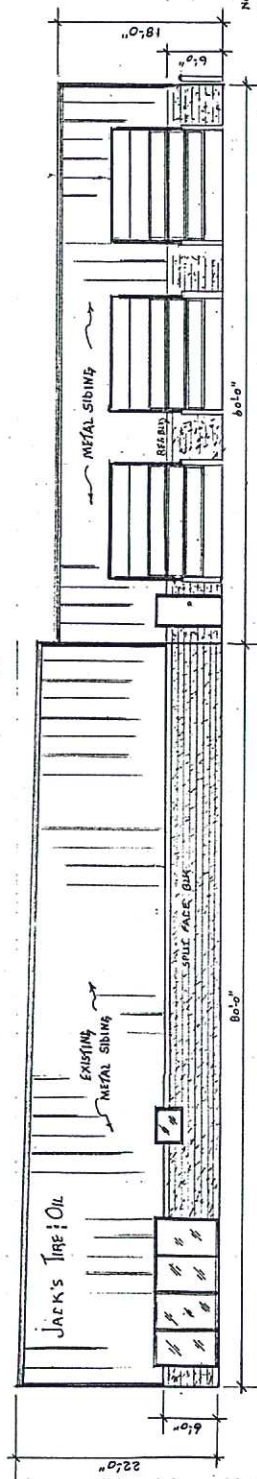




REAR ELEVATION $\frac{1}{8}'' = 1'-0''$



RIGHT SIDE ELEVATION $\frac{1}{8}'' = 1'-0''$



FRONT ELEVATION $\frac{1}{8}'' = 1'-0''$

- NOTE
1. 1st ROW REF. BLOCK
 2. ROW 1-8- SPLIT FACE 1/4 MATCH
 3. PIPE BARRIERS @ EA @ +54"

3-B-17

JACK'S TIRE & OIL

SHT 6 OF 8



North West building location of expansion



Hankins Rd. S. Frontage



West side of building



Location of Expansion



Rear Yard of Jack's



Public Hearing: **Tuesday, April 25th, 2017**

To: Planning and Zoning Commission

Presenter: Steve O'Connor, Planner 1

Editor: Jonathan Spendlove, Senior Planner

Author: Steve O'Connor

AGENDA ITEM IV-4

Request: Request for a **Special Use Permit** to serve alcohol for consumption on site in conjunction with a restaurant on property located at 1040 Shoshone Street East. c/o Brenden Taylor on behalf of Burnt Lemon Grill, LLC (app. 2860)

Time Estimate:

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

Background:

Applicant:	Status: Lessee	Size: Lot .43+/- acres, Bldg 2,455sqft
Brandon Taylor Burnt Lemon Grill, LLC 1879 Addison Ave E Twin Falls, ID 83301 208.316.3596 burntlemongrill44@gmail.com	Current Zoning: R-4 PRO P-3 Parking Overlay	Requested Zoning: SUP to serve Alcohol for consumption on the premise
	Comprehensive Plan: Downtown / High Density Residential	Lot Count: 1 Lot
	Existing Land Use: Vacant / Restaurant under construction	Proposed Land Use: Restaurant with alcohol sales for consumption onsite
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North East: 11 th Ave E; C-1, Office	South East: R-4 PRO, Office
	South West: R-4 PRO P-3, Office; R-4, Residential	North West: Shoshone St N; R-4 PRO P-3, Office;
	Applicable Regulations: 10-1-4, 10-1-5, 10-3-4, 10-4-5, 10-4-18 10-11-1 thru 8	

Approval Process:

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

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval. Conditions shall be implemented within 6 months or the permit is void.

If an applicant or interested party appeals the decision of the Commission within fifteen (15) days from the date of action (when the Findings of Fact are signed), the 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.

Budget Impact:

Approval of this request will have a negligible impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to serve alcohol for consumption on site in conjunction with a restaurant on property located at 1040 Shoshone Street East.

A special use 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.

History:

County Parcel records date back to 1987, as owned by Bank of America. In 1976, a Conditional Use Permit was granted by Ordinance 1800 to permit a Savings and Loan Bank including a drive-thru, to be constructed and operated on the property. City utility billing records indicate there has only been a financial institution operating from this property. The property was vacated within the last 5 years. The Commission approved SUP #1403 on August 23rd, 2016 to allow a nonconforming use to replace a legal nonconforming use at 1040 Shoshone St E. Currently, it is a vacant building in which the applicant is improving to open the new location for The Burnt Lemon Grill.

Analysis:

The applicant is requesting a Special Use Permit to serve Alcohol for consumption on site, in conjunction with a restaurant. The Commission previously approved SUP #1403 to replace a legal nonconforming use with a different nonconforming use. The commission approved the nonconforming use of a restaurant at this location, and the applicant is now requesting another SUP in order to allow the serving of alcohol for on-site consumption, a nonconforming use. The applicant has stated “they understand clearly, the penalties for serving alcohol through a drive-thru window and will ensure this will never happen.”

The applicant considers their restaurant a “counter service” style establishment and as such, patrons will not likely see their establishment as a “hangout” in the sense a bar is a hangout. The applicant, nor staff, anticipates an increase in detrimental impacts to the surrounding properties with the approval of this request.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; “Grow With Us” designates this corridor as appropriate for “Downtown/High Density Residential.” This land use designation is deemed appropriate for a diverse mix of land uses which is scaled to create a pedestrian friendly environment. A restaurant which serves alcohol for consumption on site, fits the desired intent for a mixed use zone, and the proximity to residential improves the likelihood of an increase in pedestrian traffic. Staff determines this request complies with the 2016 comprehensive plan.

Per City Code 10-3-4:...“A legal nonconforming use involving a building may be resumed or replaced by another nonconforming use by special use permit if said legal nonconforming use has not been discontinued for more than five (5) years. In addition to the General Standards, 10-13-2.2(D), applicable to special uses, the applicant must show that the existing building cannot reasonable be converted to a conforming use. (Ord. 2555, 7-21-1997)”

Per City Code 10-11-1 thru 8:

Required improvements include access, drainage and storm water. These required improvements have been and will continue to be evaluated, and enforced at the time of building permit submittal.

Possible Impacts:

The applicant states there will be no increase in noise, odor, or glare with the approval of the request. The original impacts of the business as reported in the previous Special Use Permit #1403 are still applicable. As such, the original conditions of that SUP should continue to be applicable.

Conclusion:

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

1. Subject to the original conditions placed upon SUP Permit #1403 still being met and fully enforceable.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. Applicant Submitted Site Plan
6. SUP #1403
7. Site Photos

Beer and Wine License for Burnt Lemon Grill

1040 Shoshone St. E Twin Falls, ID. 83301

To whom it may concern,

We would like to offer our customers the opportunity to consume Beer or Wine as part of the dining experience at the above location. We believe the product will compliment our food and establishment. We understand the process of obtaining a beer and wine license in the State of Idaho and seek the City of Twin Falls approval through the Special Use process.

Hours of Operation-1030am-9pm daily

Traffic Anticipated-150-250 people daily(food and beverage)

of Employees-10-12 people(19 years of age or older)

In closing we consider our business "Counter Service". We don't believe offering beer and wine will change any noise, glare, or odor. Nor do we feel people will view us as a place to "hangout". We also understand the rules and penalties of serving beer or wine in a drive-thru and will ensure this never happens.

Thanks for your time,

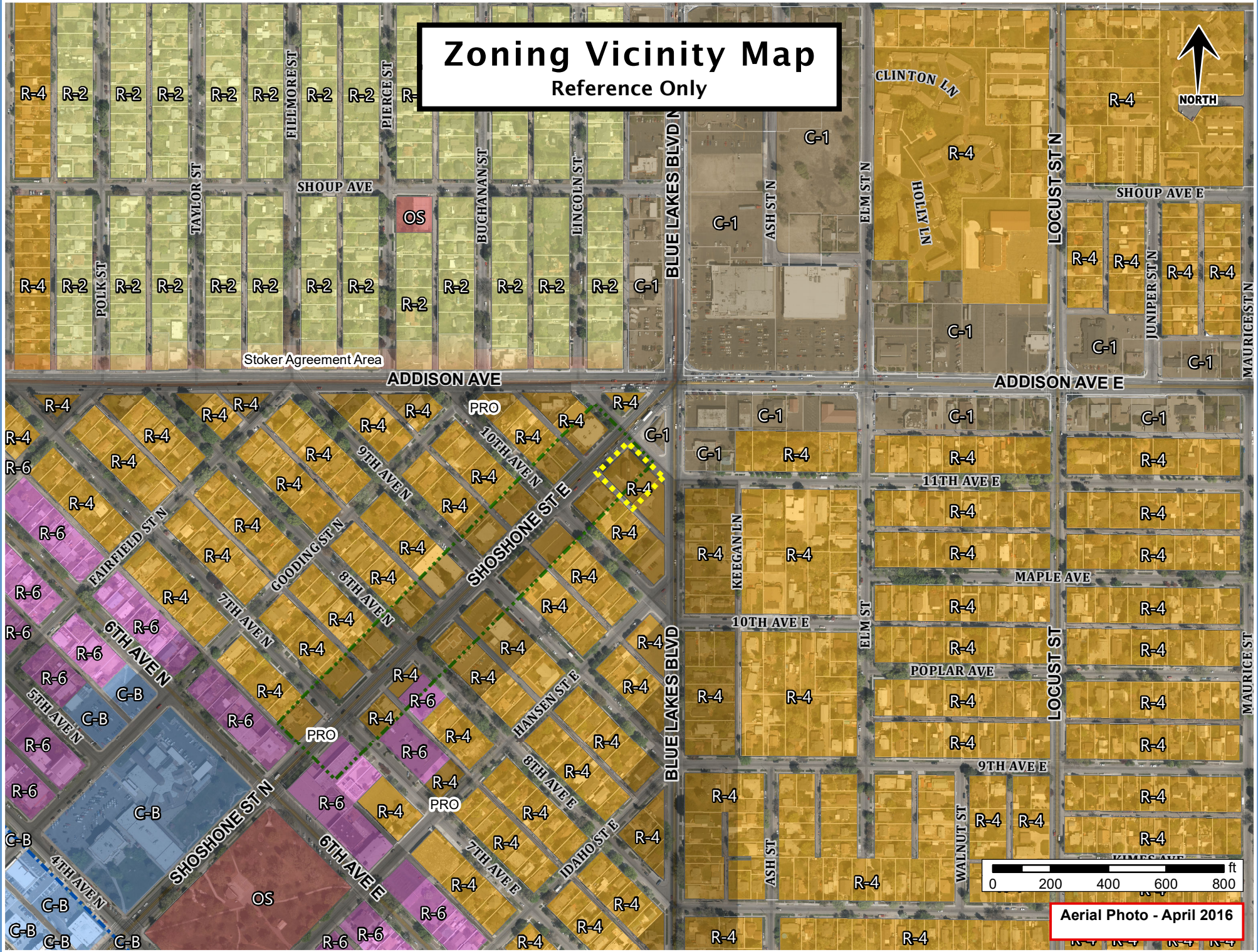
Brenden Taylor

Owner/Operator

Burnt Lemon Grill

Zoning Vicinity Map

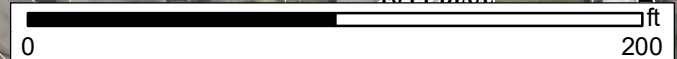
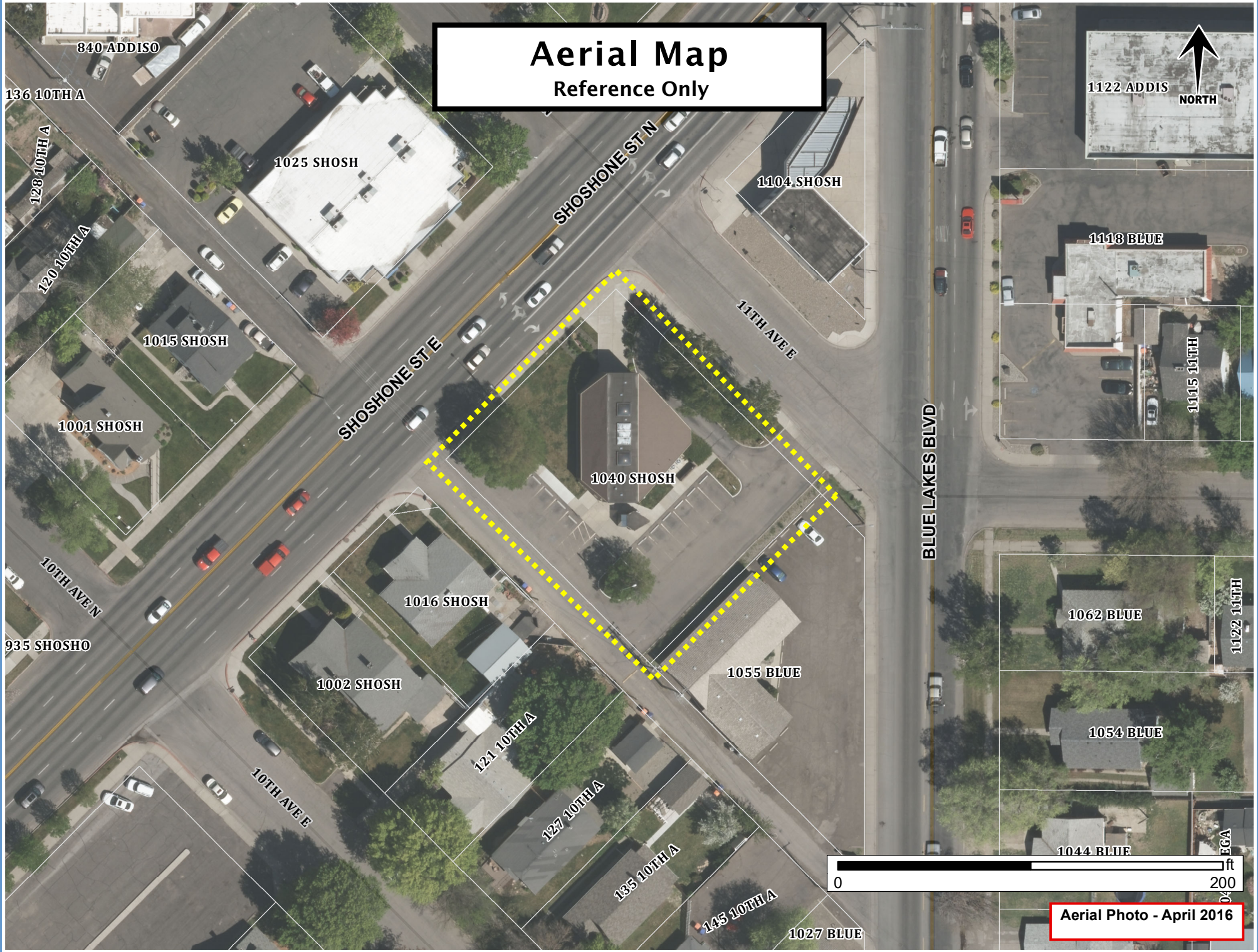
Reference Only



Aerial Photo - April 2016

Aerial Map

Reference Only



Aerial Photo - April 2016

Future Land Use Map

Reference Only



Stoker Agreement Area

ADDISON AVE

ADDISON AVE E

PRO

10TH AVEN

SHOSHONE ST E

PRO

PRO

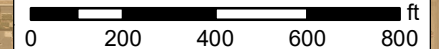
11TH AVE E

MAPLE AVE

10TH AVE E

POPLAR AVE

9TH AVE E



Aerial Photo - April 2016

TENANT IMPROVEMENTS FOR:

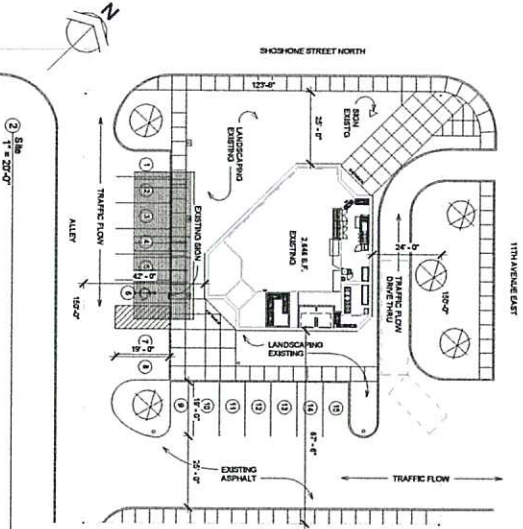
BURNT LEMON GRILL

PLAN ANALYSIS
Based on 2012 Edition of IBC

BURNT LEMON GRILL

- TABLE 503
TYPE OF CONSTRUCTION, TYPE V (B) NON-FRANKLIERED
AS 1 STORY AND 5000 SF
NO SPRINKLER SYSTEM REQUIRED
1. TOTAL BUILDING 2,448 SF ± 5,000 SF
2. ON LEVEL OF EXIT DISCHARGE
TABLE 1002.1
A4 OCCUPANCY 91 X 0.2 = 18 REQUIRED 144 PROVIDED
TABLE 1014.2 COMMON PATH OF EGRESS TRAVEL WITHOUT
SPRINKLER SYSTEM 75 FEET
TABLE 1014.2 EXIT ACCESS TRAVEL DISTANCE WITHOUT
SPRINKLER SYSTEM 200 FEET
TABLE 1014.1 CORRIDOR FIRE-RESISTANCE RATING A
CORRIDOR 1.5 HOURS REQUIRED FOR COMMON PATHING
LOAD 2: NO REQUIREMENT FOR COMMON PATHING
STORAGE & UTILITY = 82 ± 43 ± 88 = 213 SF
KITCHEN = 322 ± 88 ± 415 SF/200 = 2 OCCUPANTS
DINING = 1294 / 15 = 86 OCCUPANTS
OFFICE = 171 / 180 = 2 OCCUPANTS
B1 TOTAL OCCUPANTS

- CONTACT INTERMOUNTAIN GAS FOR
INSTALLATION OF GAS METER.
- GAS PIPING SHALL BE SIZED AND INSTALLED BY
SUBCONTRACTOR PER LOADS SPECIFIED BY
THE APPLICABLE EQUIPMENT SUPPLIER.

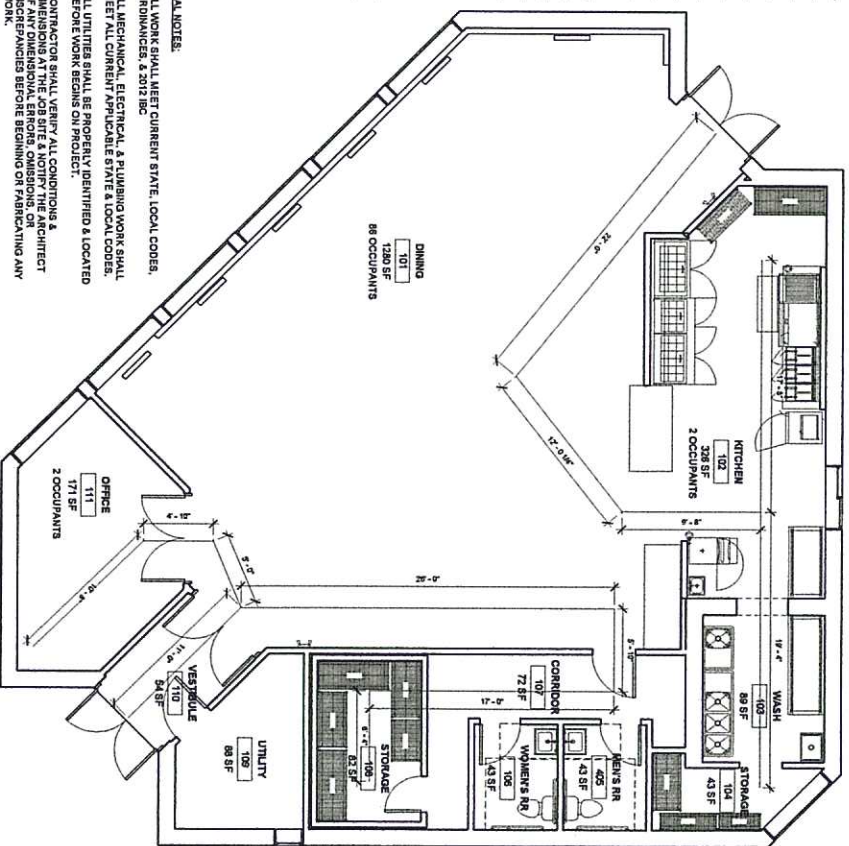


Architect of Engineer of Record: Laughlin Ricks Architecture, LLC
Job Address: 1040 Shoshone St. N.
Legal Description: LOT 1, 2, 3, BLOCK 2, TWIN FALLS TOWNSHIP IN
Occupancy Classification: A-2 Occupant Load Per Area:
Number of Stories: Vertical Reg'd: Yes No: X Total: 81
Floor Area: 1st: 2,448 SF Etc. Required: 1st:
2nd: 3rd: 4th: 5th: 6th: 7th: 8th: 9th:
Actual (lowest) travel distance to exit: 66'-2" (See Table 1014.2 & 1014.3)
Type of Construction: VIM Allowable Area Category: 6,000 SF
Area Increase: NA
Sprinkler System: Yes No: Exit Signs: Yes No:
Maximum Floor Area Allowed: Unlimited Emergency Lights: Yes No:
Special Inspection Required? Yes No: Lighting Layout & Check: Yes No:
Firearm Required? Yes No: (If yes, please provide cross section & UL listing)
Occupancy Separation Required? Yes No: (If yes, please provide cross section & UL listing)
Area Separation Required? Yes No: (If yes, please provide cross section & UL listing)
Classified Area? Yes No:
Comments: EXISTING HOOD WILL BE RELOCATED FROM EXISTING RESTAURANT

LOCATED IN
LOT 1, 2, 3, BLOCK 2, TWIN FALLS TOWNSHIP IN
VISTA VIEW, LLC
CARL HOLM 3890 OREGON CIR. POCATELLO, IDAHO 83201 208-709-5332

EXISTING LANDSCAPE: 3,471 SF
EXISTING HOOD: 100 SF
EXISTING SIGNAGE: 112 SF
EXISTING TOTAL: 3,583 SF
TOTAL IMPROVEMENT: 1,865 SF
TOTAL: 5,448 SF

- GENERAL NOTES:
- ALL WORK SHALL MEET CURRENT STATE, LOCAL CODES, ORDINANCES, & 2012 IBC.
 - ALL MECHANICAL, ELECTRICAL, & PLUMBING WORK SHALL MEET ALL CURRENT APPLICABLE STATE & LOCAL CODES.
 - ALL UTILITIES SHALL BE PROPERLY IDENTIFIED & LOCATED BEFORE WORK BEGINS ON PROJECT.
 - CONTRACTOR SHALL VERIFY ALL CONDITIONS & DIMENSIONS AT THE JOB SITE & NOTIFY THE ARCHITECT BEFORE WORK BEGINS ON PROJECT.
 - DO NOT SCALE DRAWINGS.
 - ALL DOOR HANDLES SHALL BE LEVER TYPE, ALL DOOR HANDS SHALL BE ADA COMPLIANT AS PER CURRENT ASME 117.1.
 - THE INTERIOR OF ALL EGRESS DOORS SHALL HAVE SINGLE ACTION DOOR CLOSERS, & DOORS SHALL BE UNLOCKED DURING OCCUPIED HOURS.
 - VERIFY ALL INTERIOR FINISHES W/ OWNER.



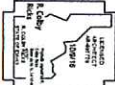
1 EXIT PLAN
1/4" = 1'-0"

Sheet Number	Sheet Name
A0-0	TITLE SHEET
A0-1	DEMOLITION PLAN
A0-2	REMODEL FLOOR PLAN
A0-3	MECHANICAL, ELECTRICAL, & PLUMBING DETAILS, ROOFING & DETAILS
A0-4	HVAC COVER SHEET
A0-5	HVAC DEMOLITION PLANS
A0-6	Unnumbered
A0-7	HVAC SCHEDULES AND DETAILS
A0-8	PLUMBING COVER SHEET
A0-9	PLUMBING WASTE & VENT PLAN
A0-10	PLUMBING WASTE & VENT PLAN
A0-11	PLUMBING SCHEDULES

A0-0

Laughlin Ricks Architecture
architecture/planning
933 Shoshone Street North • Twin Falls, Idaho 83301
(208) 736-8950 Fax: (208) 733-0930

TENANT IMPROVEMENT FOR:
BURNT LEMON GRILL
1040 SHOSHONE ST. TWIN FALLS, IDAHO
TITLE SHEET





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

324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

SPECIAL USE PERMIT

Permit No.1403

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on August 23, 2016 to Vista View-Burnt Lemon whose address is 3990 Gregg Circle Pocatello, ID 83201 for the purpose of replacing a legal non-conforming use with a different non-conforming use on property located at 1040 Shoshone Street East and legally described as Twin Falls Townsite Lots 1, 2 & 3 Blk 2 RPT0001002001CA

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

This permit corresponds to Zoning Application No.2806

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to no outdoor audio or announcement system being utilized on this property.
3. Subject to no order board or menu being displayed for the drive-thru.
4. Subject to light source for security and parking areas being shielded from view of neighboring residential properties.
5. Subject to mitigating measures being installed by the applicant, per the City Engineer to maintain traffic safety and reduce impacts of the drive-through window.
6. Subject to the permit being limited to Burnt Lemon only, change in ownership requires a new Special Use Permit.





CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION
9/13/16

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.

cc: Building Inspection



Public Notice Facing Shoshone St



Public Notice Facing 11th Ave



North Corner Shoshone St & 11th Ave



East Corner looking West



South Corner looking North



West Corner looking East