



Twin Falls Planning & Zoning Commission Agenda

Tuesday, December 12, 2017, 6:00 PM

305 3rd Avenue East
Twin Falls, ID 83301

Members -

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

Area of Impact: Ryan Higley, Steve Woods

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consideration of Amendments to Agenda
- 3) General Public Input
- 4) Consent Calendar
 - a) Approval of minutes from the following meeting:
 - 11-14-17 Public Hearing Minutes
 - 11-28-17 Public Hearing Minutes
 - b) Approval of Findings of Fact and Conclusions of Law for the following meeting: 11-04-17
 - Temple View (pre-plat)
 - Z Country (pre-plat)
 - Yurivilca (SUP)
 - Locust Grove North (pre-plat)
- 5) Items of Consideration
- 6) Public Hearings
 - a) Request for consideration of **Revocation of Special Use Permit #1233**, granted to Afrim Hetemi on June 14, 2011 to allow an indoor recreation facility to operate in conjunction with an existing bar and grocery store outside the permitted retail hours of operation on property located at 139 Shoshone Street North. c/o City of Twin Falls (app. 2455)
Purpose: Action By: Steve O'Connor Planner I
 - b) Request for the Commission's **recommendation on a PUD Amendment** to the CSI PUD #262-Section 2, to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' on property located at 315 Falls Avenue. c/o Spencer Cutler on behalf of the College of Southern Idaho (app. 2906)
Purpose: Recommendation By: Jonathan Spendlove Senior Planner

- c) Request for the Commissions recommendation on a **Zoning District Change and Zoning Map Amendment** from C-1 PUD to C-1 for a .22 acre tract located at the south east corner of Canyon Falls Road and Harrison Street. c/o Ryan Bybee (app. 2908)

Purpose: Recommendation By: Jonathan Spendlove Senior Planner

- d) Request for **Vacation** of a 15' x 264', 3,960 sq ft, public utility easement to allow commercial development of property located at the southeast corner of Canyon Falls Drive and Harrison Street. c/o Ryan Bybee(app. 2909)

Purpose: Recommendation By: Jonathan Spendlove Senior Planner

- e) Request for consideration of the **Revocation of Special Use Permit#1432**, granted to Acorn Learning Center on May 23, 2017 to operate a private school offering pre-school through 5th Grade in a portion of an existing professional office building on property located at 493 Eastland Drive. c/o Wali Fedaie (app. 2910)

Purpose: Action By: Steve O'Connor Planner I

- f) Request for the Commission's recommendation on a **Zoning Title Amendment** to add "Wedding Chapel and Event Center" to the SUI Zoning District: 10-4-2.2 (B) 5, to allow by Special Use Permit and to add the definition of "Wedding Chapel and Event Center" to Title 10; Chapter 2; Definitions. c/o BB55, LLC(app. 2911)

Purpose: Action By: Jonathan Spendlove Senior Planner

7) Upcoming Meeting(s)

- a) January 9, 2018 Public Hearing

8) 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, then commence with their comments. Following their statements, they shall write their name 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.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, November 14, 2017, 6:00 PM

City Council Chambers
305 3rd Ave E
Twin Falls, ID 83301

Members -

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

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Members Present: Dawson, Woods, Frank, Musser, Higley, Grey, Munoz

Staff Present: Carraway-Johnson, Spendlove, Vitek, Williamdon

2) Consideration of Amendments to Agenda: None

3) General Public Input: None

4) Consent Calendar

- a) Approval of minutes from the following meeting: 10-24-17
- b) Approval of the Findings of Fact and Conclusions of Law for the following meeting: 10-24-17
 - Chipotle Mexican Grill (SUP)
 - Powlus, Jon (SUP)

Motion:

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

Commissioner Munoz seconded the motion.

Unanimously Approved

5) Items of Consideration

- a) Consideration to **Approve an Alternative** of the requirement to install parking lot landscape islands per Twin Falls City Code Title 10, Chapter 10, Section 11(b) on property located at 511 Hankins Rd South. c/o Glenn Walker, VanAuker Architects on behalf of Jayco, Inc. (app. 2904)

Applicant Presentation:

Glenn Walker, VanAuker Architects, representing the applicant, stated they are requesting approval of an alternative landscaping plan for the new manufacturing facility with the landscaping clustered together so they don't have to have landscaped islands within a gravel parking lot. This request is associated with plans to construct a 240,000 square foot facility for Jayco.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated In September of this year, Jayco contacted staff regarding a large expansion being considered by their management

team. Jayco is located at 511 Hankins Road South and is zoned M-2: industrial. Initial site plan review identified the proposed parking lot as gravel with the northern boundary fronting onto Eldridge Avenue. The code requires a minimum of 2 sf per LF of frontage in addition landscaped islands shall be located at the terminus of all parking rows with no more than 15 spaces per row. Attached is a request from Glenn Walker, VanAuker Architects on behalf of Jayco, Inc. who is asking to allow grouping the required landscape islands required within their parking lot and include it with the required landscaping of 1,011 sf with three (3) trees and eleven (11) bushes between Eldridge Ave and the building, as required per code. The parking lot landscaping would require 20 parking islands with one (1) tree per island. The total landscape requirement is twenty-three (23) trees and eleven (11) bushes. As per 10-11-2, at least 50% of the trees and bushes are to be evergreen. The trees shall be a minimum four feet (4') tall when planted.

The applicant is asking for the landscape island requirement be grouped and all the landscaping to be included within the landscaping along Eldridge Ave, as denoted on the site plan. The minimum standards and the tree and bush ratios shall comply with code.

The applicant is bringing this request per City Code 10-10-11(b) which states:

“Required landscape islands may be grouped, subject to approval by the planning and zoning commission.”

Planner I O'Connor stated upon conclusion the Commission is tasked with acting on the request by approving, approving with conditions, or denying the request.

PZ Questions/Comments:

- Commissioner Musser asked if paving would change the requirement.
- Planner I O'Connor explained no it would not change the requirement.
- Commissioner Grey asked to be shown on the overhead where the new facility will be built.
- Commissioner Munoz asked what was defined as an alternative.
- Planner I O'Connor explained this is not an alternative it allows them to group the landscaping.
- Commissioner Grey asked about the size of the landscaping area.
- Planner I O'Connor explained the 1100 sq. ft. needs to be between the building and the street and will be installed in one area.
- Commissioner Munoz asked about maintenance for the landscaping.
- Mr. Walker explained there is already existing irrigation for this area to maintain the landscaping.

Public Hearing: Opened and Closed Without Comment

Deliberations Followed:

- Commissioner Grey asked what staff thought about the request.
- Planner O'Connor explained that this fits the code requirement and it is not any different that what was approved for Chobani.

- Commissioner Munoz explained having the landscaping in one area will meet the goal and make it easier to maintain.

Motion:

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

Approved, As Presented

- b) Request for approval of the **Preliminary Plat** for Temple View Subdivision, consisting of 2 residential lots on 2.20 acres (+/-) located at 491 Canyon Rim Road. c/o EHM Engineers, Inc

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc., representing the applicant, stated this is a two lot residential preliminary plat subdivision. This property was recently annexed with an R-2 zoning designation. The R-2 zoning designation is a residential zoning designation and is consistent with the request. They will be providing sewer and water to the site and there is already a private irrigation system on site. They will construct a private pumping station to allow irrigation for each lot. There is already a home on one of the lots and the new lot being created will become another buildable lot. Access will be from Canyon Rim Road with a private drive way to the lot. They have reviewed the staff report and understand and concur with the recommendations from staff.

Staff Presentation:

Planner I O'Conner reviewed the request on the overhead and stated 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. There is a building permit, in city records, from 2003 for a 1,120 sq ft-detached garage.

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. In April of this year, this commission forwarded a positive recommendation for annexation with a zoning designation of R-2, to the City Council, who then approved the annexation and zoning designation this past May. Approval of annexation was contingent upon two (2) conditions: 1) a 15' wide easement adjacent to the Snake River Canyon Rim being recorded, and 2) a warranty deed being recorded for the entire property to be annexed. Both conditions have been completed. On October 16, 2017, the City Council adopted Ordinance 2017-25 annexing the 2.19 (+/-) acres into the city.

This is a request for approval of the Temple View Subdivision preliminary plat, consisting two

(2) residential lots on 2.19 (+/-) acres, located at 491 Canyon Rim Road. The Parks in Lieu Contribution was approved by city council on October 16, 2017.

The plat is consistent with other subdivision development in the area and is in conformance with the Comprehensive Plan, which designates this area as “Town Neighborhood or Rural Residential.”

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development. Approval of a preliminary plat does not constitute a commitment by the City to provide water or wastewater services. The current residence is connected to sewer, but not city water. Per City policy, this can remain until the well fails, at which time connection to city water will be required as the house is within 50’ of city water. Any development on the new lot will have to be connected to City of Twin Falls water and sewer systems per City Code 10-4-4. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed.

Staff recommends the commission approve the preliminary plat of the Temple View Subdivision, as presented, and subject to the following condition:

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

PZ Questions/Comments:

- Commissioner Woods asked about hard surfacing.
- Planner I O’Connor explained the area in question is hard surfaced.
- Thibault, explained they will be terminating the vehicular access with a hammerhead turnaround from that point southeasterly will be Canyon Rim Trail access.

Public Hearing: Opened and Closed Without Comment

Deliberations Followed: Without Concerns

Motion:

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

Approved, As Presented, With the Following Conditions

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
- c) Request for approval of the **Preliminary Plat** for Z Country Subdivision, consisting of 114 single-family residential lots and 1 tract on 30.10 acres (+/-) located on the south side of the 200 block of Pheasant Road. c/o EHM Engineers, Inc.

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc., representing the applicant, stated this project is located south of Pheasant Road. The property has been annexed recently with an R-4 designation. The development will be constructed in phases with irrigation, sewer and water services. Other improvements will include the widening of Pheasant Road along with a parks in lieu that has been approved.

Staff Presentation:

Planner I O'Conner 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, recorded in the mid 2000's. The applicant purchased this property in November 2016 and applied for annexation, which this commission sent a positive recommendation with a zoning designation of R-4 to City Council in April of this year. City Council approved the annexation with the R-4 zoning in May, and Ordinance 2017-018 was adopted in June.

This is a request for approval of the Z Country preliminary plat. The property is zoned R-4 and is located on the south side of the 200 block of Pheasant Road. The preliminary plat consists of 30.1 (+/-) acres with one hundred fourteen (114) lots and one (1) tract. The Parks in Lieu Contribution was approved by city council on October 30, 2017 for 114 single-family units. The R-4 zone allows s/f and duplex dwellings outright and tri-plex and 4-plex dwellings by Special Use Permit. If the property is developed with more than 114 residential units, the city will re-evaluate the parks in-lieu fees. This will be monitored through the building permit process.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat, including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development. Approval of a preliminary plat does not constitute a commitment by the City to provide water or wastewater services. The current residence is not connected to sewer or city water. Per City policy, this can remain until the septic field and well fails, at which time connection to city water will be required as the house is within 50' of city water and sewer. Any development on

the newly platted lots will be required to connect to City of Twin Falls water and sewer systems per City Code 10-4-4. A guarantee of services comes when the City Engineer signs a will-serve letter after final plat construction plans are reviewed and approved.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan, which designates this area as "Town Neighborhood."

Staff recommends the commission approve the preliminary plat of the Z Country Estates Subdivision, as presented, and subject to the following condition:

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

PZ/Questions & Comments:

- Commissioner Woods as if there have been any discussions with the state to address the possible traffic increase that will be created by the new growth in this area.
- Assistant City Engineer Vitek explained that he has met with the state and they are in long term planning which is how they plan for the future. They have been told about the growth throughout Twin Falls and this area has been discussed.
- Commissioner Grey asked about the Pheasant Road improvement and if the improvements are made how does that impact the existing home.
- Planner I O'Connor explained yes the widening of Pheasant Road will be required with this plat along the front of the subdivision.
- Assistant City Engineer Vitek explained the existing house is included within the plat so the widening will continue along the front of that property.
- Senior Planner Spendlove explained that the widening of the road in front of the existing home will not make the home non-conforming.
- Commissioner Munoz asked if the existing house has to hooked up to city services.
- Planner I O'Connor explained that the house will not have to connect to city services unless their sewer or water system fails.

Public Hearing: Opened

- Lloyd Oler, 227 Pheasant Road, asked about the widening of Pheasant Road. The four houses on the southside of Pheasant Road headed towards Washington Street South is where the road bottle necks, will it be widened down at that end.
- Mr. Thibault explained the widening of the road and that it is only required along the frontage that is owned by the developer. They do not own the homes that the citizen is speaking of so the road will not be widened along that section.
- Assistant City Engineer Vitek explained to widen that section of the road would require purchasing of property and city funding, which is a long term process, unless the owners come in for a building permit at which time they would be required to address this issue in front of their property.

Public Hearing: Closed

Discussions Followed:

- Commissioner Grey asked where the nearest park is to this development.
- Zoning & Development Manager Carraway-Johnson explained Vista-Bonita is a 7 (+/-) acre park just north of this development. This has been discussed with Parks & Recreation as well as City Council and a Parks-in-Lieu for this development was approved.

Motion:

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

Approved, As Presented, With the Following Conditions

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

6) Public Hearings

- a) Request for a **Special Use Permit** to operate an auto sales business on property located at 1102 Kimberly Road. c/o John Andrew Yurivilca (app. 2902)

Applicant Presentation:

John Yurivilca, the applicant, stated he purchased the lot located at 1102 Kimberly Road on September 1, 2016 and since then has replaced the roof, installed siding and done some cosmetic improvements to the building. He has been renovating so that he can use it as an auto repair shop he submitted his application in October for a Special Use Permit. The staff recommendation requirement for four trees and 14 bushes and the 5 parking space. He has room for 4 spaces.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated the building records on this property indicate that it was a gasoline service station from the early 70's thru the early 1980s. In 1981, the pumps were removed and it was converted to the Chicken Shack Restaurant.

On July 18, 1983, Special Use Permit (SUP) #0124 was issued for a drive-in window for a restaurant run by Roy Miller.

In 1994, the property was remodeled and a Certificate of Occupancy was issued for the Coin-Op and Drop Laundromat.

On October 27, 1998, SUP #0577 was granted to Bill Hart to operate an automobile sales

business on this site, as presented. There were three (3) conditions attached to Special Use Permit #0577: 1) Comply with arterial landscaping requirements, 2) Submit an approved parking plan showing traffic flows, and 3) Delete the westerly approach and add a landscaping strip along that portion of the frontage. On June 30, 2000 the Commission unanimously voted to revoke SUP #0577 due to non-compliance with condition 1) Comply with arterial landscaping requirements.

On January 28, 2003, the Commission granted SUP #0800 to David Hall for the purpose of operating an automobile sales business on the subject property, as presented. The permit had the following conditions:

- 1) Assure compliance with all zoning and building code requirements including gateway arterial requirements.
- 2) The westerly curb cut is to be closed and arterial landscaping to be placed across it.
- 3) The shared driveway is to be kept open at all times.

On September 13, 2005, the Commission revoked SUP #0800 due to non-compliance with arterial landscaping requirements. Mr. Hall appealed the request to the City Council. On November 7, 2005, the City Council granted the appeal subject to the original three (3) conditions PLUS the additional three (3) conditions:

- 4) There are to be (4) trees and (19) shrubs or approved alternate landscaping on the site.
- 5) The plantings are to be kept, weeded, watered, and arranged as adaptable to the site.
- 6) The applicant has at least one (1) year to come into compliance with the Special Use Permit.

On August 11, 2009, the Commission voted to revoke SUP #0800 due to non-compliance with arterial landscaping requirements. Mr. Hall appealed the Commission's decision to revoke SUP #0800 to the Council.

On September 8, 2009, the Council voted to uphold Planning and Zoning Commission's decision to revoke Special Use Permit #0800 with an effective date of August 31, 2010.

On August 31, 2010, Special Use Permit #0800 expired.

The applicant submitted a new application requesting a new special use permit to operate an automobile sales business located at 1102 Kimberly Road.

On July 27, 2010, the Commission unanimously denied the applicants request for a special use permit. The applicant again appealed the Commission's decision. The City Council approved the SUP subject to three (3) conditions: Subject to site plan amendments as required by Building, Engineering, Fire and Zoning officials to ensure compliance with all applicable City Code Requirements and Standards. Subject to compliance with City Code 10-7-12; Special Landscaping Requirement for Gateway Arterials or submit an alternative landscaping plan (including plan to maintain, water and keep weed free) to be approved by City Staff no later than September 30, 2010. Subject to applicant maintaining staff approved landscape strip in

front of the westerly Kimberly Road access at all times or the approach is to be removed and curb, gutter and sidewalk to be constructed.

None of the conditions were met and the SUP was voided.

The applicant purchased the property in August 2016. Since the applicant purchased the property, he has fixed up the building, opened up the bay door and cleared the lot of weeds. The applicant began operating when he purchased the property. Code Enforcement responded to numerous calls over the past year or so. There have also been multiple violations issued due to the repair, displaying and selling of vehicles on the lot without an SUP. This is a request to establish an automobile sales business that includes minor auto service and minor repair only for the vehicles for sale on this property. The property is zoned C-1, which requires a Special Use Permit to operate an auto sales business. The Gateway Arterial Landscaping requirement also applies to this property, as it is along Kimberly Rd. The applicant has given the building a face-lift, opened up the covered service bay door and removed weeds from the lot. The parking area around the structure is also in need of repair and the applicant has stated he has engaged a contractor to get that updated and fixed. This should be added as a condition if the request is granted.

The site plan provided by the applicant shows gateway arterial landscaping and closure of the western most access point. Since the gateway arterial landscaping requirement is 10', there is no need to request display pads, as vehicles cannot be on display within 15' of the back of sidewalk. The applicant has stated he wishes to be permitted to service and perform minor repair of the vehicles he intends to sell on this property. The exposing of the service bay door and request for minor vehicle repair puts the total required parking at 5 spaces. This property is very limited in size and the site plan only shows 3 total spaces. The Commission has historically placed a condition to require all parts associated with the business and all non-operating vehicles be kept either inside an enclosed building or behind a sight obscuring screening fence. With Kimberly Road and Blue Lakes Blvd intersection both being major arterials it would be appropriate to place this condition if the permit is granted.

This is a reasonable request given that this lot has been permitted as a car lot in the past. However, given the overall history of non-compliance with this property, it would be prudent for the commission to require all required improvements be completed prior to issuance of an SUP and/or operation of the business. Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Commercial." Commercial is a more intense use than a mixed-use designation as it does not support residential development but encourages retail, restaurant, and hotel operations. Staff has determined this request complies with the 2016 comprehensive plan.

Per City Code 10-4-8:

A Special Use Permit is required to operate an automobile sales business that services and does minor repair on the vehicles for sale on the sales lot.

Per City Code 10-11-1 thru 8:

Required improvements may include access, landscaping, paving, parking, trash enclosure, lighting, drainage and storm water, etc. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal or prior to the city issuing the special use permit.

Staff does not anticipate an increase in negative effects from the operation of an automobile dealership with service and minor auto repair if operated as presented and approved. Considering the history of non-compliance the Commission may consider placing a condition if the special use permit is granted that is be for this applicant only.

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 physical closure of the western most access along Kimberly Rd at all times, to be approved by staff, or the approach is to be removed and curb, gutter and sidewalk constructed.
2. Subject to compliance with Gateway Arterial Landscaping.
3. Subject to maintaining staff approved arterial landscape strip along Kimberly Rd.
4. Subject to repair of the parking lot.
5. Subject to minor auto service and minor repair only for the vehicles for sale on this property.
6. Subject to all parts, tools or miscellaneous merchandise associated with the business and all non-operating vehicles kept either inside an enclosed building or behind a sight obscuring screening fence.
7. Subject to this Special Use Permit granted to Mr. John Andrew Yurivilca only. Any change in ownership shall require a new SUP.
8. 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.

PZ/Questions & Comments:

- Commissioner Grey asked about access to the carport structure.
- Planner I O'Connor showed on the overhead the access point for the property.
- Commissioner Grey asked about a site obscuring fence and if it would be allowed for the portion where the access will be blocked.
- Planner I O'Connor explained the applicant has to follow the site obstruction guidelines and but can put his site-obscuring fence where he would like to store parts and cars awaiting repair.
- Commissioner Higley verified that the applicant has to have 5 available parking spaces.
- Planner I O'Connor explained three are for the auto dealership, one bay door requires 1.5 parking spaces and because you can't do a ½ space it requires 2 spaces.
- Commissioner Frank asked if the applicant is aware of the conditions.
- Mr. Yurivilca stated that he is able to comply with the conditions and the landscaping and paving will have to be done during a little warmer season so he will be asking for

some leeway for these items to be complete.

- Commissioner Frank explained traditionally the staff will work with an applicant on these types of items and help determine a deadline for completion, knowing that it can be a seasonal issue.

Public Hearing: Opened & Closed Without Comment

Discussions Followed:

- Commissioner Higley asked if the Commission has to decide which method is to be used to block the access.
- Assistant City Engineer Vitek explained that he would prefer that the curb, gutter and sidewalk method because in the past the blocks and fence have not worked and the access has been opened again. However staff is willing to allow it to be blocked, with the understanding that that requirement must be met to operate.
- Commissioner Munoz stated that the applicant also needs to be aware of the issues with the site triangle at this location when planting the landscaping and fencing off the site.
- Senior Planner Spendlove explained the site triangle requirements for site.
- Commissioner Munoz explained that if the conditions need to be met before the Special Use Permit is issued, that means the applicant will not get his SUP until sometime in the spring.
- Commissioner Grey explained that the blocking of the access needs to happen quickly, however if the landscaping is not complete by June 2018 then there is obviously a problem.
- Commissioner Frank explained there should be a hard date for planting. If there is a full requirement for gateway arterial that would leave this lot vacant with weeds.
- Commissioner Grey stated if the hard surfacing is not complete by the middle of summer that would be an issue too.
- Planner I O'Connor explained the hard surfacing for parking and maneuvering area is required by code, if it is being used.
- Commissioner Higley explained that he thinks this is not an appropriate use for this property.

Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations as amended. Commissioner Woods. Members Dawson, Woods, Frank, Musser, Grey, Munoz voting in favor of the motion with Commissioner Higley voting against the motion.

Approved, As Presented, With the Following Amended Conditions

1. Subject to the physical closure of the western most access along Kimberly Rd at all times, to be approved by staff, or the approach is to be removed and curb, gutter and sidewalk constructed.
2. Subject to compliance with Gateway Arterial Landscaping.
3. Subject to maintaining staff approved arterial landscape strip along Kimberly Rd and

completed by **May 1, 2018.**

4. Subject to repair of the parking lot.
 5. Subject to minor auto service and minor repair only for the vehicles for sale on this property.
 6. Subject to all parts, tools or miscellaneous merchandise associated with the business and all non-operating vehicles kept either inside an enclosed building or behind a sight obscuring screening fence.
 7. Subject to this Special Use Permit granted to Mr. John Andrew Yurivilca only. Any change in ownership shall require a new SUP.
 8. 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.
- b) Request for the Commission's **recommendation on a Zoning Title Amendment** to add "Agritourism" in the AG District 10-4-1.2(A) for permitted uses & (B) as allowed by Special Use Permit and to the SUI District 10-4-2.2(A) for permitted uses & 10-4-2.2(B) as allowed by Special Use Permit and to add to Title 10-2-1 the definition of "Agritourism". c/o Scott Allen, JUB Engineers, Inc. on behalf of Kirk & Heidi Tubbs (app. 2903)

Applicant Presentation:

Heidi Tubbs, the applicant, stated they are here to request that Agritourism be added to the Twin Falls City Code. Twin Falls is historically an agricultural community and there are many challenges for small farms to be profitable. For example years ago people would come through and get fruits and vegetable for canning, now the people come through look at the animals, post photos on YouTube and would rather by the already made jams. Farms are getting creative to remain profitable and maintain the farm. As they are getting creative they have seen an increase in what is called agritourism that includes things like a straw maze, core maze, road side stands and petting zoos that bring people out to the farm. This creative creates a gray area for what is and isn't a farm activity and is currently not addressed in City Code. By addressing this in City Code it will allow some direction for the farmers as well as the City to follow with regards to agritourism. These types of statutes are being added all over the country. Agritourism has become in some places one of the top producing uses, and is a way to help some of the smaller farms to survive. Adding this will be a great benefit to the community.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated since Ordinance 2012 was first adopted in 1981 the AG and SUI zones were identified as RR; Rural Residential and R-1 43,000; Residential Large Lot Districts. In 2004, as part of an update to the Area of Impact Agreement between the County and the City, the names of those two zoning districts were amended to be AG; Agricultural and SUI; Suburban Urban Interface District. The content of the zones remained unchanged.

The purpose of the AG Zone “..... is intended to preserve the rural integrity of areas adjacent to the city” with land uses described to allow farming in the form of; a-animals on pasture, b-trees and plants, and c-intense agriculture on parcels 5 acres or larger, as well as fish farms with a special use permit.

The purpose of the SUI zone “....is intended to provide a transition district from agricultural land uses to residential land uses within the Area of Impact. This district is also intended as a holding zone for future higher density residential zones, to be annexed and developed when city water and sewer services become available” with land uses that allow minimum one- acre lots per single family residence and allows some cultural and sporting activities by special use permit. The SUI Zone is still considered an agricultural/rural area of town.

In 2013, the state legislature enacted the Idaho Agritourism Promotion Act, which essentially allowed Agritourism as secondary activity in conjunction with an active agricultural operation, and released the owner or operator from liability for the inherent risk in which such an operation presents.

This request looks to add “Agritourism” to the list of land uses in the AG and SUI zones on active agricultural farms.

This request is to add Agritourism to Title 10; Chapter 4 on active agricultural land. The applicant has requested to amend City Code 10-2-1, 10-4-1, and 10-4-2. Agriculture plays a significant role in Idaho’s economy, culture, and history, yet many Idahoans have been removed from that daily experience and do not have the opportunity to interact, with that culture and history. Per the Idaho State Statute 6-3003, the purpose of Agritourism is to provide an opportunity for Idahoans and visitors to Idaho, the chance to understand and experience a working agricultural operation that is still a predominate way of life in Idaho.

After multiple work sessions and phone conversations. The applicant and Staff have developed the following amendments:

Add the term and definition of “Agritourism Activity” as Defined by Idaho State Statute 6-3003 (2013) into City Code 10-2-1: Definitions:

AGRITOURISM ACTIVITY: An accessory use/secondary activity carried out on an active farm or ranch of ten (10) acres or more that allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities including, but not limited to, farming, ranching, historic, cultural, on-site educational farming programs, recreational farming programs that may include on-site hospitality services, guided and self-guided tours, bed and breakfast accommodations, farm animal petting zoos, short term farm festivals, corn mazes, “harvest-your-own” events, hayrides, barn parties, horseback riding, fee fishing and camping. An activity is an Agritourism activity whether or not the participant paid to participate in the activity.

Add “Agritourism Activity”, as a land use to City Code 10-4-1.2(A) and 10-4-1.2(B):

10-4-1: AG, AGRICULTURAL DISTRICT:

10-4-1.1: PURPOSE: This district is intended to preserve the rural integrity of areas adjacent to the city.

10-4-1.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agricultural:Farms - animals on pasture.Farms-plants and trees.Intensive agricultural units of five (5) acres or more without residential facilities.Agritourism Activities located more than 750’ from residentially zoned property or residential uses.

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the

Comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:Agricultural: Farms-Fish Agritourism Activities within 750’ of any residentially zoned property or residential uses or any Agritourism activity involving outdoor amplified sound or music.

Add “Agritourism Activity”, as a land use to the City Code 10-4-2.2(A) & 10-4-2.2(B):

10-4-2: SUI, SUBURBAN URBAN INTERFACE

10-4-2.1: PURPOSE: This district is intended to provide a transition district from agricultural land uses to residential land uses in the area of impact. This district is also intended as a holding zone for future higher density residential zones, to be annexed and developed when city water and sewer services become available. (Ord. 2796, 6-14-2004)

10-4-2.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses: Agricultural:Farms - animals on pasture.Farms-plants and trees.Intensive agricultural units of five (5) acres or more without residential facilities.Agritourism Activities located more than 750’ from residentially zoned property or residential uses.

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the

Comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:Agricultural:Farms-Fish Agritourism Activities within 750’ of any residentially zoned property or residential uses or any Agritourism activity involving outdoor amplified sound or music.

Staff supports this amendment, as it will allow currently active farms to augment their income

and activities to continue their operations while allowing the industry to grow and offer educational opportunities to the younger generation of Magic Valley residents.

However, perhaps the Commission should consider each request prior to operation, either by consideration or by public hearing. The definition, as proposed, offers a minimum size of ten (10) acres or more for an active farm or ranch as it relates to this proposed definition. Title 10 Chapter 2 defines a Farm as 20 acres or more within the Area of Impact. If the Commission feels ten (10) acres is not appropriate, they may motion to amend the minimum acreage of an active farm or ranch to be a more appropriate size for an Agritourism Activity.

In addition, the requirement for a 750' public notice distance is a proposed distance by staff. The Commission may determine this distance is not appropriate, and motion to amend that distance. There is staff recommendation on the number of attendees that would or would not be appropriate. The Commission may wish to add a number of attendees as permitted. If the anticipated attendees exceeds that number, it may be considered by special use permit. Development Standards to address parking plans, lighting, noise, hours of operation, etc. should be taken into consideration as well.

Senior Planner Spendlove stated upon conclusion the Commission may recommend to the City Council the Zoning Title Amendment as requested, recommend a modification of the proposed amendment, as presented (this may require another public hearing before the Commission), recommend the proposed amendment with staff's proposed modifications, or recommend the amendment be denied.

PZ/Questions & Comments:

- Commissioner Grey asked about the 10 acres designation.
- Senior Planner Spendlove explained staff didn't think that anyone could actually have a agritourism activity on anything less than 10 acres without it being a detriment to the surrounding properties.
- Commissioner Grey asked how big was the corn maze off of Grandview Drive.
- Senior Planner Spendlove explained that was approximately 30(+/-) acres and was approved through a Special Event process. A Special Event has to be approved every year by the police department and is applicable to all properties within the City Limits. If a Special Use Permit is required it is applicable to City Limits as well as Area of Impact properties.
- Commissioner Higley stated he doesn't understand how someone can farm 10(+/-) acres and then having an agritourism as a secondary use. He doesn't think 10(+/-) acres might be too small. The SUI is supposed to be a transitioning zone so he is not sure about the activities that are allowed for each area.
- Senior Planner Spendlove explained that the struggle was with the farms that are in the SUI zone and want to operate with some agritourism activities, staff didn't know how to limit these farms from something another farm would be allowed to do because they are in the agricultural zone. The Special Use Permit items was the method used to try and address the uses without eliminating things completely.

- Commissioner Grey explained if the parcel is not the actual farm and people are invited to come and visit can and make jam.
- Commissioner Higley asked if the farm is 30 and 10 is designated for agritourism activities, or is it 10 completely.
- Senior Planner Spendlove explained the citizen would come into the office and ask about these activities and staff would ask how many acres they have to work with for the proposed use.
- Commissioner Higley explained if it is 10 acres and then all of a sudden you're operating a business your bringing people to the property. Your promoting business within designated areas that are meant to be farm or to be converted to residential properties.
- Commissioner Munoz explained that there are you pick gardens as well as designated garden area where people are planting, picking and taking care of the garden.
- Commissioner Grey asked if a community garden would fall into this category.
- Senior Planner Spendlove explained the right to farm is protected by the state, he is not sure a community garden is protected by this statute.
- Commissioner Higley explained it shouldn't be a problem if this is secondary to the farm and does not become the primary source of income and the definition is enforced as it is written. He is not sure that someone with 10 (+/-) acres is going to produce enough to make a profitable farm, agritourism cannot become a primary source of income, which is why he thinks 10 (+/-) acres may be to small.
- Commissioner Frank asked what protects the agritourism if a community starts growing closer to them.
- Senior Planner Spendlove explained the right to keep farming would remain in place, if they had a Special Use Permit.
- Commissioner Munoz explained that is why the agritourism needs to be secondary.
- Commissioner Frank explained the transformation that has been brought up in the presentation, and agritourism may become the primary use because farming is evolving so that farms can make money.
- Commissioner Munoz explained if someone has 10 (+/-) acres and can farm and have the agritourism too great. He also asked about the amplified music definition.
- Senior Planner Spendlove explained if it is an amplified music system used by the farm for their event it would require a Special Use Permit. If it is a customer with amplified music that would be a reason for reporting a disturbance.

Public Hearing: Opened

- Louise Ward, Twin Falls County, stated she works a lot with the farming community and it is true they are trying to do things to survive. She is in support of this request.
- Zoning & Development Management Carraway-Johnson explained that the definition is very specific to the types of uses this change would allow.
- Kirk Tubbs, explained that while growing the produce having people come out and pick their pumpkins is part of the entire process. He explained he currently owns 30(+/-) acres that by cutting off of the portions that are within 750 ft of residential, that would

leave him with approximately 4 acres that he could do some type of agritourism event without having to get a Special Use Permit.

- Heide Tubbs, explained that if it is your residence and you have a two acre garden the primary use is your residence. If I have a 30 (+/-) acres farm the primary use is a farm that you happen to live on. Someone should not be able to put up a straw maze because they have an acre. The primary use has to be a farm.

Public Hearing: Closed

Discussions Followed:

- Commissioner Frank explained he thinks 750 ft is unreasonable.
- Commissioner Woods explained that 750 ft is borderline.
- Commissioner Frank clarified whether someone would have to come through this body for approval before starting this type of business.
- Senior Planner Spendlove explained that would only apply if the location of the event falls within 750 ft. of a residential area.
- Commissioner Munoz explained that if the 750 ft. is reduced then the number or requests the Commission would see would be minimal.
- Commissioner Grey explained it is very difficult to know that all of the activity is managed beyond the 750 ft. radius.
- Commissioner Higley explained that his issue is that some of the activities could be long term not just seasonal, which is why he has an issue with 10(+/-) acres.
- Commissioner Musser explained wouldn't it just be easier to make all of these require an SUP. It supports the activity but it controls what occurs. He works for an agricultural lender, they don't look at acreage they look at revenue.
- Commissioner Grey explained he understands that there may be very few of these to begin with, maybe requiring an SUP for everything to begin with and over time revisit the 750 ft. concept.
- Senior Planner Spendlove explained that currently people that own farmland in the area of impact don't have a mechanism to request to do this type of thing. Staff is looking for a way to allow these types of farms to have these types of events with minimal impact to the neighbors by setting the 750 ft. requirements.
- Mr. Tubbs explained they can still operate as a farm and is protected by state statute. This process came into play when they were trying to provide restrooms for the people that come out to the farm to pick. Because the public is using the bathroom it has to be a commercial bathroom.
- Commissioner Munoz explained he thinks the 750 ft is reasonable and doesn't have to be that all of the uses come in for a Special Use Permit.
- Commissioner Woods explained that after listening to the discussion his original feeling was that 750 ft was not big enough however, there are some activities that 10 ft away would be fine because it is low impact, such as picking vegetables.
- Mr. Tubbs explained that they have classes and things that may become more year round type activities, but the goal was to create a list of uses that could have an impact

on the neighbors require a Special Use Permit. They have planting, school tours, lady bug releases and these activities help produce revenue for the farm. The other option is to subdivide the property and put in 114 homes. The goal is to preserve these green spaces.

- Senior Planner Spendlove explained that the 750 ft does not prevent the activity from occurring it just requires a Special Use Permit.
- Commissioner Dawson, explained that she thinks this is a great idea and if someone can make this work with 10 acres or even 3 acres that would be fine. As for the distance, currently if someone wants to serve alcohol onsite and they are within 300 ft of a residence they have to come through for an SUP. She thinks 300 ft is sufficient, if you can drink beer and wine within 300 ft can be more impactful than kids visiting a farm.
- Mr. Tubbs explained most likely with all of this in consideration we will have to come through for a Special Use Permit because they rotate their crops. They would just like to have the opportunity to ask to be able to provide this activity. He thinks the 750 ft radius is too much.
- Commissioner Grey stated he doesn't have a problem with everything coming through for an SUP.
- Commissioner Frank explained that he is not sure that is reasonable because there may only be a few of these that come through.
- Commissioner Grey explained 300' should be the limit.
- Commissioner Higley explained he think that the 300' matches code and that the 10 acres should be removed.

Motion:

Commissioner Dawson made a motion to recommend approval, as presented, with an amendment that the 10 (+/-) acre minimum be removed from the proposed change and that the distance requiring a Special Use Permit be limited to 300 ft. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Recommended Approval, to City Council, As Amended
City Council Public Hearing December 11, 2017

7) Upcoming Meeting(s)

- a) December 12, 2017 Public Hearing
- a) November 28, 2017 Public Hearing
- December 12, 2017 Public Hearing

8) Adjournment

Chairman Frank adjourned the meeting at 8:00 pm

Lisa A. Strickland, Administrative Assistant



Twin Falls Planning & Zoning Commission Minutes

Tuesday, November 28, 2017, 6:00 PM

City Council Chambers
305 3rd Ave E
Twin Falls, ID 83301

Members -

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

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Members Present: Dawson, Woods, Frank, Musser, Higley, Grey, Munoz

Staff Present: Spendlove, O'connor, Carraway-Johnson, Strickland

2) Consideration of Amendments to Agenda

None

3) General Public Input

None

4) Consent Calendar

None

5) Items of Consideration

- a) A **Preliminary PUD Amendment Presentation** for an Amendment to CSI PUD #262-Section 2, to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' on property located at 315 Falls Avenue. c/o Spencer Cutler on behalf of the College of Southern Idaho (app. 2906)

Applicant Presentation:

Jeff Harmon, representing the College of Southern Idaho, would like to build a three story dorm on the CSI property, the PUD was originally restricted to a 35' height limit and this request is to amend the PUD document to allow for a 50' height. The development will occur south of North College Road and north of Falls Avenue East.

Staff Presentation:

CSI has a long history in the Magic Valley but has had a physical presence, at its current location, in Twin Falls since the early '60s. Prior to that, it was agricultural land. The campus has seen steady growth over the decades and has responded over time to such growth. The College of Southern Idaho-North Campus PUD Agreement #254 was adopted in 2008. This PUD rezoned the 87+/- acres north of North College Rd. In 2011 the current CSI PUD #262 was approved by the City Council. Currently the entire college grounds, referenced as Section 1; the campus north of North College Rd and Section 2; the campus south of North College Rd, are governed by PUD #262. This PUD was recorded in January 2012.

This is a preliminary presentation for a request to amend the CSI PUD #262. CSI PUD #262 is separated into two (2) sections; Section 1 is the campus north of North College Rd and Section

2 is the campus south of North College Rd. This proposed amendment is for Section 2; the campus south of North College Rd. The proposed amendment is to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' within Section 2 of the CSI campus.

City Code requires that the applicants make a preliminary presentation to the Commission and to the public. This presentation allows the Commission and the public to become familiar with the proposed planned development project prior to the actual public hearing. The Commission can also give suggestions to the applicants on the project outside of the hearing process. No action is taken at the presentation meeting.

A public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting **Tuesday, December 12th, 2017**. A complete staff report will be provided at that time.

Staff makes no recommendation at this time.

PZ/Questions & Comments:

- Commissioner Woods asked if this is for a specific site and the amendment is approved, the buildings can go as tall as 50' for any other building on the southern portion of CSI.
- Mr. Harmon stated the college does provide low light emission to protect the Herriot Center from light intrusions.
- Commissioner Munoz clarified that the residential development is allowed with a special use permit, this amendment will change it so that they are outright permitted.
- Senior Planner Spendlove explained that is correct.
- Commissioner Frank explained he can see that this will help address the college has outgrown the campus so growing up is a necessity and there will be a larger need in the future and 50' may not be enough.
- Commissioner Munoz asked if the building could be higher.
- Senior Planner Spendlove explained that this can be discussed at the public hearing.
- Commissioner Grey asked if a legible copy of the PUD could be provided in the public hearing packet.

Public Hearing: Opened & Closed Without Comment

Planning & Zoning Public Hearing Scheduled for December 12, 2017

- b) Request for consideration of a **Preliminary Plat** for the Locust Grove North Subdivision, approximately 2.04 (+/-) acres consisting of 3 lots on property located at 1629 Locust Street North. c/o EHM Engineers, Inc. on behalf of Walt Hess

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc. representing the applicant stated that this request is for a commercial subdivision that is approximately 2(+/-) acres, the property is surrounded by C-1 and they will be dividing the property into three lots, They do not have any users as of yet they

are just preparing for possible interested parties. The property is located along Locust Street North west of Home Depot.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated this parcel was annexed into the city in 1965 and records indicate the residence was built in the early '70s. Before that, imagery showed agricultural uses. The property was rezoned from R-4 to C-1 in July 2015. In March 2017, the City Building Department issued a demolition permit for the residence on the property. The residence has since been removed.

This is a request for consideration of approval for the Locust Grove North Subdivision Preliminary Plat, consisting of three (3) commercial lots on 2.04 +/- acres located at 1629 Locust St. N. This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development. Approval of a preliminary plat does not constitute a commitment by the City to provide water or wastewater services. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are approved.

The plat is in conformance with subdivision development criteria and the Comprehensive Plan, which designates this area as "Mixed Use."

Staff recommends the commission approve the Preliminary Plat for the Locust Grove North Subdivision, as presented, and subject to the following condition:

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

PZ/Questions & Comments:

- Commissioner Woods asked about the drainage in the area and if there is any development that will exacerbate this problem.
- Mr. Vawser, explained that this property is in a portion of the flood plane, any modifications that are made will have to bring the property into compliance for maintaining the water. Development should not impact the adjacent property.
- Commissioner Frank explained they will have to maintain stormwater onsite.
- Commissioner Grey asked about

Public Hearing: Opened and Closed Without Comment

Discussions Followed:

- Commissioner Grey asked about if access was going to be from Locust Street North
- Planner I O'Connor stated yes.

- Commissioner Munoz explained that he has not issues with the request.

Motion:

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

Approved, As Presented, With the Following Conditions

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

6) Public Hearings

- a) Request for a **Special Use Permit** to operate a beauty salon as a home occupation on property located at 1624 Kimes Avenue. c/o Paige Allred (app. 2907) **TO BE RESCHEDULED**
- b) Request for a **Special Use Permit** to operate a professional office on property located at 2016 Addison Avenue East. c/o Dave Thibault, EHM Engineers, Inc. on behalf of Janice Seagraves Family Foundation (app. 2905)
RESCHEDULED FOR JANUARY 9, 2018

7) Upcoming Meeting(s)

Open house is on Friday, December 1, 2017 public is invited for tours. Next meeting is December 12, 2017 with six public hearings.

- a) December 12, 2017 Public Hearing
 - Zoning & Development Manager Carraway-Johnson stated that the City of Twin Falls will be having an Open house Friday, December 1, 2017 public is invited for tours, there will be a parade and a lighting of the tree.

8) Adjournment

Chairman Frank adjourned the meeting at 6:24 pm.



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

In Re:	)	
	)	
<u>Preliminary Plat Application,</u>	)	FINDINGS OF FACT,
	)	
<u>Temple View Subdivision</u>	)	CONCLUSIONS OF LAW,
<u>c/o EHM Engineers, Inc.</u>	)	
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the November 14, 2017 hearing for consideration of the preliminary plat of Temple View Subdivision, approximately 2.19 (+/-) acres, to develop 2 residential lots located at 491 Canyon Rim Road, 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 requested approval of the preliminary plat of Temple View Subdivision, approximately 2.19 (+/-) acres, to develop 2 residential lots located at 491 Canyon Rim Road
2. The property in question is zoned R-2 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood 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, Residential; to the south, Residential; to the east, Canyon Rim Road/Snake River Canyon; to the west, Residential
5. The City Engineering Office has reviewed the preliminary plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets,

curb, gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

6. Any detrimental effects on the neighborhood would be ameliorated by observance of the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The preliminary plat of the Temple View Subdivision, approximately 2.19 (+/-) acres, to develop 2 residential lots located at 491 Canyon Rim Road is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The preliminary plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H) (2) (a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the Commission's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

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

DECISION

The request for approval of the preliminary plat of Temple View Subdivision, approximately 2.19 (+/-) acres, to develop 2 residential lots located at 491 Canyon Rim Road is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. 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.

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

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



**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.1457

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on November 14, 2017 to John Andrew Yurivilca whose address is 1102 Kimberly Road Twin Falls, ID 83301 for the purpose operating an automobile sales business on property located at 1102 Kimberly Road and legally described as RPT5201000001CT Twin Falls Surtees Subd W 208' Lot 1, Exc Hwy (22-10-17 NW)

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. 2902

1. Subject to the physical closure of the western most access along Kimberly Rd at all times, to be approved by staff, or the approach is to be removed and curb, gutter and sidewalk constructed.
2. Subject to compliance with Gateway Arterial Landscaping.
3. Subject to maintaining staff approved arterial landscape strip along Kimberly Rd and completed by **May 1, 2018**.
4. Subject to repair of the parking lot.
5. Subject to minor auto service and minor repair only for the vehicles for sale on this property.
6. Subject to all parts, tools or miscellaneous merchandise associated with the business and all non-operating vehicles kept either inside an enclosed building or behind a sight obscuring screening fence.
7. Subject to this Special Use Permit granted to Mr. John Andrew Yurivilca only. Any change in ownership shall require a new SUP.
8. 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.

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

ADMINISTRATOR SIGNATURE

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:	)	
	)	
<u>Special Use Permit, Application,</u>	)	FINDINGS OF FACT,
	)	
<u>John Andrew Yurivilca</u>	)	CONCLUSIONS OF LAW,
<u>Applicant(s)</u>	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on November 14, 2017 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of operating an automobile sales business on property located at 1102 Kimberly Road, 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 operating an automobile sales business on property located at 1102 Kimberly Road
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: October 26, 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 Commercial 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, Kimberly Road/Retail & Storage Units; to the south, Eastern Idaho Rail Road/Automotive Service & Repair; to the east; Restaurant/Shake Out; and to the west, Eastern Idaho Rail Road/Railroad Tracks & Yard.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-14, 10-1-5, 10-4-8, 10-7-12, 10-11-1 thru 8, Twin Falls City Code.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of operating an automobile sales business on property located at 1102 Kimberly Road 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 operating an automobile sales business on property located at 1102 Kimberly Road 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 operating an automobile sales business on property located at 1102 Kimberly Road 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 physical closure of the western most access along Kimberly Rd at all times, to be approved by staff, or the approach is to be removed and curb, gutter and sidewalk constructed.
2. Subject to compliance with Gateway Arterial Landscaping.
3. Subject to maintaining staff approved arterial landscape strip along Kimberly Rd and completed by **May 1, 2018**.
4. Subject to repair of the parking lot.
5. Subject to minor auto service and minor repair only for the vehicles for sale on this property.
6. Subject to all parts, tools or miscellaneous merchandise associated with the business and all non-operating vehicles kept either inside an enclosed building or behind a sight obscuring screening fence.
7. Subject to this Special Use Permit granted to Mr. John Andrew Yurivilca only. Any change in ownership shall require a new SUP.
8. 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.



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

In Re:	)	
	)	
<u>Preliminary Plat Application,</u>	)	FINDINGS OF FACT,
	)	
<u>Z Country</u>	)	CONCLUSIONS OF LAW,
<u>c/o EHM Engineers, Inc.</u>	)	
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the November 14, 2017 hearing for consideration of the preliminary plat of Z Country Subdivision, approximately 30.10 (+/-) acres, to develop 114 single family lots and 1 tract located on the south side of the 200 Block of Pheasant Road, 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 requested approval of the preliminary plat of Z Country Subdivision, approximately 30.10 (+/-) acres, to develop 114 single family lots and 1 tract located on the south side of the 200 Block of Pheasant Road

2. The property in question is zoned R-4 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood 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, Residential; to the south, Residential; to the east, Residential; to the west, Residential

5. The City Engineering Office has reviewed the preliminary plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of

development. The developer will pay all costs of public improvements, including but not limited to streets, curb, gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

6. Any detrimental effects on the neighborhood would be ameliorated by observance of the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The preliminary plat of the Z Country Subdivision, approximately 30.10 (+/-) acres, to develop 114 single family lots and 1 tract located on the south side of the 200 Block of Pheasant Road is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The preliminary plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H) (2) (a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the Commission's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

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

DECISION

The request for approval of the preliminary plat of Z Country Subdivision, approximately 30.10 (+/-) acres, to develop 114 single family lots and 1 tract located on the south side of the 200 Block of Pheasant Road is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. 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.

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

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



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

In Re:	)	
	)	
<u>Preliminary Plat Application,</u>	)	FINDINGS OF FACT,
	)	
<u>Locust Grove North Subdivision</u>	)	CONCLUSIONS OF LAW,
<u>c/o EHM Engineers, Inc.</u>	)	
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the November 28, 2017 hearing for consideration of the preliminary plat of Locust Grove North Subdivision, approximately 2.04 (+/-) acres, to develop 3 commercial lots located at 1629 Locust Street North, 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 requested approval of the preliminary plat of Locust Grove North Subdivision, approximately 2.04 (+/-) acres, to develop 3 commercial lots located at 1629 Locust Street North
2. The property in question is zoned C-1 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Mixed Use 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, Commercial/Retail; to the south, Vacant; to the east, Locust Street North/Home Depot; to the west, Commercial/UPS Shipping Center
5. The City Engineering Office has reviewed the preliminary plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets,

curb, gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

6. Any detrimental effects on the neighborhood would be ameliorated by observance of the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The preliminary plat of the Locust Grove North Subdivision, approximately 2.04 (+/-) acres, to develop 3 commercial lots located at 1629 Locust Street North is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The preliminary plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H) (2) (a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the Commission's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

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

DECISION

The request for approval of the preliminary plat of Locust Grove North Subdivision, approximately 2.04 (+/-) acres, to develop 3 commercial lots located at 1629 Locust Street North is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. 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.

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

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



Public Hearing: **Tuesday, December 12th, 2017**

To: Planning and Zoning Commission

Presenter: Steve O'Connor, Planner I

Editor: Renee V. Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM 6a

Request: Consideration of the **Revocation of Special Use Permit** #1233, granted to Afrim Hetemi on June 14, 2011 to allow an indoor recreation facility to operate in conjunction with an existing bar and grocery store outside the permitted retail hours of operation on property located at 139 Shoshone St N. c/o City of Twin Falls.

Time Estimate:

Applicant may take up to fifteen (15) minutes, Staff presentation may take up to ten (10) minutes and Additional time may be necessary to address questions and or clarifications asked by the commission.

Background:

Applicant:	Status: Lessee	Size: A portion of .13+/- acres
City of Twin Falls PO Box 1907 Twin Falls, Idaho 83303-1907	Current Zoning: CB P-1 DHD; Central Business District with a P-1 Parking Overlay and the Downtown Historic Downtown District/Overlay	Requested Zoning: Revocation of SUP 1233
	Comprehensive Plan: Downtown/High Density	Lot Count: 1 Lot
	Existing Land Use: Grocery Store, Restaurant & Bar w/extended hours of operation	Proposed Land Use: Permitted uses operating within permitted retail hours; 7am to 10pm
SUP issued to:	Zoning Designations & Surrounding Land Use(s)	
Afrim Hetemi 718 3 rd Ave E Twin Falls, ID 83301 208.404.9866 208.733.0827	North West: CB P-1 DHD; URA Parking Lot	North East: CB P-1 DHD; Hands On Art Studio
	South East: Shoshone St N; CB P-1 DHD; Public Parking Lot	South West: CB P-1 DHD; Office
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-7.2(B)10 & 12, 10-10, 10-11-1 thru 8, 10-13-2.3	

10-13-2.3 - Revocation of a Special Use Permit:

Revocation of a Special Use Permit process requires a public hearing to be held in which the permit holder, city staff and/or and aggrieved party may present testimony or other evidence at said public hearing.

City Code Section 10-13-2.3 provides a procedure for revocation of permits. Specifically, 10-13-2.3(A)2 states that a permit can be revoked, "for violation of supplementary conditions, safeguards and/or restriction imposed by the City Council or the Planning & Zoning Commission at the time the permit was granted." A petition for revocation may be initiated by the adoption of a motion by the Commission, City Council or by the filing of a petition by an aggrieved person.

The decision of the zoning body hearing a revocation proceeding **shall be based on the record**. If said zoning body finds substantial evidence on the record that continuance of the use in question will result in a significant adverse impact on the surrounding developments or other affected parties, and that the permit holder is unable or unwilling to alleviate the adversity, or if said zoning body finds substantial evidence on the record that conditions, safeguards or restrictions imposed by the commission or council have been violated, the zoning body may revoke the permit in question.

Analysis:

There is no addition analysis from Staff for this item. However, The Police Department has additional information to present per the commission's request from the October 24th public hearing (See attachment #3).

The site is zoned CB P-1; Central Business District with P-1 parking overlay and within the Downtown Historic District. Special Use Permit #1233 was granted to Afrim Hetemi on June 14, 2011 to operate an indoor recreation facility to include dancing and pool tables in conjunction with an existing bar and grocery store. The Special Use Permit granted allowed operating with extended hours of operation Wednesday, Friday, and Saturday from 11:00 pm to 3:00 am on property located at 139 Shoshone St N. The permit was granted, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable city code requirements and standards.
2. Subject to compliance with State, County, and City Alcohol licenses and regulations.
3. Subject to this facility being allowed to operate until 3:00 am on Wednesday, Friday, and Saturdays, as presented.
4. Subject to operation of an indoor recreation facility including a dance floor and pool table as presented.

City Staff was approached by the Police Department as part of an on going effort to curb the disturbances and issues stemming from Bumpin' Bernie's operating past permitted hours of operation of 10:00 pm. See attached report from the Twin Falls Police Department for a thorough and detailed analysis of the situation. City Staff has worked collaboratively to attempt to address the issues detailed in the police report through various means.

This Commission approved the Consideration of the Initiation for Revocation on September 26, 2017 and held a public hearing on October 24, 2017. The Commission tabled their decision requesting additional information be provided. This public hearing is the next step in the process. Staff is asking the Commission to act on this request.

Sgt. Loosli is here to discuss further the Commission's request for more information with Attachment #2; Call for Service Analysis. Sgt. Looslie has suggested if the Commission votes to reduce the operating hours - 1:30 am would be consistent with other local bars operating hours.

Conclusion:

The commission is tasked to approve revocation of, deny the revocation of, or amend SUP #1233. Staff recommends amending the SUP per the Police Department's recommendation and subject to:

1. Subject to removal of condition #3 of SUP #1233
2. Subject to closing down the establishment to all uses and patrons at 1:30 am, with no patrons allowed within the premises beyond the **1:30 am closing time** –the *PD suggested time per normal bar operating hours*.

Attachments:

1. Updated Detailed Police Report
2. Updated Calls for Service
3. Calls for Service Analysis 10-1-16 thru 9-30-17
4. Aerial Map
5. Zoning Vicinity Map
6. Parking Lot Aerial
7. SUP #1233
8. Sept 26 & Oct 24, 2017 portion P&Z Minutes
9. Photos

TO: Planning and Zoning
FROM: Sgt. Kevin Loosli
SUBJECT: 139 Shoshone St. N

DEPARTMENT: City of Twin Falls
DEPARTMENT: Twin Falls Police
DATE: 9/12/2017

On June 14, 2011 Afrim Hetemi was granted a special use permit for 139 Shoshone St. N., Bumpin Bernies. Condition # 3 states "Subject to this facility being allowed to operate until 3:00am on Wednesdays, Fridays and Saturdays, as presented." There is no provision for being open past 10:00 pm on any other night. City code 10-4-7.3 (B)10 requires a special use permit for the operation of a permitted retail/trade use outside the hours of 7:00am to 10:00pm in the CB zone.

The business has run a bar/dance facility for the majority of the time, but recently added a hookah lounge inside. At 0130 hours the business no longer operates as a bar in compliance with state statute, and turns into a dance/hangout from 1:30am to 3:00am.

Since the special use permit was granted on August 14, 2017 the Twin Falls Police Department has responded to 139 Shoshone St. N. 283 times. The Twin Falls Police Department has taken 67 police reports that range from assault or battery, aggravated battery, public urination and DUI. 58% or 165 of those calls for service occur after 0130 hours. 98% of the calls after 0130 occurred on Friday or Saturday night.

Of those 283 calls for service, 88 of those calls are fights or disturbances. 71% or 63 of those 88 fights or disturbance calls occurred after 0130 hours. Of the 283 calls for service, we have made 33 traffic stops in that parking lot that have resulted in 6 DUI arrests.

I compared 139 Shoshone St. N. to other bars in town. 139 Shoshone St. N. hours of operation are Monday-Tuesday 10:00am-2:00pm, Wednesday-Thursday 10:00am-2:00pm and 7:30 pm-1:00am, Friday-Saturday 10:00am-2:00pm and 7:00pm-3:00am and Sunday 7:30pm-1:00am. The bars that I compared 139 Shoshone St. N. too close at 1:30am, as there are no bars open past 1:30am.

- Bar #1 (516): This bar opens in the evening is one of the busiest locations in town on Friday and Saturday. They have operated since 2015. The Twin Falls Police Department responded to 226 calls for service and took 45 police reports from January 1, 2015-August 14, 2017. Of those 226 calls for service 39 were after 1:30am.
- Bar#2 (1519): This bar remains busy throughout the week and is open from the morning until closing at 0130 hours. The Twin Falls Police Department responded to 285 calls for service and 60 police reports from June 14, 2011- August 14, 2017. Of those 285 calls for service 29 were after 1:30am.
- Bar #3 (402): This bar is located in the downtown area and is open throughout the week from the morning until closing at 1:30am. The Twin Falls Police Department responded to 296 calls for service and took 39 police reports from June 14, 2011-August 14, 2017. Of those 296 calls for service 37 were after 1:30am.

On Thursday September 14th and Sunday September 17th Twin Falls Police Department patrol officers conducted an inspection of 139 Shoshone St. N. On Thursday, 9/14/2017, officers conducted the inspection at 11:31 pm. On Sunday, 9/17/2017, officers conducted the inspection at 11:33 pm. Both these nights the bar was open past permitted hours per city code 10-4-7.3 (B)10.

The Twin Falls Police Department is requesting that the Planning and Zoning board review the special use permit for 139 Shoshone St N and change the hours of operation not to exceed 0130 hours, on any night of the week, in accordance with other liquor, alcohol and wine licensed establishments.

Calls for Service 10/1/2016 through 9/30/2017

Bar	Calls For Service (CFS)	CFS after 1:30am	Fight/Disturbance/Battery CFS	Reports	Percentage of total calls after 1:30am
Bernies	108	52	36	24	48.10%
401	9	0	6	2	0%
402	80	15	8	15	18.75%
513	23	3	3	4	13%
516	90	20	21	20	22.20%
1519	52	2	17	2	3.80%
1532	39	3	12	10	7.70%
1749	48	6	4	8	12.50%
Totals of 7 other bars	341	49	71	61	14.30%



TWIN FALLS
POLICE DEPARTMENT
356 3RD AVE E
TWIN FALLS, ID 83301
208-735-4357

CFS EVENT DETAIL

CAD EVENT NUMBER

1710270005

CALL TYPE

DIST

CALLS FOR SERVICE INFORMATION

AGENCY	CAD EVENT NUMBER	CASE NUMBER	AGENCY NUMBER	DATE AND TIME	CALL TYPE	CALL TYPE EXPLAINED	FINAL CALL TYPE
TFPD	1710270005	17006486		10/27/2017 01:20	DIST	DISTURBANCE	1313
LOCATION				APT/SUITE/BOX	CITY	RESPONSE ZONE	RESPONSE AREA
139 SHOSHONE ST N					TWIN FALLS	118	118
LOCATION COMMENT							
BUMPIN BERNIE'S							
COMMENTS							
RP ADVD HE BEING ASSUALT							
-----[CAD1/314 10/27/17 01:20:51]							
ADVD HE IS BENG CHASED							
-----[CAD1/314 10/27/17 01:21:00]							
RP IS ON FOOT							
-----[CAD1/314 10/27/17 01:21:21]							
RP ADVD HE WAS PUNCHED IN THE FACE							
-----[CAD1/314 10/27/17 01:21:26]							
HE WAS AT THE BAR							
-----[CAD1/314 10/27/17 01:21:35]							
RP ADVD 3 MALES							
-----[CAD1/314 10/27/17 01:22:01]							
2ND N							
-----[CAD1/314 10/27/17 01:22:46]							
SAYING HE THINKS THEY ARE GOING TO ATTACK A FEM							
-----[CAD1/314 10/27/17 01:23:07]							
LOTS OF YELLING							
-----[CAD1/314 10/27/17 01:23:18]							
LINE DISCONNECTED							
-----[CAD3/374 10/27/17 01:23:44]							
330 - THEY ARE IN FRONT OF BUMPIN BERNIES, TRYING TO FIGHT							
-----[CAD3/374 10/27/17 01:24:22]							
279 - SOME RAN SHOSHONE TOWARDS MAIN							
-----[CAD3/374 10/27/17 01:26:52]							
279 - 1 MALE POSS WEARING SHORTS							
-----[CAD3/374 10/27/17 01:30:07]							
279 - LAST KNOWN DOT: AROUND THE ALLEY							
-----[CAD3/374 10/27/17 01:33:21]							
362 - GET MEDS ENRT							
MALE HAS PAIN IN HEAD							
-----[CAD1/314 10/27/17 01:33:59]							
SIRCOMM ADVD							
-----[CAD3/374 10/27/17 01:34:29]							
RELATED TO TFFD 1710270007							
-----[CAD3/374 10/27/17 01:34:50]							
369 - 2 SUBJS IN FRONT OF SLICE, 1 MALE 1 FEM							
-----[CAD3/374 10/27/17 01:35:13]							
310 - CHECK RMS FOR							
-----[CAD3/374 10/27/17 01:39:17]							
EVENT LOCATION CHANGED FROM SHOSHONE ST S/2ND AVE S TWIN FALLS							
-----[MERGED CAD3/374 10/27/2017 01:57:36]							
MERGED 1710270008 TYPE: VEH STOP							
LOCATION: 120 6TH AVE W							
MAVERIK COUNTRY STORE							
RP:							
COMMENTS: License.							
BLK 1999 CHEV							
MAKING CONTACT-----[CAD3/374 10/27/17 01:44:58]							
EVENT LOCATION CHANGED FROM MAVERIK							
-----[CAD3/374 10/27/17 02:01:12]							
ISSUED CASE# 17006486 FOR AGENCY TFPD by UNIT 12362							
-----[CAD3/374 10/27/17 02:03:35]							
362 - HE'S POSS DUI							
-----[CAD3/374 10/27/17 02:03:46]							
CORR 360 - HE'S POSS DUI							
-----[CAD3/374 10/27/17 02:12:43]							
350 - LOOK U							
-----[CAD3/374 10/27/17 02:13:46]							
CORR							
-----[CAD3/374 10/27/17 02:22:01]							
360 - 362 1 MALE IC							

CFS EVENT DETAIL	TWIN FALLS POLICE DEPARTMENT	CAD EVENT NUMBER 1710270005
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[CAD3/374 10/27/17 02:57:24]	
360 - NNP TOW FOR	NO DAMAGE
[CAD3/374 10/27/17 02:57:32]	
TOW ASSIGNED-DIAMOND TOWING, 2087348233,	
[CAD3/374 10/27/17 02:59:02]	
DIAMOND TOW ADVD FOF	BLK 1999 CHEV CAV CP - NO DAMAGE
[CAD3/374 10/27/17 03:10:53]	
360 - TOW ON LOC	
[CAD3/374 10/27/17 03:12:07]	
360 - OW HAS VEH	
REPORTING PARTY	AREA CODE 208
REPORTING ADDRESS 42.547581 -114.46230	PHONE NUMBER
PRIMARY UNIT 12362	DISPOSITION
DISPOSITION COMMENTS	
E-911	DISPATCH 01:21:09
ARRIVED 01:23:12	CLEARED 03:47:33
CLOSED 03:47:33	

UNITS STATUS RECORDS

TIME	UNIT	STATUS	COMMENT	LOCATION	DISPO
01:21	12362	D		SHOSHONE ST S/2ND AVE S	
01:21	12330	D		SHOSHONE ST S/2ND AVE S	
01:23	12279	A		SHOSHONE ST S/2ND AVE S	
01:23	12330	A		SHOSHONE ST S/2ND AVE S	
01:24	12330	A		BUMPIN BERNIES	
01:25	12360	E		SHOSHONE ST S/2ND AVE S	
01:25	12360	A		SHOSHONE - DOWN MAIN	
01:25	12369	E		SHOSHONE ST S/2ND AVE S	
01:26	12289	E		SHOSHONE ST S/2ND AVE S	
01:26	12356	E		SHOSHONE ST S/2ND AVE S	
01:26	12356	A		SHOSHONE ST S/2ND AVE S	
01:27	12279	QP			
01:27	12369	A		SHOSHONE ST S/2ND AVE S	
01:27	12289	A		SHOSHONE ST S/2ND AVE S	
01:27	12279	QP			
01:28	12279	C4			
01:28	12360	A	ON FOOT	MAIN/GOODING	
01:31	12310	A	W/FEM	BEHIND BUMPIN BERNIE	
01:34	12369	A	ON FOOT	SANDWICH CO	
01:34	12289	A	ON FOOT	SANDWICH CO	
01:35	12310	QP			
01:35	12362	A		SHOSHONE ST S/2ND AVE S	
01:36	12310	C4			
01:36	12362	C4			
01:36	12369	QP			
01:37	12356	QP			
01:39	12360	C	CLEARED BY CAD3		14
01:39	12362	QP			
01:40	12362	QP			
01:40	12356	C4			
01:40	12279	C4			
01:40	12279	A		139 SHOSHONE ST N	
01:40	12356	A		139 SHOSHONE ST N	
01:41	12362	QP			
01:41	12362	QP			



**TWIN FALLS
POLICE DEPARTMENT**
356 3RD AVE E
TWIN FALLS, ID 83301
208-735-4357

CFS EVENT DETAIL

CAD EVENT NUMBER

1710290022

CALL TYPE

FIGHT

CALLS FOR SERVICE INFORMATION

AGENCY TFPD	CAD EVENT NUMBER 1710290022	CASE NUMBER	AGENCY NUMBER	DATE AND TIME 10/29/2017 02:31	CALL TYPE FIGHT	CALL TYPE EXPLAINED FIGHT	FINAL CALL TYPE 9908
LOCATION 139 SHOSHONE ST N				APT/SUITE/BOX	CITY TWIN FALLS	RESPONSE ZONE 118	RESPONSE AREA 118
LOCATION COMMENT BUMPIN BERNIE'S							
COMMENTS RP SAW A GROUP OF PEOPLE THROW A MALE INTO TRAF ON 2ND							
REPORTING PARTY LEVI						AREA CODE 208	PHONE NUMBER
REPORTING ADDRESS PASSER BY							
PRIMARY UNIT 12328	DISPOSITION	DISPOSITION COMMENTS					
E-911	DISPATCH 02:32:06	ARRIVED 02:34:04	CLEARED 02:36:52	CLOSED 02:36:52			

UNITS STATUS RECORDS

TIME	UNIT	STATUS	COMMENT	LOCATION	DISPO
02:32	12328	D		139 SHOSHONE ST N	
02:32	12237	D		139 SHOSHONE ST N	
02:32	12371	D		139 SHOSHONE ST N	
02:34	12371	A		139 SHOSHONE ST N	
02:34	12304	A		139 SHOSHONE ST N	
02:35	12237	A		139 SHOSHONE ST N	
02:35	12328	A		139 SHOSHONE ST N	
02:35	12329	A		139 SHOSHONE ST N	
02:36	12329	F	RE-ASSIGNED		
02:36	12328	C	CLEARED BY CAD3		6
02:36	12237	C	CLEARED BY CAD3		
02:36	12304	C	CLEARED BY CAD3		
02:36	12371	C	CLEARED BY CAD3		

LINKED NAMES

UNIT	REASON	NAME (OR DL)	DOB
RP		LEVI	



**TWIN FALLS
POLICE DEPARTMENT**
356 3RD AVE E
TWIN FALLS, ID 83301
208-735-4357

CFS EVENT DETAIL

CAD EVENT NUMBER

1711120022

CALL TYPE

DIST**CALLS FOR SERVICE INFORMATION**

AGENCY TFPD	CAD EVENT NUMBER 1711120022	CASE NUMBER	AGENCY NUMBER	DATE AND TIME 11/12/2017 02:45	CALL TYPE DIST	CALL TYPE EXPLAINED DISTURBANCE	FINAL CALL TYPE 9908
LOCATION 139 SHOSHONE ST N				APT/SUITE/BOX	CITY TWIN FALLS	RESPONSE ZONE 118	RESPONSE AREA 118
LOCATION COMMENT BUMPIN BERNIE'S							
COMMENTS GROUP OF MALES TALKING JUNK TO RP THROWING ITEMS AT RPS CAR RP IN A LINCOLN WHI NKS -----[CAD1/314 11/12/17 02:46:03] IN PL WS OF ABOVE BY A GREEN OR BLUE CAR ADVD APPROX 6 GUYS IN PL DRINKING WITH D AND S -----[CAD1/314 11/12/17 02:46:33] SUBJS ARE HARASSING FEMS AND TRYING TO START FIGHTS WITH OTHER MALES ONE THREW A BEER CAN AT A CAR							
REPORTING PARTY						AREA CODE 208	PHONE NUMBER
REPORTING ADDRESS							
PRIMARY UNIT 12329	DISPOSITION	DISPOSITION COMMENTS					
E-911	DISPATCH 02:45:53	ARRIVED 02:49:00	CLEARED 03:02:05	CLOSED 03:02:05			

UNITS STATUS RECORDS

TIME	UNIT	STATUS	COMMENT	LOCATION	DISPO
02:45	12329	D		139 SHOSHONE ST N	
02:45	12358	D		139 SHOSHONE ST N	
02:49	12329	A		139 SHOSHONE ST N	
02:49	12358	A		139 SHOSHONE ST N	
02:49	12237	A		139 SHOSHONE ST N	
02:49	12358	QV			
02:50	12304	A		139 SHOSHONE ST N	
02:57	12358	C4			
02:57	12329	C4			
02:57	12237	C4			
02:57	12304	C4			
03:01	12329	C	CLEARED BY CAD3		6
03:02	12358	C	CLEARED BY CAD3		
03:02	12237	C	CLEARED BY CAD3		
03:02	12304	C	CLEARED BY CAD3		

LINKED NAMES

UNIT	REASON	NAME (OR DL)	DOB
	RP		

LINKED VEHICLES

UNIT	REASON	LICENSE NO.	ST	MAKE	YEAR	COLOR
12358	QV					/



TWIN FALLS
POLICE DEPARTMENT
356 3RD AVE E
TWIN FALLS, ID 83301
208-735-4357

CFS EVENT DETAIL

CAD EVENT NUMBER

1711180019

CALL TYPE

DIST

CALLS FOR SERVICE INFORMATION

AGENCY TFPD	CAD EVENT NUMBER 1711180019	CASE NUMBER	AGENCY NUMBER	DATE AND TIME 11/18/2017 03:17	CALL TYPE DIST	CALL TYPE EXPLAINED DISTURBANCE	FINAL CALL TYPE
LOCATION 139 SHOSHONE ST N				APT/SUITE/BOX	CITY TWIN FALLS	RESPONSE ZONE 118	RESPONSE AREA 118
LOCATION COMMENT BUMPIN BERNIE'S							
COMMENTS -----[CAD3/376 11/18/17 03:17:37] EVENT LOCATION CHANGED FROM BUMPIN BERNIES							
REPORTING PARTY						AREA CODE	PHONE NUMBER
REPORTING ADDRESS							
PRIMARY UNIT 12215	DISPOSITION	DISPOSITION COMMENTS					
E-911	DISPATCH 03:17:31	ARRIVED 03:17:31	CLEARED 03:27:33	CLOSED 03:27:33			

UNITS STATUS RECORDS

TIME	UNIT	STATUS	COMMENT	LOCATION	DISPO
03:17	12215	A		BUMPIN BERNIES	
03:18	12279	A		139 SHOSHONE ST N	
03:18	12356	A		139 SHOSHONE ST N	
03:18	12330	A		139 SHOSHONE ST N	
03:21	12360	A		139 SHOSHONE ST N	
03:23	12330	C	CLEARED BY MOBILE		6
03:23	12279	C	CLEARED BY MOBILE		6
03:24	12356	C	CLEARED BY MOBILE		6
03:27	12360	C	CLEARED BY CAD3		
03:27	12215	C	CLEARED BY CAD3		6



**TWIN FALLS
POLICE DEPARTMENT**
356 3RD AVE E
TWIN FALLS, ID 83301
208-735-4357

CFS EVENT DETAIL

CAD EVENT NUMBER

1711220156

CALL TYPE

SUSI**CALLS FOR SERVICE INFORMATION**

AGENCY TFPD	CAD EVENT NUMBER 1711220156	CASE NUMBER	AGENCY NUMBER	DATE AND TIME 11/22/2017 21:32	CALL TYPE SUSI	CALL TYPE EXPLAINED SUSPICIOUS INCIDENT	FINAL CALL TYPE 9908
LOCATION 139 SHOSHONE ST N				APT/SUITE/BOX	CITY TWIN FALLS	RESPONSE ZONE 118	RESPONSE AREA 118
LOCATION COMMENT BUMPIN BERNIE'S							
COMMENTS PEOPLE IN 3 CARS, SITTING IN PARKING LOT, BLARING MUSIC AND ACTING SHADY CREEPING WAITRESS FROM SLICE FROM GOING TO THEIR CARS -----[CAD1/378 11/22/17 21:33:36] EVENT LOCATION CHANGED FROM BUMPIN TWIN FALLS							
REPORTING PARTY JIM						AREA CODE	PHONE NUMBER
REPORTING ADDRESS							
PRIMARY UNIT 12356	DISPOSITION		DISPOSITION COMMENTS				
E-911	DISPATCH 21:33:08	ARRIVED 21:35:02	CLEARED 21:39:38	CLOSED 21:39:38			

UNITS STATUS RECORDS

TIME	UNIT	STATUS	COMMENT	LOCATION	DISPO
21:33	12356	D		BUMPIN	
21:33	12350	D		BUMPIN	
21:35	12350	A		139 SHOSHONE ST N	
21:36	12356	A		139 SHOSHONE ST N	
21:38	12350	QV			
21:38	12350	C	CLEARED BY MOBILE		6
21:39	12356	C	CLEARED BY MOBILE		6

LINKED NAMES

UNIT	REASON	NAME (OR DL)	DOB
	RP	JIM	

LINKED VEHICLES

UNIT	REASON	LICENSE NO.	ST	MAKE	YEAR	COLOR
12350	QV					/



TWIN FALLS POLICE DEPARTMENT

356 3RD AVE E
TWIN FALLS, ID 83301
208-735-4357

CFS EVENT DETAIL

CAD EVENT NUMBER

1711250009

CALL TYPE

ND

CALLS FOR SERVICE INFORMATION

AGENCY TFPD	CAD EVENT NUMBER 1711250009	CASE NUMBER	AGENCY NUMBER	DATE AND TIME 11/25/2017 01:03	CALL TYPE ND	CALL TYPE EXPLAINED NOISE DISTURBANCE	FINAL CALL TYPE 9908
LOCATION 139 SHOSHONE ST N				APT/SUITE/BOX	CITY TWIN FALLS	RESPONSE ZONE 118	RESPONSE AREA 118
LOCATION COMMENT BUMPIN BERNIE'S							
COMMENTS RP ADV THE BASE AT ABOVE IS EXTREMELY LOUD / WOULD LIKE IT TURNED DOWN -----[12357/MDT 11/25/17 01:22] IT IS QUIET. SECURITY WAS ADV.							
REPORTING PARTY JOHN						AREA CODE	PHONE NUMBER
REPORTING ADDRESS							
PRIMARY UNIT 12357	DISPOSITION	DISPOSITION COMMENTS					
E-911	DISPATCH 01:03:51	ARRIVED 01:05:17	CLEARED 01:22:59	CLOSED 01:22:59			

UNITS STATUS RECORDS

TIME	UNIT	STATUS	COMMENT	LOCATION	DISPO
01:03	12357	D		139 SHOSHONE ST N	
01:03	12329	D		139 SHOSHONE ST N	
01:05	12357	A		139 SHOSHONE ST N	
01:12	12329	A		139 SHOSHONE ST N	
01:22	12329	C	CLEARED BY MOBILE		6
01:22	12357	C	CLEARED BY MOBILE		6

LINKED NAMES

UNIT	REASON	NAME (OR DL)	DOB
	RP	JOHN	



**TWIN FALLS
POLICE DEPARTMENT**
356 3RD AVE E
TWIN FALLS, ID 83301
208-735-4357

CFS EVENT DETAIL

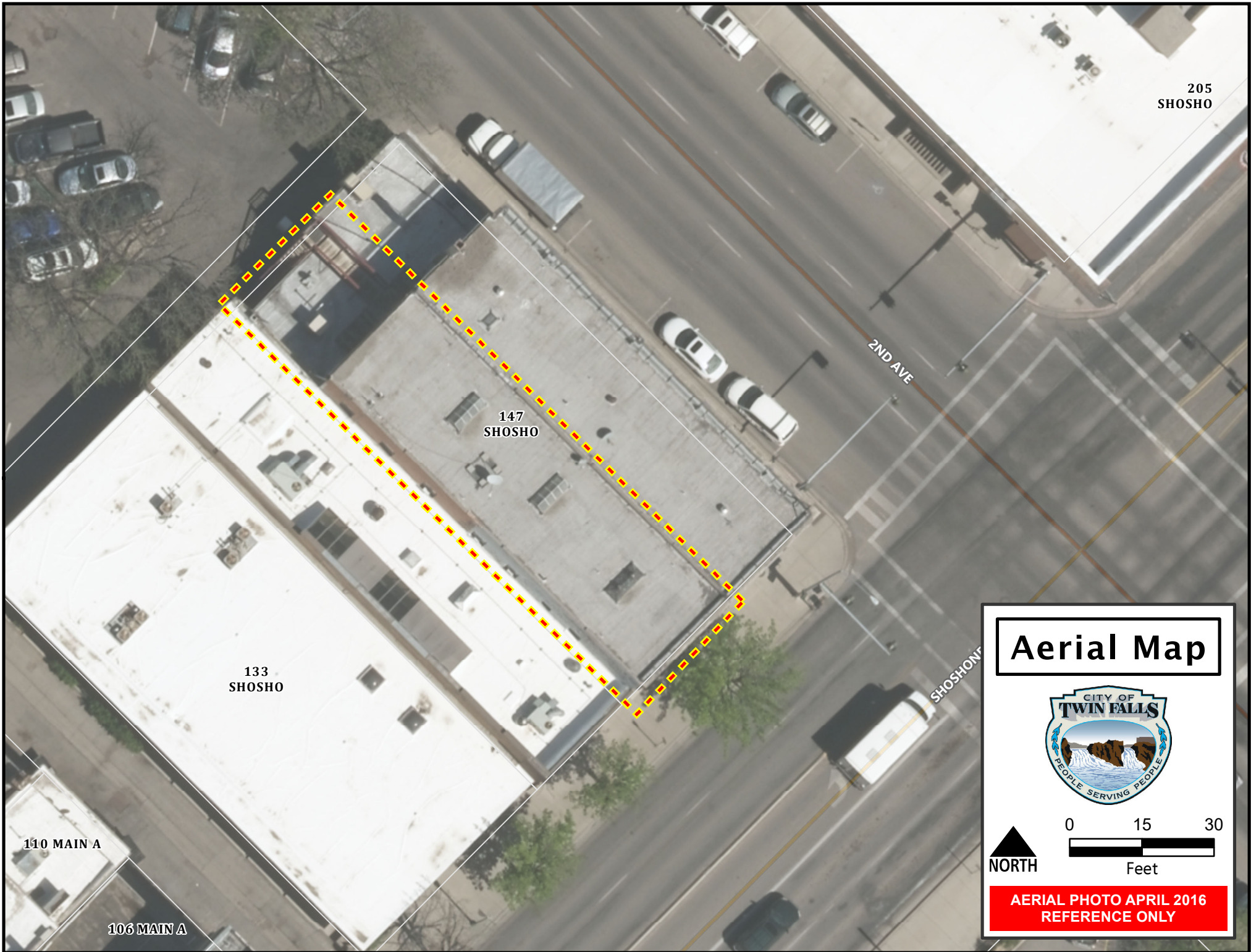
CAD EVENT NUMBER
1711260016
CALL TYPE
DIST

CALLS FOR SERVICE INFORMATION

AGENCY TFPD	CAD EVENT NUMBER 1711260016	CASE NUMBER 17007192	AGENCY NUMBER	DATE AND TIME 11/26/2017 02:54	CALL TYPE DIST	CALL TYPE EXPLAINED DISTURBANCE	FINAL CALL TYPE 1314
LOCATION 139 SHOSHONE ST N				APT/SUITE/BOX	CITY TWIN FALLS	RESPONSE ZONE 118	RESPONSE AREA 118
LOCATION COMMENT BUMPIN BERNIE'S							
COMMENTS / WHI MAXDA TOOK OFF ON 2ND TOWARDS ADDISON ROMERO BAUTISTA HIT RP -----[CAD1/338 11/26/17 02:55:10] RP ADV ABOUT 4 PEOPLE IN THE VEH RP IS THE VICTIM / WANTS TO BE A VICTIM -----[CAD1/338 11/26/17 02:55:58] HE HIT RP WITH HIS HAND -----[CAD1/338 11/26/17 02:56:28] RP WILL BE IN A MAR YUKON IN THE PL RP HAS A FRIEND WITH HER RP ADV SHE IS NOT INJURED -----[CAD3/314 11/26/17 02:56:46] -----[CAD1/338 11/26/17 02:57:43] RP ADV HE IS A FELON -----[CAD3/314 11/26/17 02:59:55] 304 ADVD GOING TO BE A DOM/ SHOULD BE HEADED BACK TO JEROME -----[CAD3/314 11/26/17 03:00:48] 304 321 EAST AVE B IN JEROME -----[CAD1/338 11/26/17 03:03:36] SIRCOMM ADV OF ATL -----[CAD3/314 11/26/17 03:07:56] SUSP MIGHT BE AT MIGHT BE DRIVING A SILVER 2000 WITH TS ECLIPSE WITH GREEN BUMPER -----[CAD3/314 11/26/17 03:13:57] 304 POSS DUI AND DWOP -----[CAD1/338 11/26/17 03:15:24] SIRCOMM UPDATED -----[CAD3/314 11/26/17 03:17:46] ISSUED CASE# 17007192 FOR AGENCY TFPD by UNIT 12237							
REPORTING PARTY						AREA CODE 208	PHONE NUMBER
REPORTING ADDRESS							
PRIMARY UNIT 12237	DISPOSITION		DISPOSITION COMMENTS				
E-911	DISPATCH 02:54:39	ARRIVED 02:57:10	CLEARED 03:21:48	CLOSED 03:21:48			

UNITS STATUS RECORDS

TIME	UNIT	STATUS	COMMENT	LOCATION	DISPO
02:54	12237	D		139 SHOSHONE ST N	
02:54	12358	D		139 SHOSHONE ST N	
02:57	12304	A		139 SHOSHONE ST N	
02:57	12237	D		139 SHOSHONE ST N	
02:57	12237	A		139 SHOSHONE ST N	
02:58	12358	QV			
03:00	12237	QP			
03:01	12237	QP			
03:01	12304	QV			
03:02	12237	QP			
03:03	12237	C4			



205
SHOSHO

147
SHOSHO

133
SHOSHO

110 MAIN A

106 MAIN A

2ND AVE

SHOSHONTA

Aerial Map

NORTH

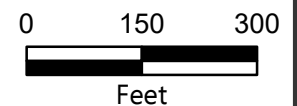
0 15 30

Feet

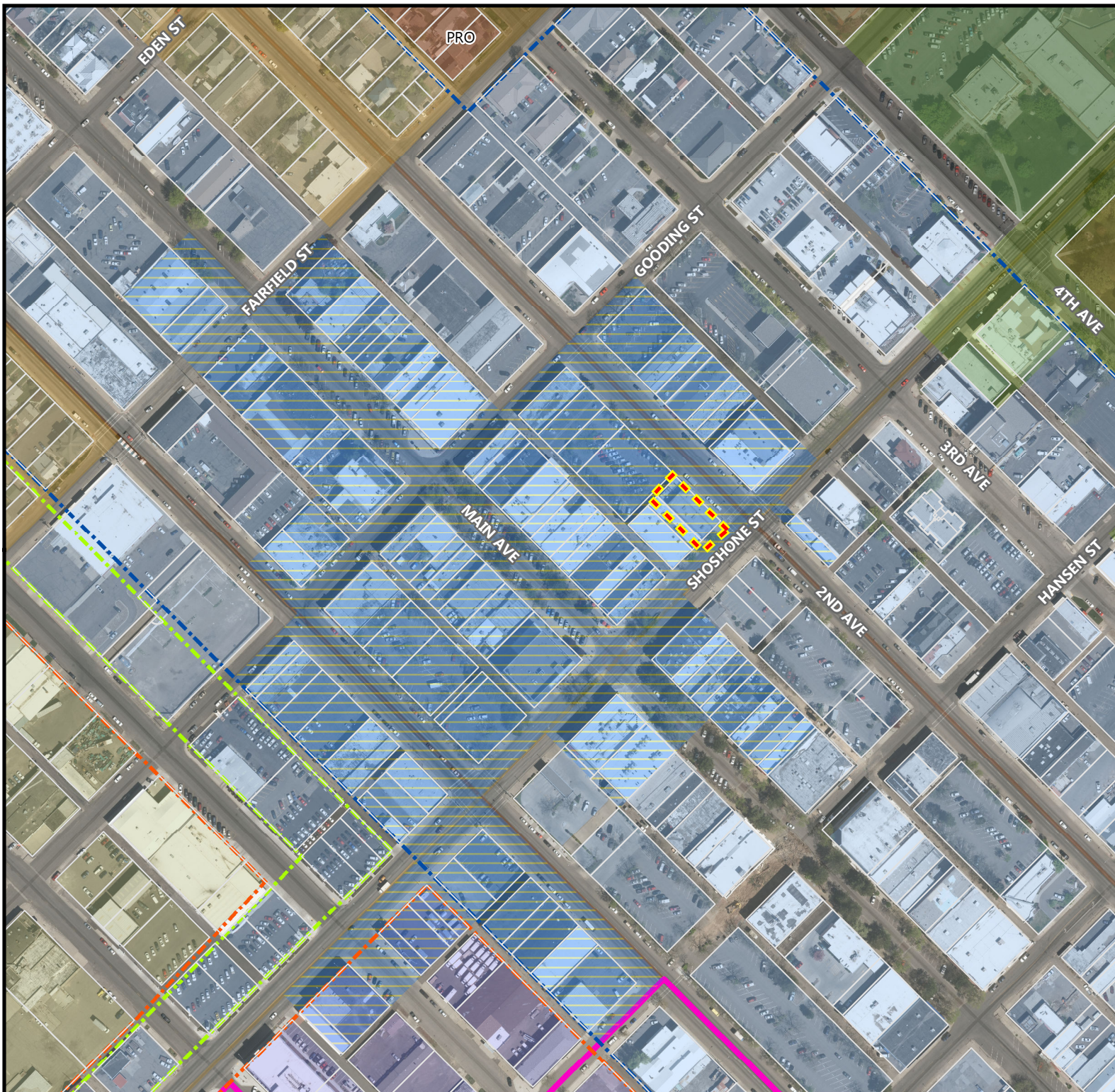
AERIAL PHOTO APRIL 2016
REFERENCE ONLY

Zoning Vicinity Map

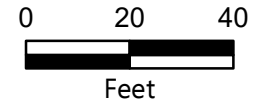
-  Parking Overlay - One
-  Parking Overlay - Two
-  Parking Overlay - Three
-  Historic City Park District
-  Historic Downtown Overlay
-  Original Townsite District
-  WHO
-  PRO
-  C-B
-  M-2
-  O-T
-  OS
-  R-6



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**



Aerial Map



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**





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

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

SPECIAL USE PERMIT

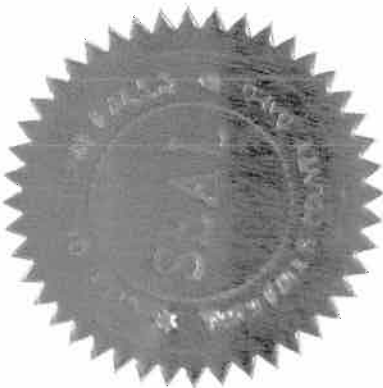
Permit No.1233

Granted by the Twin Falls City Planning and Zoning Commission on June 14, 2011 to Afrim Hetemi whose address is 718 3rd Avenue East Twin Falls, ID 83301 for the purpose of operating an indoor recreation facility to include dancing and pool tables operating with extended hours of operation Wednesday, Friday & Saturday from 11:00 pm to 3:00 am in conjunction with an existing bar and grocery store on property located at 139 Shoshone Street North and legally described as Twin Falls Townsite Maxwells Lot D; Stronks Lots D& E SW 25' Lots 13 thru 16 Block 86 (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.2455

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with State, County, and City Alcohol licenses and regulations
3. Subject to this facility being allowed to operate until 3:00 am on Wednesdays, Fridays and Saturdays, as presented
4. Subject to operation of an indoor recreation facility including and dance floor and pool table, as presented





CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE 7/12/2011

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



Twin Falls Planning & Zoning Commission Minutes

Tuesday, September 26, 2017, 6:00 PM

City Council Chambers
305 3rd Ave E
Twin Falls, ID 83301

Members -

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, 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

Members Present: Frank, Grey, Hawkins, Higley, Munoz, Woods

Staff Present: Carraway-Johnson, Nope, O'Connor, Spendlove, Strickland, Vitek, Wonderlich

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.

.....

3) Items of Consideration

.....

- b) Consideration of the **Initiation of Revocation** of Special Use Permit #1233, granted to Afrim Hetemi on June 14, 2011 to allow an indoor recreation facility to operate in conjunction with an existing bar and grocery store outside the permitted retail hours of operation on property located 139 Shoshone Street North. c/o City Twin Falls

Staff Presentation:

Planner I O'Connor reviewed the request and stated that Special Use Permit #1233 was granted to Afrim Hetemi on June 14, 2011 to operate an indoor recreation facility to include dancing and pool tables in conjunction with an existing bar and grocery store. The Special Use Permit granted operating with extended hours of operation Wednesday, Friday, and Saturday from 11:00 pm to 3:00 am on property located at 139 Shoshone St N.

The current occupant of the property inherited this Special Use Permit. The Police Department has responded to call at this location multiple times. They have spoken to the business owner about the issues and have had not success in achieving compliance. Therefore, the Police Department has approached the Planning & Zoning Department to see if some assistance can be provided in resolving the issues.

The police department has provided information in an effort to build a case for this request. In the report it states since June 14, 2011 to August 14, 2017 the police have responded to this address 283 time. There have been 67 police reports filed from those responses with multiple violations ranging from assault or battery, aggravated battery, public urination and DUI. Of the 283 responses 165 of the calls for service occurred after 1:30 am with 98% of those transpiring on Friday & Saturday night.

Other bars in town that close in accordance with the liquor, alcohol and wine license requirements close at 1:30 am but do have similar service calls. After review the following is a summary of calls occurring after 1:30 am to the following establishments: Bar # 516 had 39 call for service after 1:30 am, Bar #1519 had 29 call for service after 1:30 am, and Bar #402 had 37 call for service after 1:30 am compared to 139 Shoshone St N with 165 incidences occurring after 1:30 am.

PZ/Questions & Comments:

- Commissioner Frank asked how to proceed.
- Zoning & Development Manager Carraway-Johnson explained that this is a request from the Police Department asking for the Commissions consideration for revocation. The discussion tonight needs to be whether or not the information provided is enough to move forward with a public hearing.
- Commissioner Grey clarified the public hearing would be the place to discuss amending or revoking the Special Use Permit. He requested that the numbers presented be comparative to the same time frame. There are quite a few years compared and it is not clear in the report.
- Commissioner Frank asked that the time lime be limited to within the last year.
- Planner I O'Connor explained they are not asking for a complete revocation they would ask that the hours or operation be limited to 1:30 am in accordance with other liquor, alcohol and wine licensed establishments.
- Commissioner Woods asked if things were getting better since the owner was spoken too.
- Planner I O'Connor explained that the owner has been approached and things have not gotten better, in fact they have escalated.
- Commissioner Munoz asked if there have been complaints from other neighboring properties about this establishment.

Motion:

Commissioner Higley made a motion to proceed with the consideration for revocation of Special Use Permit #1233. Commissioner Woods seconded the motion. All members present voted in favor of the motion.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, October 24, 2017, 6:00 PM

City Council Chambers
305 3rd Ave E
Twin Falls, ID 83301

Members -

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

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Members Present: Frank, Grey, Dawson, Munoz, Musser, Woods

Staff Present: Carraway-Johnson, O'Connor, Strickland, Vitek, Wonderlich

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

6) Public Hearings

.....

- c) Consideration of the **Revocation of Special Use Permit #1233**, granted to Afrim Hetemi on June 14, 2011 to allow an indoor recreation facility to operate in conjunction with an existing bar and grocery store outside the permitted retail hours of operation on property located at 139 Shoshone Street North. c/o City of Twin Falls (app. 2455)

Staff Presentation:

Planner I O'Connor reviewed the request and stated City Code 10-13-2.3 - Revocation of a Special Use Permit process requires a public hearing to be held in which the permit holder, city staff and/or and aggrieved party may present testimony or other evidence at said public hearing.

City Code Section 10-13-2.3 provides a procedure for revocation of permits. Specifically, 10-13-2.3(A)2 states that a permit can be revoked, "for violation of supplementary conditions, safeguards and/or restriction imposed by the City Council or the Planning & Zoning Commission at the time the permit was granted." A petition for revocation may be initiated by the adoption of a motion by

the Commission, City Council or by the filing of a petition by an aggrieved person.

The decision of the zoning body hearing a revocation proceeding **shall be based on the record**. If said zoning body finds substantial evidence on the record that continuance of the use in question will result in a significant adverse impact on the surrounding developments or other affected parties, and that the permit holder is unable or unwilling to alleviate the adversity, or if said zoning body finds substantial evidence on the record that conditions, safeguards or restrictions imposed by the commission or council have been violated, the zoning body may revoke the permit in question.

The site is zoned CB P-1; Central Business District with P-1 parking overlay and within the Downtown Historic District. Special Use Permit #1233 was granted to Afrim Hetemi on June 14, 2011 to operate an indoor recreation facility to include dancing and pool tables in conjunction with an existing bar and grocery store. The Special Use Permit granted allowed operating with extended hours of operation Wednesday, Friday, and Saturday from 11:00 pm to 3:00 am on property located at 139 Shoshone St N. The permit was granted, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable city code requirements and standards.
2. Subject to compliance with State, County, and City Alcohol licenses and regulations.
3. Subject to this facility being allowed to operate until 3:00 am on Wednesday, Friday, and Saturdays, as presented.
4. Subject to operation of an indoor recreation facility including a dance floor and pool table as presented.

City Staff was approached by the Police Department as part of an on going effort to curb the disturbances and issues stemming from Bumpin' Bernie's operating past permitted hours of operation of 10:00 pm. See attached report from the Twin Falls Police Department for a thorough and detailed analysis of the situation. City Staff has worked collaboratively to attempt to address the issues detailed in the police report through various means. This Commission approved the Consideration of the Initiation for Revocation on September 26, 2017 and this public hearing is the next step in that process. Staff is asking the Commission to act on this request.

Sgt. Kevin Loosli is here to discuss further the Commission's request for more information regarding the Call for Service Analysis. Sgt. Looslie has suggested if the Commission votes to reduce the operating hours - 1:30 am would be consistent with other local bars operating hours.

Calls for Service 10/1/2016 through 9/30/2017

Bar	Calls For Service (CFS)	CFS after 1:30am	Fight/Disturbance/Battery CFS	Reports	Percentage of total calls after 1:30am
Bernies	108	52	36	24	48.10%
401	9	0	6	2	0%
402	80	15	8	15	18.75%
513	23	3	3	4	13%
516	90	20	21	20	22.20%
1519	52	2	17	2	3.80%
1532	39	3	12	10	7.70%
1749	48	6	4	8	12.50%
Totals of 7 other bars	341	49	71	61	14.30%

Sgt. Kevin Loosli reviewed the calls for service data with the Commission. He explained the calls for service presented this evening are from October 1, 2016 to September 30, 2017. He also stated this is the only establishment of this type that operates until 3am; therefore, it was difficult to make a true comparison with the data.

Planner I O'Connor stated upon conclusion the commission is tasked to approve revocation of, deny the revocation of, or amend SUP #1233. Staff recommends amending the SUP per the Police Department's request and subject to:

1. Subject to removal of condition #3 of SUP #1233
2. Subject to closing down the establishment to all uses and patrons at 1:30 am, with no patrons allowed within the premises beyond the 1:30 am closing time *—the PD suggested time per normal bar operating hours.*

Applicant Presentation:

Burhan Hetemi, the business owner, stated there have been fights and calls reported so that the problems could be taken care of, before this request was brought to this body, he did not have a way of getting rid of people, he does not own the parking lot. He has since worked with city staff to get No Loitering, sign installed in the parking lot, which has improved the situation. The sign has been up he thinks for about 6 weeks, and since then they have not had any issues.

PZ Questions/Comments:

- Commissioner Grey asked Sgt. Loosli if there is any way to differentiate between filing of the report and what may have actually happened at the business.
Sgt. Loosli explained it is an all-inclusive report.
- Commissioner Frank asked if there are any numbers to corroborate the claim that there have not been any issued over the past several weeks.
- Sgt. Loosli explained the numbers are calculated thought September 30, 2017, if the sign was installed approximately 6 weeks ago; there have been 3 calls for service in that time frame. These calls came in after 1:30am.
- Mr. Hetemi confirmed that the last two calls were made by his business and they were prior to the sign being installed. He has been the one that calls in the problems and is willing to do whatever it takes to make things better. He has also signed a contract with Taxi services and they will pay for the cost so that people are not driving drunk.

- Commissioner Grey asked if Mr. Hetemi understands these calls are because of their business operating during these hours.
- Mr. Hetemi explained yes, but he has taken steps to get the No Loitering sign put up so that he can get rid of people hanging around and he has made the majority of the calls to the police about the people in the parking lot.
- Commissioner Hawkins asked what the busiest hours of operation are for the business.
- Mr. Hetemi explained between 12:45am and 3:00am. He advertises that they are open earlier but the problem is that most people think their hours are 12:00am -3:00am because they have been operating this way for 6 year. Customers start showing up when the other bars start closing, which is part of the problem because they have already been drinking, and after these hours, they only serve food, drinks and no alcohol.
- Commissioner Frank asked if the business has ever thought about closing the doors at 1:30am so that these after-hours problems would go away.
- Mr. Hetemi stated that the majority of his business is during the after-hours timeframe and he has never considered closing at 1:30am. The fights are not occurring in the bar, they are occurring outside in the parking lot because they can drink outside and can't drink inside during these hours.

Public Hearing: Opened

- Artem Petrosyan, 766 Alyssa Ave, he is a refugee and has been a resident of Twin Falls for 14 years. He presented a power point presentation showing pictures of the bar and ratings from their customers. He explained he helps manage the business, and there has never been a written complaint about the bar, and no fights in the bar. The customers enjoy the atmosphere; they provide a place for local artists to perform, they try to have one event a month and fund raisers to support their community.
- Rico Chi, 155 2nd Ave N, stated he does case management for Medicaid and his clients come through the parking lot area frequently. There are broke bottles, empty beer cans and trash in the parking lot and he and his wife have had to clean it up. He has asked the business owners to help pick up the trash and clean up the area but it doesn't happen. His clients are disabled, don't see well and are fall risks which causes him concern when they have to travel through a parking lot full of broken glass and trash.
- Nathan Wheeler, Falls Ave Apt. E, felt that he needed to comment about this request, his sister works at Hands On next door and explained that the broken glass is a nuisance to her also and has mentions problems with public urination. At the same time, he is a bit torn because there are not a lot of options for the 21 and older age group to go and have a nightlife. He explained, he thinks the town needs; to have a place like this but there needs to be better control of the people.
- Ms. Totle, explained there were pictures of cans outside the business and they do not serve cans.
- Tim Stastny, owner of Slice downtown, stated they have a business that is needed, the problem is what goes on in the parking lot. Saturday night his son was accosted in this parking lot, policing the place more efficiently seems to be the answer. The people all know this is the location to go after 1:30 am and there was blood and vomit on the back of his door Saturday.

The people use the parking lot as a racing area, he understands there are only so many police, the problems are not in the bar, the parking lot is the real issue. The parking lot needs to be controlled better. People know to go there because their business I open late, but people are afraid to park in this area and walk into the business. He doesn't want to see places go out of business, but the messes like blood, vomit and urine nobody can clean up. A discussion about how to police the parking lot better needs to happen. He is getting ready to open another business, there are going to be two more breweries opening downtown and his concern is the impacts this will have on the new businesses and the people that want to come downtown.

Closing Statement

Mr. Hetemi explained he does agree, policing the outside and the parking lot is the issue, they try to do their best, they can do better at cleaning and apologizes to the businesses that spoke for the people's behavior. He is willing to help regulate the area better; they call the police when they have trouble. He wants the businesses to be successful.

Discussion Followed:

- Planner I O'Connor reviewed the options for the Commission to consider when discussing this item: approve the request for revocation, deny the request for revocation, or amend the Special Use Permit #1233 per the request.
- Commissioner Woods explained on his way here tonight he came with a different mindset and after hearing testimony and listening to all of the views, he has changed his mind. He is not within the age range for this business, but he does believe people need an outlet for things to do. The idea of telling the town that businesses close at 1:30am is archaic. He does think the business is a target for nightlife, an outlet for people to socialize and it does bring people for many reasons. In his opinion, he would recommend that the business owner work with the police, the neighbors and the URA to make the area safer, and postpone a decision for a few months.
- Commissioner Munoz explained another option is to table the item. The location is a focal point after 1:30 am because it is the only place open after the other bars close. Being open during this time attracts the undesirables to this location.
- Commissioner Grey the data presented tonight was implied to be occurring at this establishment and it is undoubtedly this is the establishments fault because they are open after 1:30am. They have the only place open and the people hanging out are making a mess, the business needs to recognize because they are the only business open at this time of this type, they are responsible for cleaning it up. The issues are not coming from the businesses that are closed during this time.
- Commissioner Woods stated there needs to be some communication with URA and possibly installing better lighting. The owner does need to clean up.
- Commissioner Frank stated when you talk about safety, taking control of the situation is essential, this is not beneficial for the community and it is impacting the neighbors. He explained to this extent if the doors closed at 1:30am the people would not be coming to this location to hang out.
- Commissioner Grey explained they are trying to have a nightlife in the downtown area, with

two new breweries planned for this area.

- Commissioner Frank explained he has not seen any business owners take control of the situation for the businesses that have tried to stay open past 1:30am. He thinks that because statistically there are less problems with businesses that close at 1:30am.
- Commissioner Woods explained the numbers don't show the situation they only show numbers. He hates to see Twin Falls be the town that closes at 1:30am.
- Commissioner Munoz explained he sees the issues happening after 1:30am and he doesn't like the mentality we are going to close at 1:30. We granted this time with the SUP, which caused problems indirectly.
- Commissioner Grey stated he would be ok with tabling the item.
- Commissioner Munoz explained if we want numbers presented differently, the Commission needs to explain what they want to see.
- Commissioner Dawson it seems they want it to be open and safe which is why they are calling the police department when there are issues in the parking lot. The calls that are made are counted against this business, because they are the only ones open at this time, however it may be that the parking lot needs to be policed more to make it safer, so that the business can operate. She thinks cutting the hours back, is the wrong message to send, when the neighbors are not advocating for the hours to change, they are advocating for the parking area to be safer.
- Commissioner Munoz explained they need to step up on the clean up after hours, but he would like to see a progress report in a few months.
- Commissioner Musser explained he is skeptical that the signage would be effective in the long term.
- Commissioner Grey explained he expects the owner to do something.
- Commissioner Woods the owner needs to understand that this is threat to their business and they need to take a lead in changing the environment.
- Commissioner Grey explained that he is afraid of the impacts of closing at 1:30am and wonders if it would be counter productive.
- Commissioner Musser explained that most towns nightlife closes between 1:00am or 2:00am so he is not convinced 3am is necessary. It is just standard in most places.
- Commissioner Hawkins stated would be willing to look at it a little closer in the future.

Motion:

Commissioner Grey made a motion to table the request for further information, until December 12, 2017. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Motion To Table Until December 12, 2017 Approved



Shoshone St. Frontage



Rear Parking Lot Access



New "No Loitering" Sign



Public Hearing: **TUESDAY, DECEMBER 12, 2017**
 To: Planning and Zoning Commission
 Presenter: Jonathan Spendlove, Senior Planner
 Editor: Renee V. Carraway-Johnson, Zoning Administrator
 Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM 6b

Request: Request for the Commission's recommendation on an **Amendment to CSI PUD #262-Section 2**, to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' on property located at 315 Falls Avenue. College of Southern Idaho c/o Spencer Cutler on behalf of the College of Southern Idaho (app. 2906)

Time Estimate:

Applicant may take up to fifteen (15) minutes, Staff presentation may take up to ten (10) minutes. Additional time may be necessary to address questions and or clarifications asked by the commission.

Background:

Applicant College Of Southern Idaho Mr. Jeffery M Harmon, VP of Administration PO Box 1238 Twin Falls, ID 83301-1238 jharmon@csi.edu Representative Spencer Cutler PO Box 1238 Twin Falls, ID 83301-1238 208.732.6602 scutler@csi.edu	Status: Owner	Size: ~359 +/- acres (Section 1 is 87 +/- acres and Section 2 is 272 +/- acres)
	Current Zoning: CSI PUD #262	Requested Zoning: Amendment to Section 2 of the existing CSI PUD #262
	Comprehensive Plan: CSI	Lot Count: 6+ Lots
	Existing Land Use: College of Southern Idaho Campus	Proposed Land Use: No Change
	Zoning Designations & Surrounding Land Use(s)	
	North: Cheney Dr. & North College Rd; C-1 PUD; R-4 (Aol); Agriculture/Vacant & CSI Heritage Farm, Lazy J Ranch	East: Fillmore St & Frontier Rd; R-4 PRO, R-2, OS; Commercial, Residential, Renaissance Center, Frontier Park, Fire Station, Nat'l Guard Depot
	South: Falls Ave; OS, R-4 PRO, R-4 PRO PUD; Tom Courtney Park, Professional & Governmental offices, Medical Clinic	West: Washington St N; C-1 PUD, R-6 PUD, R-4, R-4 PRO, R-2 PUD; Canyon Ridge H.S., various professional and commercial uses, & Residential
Applicable Regulations: 10-1-4, 10-1-5, 10-4-16, CSI PUD #262, 10-6-1, 10-11-1 thru 8, 10-14-1 thru 7		

Approval Process:

As per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District:

The applicant is required to do a presentation to the Planning and Zoning Commission and the Public a preliminary review. The Commission and Public are allowed to give suggestions and ask questions of the applicant about the proposed project. A public hearing shall be held before the Commission for a recommendation to the Council to amend the zoning district and the zoning map, amend with recommendations or deny the request.

Budget Impact:

No impact to budget from this presentation.

Regulatory Impact:

The Commission makes a recommendation on the requested change. The request is then able to proceed to the City Council for a decision.

History:

CSI has a long history in the Magic Valley but has had a physical presence, at its current location, in Twin Falls since the early '60s. Prior to that, it was agricultural land. The campus has seen steady growth over the decades and has responded over time to such growth. The College of Southern Idaho-North Campus PUD Agreement #254 was adopted in 2008. This PUD rezoned the 87+/- acres north of North College Rd. In 2011 the current CSI PUD #262 was approved by the City Council. Currently the entire college grounds, referenced as Section 1; the campus north of North College Rd and Section 2; the campus south of North College Rd, are governed by PUD #262. This PUD was recorded in January 2012.

Analysis:

This is a request to amend CSI PUD #262. CSI PUD #262 is separated into two (2) sections; Section 1 is the campus north of North College Rd and Section 2 is the campus south of North College Rd. This proposed amendment is to amend Section 2; the campus south of North College Rd. The proposed amendment is to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' which would allow for 3-story buildings within Section 2 of the CSI campus.

The College has expanded over its existence and new residence halls are required now to meet current and future demands. PUD #262 prohibits building heights over thirty-five feet (35'), basically limiting buildings to no more than 2 stories high. PUD #262 allows residence halls or rooming houses by special use permit. The current PUD regulations met the code at the time of adoption. The College would like to update their PUD Covenants and to allow a new residential hall to proceed in a timelier manner. The allowance of additional building height from 35' to 50' matches the current commercial building heights and would allow for 3-story residence halls. The College stated they feel this is a reasonable request given the changes fit what the C-1 zone currently allow, and also outright permits residences halls on a college campus, rather than requiring an SUP.

The applicant is requesting the following changes to the PUD Agreement:

I. Increase the Allowable Building Height

- A. Under COVENANTS **2. Nature of Property Development** item **B. Building Height**. Revise "thirty- five feet (35') in height" to "fifty feet (50') in height or higher if City of Twin Falls C-I zones are amended higher".
- B. Under COVENANTS **4. Building/Structural Standards** item **B. Building Height**, revise "thirty-five feet (35') in height" to "fifty feet (50') in height or higher if City of Twin Falls C-I zones are amended higher".
- C. Under COVENANTS **4. Building/Structural Standards** item **C. Architectural Standards**, revise "two (2) stories" to "three (3) stories".

II. Change Residence Halls and Rooming Houses to be Permitted Uses

- A. Under **EXHIBIT "C", USE REGULATIONS, (A) Permitted Uses:**
Add a new item - "12. Residential:
 - a. Dwellings - multiple household (5 units or more)
 - b. Residence halls, residence hotels, rooming houses."
- B. **Under EXHIBIT "C", USE REGULATIONS, (B) Special Uses: 4. Residential**
Remove items - b. Dwellings - multiple household (5 units or more)
 - e. Residence halls, ~~residence hotels~~, rooming houses."

Conclusion:

The Planning and Zoning Commission is tasked with forwarding a recommendation to the City Council. The Commission may recommend approving the request as presented, approving the request with conditions, or denying the request.

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. CSI PUD Agreement #262

To: City of Twin Falls Planning and Zoning

Date: October 5, 2017

Re: Request to amend the College of Southern Idaho, Planned Unit Development Agreement (PUD-262)

The College of Southern Idaho requests to amend PUD-262 for the CSI zone. CSI desires to build a three-story residence hall on the main campus near the existing residence halls. The current PUD, which was recorded in 2012, sets the maximum building height at 35' and would require new residence halls to seek a special use permit.

At the time the PUD was created, it matched current Twin Falls' zoning standards for commercial and industrial height limits at 35'. Those zones have since increased the height limit to 50' and CSI would like to increase also.

Making these revisions should not affect the overall character and quality of the development or surrounding area. Prior to the CSI Zone being created in 2012 there were several buildings and structures built over 35' and a residence hall has been part of campus for 46 years. These are all part of a cohesive and beautiful campus environment. Part of CSI's stated strategic plan is to ensure the campus is "...safe, sustainable, and inviting to all members of our communities." Future projects will continue to be built with the purpose of enhancing the beauty and aesthetics of campus and be pleasing to the surrounding neighborhoods.

Specific changes to the PUD are detailed below:

I. Increase the Allowable Building Height

- A. Under COVENANTS **2. Nature of Property Development** item **B. Building Height**, revise "thirty-five feet (35') in height" to "fifty feet (50') in height or higher if City of Twin Falls C-1 zones are amended higher".
- B. Under COVENANTS **4. Building/Structural Standards** item **B. Building Height**, revise "thirty-five feet (35') in height" to "fifty feet (50') in height or higher if City of Twin Falls C-1 zones are amended higher".
- C. Under COVENANTS **4. Building/Structural Standards** item **C. Architectural Standards**, revise "two (2) stories" to "three (3) stories".

II. Change Residence Halls and Rooming Houses to be Permitted Uses

A. Under **EXHIBIT "C", USE REGULATIONS, (A) Permitted Uses:**

Add a new item - "12. Residential:

- a. Dwellings – multiple household (5 units or more)
- b. Residence halls, residence hotels, rooming houses."

B. Under **EXHIBIT "C", USE REGULATIONS, (B) Special Uses:, 4. Residential**

Remove items -

- b. Dwellings – multiple household (5 units or more)
- e. Residence halls, residence hotels, rooming houses."

Zoning Vicinity Map

- PRO
- PUD
- C-1
- CSI
- OS
- R-1 VAR
- R-2
- R-4
- R-6



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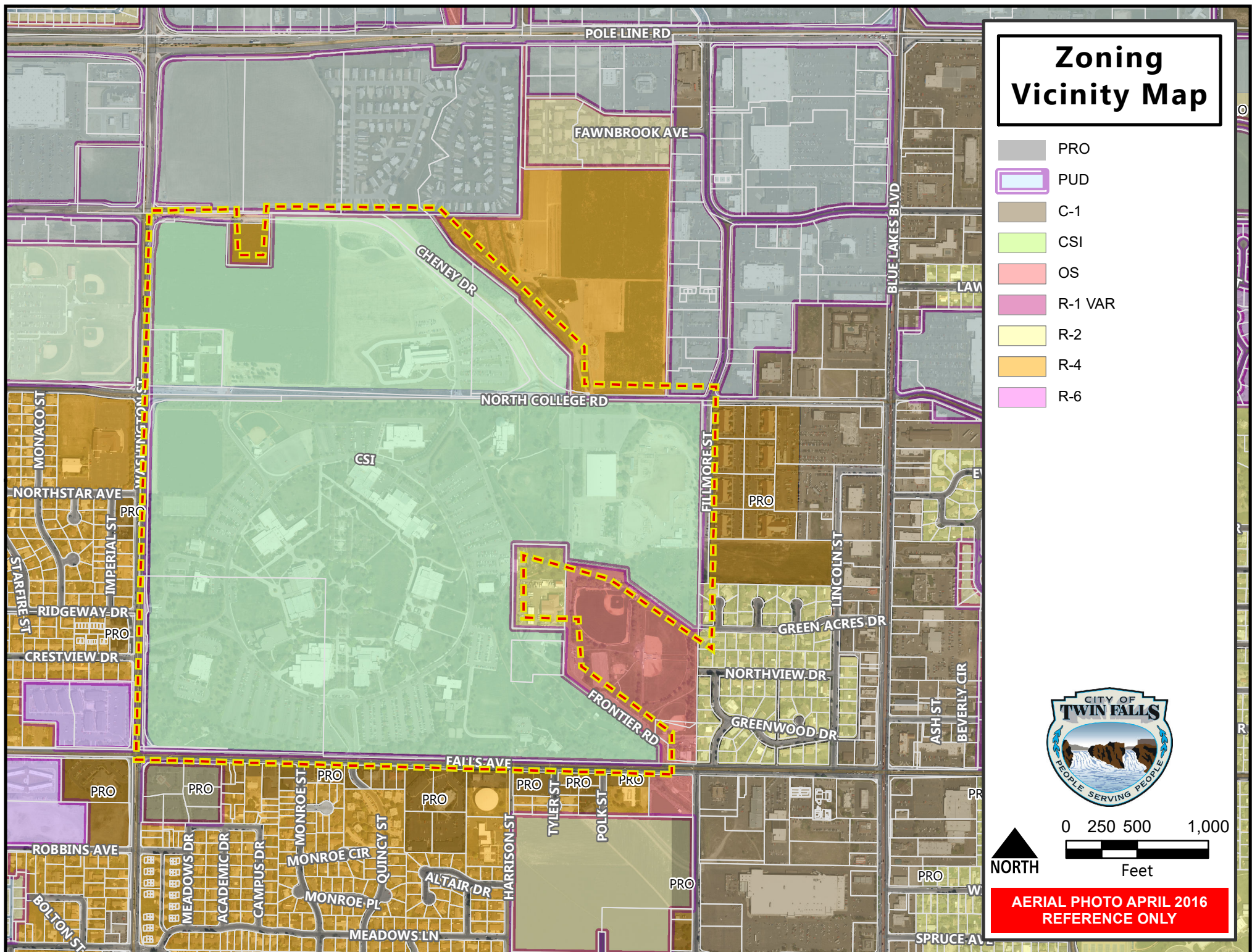


Feet



NORTH

**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**





Aerial Map



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**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**

Future Land Use Map

- College of Southern Idaho
- Commercial
- Mixed Use
- Neighborhood Commercial
- Town Neighborhood



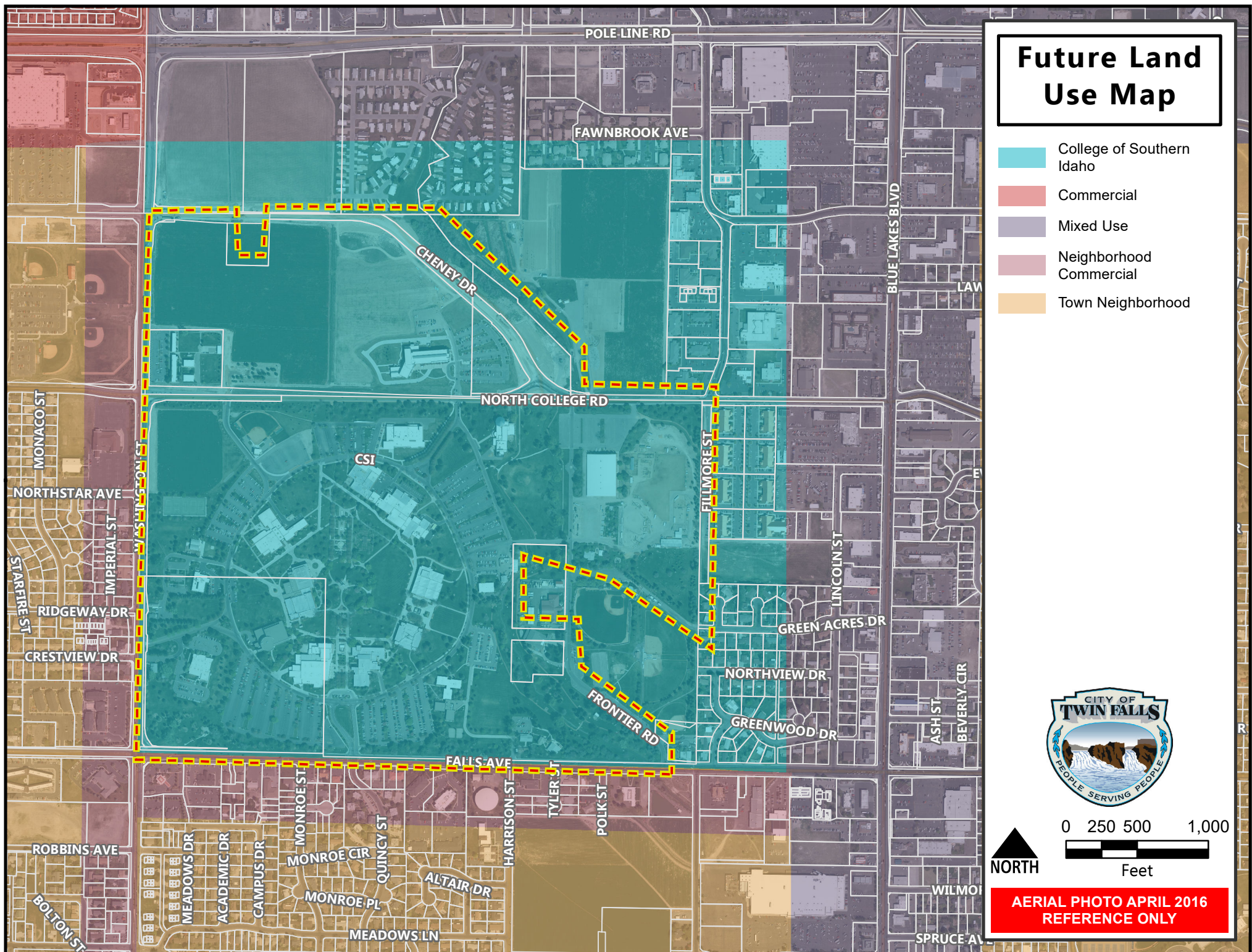
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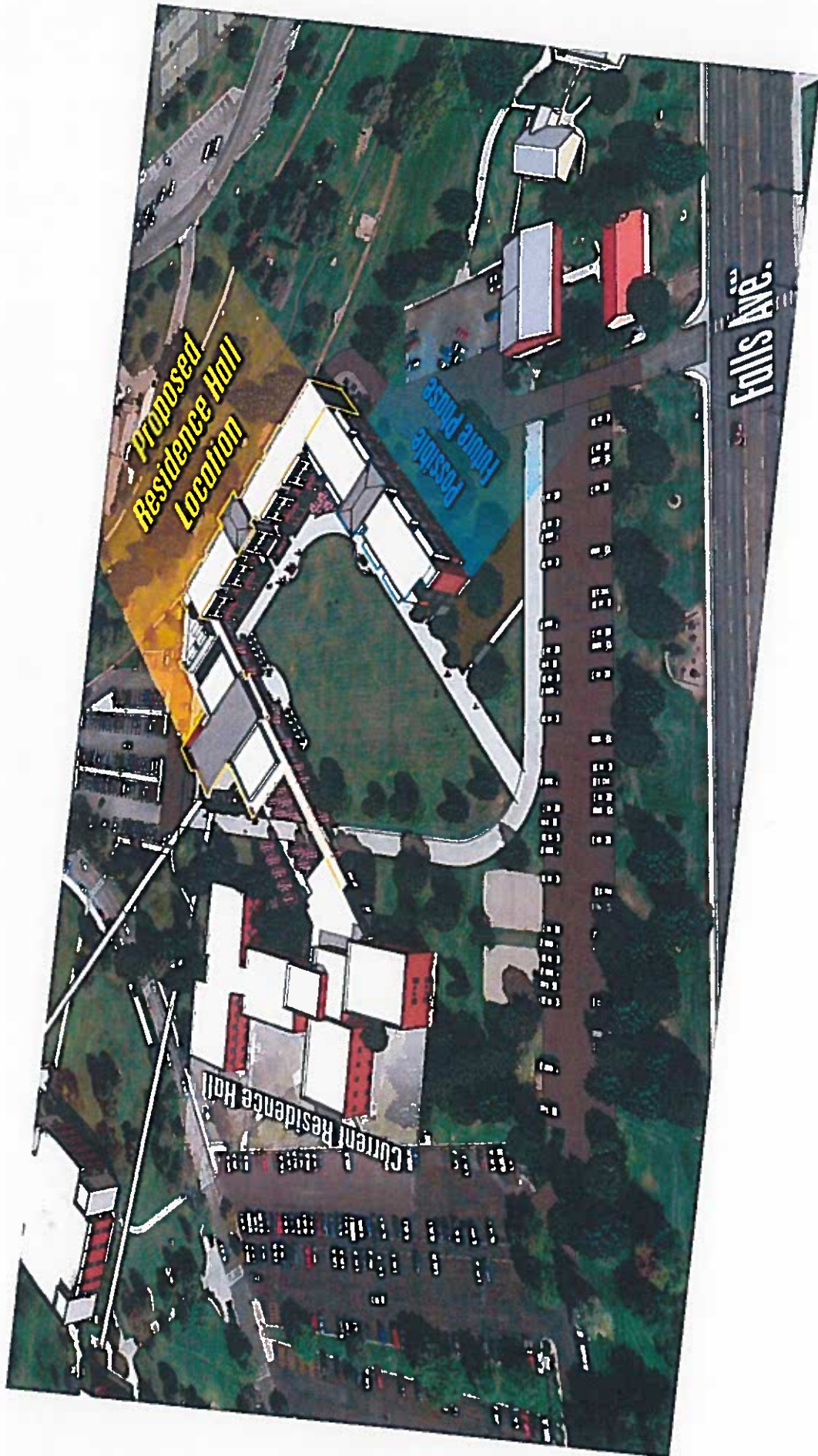


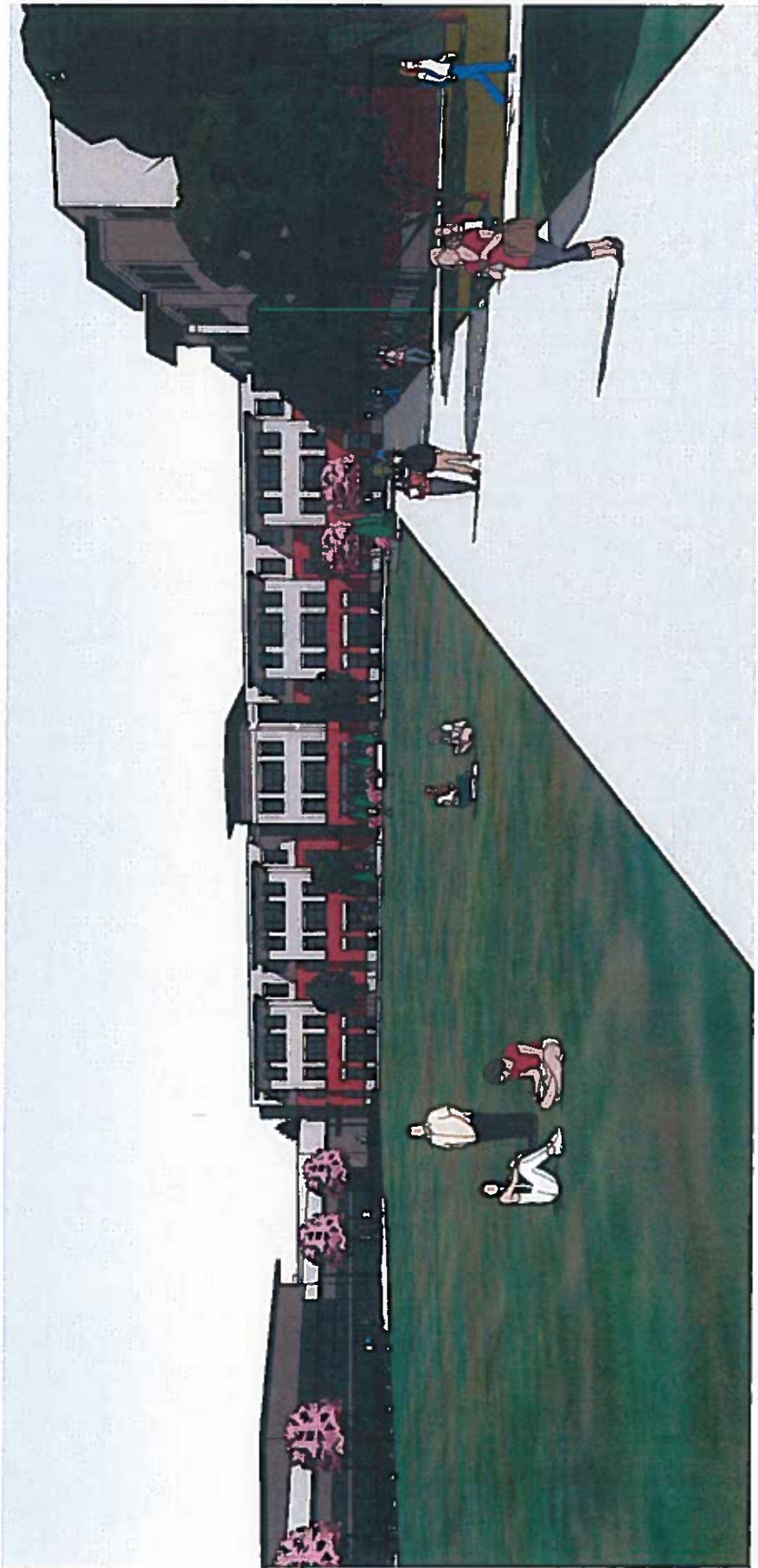
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AERIAL PHOTO APRIL 2016
REFERENCE ONLY







COLLEGE OF SOUTHERN IDAHO
PLANNED UNIT DEVELOPMENT AGREEMENT

PUD-262

This agreement, made and entered into this 23rd day of January, 2012, by and between the City of Twin Falls, a municipal corporation, State of Idaho, hereinafter called "City" and the College of Southern Idaho, hereinafter called "College" whose address is 315 Falls Avenue, Twin Falls, Idaho 83303-1238.

RECITALS

WHEREAS, the College of Southern Idaho holds title to properties particularly described in Exhibit "A", Section 1 and Section 2, attached hereto, which land is located adjacent to the College of Southern Idaho (CSI), east of Washington Street North between the 900 N and 1500 N blocks, south of Cheney Drive West extended between the 100 to 600 blocks, west of Fillmore Street between the 900 N and 1500 N blocks and north of Falls Avenue between the 100 to 600 blocks and consisting of approximately 359. +/-acres, and

WHEREAS, the College intends to use the property for College related activities, including a health sciences and humans services building, future educational facilities, agricultural uses and alternative energy education facilities and has submitted to the City a Master Development Plan thereof, Exhibit "B" Section 1 and Section 2, and

WHEREAS, the property, also known as "COLLEGE OF SOUTHERN IDAHO – NORTH CAMPUS PUD AGREEMENT #254, is currently zoned CSI PUD and the remaining property is currently zoned R-4, and

WHEREAS, College has made a request to the City to rezone properties, as described in Exhibit "A", Section 1 and Section 2, to "CSI PUD" zone and has submitted to the City a Master Development Plan, Exhibit "B" Section 1 and Section 2.

WHEREAS, Master Development Plan, Exhibit "B"-Section 1, also known as "COLLEGE OF SOUTHERN IDAHO – NORTH CAMPUS PUD AGREEMENT #254, shall not require any changes, and

WHEREAS, Master Development Plan, Exhibit "B"-Section 2, which includes all remaining properties within Exhibit "A" outside of Master Development Plan, Exhibit "B"-Section 1, also known as "COLLEGE

OF SOUTHERN IDAHO – NORTH CAMPUS PUD AGREEMENT #254, thereof was presented to the City Council on April 25, 2011 (zoning application #2433) and was approved. Ordinance #3008 was approved by the City Council on Aug 08, 2011, and

WHEREAS, the City, by and through its City Council, has agreed to the Development of said property within the City of Twin Falls, Idaho, subject to certain terms, conditions and understanding, which terms, conditions and understandings are the subject of this "PUD" Agreement.

COVENANTS

1. Master Development Plan, Exhibit "B"-Section 1

On May 19, 2008 the City Council annexed and approved development of properties described in Exhibit "A" – Section 1 and the Master Development Plan, Exhibit "B"-Section 1, also known as "COLLEGE OF SOUTHERN IDAHO – NORTH CAMPUS PUD AGREEMENT #254. No change is being considered to this document at this time. Any changes to NORTH CAMPUS PUD AGREEMENT #254 shall require an amendment, in compliance with current state and local zoning codes, to the PUD.

2. Master Development Plan, Exhibit "B"-Section 2

On April 25, 2011 the City Council approved development of properties described in Exhibit "A" Section 1 & Section 2 and the Master Development Plan, Exhibit "B"-Section 1 & Section 2, subject to the following conditions:

- 1) Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and Standards;***
- 2) Subject to Fillmore Street being constructed during Phase One construction of the apartments; (construction of the proposed apartments presented at the City Council public hearing were deleted from this PUD therefore this condition is null & void)***
- 3) Subject to a recorded PUD Agreement prior to any further development on campus;***
- 4) Subject to setback on windmills to be 3 to 1 and may be allowed by Special Use Permit only;***
- 5) Subject to the exclusion of the 6.4 acres showing as the future apartment development from the rezone; and***
- 6) Subject to the PUD language for building height to mirror commercial buildings height regulations found in Title 10; Section 7, or as amended.***

Now, Therefore, in consideration of the mutual promises and covenants contained herein, College of Southern Idaho and the City agree as follows:

1. NATURE OF THE "PUD" AGREEMENT. This "PUD" Agreement shall become part of the "CSI PUD" zone with respect to the Property identified in Exhibit "A" and upon its full execution and recording. This "PUD" Agreement is specific to the College owning the property. In the event of a change of ownership, a new PUD application will have to be filed. This portion of the "PUD" Agreement is specific to development within the property located within the Master Development Plan, Exhibit "B" - Section 2.

2. NATURE OF PROPERTY DEVELOPMENT. It is agreed by the parties hereto that certain language and requirements pertaining to the "CSI PUD" zone, Master Development Plan, Exhibit "B" - Section 2, shall be interpreted as follows:

A. Uses. The College will use the property in a manner consistent with the CSI Mission Statement with the development being similar to the existing campus and/or as listed hereto as Exhibit "C".

B. Building Height. No building/structure shall exceed thirty-five feet (35') in height except as provided by City Code section 10-7-3, or as amended. All existing building/structure heights as of the execution to date of this PUD Agreement are approved as constructed.

C. Phasing of Development. Fillmore Street extended shall be constructed to the south property boundary of the 6.41 acres south of Renaissance Subdivision and north of Green Acres Subdivision as which time CSI develops the property. Traffic shall be controlled by a signal light at the intersection of Fillmore Street and North College Road.

D. Illumination. Exterior lighting shall be a maximum height of 30 feet, no brighter than 400 watt bulbs and shall be shielded to preclude the light source being visible from the adjacent properties.

E. Non-Compliance. In the event that uses of the Property are not within the restriction of this "CSI PUD" Agreement, the City shall give written notice to the College. College shall cure said non-compliance within thirty days of its receipt of notice (or in the case of non-compliance that will take in excess of thirty days to cure, College shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion). In the event the College fails to cure said non-compliance in the manner set forth hereinabove,

the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within that phase of such "PUD" until such time as all requirements specified have been complied with; provided, however, the College shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy should be issued. The City Council shall then in good faith and in an objective manner decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of parties are preserved at law and equity.

3. PARCEL DEVELOPMENT CRITERIA

A. Landscaping and Planting. In addition to the other landscaping requirements of City Code Title 10, the following landscaping shall be provided on all properties fronting CSI property on Washington Street North, North College Road and Falls Avenue except properties containing single and duplex household dwellings: A berm of at least three feet (3') in height and twelve feet (12') in width shall be provided immediately behind the sidewalk or future sidewalk. The berm shall be planted in grass with a minimum of one conifer tree per three hundred (300) square feet of berm area and a minimum of one deciduous shrub per three hundred (300) square feet. Trees and shrubs may be grouped, but there shall be no open space greater than fifty feet (50') between tree and shrub grouping.

B. Screening. Buffering area shall be constructed as shown on the Master Development Plan. A vinyl screening fence will be installed and maintained on the North, West and South side of the property which is not bordered by Falls Avenue West, Washington Street North or North College Road. The height of said fence is to be eight (8) feet or lesser height agreed upon by the adjacent property owners.

4. BUILDING/STRUCTURAL STANDARDS.

A. Height Limitations. No building/structure shall exceed thirty-five feet (35') in height except as provided by City Code section 10-7-3, or as amended. All existing building/structure heights as of the execution to date of this PUD Agreement are approved as constructed.

B. Sign Plan. Proposed signage will be in compliance with Title 10; Chapter 9, or as amended, and upon approval of a sign coordination plan.

C. Architectural Standards. All buildings shall be constructed as existing buildings and consistent in color and materials. Multi-household units shall be one (1) and two (2) bedroom units only. **Maximum height shall be two (2) stories.**

D. Enterprises Developed Along The Perimeter Of The CSI Properties: The City reserves the right to review these developments for compliance with all City Codes.

5. GENERAL PROVISIONS

A. Cooperation. The parties hereto agree to cooperate each with the other.

B. Entire "PUD" Agreement. This "PUD" Agreement constitutes the entire "PUD" Agreement between the parties concerning the property described herein, and no amendment or modification to this "PUD" Agreement shall be valid or effective unless reduced to writing and signed by the parties.

C. Applicable Law. This "PUD" Agreement shall be constructed in accordance with the laws of the State of Idaho.

D. Notices. If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at its addressed last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested". On the date of this "PUD" Agreement, the addressed of the parties are as follows:

College: College of Southern Idaho
c/o John M. Mason, Vice President of Administration
315 Falls Avenue
P.O. Box 1238
Twin Falls, Idaho 83303-1238

City: City of Twin Falls
P.O. Box 1907
321 Second Avenue East
Twin Falls, Idaho 83303-1907

In the event the College seeks to amend the Master Development Plan and/or this "PUD" Agreement, it will provide notice to the adjoining neighbors at the time application is made for such a change in accordance with City requirements/ordinances.

E. Successors and Assigns. This "PUD" Agreement shall be binding upon successors, assigns and legal representatives of the parties hereto.

F. Severability. In the event any portion of this "PUD" Agreement is declared by a Court of competent jurisdiction to be invalid, illegal or unenforceable, such portion shall be deemed severed from this "PUD" Agreement, and the remaining portions shall not be affected thereby.

G. Signatories. Each of the persons executing this "PUD" Agreement hereby represent and warrant that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing and that this "PUD" Agreement is binding on, and enforceable against, such entity.

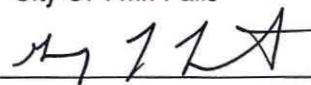
H. Effective Date. This "PUD" Agreement shall become valid and binding only upon its approval by the City, through its City Council, and upon its execution by the Mayor and College.

I. Attorneys Fees. In the event that either party should be required to retain an attorney because of the default or breach of the other or to pursue any other remedy provided by law, that party which prevails in any litigation shall be entitled to reasonable attorney's fee.

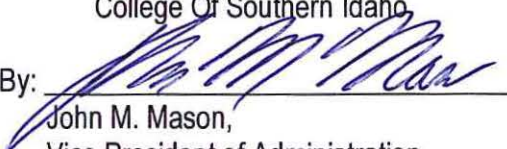
J. Attachments. All attachments and recitals are incorporated herein and made a part hereof as if set forth in full.

In Witness Whereof, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

City Of Twin Falls

By: 
Mayor

College Of Southern Idaho

By: 
John M. Mason,
Vice President of Administration

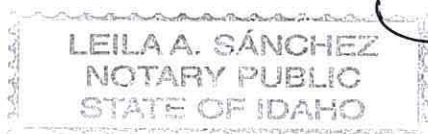
Acknowledgments

State of Idaho

County of

On this 23rd day of January, 2012, before me the undersigned, a Notary Public in and for said State and County, personally appeared Gregory Lanting.
Known to me to be the Mayor of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Leila A. Sanchez

Notary Public for Idaho

Residence of Twin Falls

My Commission Expires: 5-18-2012

State of Idaho

County of

On this 13 day of January, 2012, before me the undersigned, a Notary Public in and for said State and County, personally appeared Mike Mason to me personally known, who, being by me duly sworn, did for himself say that he is an authorized representative of the College of Southern Idaho and that the within instrument was executed by him of behalf of the College of Southern Idaho.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Lisa A. Strickland

Notary Public for Idaho

Residence of Jerome County

My Commission Expires: 8/25/12

EXHIBIT "A" – SECTION 1

A tract of land located in the South Half of the Northwest Quarter of Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at the southwest corner of said S1/2 NW1/4;

THENCE North 0°42'17" East a distance of 1,275.74 feet along the westerly boundary of said S1/2 NW1/4 to the northwest corner of said S1/2 NW1/4;
 THENCE South 89°45'01" East a distance of 1,997.79 feet along the northerly boundary of said S1/2 NW1/4;
 THENCE South 35°10'00" East a distance of 254.74 feet;
 THENCE South 51°20'00" East a distance of 219.01 feet;
 THENCE South 0°57'30" West a distance of 943.07 feet to a point on the southerly boundary of said S1/2 NW1/4;
 THENCE North 89°28'42" West a distance of 2,315.50 feet along the southerly boundary of said S1/2 NW1/4 to the southwest corner of said S1/2 NW1/4 and being the TRUE POINT OF BEGINNING.

The above described tract contains 66.74 acres more or less and is subject to the rights of public roads which affects the westerly 25.00 and a strip varying from 25 to 58 feet in width along the southerly boundary of said tract.

AND

A tract of land located in the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at the southwest corner of the NW1/4 of said Section 4;

THENCE, South 89°28'42" East a distance of 2315.50 feet along the southerly boundary of said NW1/4 to the center of a power line and the TRUE POINT OF BEGINNING;
 THENCE North 0°57'30" East a distance of 943.07 feet along the center of said power line to a point in the center of a coulee;
 THENCE South 51°20'00" East a distance of 399.99 feet along the center of said coulee to a point on the easterly boundary of said SE1/4 NW1/4;
 THENCE South 0°52'55" West a distance of 24.00 feet along the easterly boundary of said SE1/4 NW1/4, and the westerly boundary of said SW1/4 NE1/4;
 THENCE South 44°45'00" East a distance of 530.00 feet;
 THENCE South 0°00'00" West a distance of 299.01 feet to a point on the southerly boundary of said SW1/4 NE1/4;

THENCE North 89°28'42" West a distance of 700.86 feet along the southerly boundary of said SW1/4 NE1/4 and the southerly boundary of said SE1/4 NW1/4 to the TRUE POINT OF BEGINNING.

The above described tract contains 10.20 acres more or less and is subject to a permanent easement for roadway purposes over a strip of land located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at the southwest corner of the NW1/4 of said Section 4;

THENCE, South 89°28'42" East a distance of 2315.50 feet along the southerly boundary of said NW1/4 to the TRUE POINT OF BEGINNING;

THENCE North 0°57'30" East a distance of 20.57 feet to the northerly line of said permanent easement;

THENCE South 89°04'24" East a distance of 69.34 feet;

THENCE North 86°17'08" East a distance of 270.74 feet;

THENCE South 89°28'42" East a distance of 361.01 feet to a point on the easterly boundary of the above described tract;

THENCE South 0°00'00" East a distance of 40.08 feet to the southerly boundary of the SW1/4 NE1/4 of said Section 4;

THENCE North 89°28'42" West a distance of 700.86 feet along the southerly boundary of said SW1/4 NE ¼ and the southerly boundary of said SE1/4 NW1/4 to the TRUE POINT OF BEGINNING, containing 0.55 acres more or less.

Containing approximately 77.49 acres.

EXHIBIT "A" – SECTION 2

A parcel of land located in a portion of Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the West quarter corner of Section 4 and being the REAL POINT OF BEGINNING.

Thence North 00°50'26" East 1275.76 feet along the West boundary of Section 4 to the Northwest corner of "CSI North Campus Subdivision".

Thence South 89°37'31" East 587.02 feet along the North boundary of said subdivision.

Thence South 00°50'26" West 370.00 feet along the extended Westerly boundary of Lot 2 of said subdivision to the Southwest corner thereof.

Thence South 89°37'10" East 296.00 feet along the Southerly boundary of said Lot 2 to the Southeast corner thereof.

Thence North 00°51'54" East 370.00 feet along the Easterly boundary of said Lot 2 extended to a point on the Northerly boundary of "CSI North Campus Subdivision".

Thence South 89°37'10" East 1129.58 feet along the Northerly boundary of said subdivision.

Thence South 34°09'13" East 243.67 feet along the boundary of said subdivision.

Thence South 50°19'13" East 219.01 feet along the boundary of said subdivision.

Thence South 01°17'47" West 6.88 feet along the boundary of said subdivision.

Thence South 51°14'56" East 395.58 feet along the Westerly boundary of the CSI Endowment Parcel.

Thence South 01°00'53" West 24.00 feet along the boundary of said Endowment parcel.

Thence South 44°32'32" East 530.00 feet along the boundary of said Endowment Parcel.

Thence South 00°03'24" West 299.01 feet along the boundary of said Endowment Parcel.

Thence South 89°20'47" East 932.19 feet along the Northerly boundary of the W²SE⁴ of Section 4, to the Northeast corner thereof.

Thence South 01°05'22" West 1602.83 feet along the Easterly boundary of said W²SE⁴.

Thence North 89°07'16" West 59.41 feet along the Northerly boundary of the Frontier Park joint use parcel.

Thence North 55°05'57" West 514.28 feet along said joint use parcel boundary as amended.

Thence North 00°52'24" East 122.24 feet along said joint use parcel boundary as amended.

PUD 262

Thence North $82^{\circ}27'56''$ West 459.94 feet along said joint use parcel boundary as amended.

Thence North $01^{\circ}00'53''$ East 110.63 feet along the Easterly boundary of the National Guard Armory parcel to the Northeast corner thereof.

Thence North $89^{\circ}29'07''$ West 370.00 feet along the Northerly boundary of said Armory Parcel to the Northwest corner thereof.

Thence South $01^{\circ}00'53''$ West 590.00 feet along the Westerly boundary of said Armory parcel to the Southwest corner thereof.

Thence South $89^{\circ}29'07''$ East 370.00 feet along the Southerly boundary of said Armory parcel to the Southeast corner thereof.

Thence South $01^{\circ}00'53''$ West 103.75 feet along the Westerly boundary of the Frontier Park joint use parcel.

Thence North $88^{\circ}52'43''$ West 4.52 feet along said joint use parcel boundary.

Thence South $01^{\circ}00'53''$ West 208.64 feet along said joint use parcel boundary.

Thence South $51^{\circ}53'51''$ East 859.00 feet along said joint use parcel boundary as amended.

Thence South $01^{\circ}08'53''$ West 138.37 feet along said joint use parcel boundary as amended.

Thence North $88^{\circ}51'29''$ West 1050.40 feet along the Southerly boundary of the W^2SE^4 of Section 4 to the Southwest corner thereof.

Thence North $88^{\circ}53'05''$ West 2625.05 feet along the Southerly boundary of Section 4 to the Southwest corner thereof.

Thence North $00^{\circ}50'29''$ East 2558.09 feet along the Westerly boundary of Section 24 to the REAL POINT OF BEGINNING.

Containing approximately 281.33 acres.

Unsurveyed

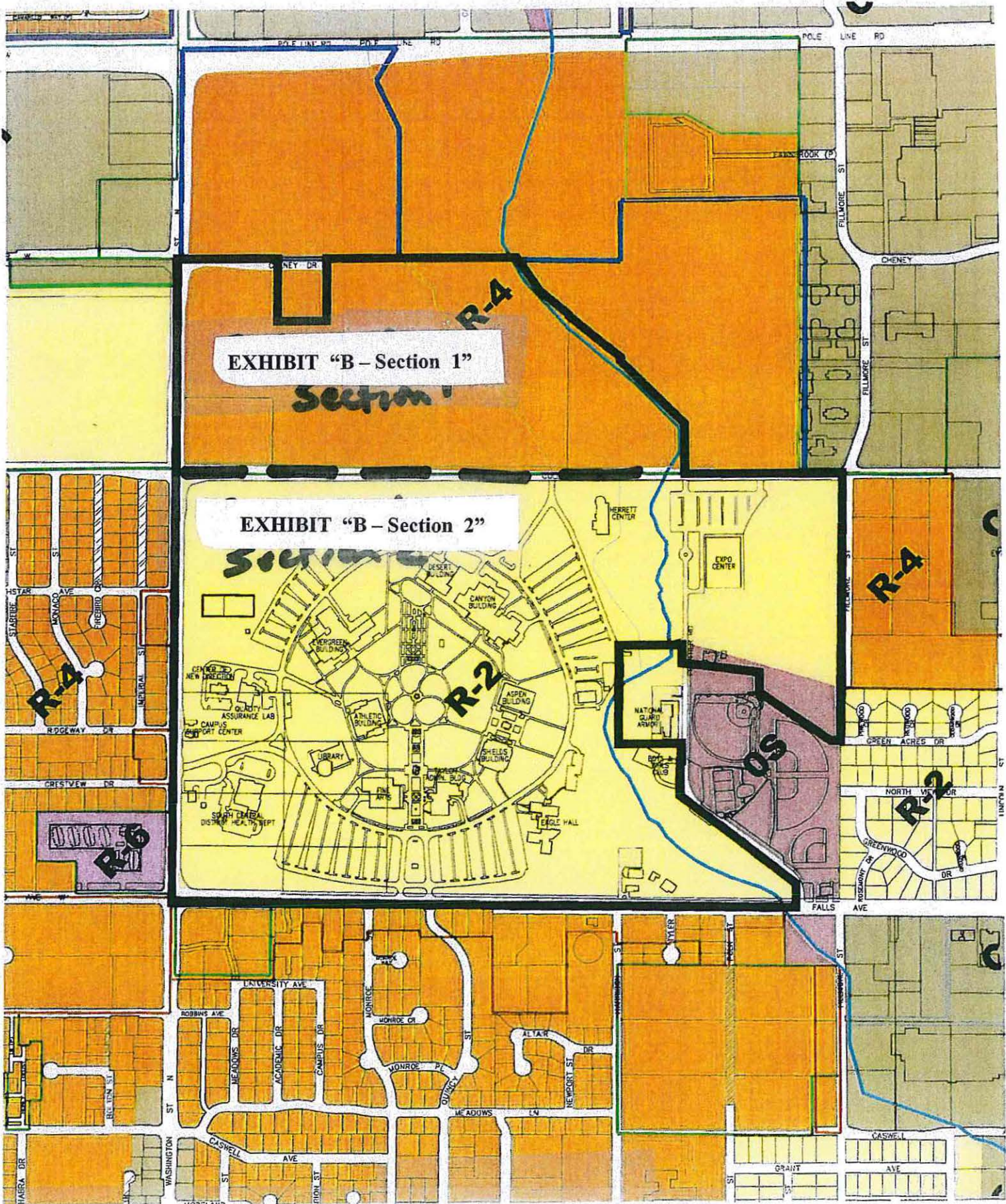
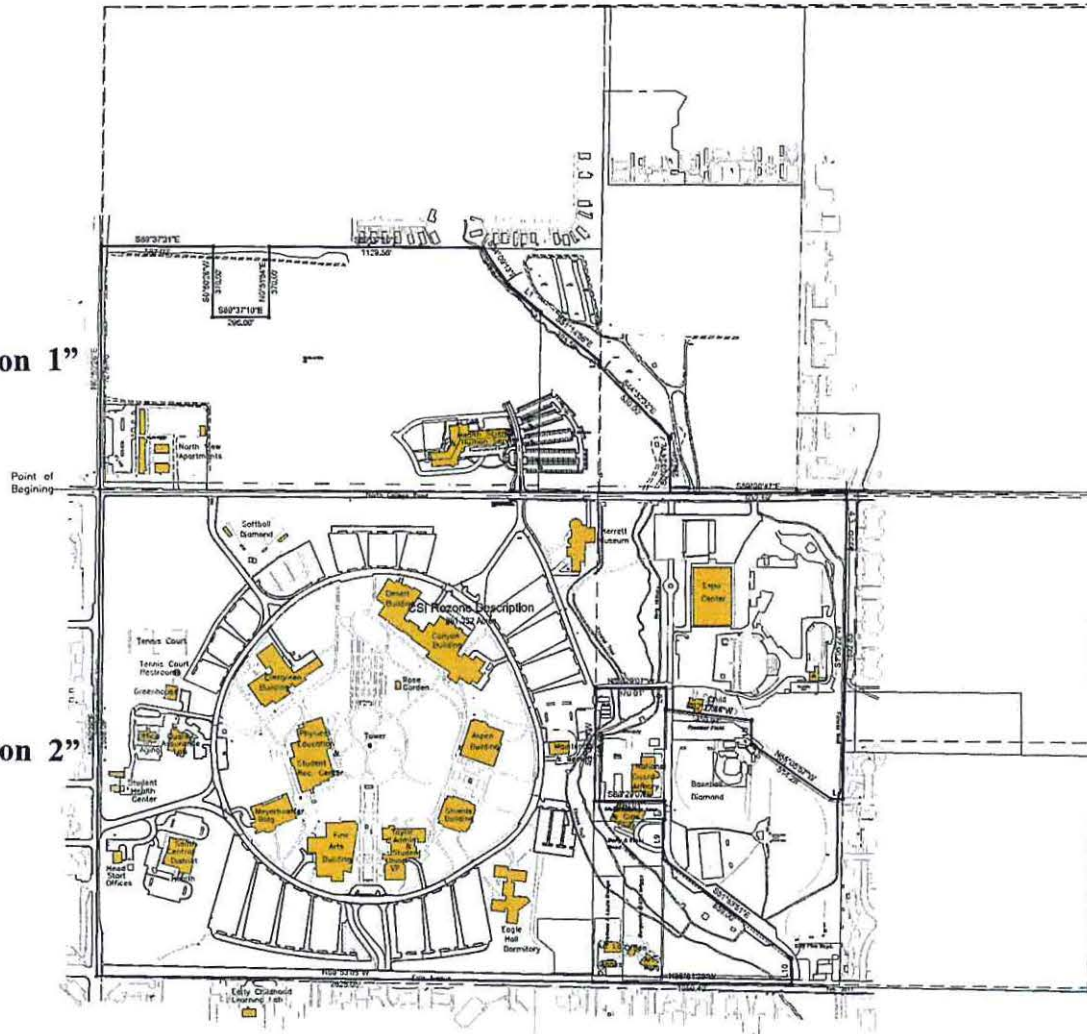


EXHIBIT "B - Section 1"

EXHIBIT "B - Section 2"



LINE	BEARING	HORIZ DIST
L1	S50°19'13"E	210.01'
L2	S1°17'47"W	6.00'
L3	S1°00'53"W	24.00'
L4	N85°07'16"W	59.41'
L5	N2°52'24"E	122.24'
L6	N1°00'53"E	110.83'
L7	S1°00'53"W	103.70'
L8	N82°34'43"W	4.52'
L9	S1°00'53"W	208.64'
L10	S1°08'53"W	138.37'

EHM Engineers Inc.
ENGINEERING/PLANNING/DESIGN
COLLEGE RD., SUITE 100
ST. JOSEPH, MN 55785-4003
TEL: 218-234-8049
FAX: 218-234-8049
E-MAIL: ehmeinc@aol.com

CSI

DO NOT SCALE DIMENSIONS
CONTRACTOR SHALL VERIFY ALL
DIMENSIONS AND PROFILES IN THE
FIELD AND NOTIFY THE ENGINEER OF
ANY DISCREPANCIES, ERRORS, OMISSIONS,
OR OMISSIONS BEFORE BEGINNING
OR PROCEEDING WITH WORK

APPROVED

DESIGN

JOHN J. SKEEN

DATE 6-17-11

SCALE AS SHOWN

DWG. NO. 102-11bndry

1200262

EXHIBIT "B – Section 1"

TWIN FALLS COUNTY

RECORDED FOR:
TWIN FALLS, CITY OF
3:02:32 pm 08-26-2009
2009-019522

NO. PAGES: 15 FEE: \$

KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: BHUNTER

COLLEGE OF SOUTHERN IDAHO - NORTH CAMPUS
PLANNED UNIT DEVELOPMENT AGREEMENT

PUD 262
PUD-234
COPY

This agreement, made and entered into this 4TH day of August, 2009, by and between the City of Twin Falls, a municipal corporation, State of Idaho, hereinafter called "City" and the College of Southern Idaho, hereinafter called "College" whose address is 315 Falls Avenue, Twin Falls, Idaho 83303-1238.

RECITALS

Whereas, the College of Southern Idaho holds title to properties particularly described in Exhibit "A" attached hereto, which land is located adjacent to the College from the 100 to the 400 blocks on the north side of North College Road and consisted of approximately 71.09 acres, and

WHEREAS, the College intends to use the property for College related activities, specifically a health sciences and humans services building, future educational facilities and agriculture and has submitted to the City a Master Development Plan thereof, Exhibit "B", and

Whereas, the property at 100 - 400 blocks on the north side of North College Road is currently zoned R4 within the city's area of impact, and

Whereas, College has made a request to the City to annex and rezone properties, as described in Exhibit "A", to "CSI PUD" zone and has submitted to the City a Master Development Plan, Exhibit "B", thereof which has been reviewed by the Planning and Zoning Commission on April 22, 2008, and was approved, as presented, for development as a Planned Unit Development by the City Council on May 19, 2008 and which Ordinance #2941 was later approved by the City Council and published on July 03, 2008, and

Whereas, the City, by and through its City Council, has agreed to the Development of said property within the City of Twin Falls, Idaho, subject to certain terms, conditions and understanding, which terms, conditions and understandings are the subject of this agreement.

COVENANTS

On May 19, 2008 the City Council annexed and approved development of properties described in Exhibit "A" subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to the approved PUD Agreement to include:
 - a. Development Criteria including a "Height" section that indicates that the height of development within the project may be a maximum thirty-seven feet (37') tall.
 - b. Development criteria regarding utility/infrastructure
4. Subject to the attached exhibit titled "CSI Phase I" being adopted as the approved Master Development Plan. Any future phase of development will require an amendment to the PUD and the Master Development Plan.

Now, Therefore, in consideration of the mutual promises and covenants contained herein, College and the City agree as follows:

1. NATURE OF THE AGREEMENT. This agreement shall become part of the "CSI PUD" zone with respect to the Property upon its full execution and recording. This agreement is specific to the College owning the property. In the event of a change of ownership, a new PUD application will have to be filed. This agreement is subject to the attached exhibit titled "CSI Phase I" being adopted as the approved Master Development Plan, Exhibit "B". Any future development will require an amendment to the PUD.

2. NATURE OF PROPERTY USE. It is agreed by the parties hereto that certain language and requirements pertaining to the "CSI PUD" zone shall be interpreted as follows:

A. Uses. The College will use the property in a manner consistent with our community college mission with the development of the north campus being similar to the existing campus.

Phase 1 The first building to start the second circle of buildings will be a health science and human services building. The two story building may be a maximum thirty-seven feet (37')

tall and shall be approximately 72,000 square feet and will house our health related programs along with numerous general use classrooms.

As a part of Phase 1, the first 1,000 feet of the irrigation lateral (running east to west) bordering the property on the south side will be piped in accordance with Twin Falls Canal Company criteria. The entry to the property will be from North College Road with a turnout lane for vehicles coming from the east and two exit lanes onto North College for departing traffic. The parking lot for the building will consist of spaces for approximately 300 vehicles. All drainage for the building and parking lots will be retained on-site. A 12 inch water line coming off of the North College water line will run by the building and dead end at the end of the portion of the loop road constructed in Phase 1. The water line coming off of this main line will feed the building and loop back to the North College Road water line. These changes as outlined above are shown as, Proposed Water Plan, included with Exhibit "B"-Master Development Plan. This agreement is subject to the attached exhibit titled "CSI Phase I" being adopted as the approved Master Development Plan, Exhibit "B".

Phase 2 Phase 2 and/or any future development will require an amendment to the PUD. Future buildings will be constructed as the need is established and the funding obtained. In the interim, the property not utilized for buildings will be farmed. Phase 2 will include a future by-pass road running north on the west side of the Perrine Coulee to the north side of the property and run west to connect at the Cheney and Washington intersection to be developed prior to Phase 2 development.

B. Non-Compliance. In the event that uses of the Property are not within the restriction of this "CSI PUD" Agreement, the City shall give written notice to the College. College shall cure said non-compliance within thirty days of its receipt of notice (or in the case of non-compliance that will take in excess of thirty days to cure, College shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion). In the event the College fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within that phase of such "PUD" until such time as all requirements specified have been complied with; provided, however, the College shall have the right to appear before the City Council at any regular meeting after any building permits and

PUD 262
PUD 234

certificates of occupancy have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy should be issued. The City Council shall then in good faith and in an objective manner decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of parties are preserved at law and equity.

3. GENERAL PROVISIONS

A. Cooperation. The parties hereto agree to cooperate each with the other.

B. Entire Agreement. This agreement constitutes the entire agreement between the parties concerning the property described herein, and no amendment or modification to this agreement shall be valid or effective unless reduced to writing and signed by the parties.

C. Applicable Law. This agreement shall be constructed in accordance with the laws of the State of Idaho.

D. Notices. If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at its addressed last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested". On the date of this agreement, the addressed of the parties are as follows:

College: College of Southern Idaho
315 Falls Avenue
P.O. Box 1238
Twin Falls, Idaho 83303-1238

City: City of Twin Falls
P.O. Box 1907
321 Second Avenue East
Wind Falls, Idaho 83301

In the event the College seeks to amend the master plan and/or this agreement, it will provide notice to the adjoining neighbors at the time application is made for such a change in accordance with City requirements/ordinances.

E. Successors and Assigns. This agreement shall be binding upon successors, assigns and legal representatives of the parties hereto.

PUD-262
PUD-254

F. Severability. In the event any portion of this agreement is declared by a Court of competent jurisdiction to be invalid, illegal or unenforceable, such portion shall be deemed severed from this agreement, and the remaining portions shall not be affected thereby.

G. Signatories. Each of the persons executing this agreement hereby represent and warrant that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing and that this agreement is binding on, and enforceable against, such entity.

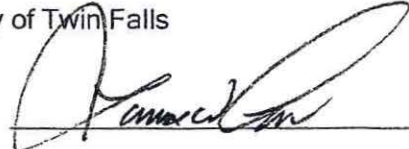
H. Effective Date. This "PUD" agreement shall become valid and binding only upon its approval by the City, through its City Council, and upon its execution by the Mayor and College.

I. Attorneys Fees. In the event that either party should be required to retain an attorney because of the default or breach of the other or to pursue any other remedy provided by law, that party which prevails in any litigation shall be entitled to reasonable attorney's fee.

J. Attachments. All attachments and recitals are incorporated herein and made a part hereof as if set forth in full.

In Witness Whereof, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

City of Twin Falls

By: 

College of Southern Idaho

By: 

John M. Mason,
Vice President of Administration

PUD 262
PUB 244

Acknowledgments

State of Idaho

County of

On this 25th day of August, 2009, before me the undersigned, a

Notary Public in and for said State and County, personally appeared _____

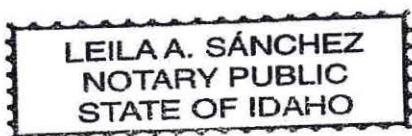
Lance W. Clow Known to me to be the Mayor
of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and
acknowledged to me that such municipal corporation executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day
and year in this certificate first above written.

Leila A. Sanchez
Notary Public for Idaho

Residence of Twin Falls

My Commission Expires 5/18/2012



State of Idaho

County of

On this 4th day of August, 2009, before me the undersigned, a

Notary Public in and for said State and County, personally appeared _____

John M. Mason to me personally known, who, being by me duly sworn,
did for himself say that he is an authorized representative of the College of Southern Idaho and
that the within instrument was executed by him of behalf of the College of Southern Idaho.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day
and year in this certificate first above written.



Jeffrey M. Harrison
Notary Public for Idaho

Residence of Twin Falls Idaho

My Commission Expires 11-08-2011

Exhibit "A" PUD 262
PUD-
254

ORDINANCE NO. 2941

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ANNEXING CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFOR, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

WHEREAS, the College of Southern Idaho has made application for annexation of property located on the north side of the 100-400 blocks of North College Road; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 22nd day of April, 2008, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

WHEREAS, the City Planning and Zoning Commission has made recommendations known to the City Council for Twin Falls, Idaho; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 16th day of June, 2008, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

SECTION 1. The following described real property be and the same is hereby annexed into and declared to be a part of the City of Twin Falls, Idaho:

SEE ATTACHMENT "A"

AND all public streets, highways, alleys and public rights-of-way adjacent and within this description.

SECTION 2. The real property described in Section 1 hereof be and the same is hereby zoned CSI PUD.

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of

DUB 262
PUD-234

development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

SECTION 4. The Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the newly incorporated real property as hereby zoned.

SECTION 5. The City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's office for indexing and recording.

PASSED BY THE CITY COUNCIL June 16, 2008

SIGNED BY THE MAYOR June 23 , 2008



Mayor

ATTEST:



Deputy City Clerk

PUBLISH: Thursday, July 3 , 2008

7ud-262
P40-244

ATTACHMENT "A"

A tract of land located in the South Half of the Northwest Quarter of Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at the southwest corner of said S1/2 NW1/4;

THENCE North 0°42'17" East a distance of 1,275.74 feet along the westerly boundary of said S1/2 NW1/4 to the northwest corner of said S1/2 NW1/4;
THENCE South 89°45'01" East a distance of 1,997.79 feet along the northerly boundary of said S1/2 NW1/4;
THENCE South 35°10'00" East a distance of 254.74 feet;
THENCE South 51°20'00" East a distance of 219.01 feet;
THENCE South 0°57'30" West a distance of 943.07 feet to a point on the southerly boundary of said S1/2 NW1/4;
THENCE North 89°28'42" West a distance of 2,315.50 feet along the southerly boundary of said S1/2 NW1/4 to the southwest corner of said S1/2 NW1/4 and being the TRUE POINT OF BEGINNING.

The above described tract contains 66.74 acres more or less and is subject to the rights of public roads which affects the westerly 25.00 and a strip varying from 25 to 58 feet in width along the southerly boundary of said tract.

AND

A tract of land located in the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at the southwest corner of the NW1/4 of said Section 4;

THENCE, South 89°28'42" East a distance of 2315.50 feet along the southerly boundary of said NW1/4 to the center of a power line and the TRUE POINT OF BEGINNING;
THENCE North 0°57'30" East a distance of 943.07 feet along the center of said power line to a point in the center of a coulee;
THENCE South 51°20'00" East a distance of 399.99 feet along the center of said coulee to a point on the easterly boundary of said SE1/4 NW1/4;
THENCE South 0°52'55" West a distance of 24.00 feet along the easterly boundary of said SE1/4 NW1/4, and the westerly boundary of said SW1/4 NE1/4;
THENCE South 44°45'00" East a distance of 530.00 feet;
THENCE South 0°00'00" West a distance of 299.01 feet to a point on the southerly boundary of said SW1/4 NE1/4;

DUD-262
DUD-234

THENCE North 89°28'42" West a distance of 700.86 feet along the southerly boundary of said SW1/4 NE1/4 and the southerly boundary of said SE1/4 NW1/4 to the TRUE POINT OF BEGINNING.

The above described tract contains 10.20 acres more or less and is subject to a permanent easement for roadway purposes over a strip of land located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

BEGINNING at the southwest corner of the NW1/4 of said Section 4;

THENCE, South 89°28'42" East a distance of 2315.50 feet along the southerly boundary of said NW1/4 to the TRUE POINT OF BEGINNING;

THENCE North 0°57'30" East a distance of 20.57 feet to the northerly line of said permanent easement;

THENCE South 89°04'24" East a distance of 69.34 feet;

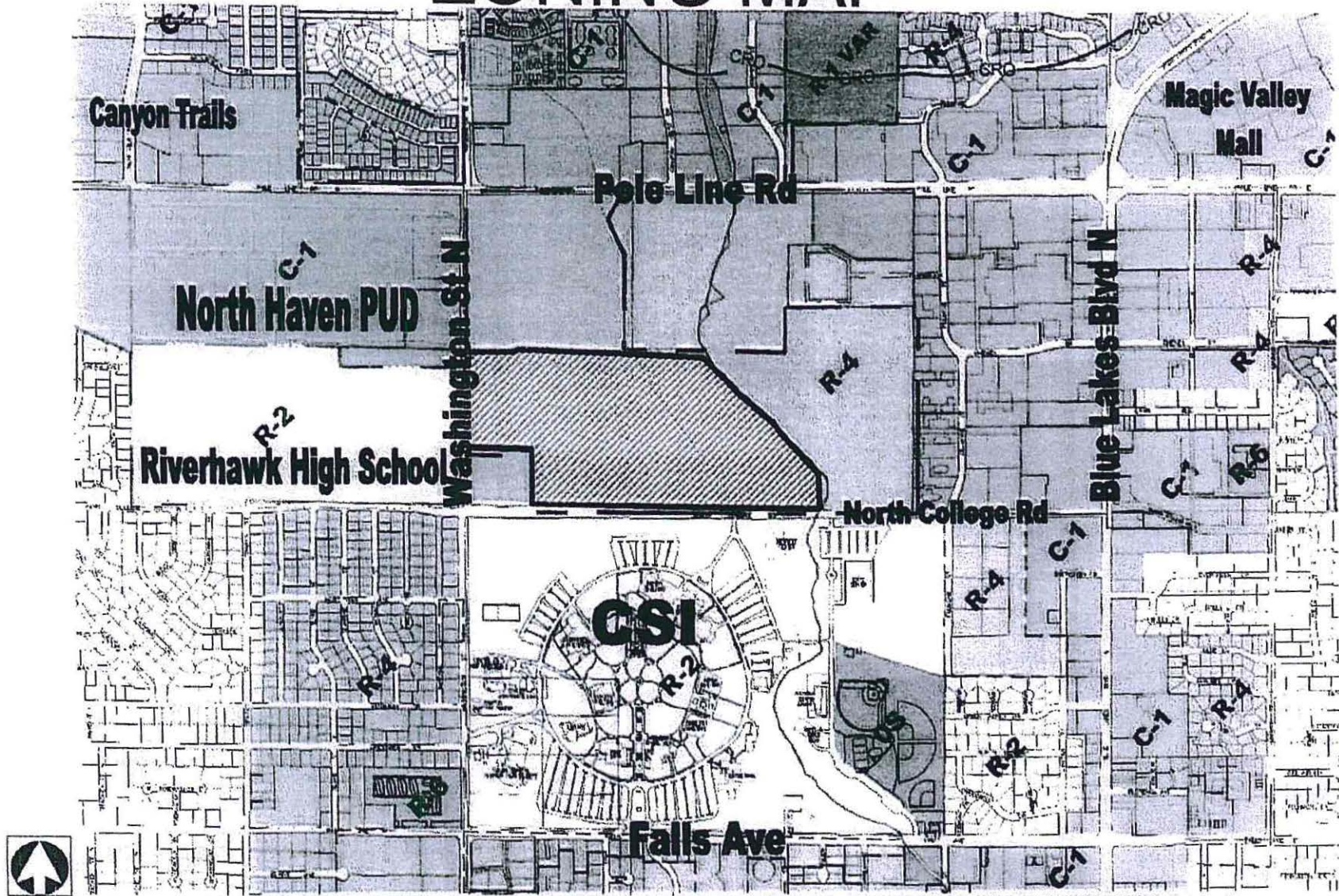
THENCE North 86°17'08" East a distance of 270.74 feet;

THENCE South 89°28'42" East a distance of 361.01 feet to a point on the easterly boundary of the above described tract;

THENCE South 0°00'00" East a distance of 40.08 feet to the southerly boundary of the SW1/4 NE1/4 of said Section 4;

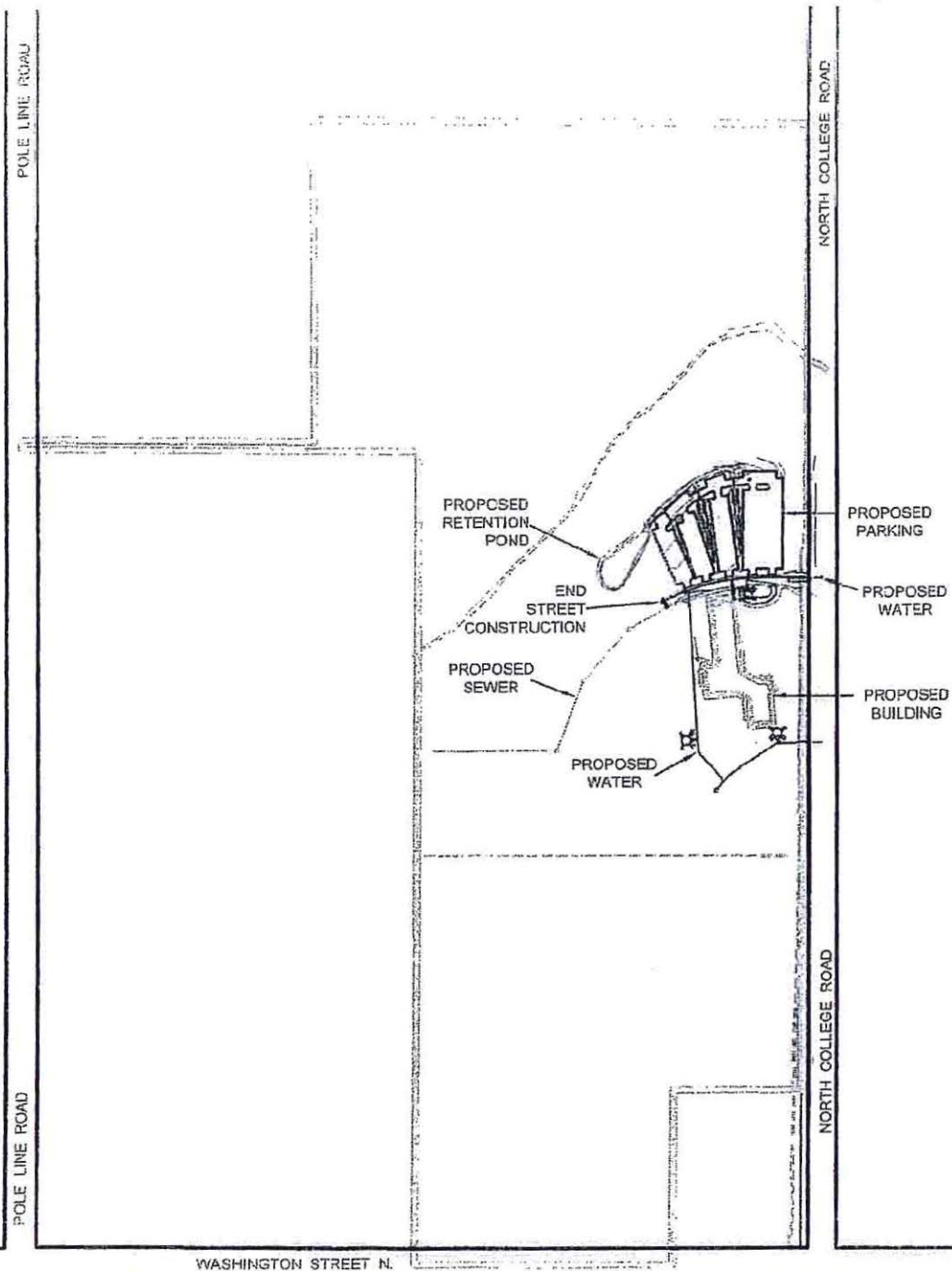
THENCE North 89°28'42" West a distance of 700.86 feet along the southerly boundary of said SW1/4 NE ¼ and the southerly boundary of said SE1/4 NW1/4 to the TRUE POINT OF BEGINNING, containing 0.55 acres more or less.

ZONING MAP



PUD-262 PUD 294

PUD 262
 1411-241



CSI PHASE 1
 SCALE: 1"=500'

Drawn By MLJ
 Checked By M. SMITH
 Date 1-28-08
 CTA # CSHS
 Cad File: CSHS-EX1



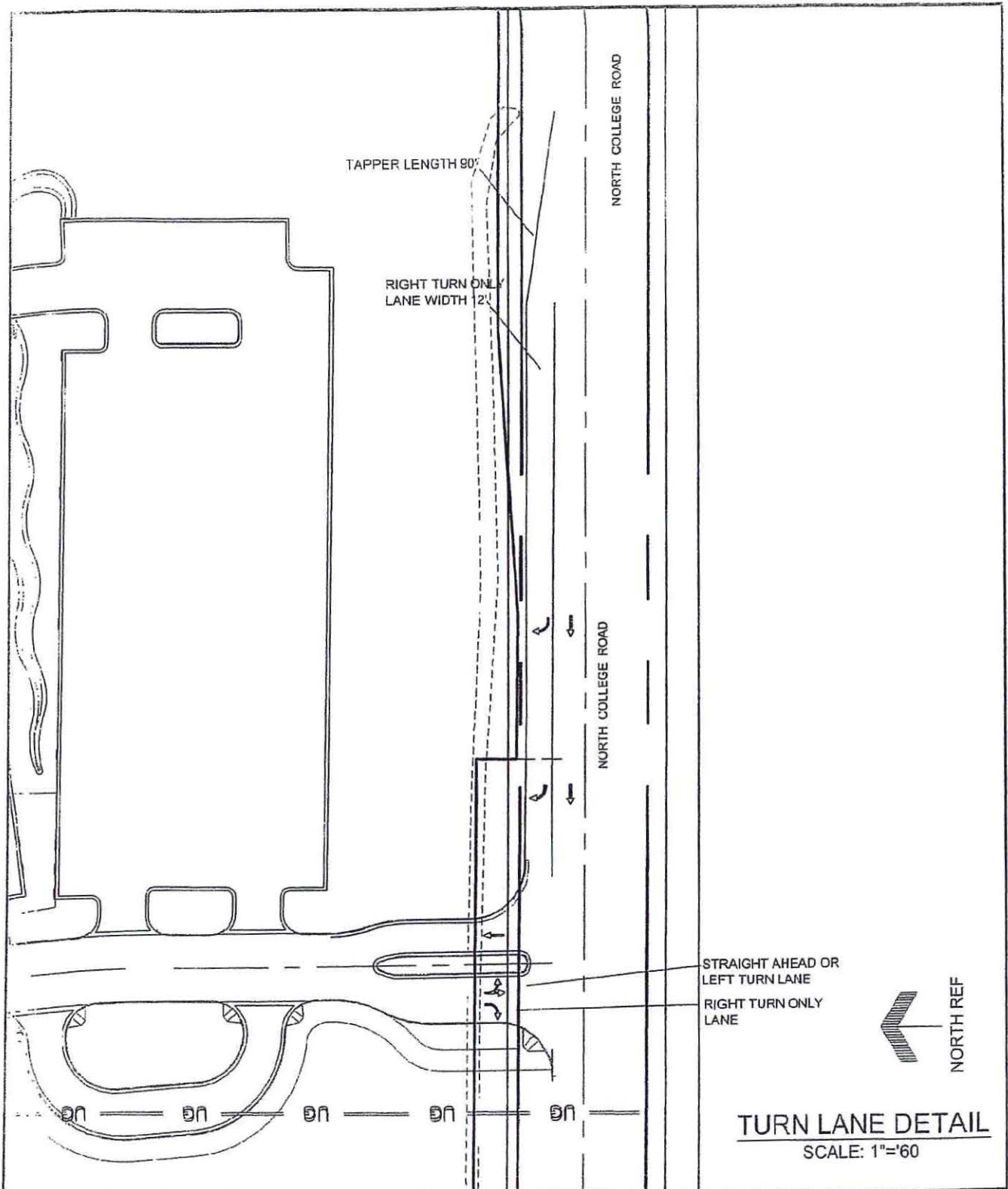
BILLINGS, MT
 (406)248-7455
 Fax (406)248-3779

COLLEGE OF SOUTHERN IDAHO
 HEALTH SCIENCES AND HUMAN SERVICES
 DPW PROJECT NO. 08102

ADDENDUM

SHEET# 1
 REF SHEET#

PUD-2627
 PUD-254



Drawn By MLJ
 Checked By M.SMITH
 Date 3-05-08
 CTA # CSHS
 Cad File: CSHS-EX2

CTA
 BILLINGS, MT
 (406)248-7455
 Fax (406)248-3779

COLLEGE OF SOUTHERN IDAHO
 HEALTH SCIENCES AND HUMAN SERVICES
 DPW PROJECT NO. 08102

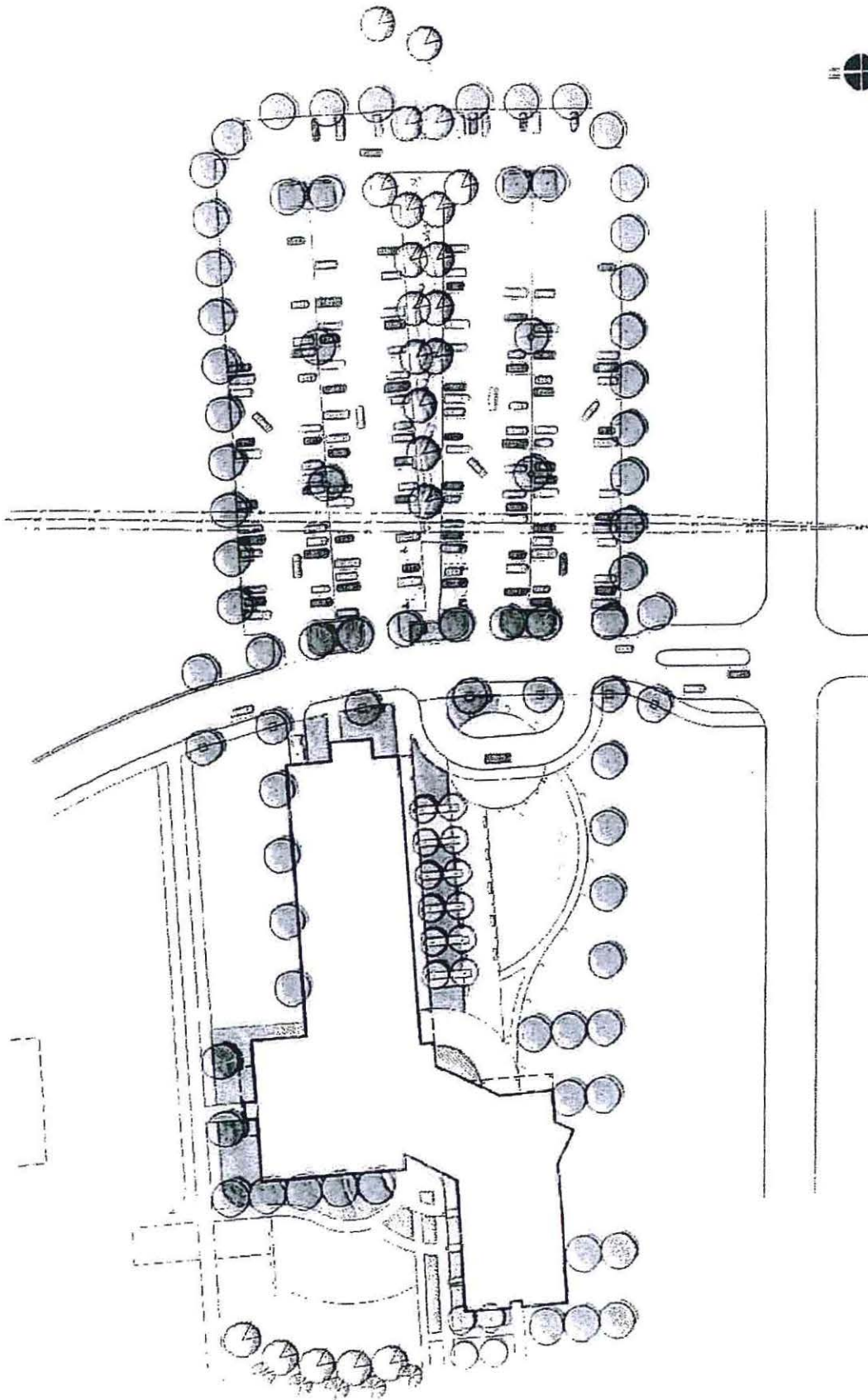
ADDENDUM

SHEET#

1

REF SHEET#

PUD 2002 (PUD-284)



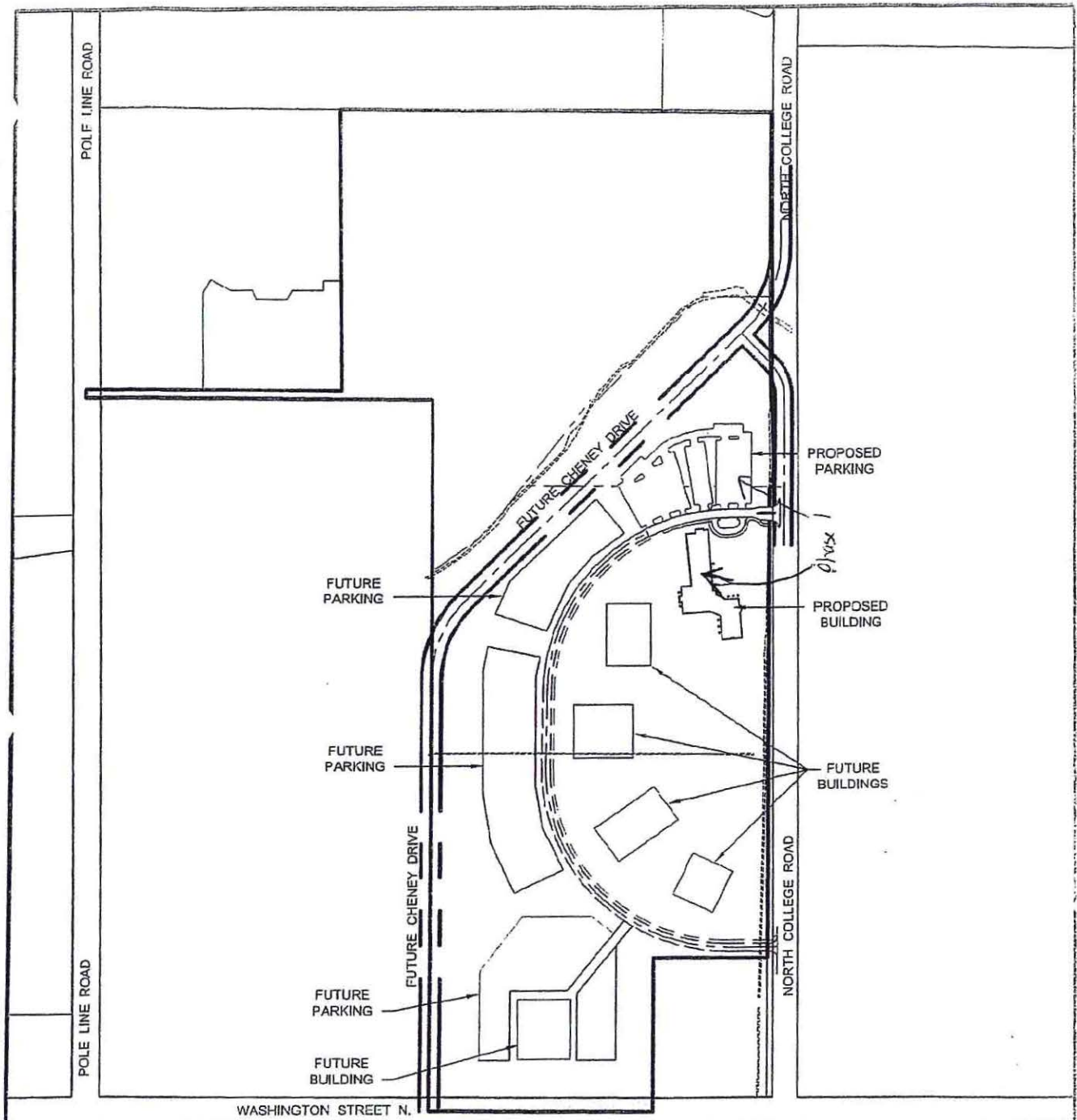
DPW # 08102
12-17-07

College of Southern Idaho
Health Sciences and Human Services Building

SCHEMATIC MODEL



PUD 262
PUD-284



PHASE 2
DEVELOPMENT PLAN
SCALE: 1"=500'

Drawn By MLJ
Checked By M SMITH
Date 2-7-08
CTA # CSHHS
Cad File: CSHS-EX1

CTA
BOISE, ID
(208)336-4900
Fax (208)343-3531

COLLEGE OF SOUTHERN IDAHO
HEALTH SCIENCES AND HUMAN SERVICES
DPW PROJECT NUMBER 08102

SHEET# 2
REF SHEET#

PUD 262

EXHIBIT "C"

USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agriculture:

- a. Agricultural use.
- b. Animals for agricultural education, veterinary technology and rodeo use.
 - 1. Rodeo program – 50 large animals continuously, 200 large animals during events.
 - 2. Veterinary technology – 25 small animals and 18 large animals
- c. Garden plots leased to others.

2. Communications And Utilities:

- a. Geothermal resources for educational support equipment but would also generate power.
- b. Photo voltaic (solar panels) systems on buildings or freestanding to be used as educational support equipment but would also generate power.
- c. Underground and aboveground transmission lines.
- d. Utility-owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

3. Cultural Facilities:

- a. Botanical gardens and arboretums.
- b. Historic sites and monuments.
- c. Libraries, museums and art galleries.
- d. Planetariums and aquariums.

4. Governmental Facilities:

- a. Fire stations and police stations.
- b. Water treatment plants.

5. Medical Facilities (as part of educational purposes):

- a. Doctors' offices.
- b. Drug and alcohol treatment centers.
- c. Hospitals and clinics.
- d. Rehabilitation services.

6. Miscellaneous:

- a. Any facility with drive-through service.

7. Parks:

- a. Open space.
- b. Private parks and playgrounds without crowd attracting facilities.
- c. Public parks and playgrounds without crowd attracting facilities.
- d. Park concessions.

8. Public Assembly:

- a. Auditoriums.
- b. Exposition Center – Commercial events.
- c. Religious facilities.
- d. Schools - private, vocational and/or academic.
- e. Schools - public.

9. Residential:

- a. Accessory buildings, personal swimming pools and other accessory uses.
- b. Household units in upper floors of commercial or professional buildings.
- c. Nursing homes and rest homes. (as part of educational purposes)

10. Retail:

- a. Eating places – commercial and college operations.
- b. Farmers' Markets
- c. Private and commercial lease of facilities.

11. Services (as part of educational purposes):

- a. Daycare services.
- b. Finance and investment offices.
- c. In-home daycare services.
- d. Insurance and related business.
- e. Private and commercial lease of facilities.
- f. Professional services.
- g. Quality Assurance Lab
- h. Real estate and related business.

11. Sports Facilities:

- a. Athletic areas, indoor and outdoor.
- b. Golf driving ranges.
- c. Miniature golf courses.
- d. Outdoor, public and commercial ice and roller-skating facilities.
- e. Outdoor, public and commercial swimming pools.
- f. Outdoor, public and commercial tennis courts. (Ord. 2620, 8-2-1999)
- g. Student fundraising activities.

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

1. Communications And Utilities:

- a. Utility-owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
- b. Windmills not exceeding a maximum blade height of 120 feet (120') to be used as educational support equipment but would also generate power. Setback to be 3-1 ratio.

2. Cultural Facilities:

- a. Zoos.

3. Parks:

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

4. Residential:

- a. Bed and breakfast facilities.
- b. Dwellings - multiple household (5 units or more).
- c. Dwellings – tri-plex and four-plex.
- d. Home occupations.
- e. Residence halls, residence hotels, rooming houses.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)



Public Hearing: **Tuesday, December 12th, 2017**

To: Planning and Zoning Commission

Presenter: Jonathan Spendlove, Senior Planner

Editor: Renee V. Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM 6c

Request: Request for the Commission's recommendation on a **Zoning District Change and Zoning Map Amendment** from C-1 PUD to C-1 for a .22 acre tract located at the south east corner of Canyon Falls Road and Harrison Street. c/o Ryan Bybee (app. 2908)

Time Estimate:

Applicant may take up to fifteen (15) minutes, Staff presentation may take up to ten (10) minutes and Additional time may be necessary to address questions and or clarifications asked by the commission.

Background:

Applicant Ryan Bybee 924 E 4300 N Buhl, ID 83316 208.543.2633 ryanb.pm@gmail.com Representative	Status: Owner	Size: .22 +/- acres
	Current Zoning: C-1 PUD	Requested Zoning: Rezone to C-1
	Comprehensive Plan: Mixed Use	Lot Count: 1 Tract
	Existing Land Use: Vacant	Proposed Land Use: Commercial
	Zoning Designations & Surrounding Land Use(s)	
	North: Canyon Falls Dr.; C-1 PUD & R-6; Assisted Living & Agriculture	East: C-1 PUD; Hotel (La Quinta Inn)
	South: Pole Line Rd.; C-1 PUD	West: Harrison St.; C-1 PUD; Hotel & Restaurant (Hilton & Black Bear Diner)
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-6, 10-14, Northbridge PUD #2185	

Approval Process:

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to the Council.

After the Council receives a recommendation from the Commission, a public hearing shall be scheduled where the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event, the Council shall specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

Budget Impact:

Redevelopment of this property to a commercial use will have a positive impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the process of rezoning property at the North East Corner of Pole Line Rd. and Harrison St. N.

History:

There are two parcels the applicant has purchased. They were at one point part of the larger Breckenridge Farm. The slim long sliver parcel was, according to the applicant, the old driveway to access the Breckenridge farm. The Smaller triangular piece was zoned C-1 PUD when the Northbridge PUD was adopted in 1998. The old driveway was annexed as C-1 in late 2016.

Analysis:

This is a request for a **Zoning District Change and Zoning Map Amendment** to rezone .22 +/- acres located at the NE corner of Pole Line Rd. and Harrison St N. from C-1 PUD to C-1. The applicant has purchased this tract and wishes to develop a commercial business at this location. To do this the tract needs to be removed from the Northbridge PUD and be zoned to a C-1. In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks: **1-** to determine whether the request is in conformance with the Comprehensive Plan and **2-** evaluate the request to determine the extent and nature of the amendment requested.

The Comprehensive Plan indicates this corridor as appropriate for Mixed Uses. There is no development plan to evaluate as this request is to only rezone the property. Any changes will require a full review by staff to determine the extent and nature of the changes. Any change shall comply with the purpose, uses and development standards of the RB Zoning District prior to development.

To make a positive recommendation, the Commission must determine that **1-** the request is in conformance with the Comprehensive Plan and **2-** the extent and nature of changing the zoning of this property to the Commercial Highway District would allow land development that would be compatible with and not detract from the surrounding area.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Mixed Use." Mixed use is a very broad category, which supports high density residential and commercial development. Staff has determined this request complies with the 2016 comprehensive plan.

Conclusion:

The Commission is asked to make a recommendation to the City Council on this request. The Commission's decision may be to deny the request, approve the request as presented or request additional information be provided.

Attachments:

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

4.

a. The reason for the request to rezone Track A in the Twin Falls Canyon subdivision is due to it being a Track A PUD with no written documentation as to what the Track A is intended for or the usability of the land. By rezoning the Track A PUD to C1 we can now join it with the property to the east creating a buildable piece of property out of the Track A that would otherwise not be a buildable piece of property as it stands.

b.

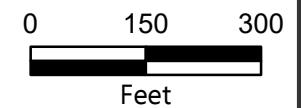
i. The proposed zoning change relates to the comprehensive plan in a way that by rezoning Track A, which is such a small piece of property, that it is deemed unbuildable due to the setbacks that would be required to place a building on the property. By rezoning Track A to C1 we can now merge the small unbuildable property with the property to the east making it a viable, buildable piece of property.

ii. The Track A property as it stands is basically unbuildable. By rezoning the property C1 it would now be buildable with the adjoining property to the east, making the property a lot more compatible with the existing surrounding area. The existing surrounding area is a majority of C1 which consists of restaurants and Hotels. There is also some R4 and R6 zoning as well which is a wonderful mix for our intended use of the property which would be a small retail development.

iii. The intended use/development of the property once rezoned and merged with the property to the east is to build a standalone Papa Murphy's Take-n-Bake pizza store as well as two other small retail buildings on the property.

Zoning Vicinity Map

-  Area Of Impact
-  CRO
-  PRO
-  PUD
-  C-1
-  OS
-  R-1 VAR
-  R-4
-  R-6



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**

Northbridge
No 2
2291

Northbridge
No 2
2291

Northbridge
No 2 2291

Northbridge
2185

Northbridge
2185

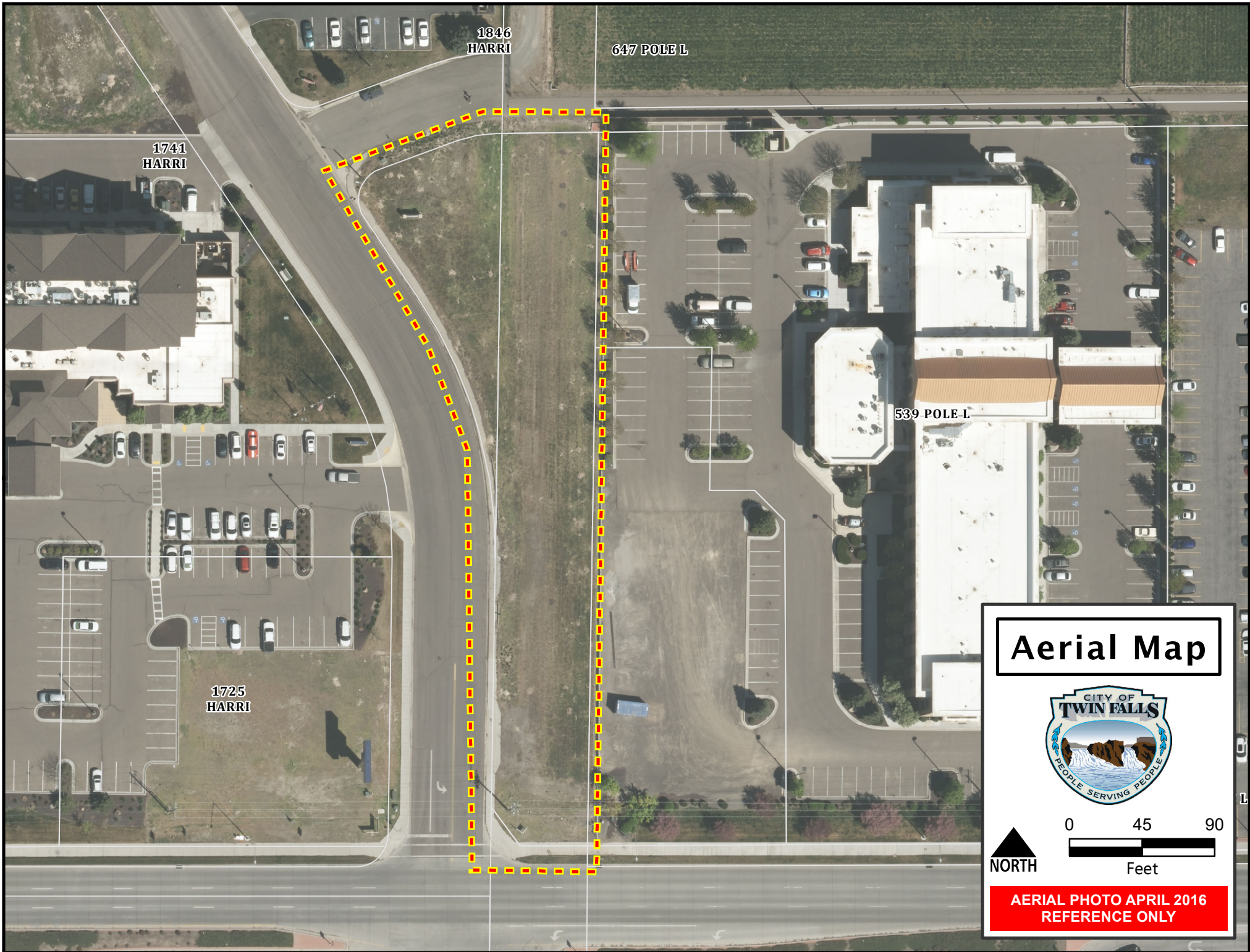
Northbridge
2185

Northbridge
2185

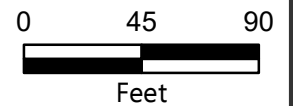
Pole
Line
Commercial 220

Sun West -
Lazy
J 259

Fawnbrook
2042



Aerial Map



AERIAL PHOTO APRIL 2016
REFERENCE ONLY

Future Land Use Map

Mixed Use



NORTH

0 150 300
Feet

AERIAL PHOTO APRIL 2016
REFERENCE ONLY



SE Corner Looking NW



NE Corner looking SW



Public Hearing: **Tuesday, December 12th, 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 6d

Request: Request for **Vacation** of a 15' x 264', 3,960 sq ft, public utility easement to allow commercial development of property located at the southeast corner of Canyon Falls Drive and Harrison Street. c/o Ryan Bybee (app. 2909)

Time Estimate:

Applicant may take up to fifteen (15) minutes, Staff presentation may take up to ten (10) minutes and Additional time may be necessary to address questions and or clarifications asked by the commission.

Background:

Applicant Ryan Bybee 924 E 4300 N Buhl, ID 83316 208.543.2633 ryanb.pm@gmail.com Representative	Status: Owner	Size: .22 +/- acres
	Current Zoning: C-1 PUD	Requested Zoning: Vacation of Utility Easement and a private sign easement
	Comprehensive Plan: Mixed Use	Lot Count: 1 Tract
	Existing Land Use: Vacant	Proposed Land Use: Commercial
	Zoning Designations & Surrounding Land Use(s)	
	North: Canyon Falls Dr.; C-1 PUD & R-6; Assisted Living & Agriculture	East: C-1 PUD; Hotel (La Quinta Inn)
	South: Pole Line Rd.; C-1 PUD	West: Harrison St.; C-1 PUD; Hotel & Restaurant (Hilton & Black Bear Diner)
	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 allow for commercial development which could impact 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:

There are two parcels the applicant has purchased. They were at one point part of the larger Breckenridge Farm. The slim long sliver parcel was, according to the applicant, the old driveway to access the Breckenridge farm. The Smaller triangular piece was zoned C-1 PUD when the Northbridge PUD was adopted in 1998. The old driveway was annexed as C-1 in late 2016.

Analysis:

This is a request to vacate a 15 foot public utility easement along the eastern boundary and a sign easement on a triangular parcel identified as Tract A. All other utility easements along Harrison St N. and Canyon Falls Dr. will remain in place. The applicant has purchased this tract and the adjacent 60' x 435' +/- parcel and wishes to develop a commercial business at this location. The purpose of vacating the easement is to allow a building to be constructed across the lot lines as seen in the applicant's site plan. The sign easement to be vacated is a private easement for a sign advertising the residential development which is currently not built. Staff has received all the required letters from the utility companies and governmental jurisdictions as well as the required letter for the sign easement, all in agreement for vacation thereof.

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. Easement Exhibit
5. Utility Company Letters
6. Sign Easement Letter
7. Site Photos

4. Provide a detailed written statement on a separate sheet of paper containing:

a. The reason for the request indicating the intended use of the vacated property.

The reason for the request to vacate Tract A in the Twin Falls Canyon subdivision is because it is zoned PUD which there is really no written documents explaining why it was a PUD Tract A on record. We are asking to vacate the PUD Tract A and merge it with the adjoining property to the east #RPT0097338810 combining the two properties and rezoning them C1.

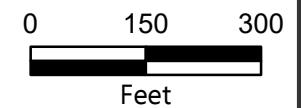
The intended use would then be to develop three buildings on the property. One being a standalone Papa Murphy's Take n Bake Pizza Store and the two other buildings retail space.

b. An evaluation of the effects of the vacation on all adjoining properties.

I feel there would be no adverse effects in any form on any of the adjacent properties due to the vacation of this property. After the rezone there will still be a 10' utilities easement running to the west and north of the property making it accessible to all adjoining properties for any additional or future utilities.

Zoning Vicinity Map

-  Area Of Impact
-  CRO
-  PRO
-  PUD
-  C-1
-  OS
-  R-1 VAR
-  R-4
-  R-6



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**

Northbridge
No 2
2291

Northbridge
No 2
2291

Northbridge
No 2 2291

Northbridge
2185

Northbridge
2185

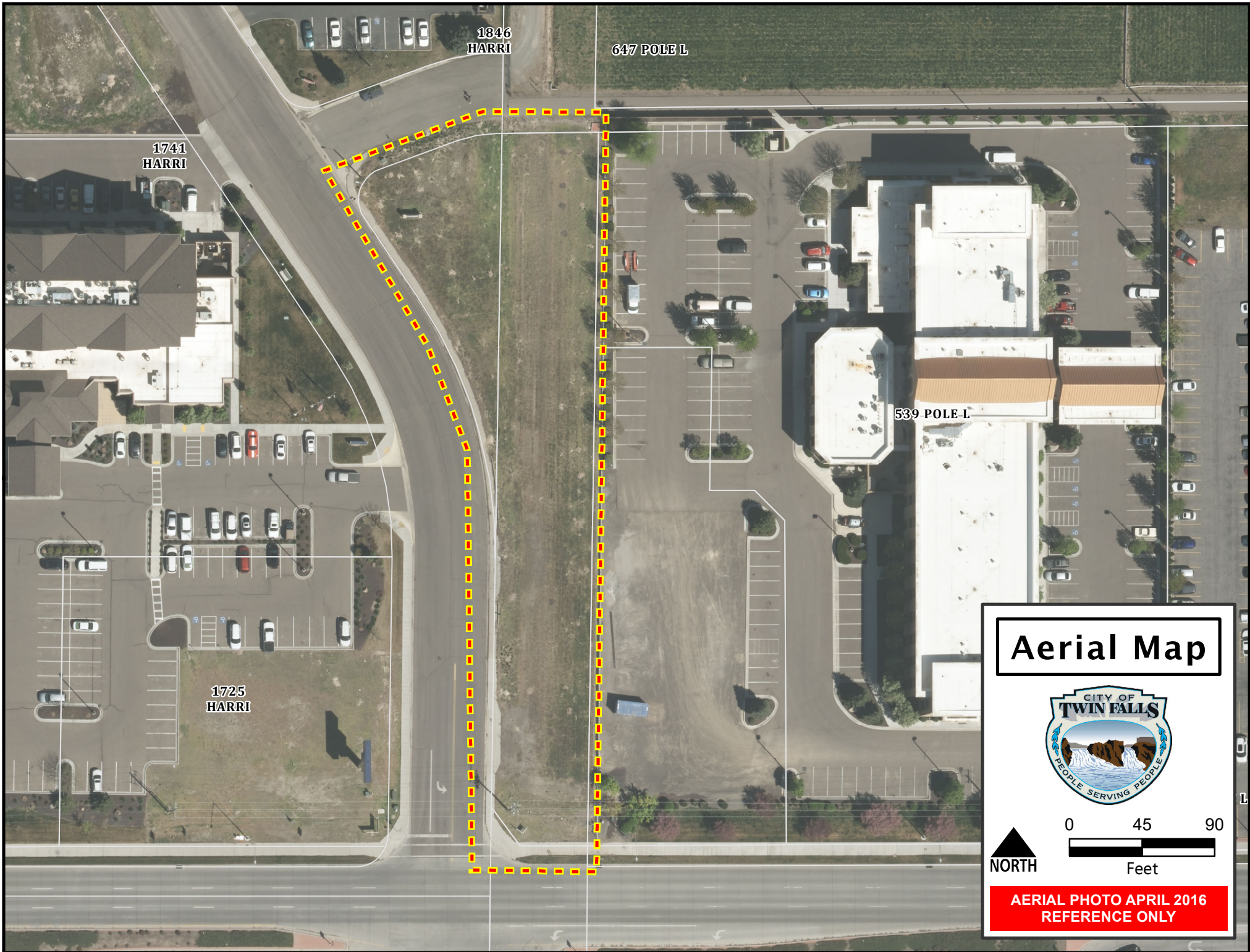
Northbridge
2185

Northbridge
2185

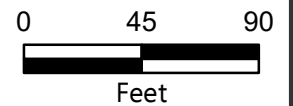
Pole
Line
Commercial 220

Sun West -
Lazy
J 259

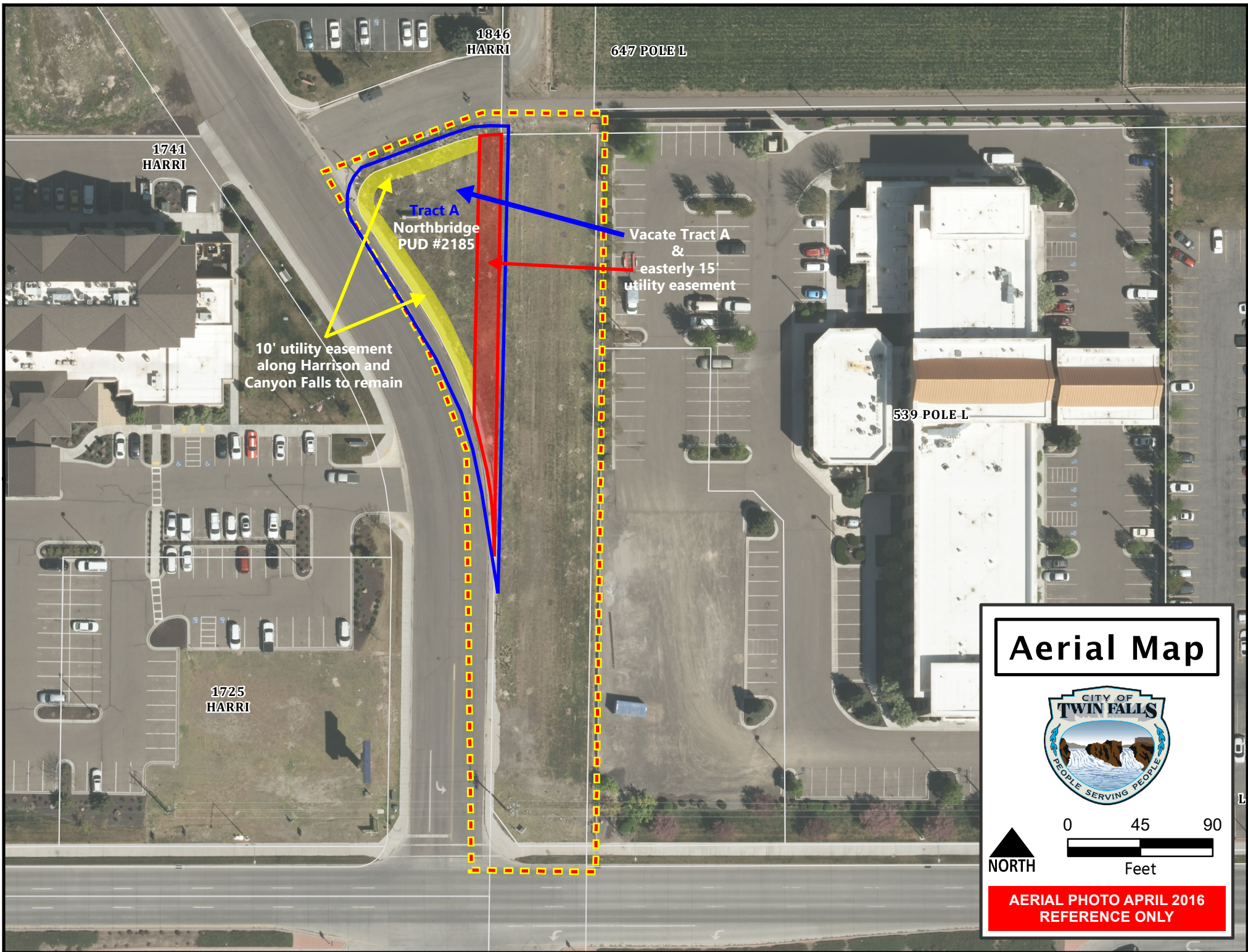
Fawnbrook
2042



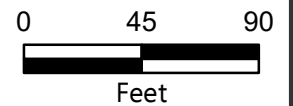
Aerial Map



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**



Aerial Map



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**



August 30, 2017

Sent Via Email: ryanb.pm@gmail.com

Ryan Bybee
924 E. 4300 N.
Buhl, Idaho 83316

Re: Relinquishment of 15-foot public utility easement

Mr. Bybee:

This is in response to the application submitted to Idaho Power Company dated August 21, 2017, regarding the possible relinquishment of the 15-foot public utility easement as platted in Tract A of Canyon Falls Subdivision, located in the E ½ of the SW ¼ of Section 33, Township 9 South, Range 17 East, Boise Meridian, City of Twin Falls, Twin Falls County, Idaho and as shown on Exhibit A attached hereto (the "Utility Easement Area").

Our records and a physical inventory indicate that there are no Idaho Power Company facilities with the Utility Easement Area. As such, Idaho Power can support a vacation of the Alleyway Area. Future electrical needs may require that a new easement be granted to Idaho Power.

Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

Sincerely,

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

cc: rlancaster@idahopower.com



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

Office (208) 736-8760

Facsimile (208) 736-8755

June 14, 2017

RE: Canyon Falls Subdivision
Vacation of 15' Easement Tract A

To whom it may concern:

Reference is made to your request for CenturyLink to vacate the existing 15' easement along the Easterly property line of Tract A, said easement located in a portion in Tract A of Canyon Falls Subdivision, located in the City of Twin Falls, County of Twin Falls, State of Idaho. CenturyLink has facilities in this area and construction charges would apply to relocate existing facilities to the 10' utility easement along Harrison St & Canyon Falls Dr in Tract A.

Please call me if you have any questions.

Sincerely,

Brad McNew



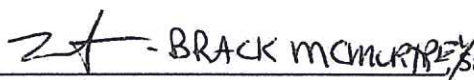
451 Alan Dr, Jerome, Id 83338-5505

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

8/29/2017

To Whom It May Concern:

We the undersigned public utility company, Intermountain Gas Company, release rights for the 15' utility easement located on the east side of Tract A, in the Canyon Falls Subdivision, Twin Falls, Idaho.

 - BRACK MCMURPHY, Sawtooth Operations Manager

Intermountain Gas Company

451 Alan Dr.

Jerome, ID 83338



Watch us make you smile.

October 12, 2017

RE: Easement Vacation Request on TRACT A of the Canyon Falls Subdivision
Mr. Ryan Bybee
Twin Falls, Idaho 83305-0305

Dear Sir,

We will Agree to Vacate the Eastern Easement of TRACT A of the Canyon Falls Subdivision, However We need to retain the 10 Ft Utility Easement That Runs along the East side of Harrison Street and the 10 Ft. easement that Runs on the South Side of Canyon Falls Drive.

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

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



TWIN FALLS CANAL COMPANY

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



August 25, 2017

Ryan Bybee
924 E 4300 N
Buhl, Idaho 83316

RE: Canyon Falls Subdivision Easement Vacation

Dear Ryan,

I have reviewed the easement vacation documents for the vacation of a utility easement in Canyon Falls Subdivision Tract A on parcel #RPT058200000A0A. 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
Field Supervisor
Twin Falls Canal Company

THOMAS INVESTMENTS LIMITED PARTNERSHIP
413 W. IDAHO, SUITE 200
BOISE, IDAHO 83702
208-343-8877

August 16, 2017

Via Email: rvanb.pm@gmail.com

Ryan Bybee
Papa Murphy's
924 E. 4300 N.
Buhl, ID 83316

RE: Canyon Falls – Sign Easement

We received your email correspondence dated Tuesday, August 15, 2017 regarding an agreement you made with the City of Twin Fall to make the Tract A property buildable, and that the property needs to be rezoned strictly C1.

Based on the details and request set forth in your email, the sign easement will need to be vacated to proceed with the rezone.

Your request to vacate the sign easement that is on the property has been approved.

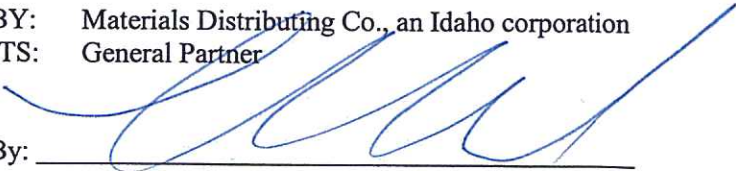
Please accept this letter from Thomas Investments, LP, as our official approval to proceed with vacating the sign easement so that the C1 rezone can take place.

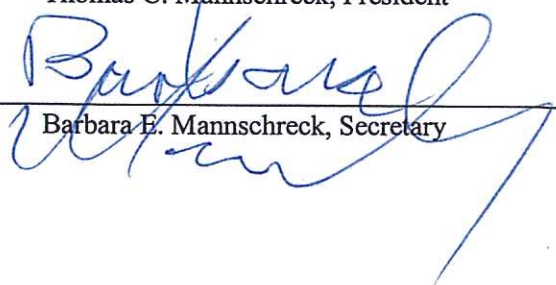
Thank you again.

Sincerely,

THOMAS INVESTMENTS LIMITED
PARTNERSHIP,
an Idaho limited partnership,

BY: Materials Distributing Co., an Idaho corporation
ITS: General Partner

By: 
Thomas C. Mannschreck, President

By: 
Barbara E. Mannschreck, Secretary

TCM:dls



SE Corner Looking NW



Canyon Falls Subdivision Sign

NE Corner looking SW



Sign Easement to be vacated

Approximate location
of Easement to be
vacated

Looking South



Public Hearing: **TUESDAY, December 12th, 2017**
 To: Planning & Zoning Commission
 From: Jonathan Spendlove, Senior Planner
 Written by: Steve O'Connor, Planner I
 Edited by: Renee V Caraway-Johnson, Zoning Administrator

AGENDA ITEM 6e

Request: Request for consideration of the **Revocation of Special Use Permit #1432**, granted to Acorn Learning Center on May 23, 2017 to operate a private school offering pre-school through 5th Grade in a portion of an existing professional office building on property located at 493 Eastland Drive. c/o Wali Fedaie (app. 2910)

Time Estimate:

Applicant may take up to fifteen (15) minutes, Staff presentation may take up to ten (10) minutes and Additional time may be necessary to address questions and or clarifications asked by the commission.

Background:

Applicant Wali Fedaie 2140 Elizabeth Blvd. #30D Twin Falls, ID 83301 208.734.1143 SUP Issued to: Acorn Learning Center 493 Eastland Drive Twin Falls, ID 83301	Status: Applicant	Size: .99 +/- acres
	Current Zoning: R-6 PRO & R-4 PRO, Residential Multi-Household District with a Professional Office Overlay	Requested Zoning: Revocation of SUP #1432
	Comprehensive Plan: Town Neighborhood	Lot Count: 1 Lot
	Existing Land Use: Private School	Proposed Land Use: N/A
	Zoning Designations & Surrounding Land Use(s)	
	North: R-4, Residential and R-4 PUD Russell Square R-4 PUD- 4-plex residential Complex	East: R-6 PRO, C-1 and R-2; professional office / Eastland Dr; O'Leary Jr. High School
	South: R-6 PRO & R-4 PUD, Professional Office; Residential; Russell Square R-4 PUD- 4-plex residential Complex	West: R-4 PUD Russell Square R-4 PUD- 4-plex residential Complex
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-5, 10-4-6, 10-4-18, 10-9, 10-10, 10-11-1 thru 8, 10-13-2.2	

Revocation of a Special Use Permit Process:

Revocation of a Special Use Permit process requires a public hearing to be held in which the permit holder, city staff and/or and aggrieved party may present testimony or other evidence at said public hearing.

The decision of the zoning body hearing a revocation proceeding shall be based on the record. If said zoning body finds substantial evidence on the record that continuance of the use in question will result in a significant adverse impact on the surrounding developments or other affected parties, and that the permit holder is unable or unwilling to alleviate the adversity, or if said zoning body finds substantial evidence on the record that conditions, safeguards or restrictions imposed by the commission or council have been violated, the zoning body may revoke the permit in question.

Analysis:

The site is zoned R-6 PRO & R-4 PRO. Special Use Permit #1432 was granted to Acorn Learning Center on May 23rd, 2017 to operate a private school offering grades pre-school to 5th grade on property located at 493 Eastland Dr. The permit was granted subject to compliance 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 the maximum enrollment limited to 50 students. Additional students shall require a new special use permit.
3. Subject to all parking and maneuvering areas be developed in compliance with code.
4. Subject to the northerly access being blocked if not used.
5. Subject to No occupancy until a Certificate of Occupancy is issued.

Beginning September 5, 2017 and continuing through that month, multiple phone conversations took place between Mr. Fedaie and City Staff. Those conversations centered around the school, when it was approved, the process of approval, and the noise Mr. Fedaie was experiencing. During one conversation, Staff offered to host a mediation meeting Mr. Fedaie and the school, this offer was rejected by Mr. Fedaie. Also during September a letter was submitted to staff. The letter and the letter from staff responding to Mr. Fedaie are included in the packet Attachment #2.

On November 8, 2017 City Staff received an application from Mr. Fedaie, citing noise levels from the operation of the school were unbearable to the Home Owners Association. Mr. Fedaie states that if the use is allowed to continue there will be irreparable losses in the form of loss of property value and tenants for the multiple owned units within Russel Square Apartments.

City Code Section 10-13-2.3 provides a procedure for revocation of permits. Specifically, 10-13-2.3(A)2 states that a permit can be revoked, "for violation of supplementary conditions, safeguards and/or restriction imposed by the City Council or the Planning & Zoning Commission at the time the permit was granted." A petition for revocation may be initiated by the adoption of a motion by the Commission, City Council or by the filing of a petition by an aggrieved person.

As part of the record, staff has included the original staff report and minutes from the May 23, 2017 public hearing, Attachment #3 & #4.

Conclusion:

The commission is tasked with making a decision on this request. The Commission may approve the revocation, deny the revocation, make modifications to the original SUP Conditions, or table this item for a future meeting.

Attachments:

1. Applicants Narrative
2. Correspondence between Applicant and Staff
3. Original Staff Report (May 23, 2017)
4. May 23, 2017 P&Z PH Minutes.
5. SUP #1432
6. Aerials
7. Mr. Fedaie's properties

Wali Fedaie
Russell Square Homeowner's Association
2140 Elizabeth Blvd. # 30D
Twin Falls, ID 83301

November 6, 2017

Zoning Administration
324 Hansen Street East
Twin Falls, ID 83301

Dear Zoning Administration,

This is the second time we are writing to you and regarding Acorn Learning Center at 493 Eastland Drive, Twin Falls, ID 83301 nuisance. Our first letter was sent September 6, 2017 proposing the removal or revoking of Acorn Learning Center. We own and manage the following parcels at Russell Square Apartments Complex:

1. RPT47100010010A
2. RPT47100010030A
3. RPT47100010040A
4. RPT47100010050A
5. RPT47100010110A
6. RPT47130010270A
7. RPT47130010300A
8. RPT47130010290A
9. RPT47130010310A
10. RPT47130010320A
11. RPT47130010330A

We are located across and adjacent from the Acorn Learning Center. The noise level is becoming unbearable during the day and we are getting complaints. Unfortunately, if we allow this to continue we will suffer an irreparable losses as follows:

1. We will lose our tenants, some long term tenants, and will suffer an undo financial hardship as a result.

2. The property value of our buildings will decline and we will demand to be compensated for the loss of our investments through the actions or lack thereof by Planning and Zoning Department.
3. Due to the decline of the of the property value we will seek the property taxes adjustment, etc.

Once again we would like to propose that the Planning and Zoning Department to relocate or revoke Acorn Learning Center located at 493 Eastland Drive, Twin Falls, ID 83301 due to the reasons explained above or we will be forced to us any and all legal means at our disposal in order to rectify this matter. Will look forward to and appreciate your timely reply.

Thank You,



Wali Fedaie

RECEIVED

SEP 08 2017

CITY OF TWIN FALLS
PLANNING & ZONING

Wali Fedaie
Russell Square Homeowner's Association
2140 Elizabeth Blvd. # 30D
Twin Falls, ID 83301

September 06, 2017

Zoning Administration
324 Hansen Street East
Twin Falls, ID 83301

Dear Zoning Administration,

We are writing you regarding Acorn Learning Center at 493 Eastland Drive, Twin Falls, ID 83301 that was set up recently and we are just becoming aware of its existence. Per my conversation with Jonathan in your department, we were not informed regarding the mail out notification that was supposedly mailed out May of 2016. Unfortunately, the noise level is becoming a nuisance to our tenants, building owners, and investors in our complex since our complex are residential units. As property owners, investors, non-profit organization we pay about \$130,000 in property taxes, are always abreast of all city and county requirements and do our due diligence in order to make this town and city a better living place. We would like to propose to have Acorn Learning Center be removed from 493 Eastland Drive Location and have their permit be revoked due to nuisance that will cost irreparable damage to our investors, owners, and residence and are hoping that you would look favorably at our proposal. Or we will be forced to use any and all legal means at our disposal in order to resolve this matter.

If you should have any questions, please do not hesitate to contact us. Will look forward to your reply

Thank You,


Wali Fedaie



CITY OF TWIN FALLS
Planning & Zoning Department
324 Hansen Street East
P.O. Box 1907
Twin Falls, ID 83303-1907

Phone: 208-735-7267
Fax: 208-736-2641
www.tfid.org

September 19, 2017

RE: Special Use Permit Revocation Process

Mr Wali Fadaie:

This letter is in response to your inquiry regarding a revocation of the Special Use Permit recently approved for the Acorn Learning Center located at 493 Eastland Drive.

Twin Falls City Code 10-13-2-3: Revocation of Zoning Permits – outlines the procedure for revocation of Special Use Permits.

(A) Any privilege, permit or license, hereinafter called permit, granted pursuant to this title, including any permit granted prior to the passage of this section, and with the exception of rezone requests, may be revoked for the following reasons:

- 1. When a significant change in the use which does adversely impact neighboring developments occurs.*
- 2. For violation of supplementary conditions, safeguards and/or restrictions imposed by the city council or the planning and zoning commission at the time the permit was granted.*
- 3. Use of a zoning permit or certificate for a use other than the use for which said permit or certificate was issued.*

(B) A petition for revocation may be initiated in the following manner:

- 1. By adoption of a motion by the commission for revocation of the permit.*
- 2. By adoption of a motion by the council for revocation of the permit.*
- 3. By the filing of a petition by an aggrieved property owner or person who has an existing interest in property within the area affected by the contested use.*

It appears you would be claiming a *significant change in use* due to “the noise level is becoming a nuisance to our tenants, building owners, and investors”, per the language in your letter.

As part of the code section you are invoking, you are required to fill out the application included with this letter so we may begin the process. The items you will need to include with your application are \$50 for the publication cost, and all the items listed on page 2 of the document.

The notification distance will be the same as the original application submitted by Acorn Learning, seven hundred fifty feet (750') from the perimeter of the property utilized by Acorn Learning. This list may be obtained from the County Assessor's Office located at 630 Addison Ave West.

The detailed written statement is your opportunity to enumerate the issues you are experiencing with this business. Your original letter mentioned the “noise level is becoming a nuisance”. You may want to expand on that with some time frames, and documentation to express more specifically the issues you are experiencing. Of course, this is entirely up to you on how you would like to present your issues to the Commission.

The application, and its supporting items, make up the “*petition*” as described above in City Code. Once we receive a completed application we will review it for completeness and upon finding it is complete we can schedule it for Public Hearing.

Once a date is set for your Public Hearing with the Planning and Zoning Commission you will receive a packet

in the mail at the address shown on the application. That packet will contain very specific instructions for items you will be responsible to accomplish. I urge you to read that instruction sheet very carefully as it contains all the dates for mailing letters and posting the public hearing sign on the property.

As there is a lot of information contained in this letter, please to not hesitate to contact me if you have any questions regarding this matter.

Respectfully,

A handwritten signature in blue ink, reading "Jonathan Spendlove". The signature is fluid and cursive, with the first name "Jonathan" and last name "Spendlove" clearly distinguishable.

Jonathan Spendlove

Senior Planner, City of Twin Falls



Public Hearing: **Tuesday May 23rd, 2017**

To: Planning and Zoning Commission

Presenter: Steve O'Connor, Planner I

Editor: Renee Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM IV-1

Request: Request for a **Special Use Permit** to operate a private school offering pre-school through 5th Grade in a portion of an existing professional office building on property located at 493 Eastland Drive. Acorn Learning Center c/o Andrew Swensen on behalf of Joseph Ippilito (app. 2863)

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: .99 (+/-) acres
Joseph Ippilito For Acorn Learning Center PO Box 1596 Twin Falls, ID 83301	Current Zoning: R-6 PRO & R-4 PRO, Residential Multi-Household District with a Professional Office Overlay	Requested Zoning: SUP
	Comprehensive Plan: Town Neighborhood	Lot Count: 1 Lot
	Existing Land Use: Vacant professional office building	Proposed Land Use: a private school offering pre-school through 5 th grade classes
Representative:	Zoning Designations & Surrounding Land Use(s)	
Andrew Swensen, P.E. 2972 E 3400 N Twin Falls, ID 83301 208.308.3741 andrew@swensensmarket.com	North: R-4, Residential; R-4 PUD (Russell Square), 4-Plex Complex	East: R-6 PRO and C-1; professional office / Eastland Dr; O'Leary Jr. High School
	South: R-6 PRO, Residential; R-4 PUD (Russell Square), Apartment Complex	West: R-4 PUD (Russell Square), 4-plex residential complex
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-6, 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 placed by the Commission for approval.

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 have a negligible impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to establish and operate a private school serving preschool through 5th grade aged children in a portion of an existing professional office building at 493 Eastland Dr.

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:

This parcel is part of the Snyder Tract recoded in 1909. 493 Eastland Dr. first appeared in the Polk directories in 1984 as a psychologist's office. It has since change uses and in 1993 built a 3900 sq. ft. addition, 1300 sq. ft. on 3 floors, to the north side of the existing building. The zoning with the PRO overlay was likely placed when Ordinance 2012 passed in 1981.

Analysis:

This is a request to operate a private school serving preschool through 5th grade aged children in a portion of an existing professional office building at 493 Eastland Dr. The request is to operate the school from all three floors of the 1300 sq. ft. 1993 addition, for a total of 3900 sq. ft., located on the north side of the building. The Commission may wish to get clarification whether or not the school will operate from all three (3) floors. There is no indication whether or not there will be a safe outside play area for the children. The aerial identifies a fenced grass area that may be utilized for an outside play area.

The property has had several uses of the years and has previously had two (2) other Special Use Permits, SUP #103 to establish a professional office and in 1993 SUP #339 was granted to expand the building to its current size. The R-6 zone requires an SUP to establish a private academic school.

Though there is limited parking on this lot, the applicant is requesting to use only the 3900 sq. ft. of the 1993 addition. Based on the use of this school and a professional office staff has determined there appears to be adequate parking provided. There are 19 total spaces available onsite and assuming the original portion of the building is utilized as a professional office it appears to be enough parking here to fit both uses. The private school, as presented, requires seven (7) parking spaces:

- 1 Preschool class with 2 Teachers = 3 parking spaces
- 1 Kindergarten class with 1 Teacher = 2 parking spaces
- 1 Elementary class with 2 Teachers = 2 Parking Spaces
- Total Parking = 7 spaces + 1 Off loading/Loading space**

There is a secondary access lane to the north of the building. The lane appears to be unpaved. Declaration of the intended use of the lane should be addressed as part of this request. If the applicant does not intend to use the unpaved access/lane then a condition that it be blocked from use should be a condition of approval. Any use of the access/lane shall require hard surfacing and may require development of an arterial approach. The area located to the west of the building does not appear to be paved. Parking and maneuvering areas require them to be hard surfaced. If the applicant intends to use this area then it will require development.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for Town Neighborhood, which is defined as; Primarily residential in nature, with lots that are smaller than rural lots to maximize open space and provides services which would cater to residential uses. This application for a private school which is a use that will serve the surrounding neighborhood as well as other students in other parts of the city. Staff determined that a private school complies with the Town Neighborhood designation of the 2016 comprehensive plan.

Per City Code 10-4-6:

A Special Use Permit is required to establish a private academic school in the R-6 zone and assurance the site is in compliance with development requirements.

Per City Code 10-11-1 thru 8:

Required improvements for this change of use may include arterial access, drainage and storm water retention, parking, parking lot lighting, striping, landscaping, etc... Required improvements shall be evaluated at the time of building permit submittal. All applicable code requirements shall be completed prior to a certificate of occupancy being issued.

Possible Impacts:

The applicant does not anticipate any adverse effects from noise glare or odor. However, it is anticipated that traffic during the morning drop off times will increase and could add to traffic on Eastland Drive seen at that time for O'Leary Middle School. The pick-up times are proposed to be staggered in order to limit the traffic impact in the afternoon. The narrative does not state the maximum number of students. It has been a typical condition placed by the commission to limit the number of students/teachers under an approved special use permit for the operation of a school. In addition, there is only one developed access to the applicant's property and that is through 493 Eastland Dr. Currently a chiropractic office is operating at 497 Eastland Dr. The increase in traffic in the morning and afternoon will have the most impact upon this business.

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 the maximum enrollment limited to **50??** students. Additional students shall require a new special use permit.
3. Subject to all parking and maneuvering areas be developed in compliance with code.
4. If the northerly access lane is not used it shall be blocked.
5. Subject to No occupancy until a Certificate of Occupancy is issued.

Attachments:

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

Special Use Permit Application – Additional Information

Property located at 493 Eastland Drive
Joseph Ippilito

Purpose and Description:

A Special Use permit is requested to operate a "School – Private Academic" at the property located at 493 Eastland Drive. This property is currently zoned R-6 Residential Multi-Household District and the current City Code requires a special use permit for this type of proposed use. This property has been previously used for Professional Office.

The applicant intends to operate Acorn Learning Center, a 501C3 educational organization that caters to children ages pre-school through 5th grade. The school has an annual calendar that resembles the other traditional schools in the area, where classes are held from late August through late May.

During the months that school is in session, Acorn Learning Center will operate from 8 am to 4 pm. The averages number of students per day averages fifty students, with a teacher/office staff of five people. Traffic is heaviest during the morning drop off period. Later in the day, the half-day preschoolers, half-day Kindergarteners, and the full-day grade schoolers are released at staggered times, which results in a reduced flow of traffic for those various pick-up times.

The properties surrounding this location are used for single unit dwellings, multi-unit dwellings, neighborhood businesses, and other schools. The applicant feels that this proposed use is consistent with other uses in the area and adds value to this part of Twin Falls by offering a unique and valuable service.

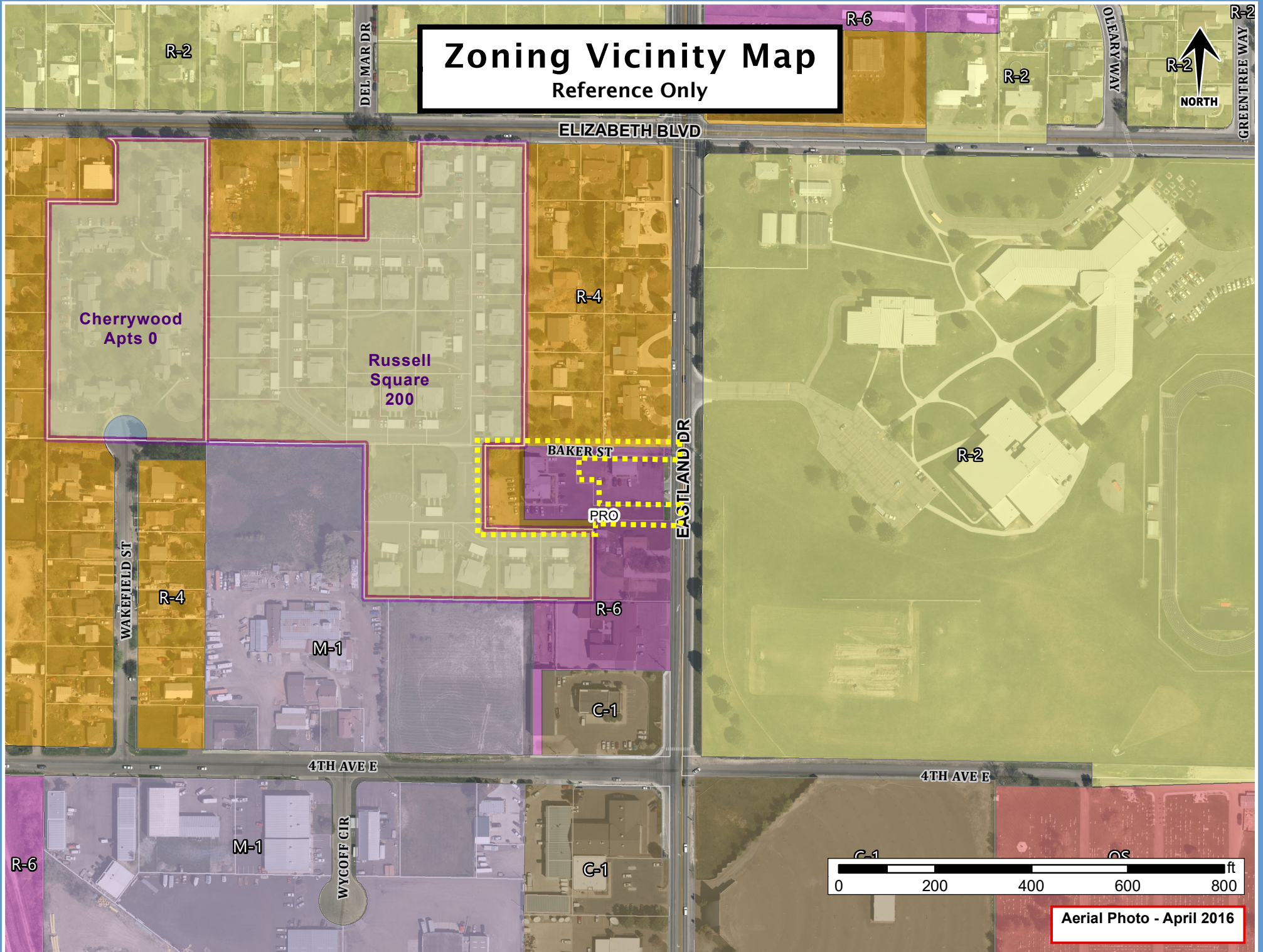
Effects on Adjoining Property:

The proposed special use is compatible with the other uses in the neighborhood. The proposed use is not anticipated to cause adverse noise, glare, odor, fumes, and/or vibrations that might affect adjoining properties.

There will be the expected traffic flow to the school, especially during the morning drop off period at around 8:00 am. This site offers a 28 foot wide arterial approach off of Eastland Drive and a generous paved parking lot with handicap parking stalls and an ADA compliant sidewalk ramp. For fire lane purposes, the site offers a secondary lane that provides the ability for larger trucks to loop through the property.

Zoning Vicinity Map

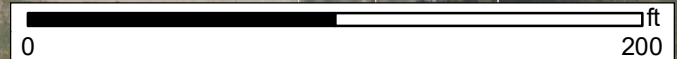
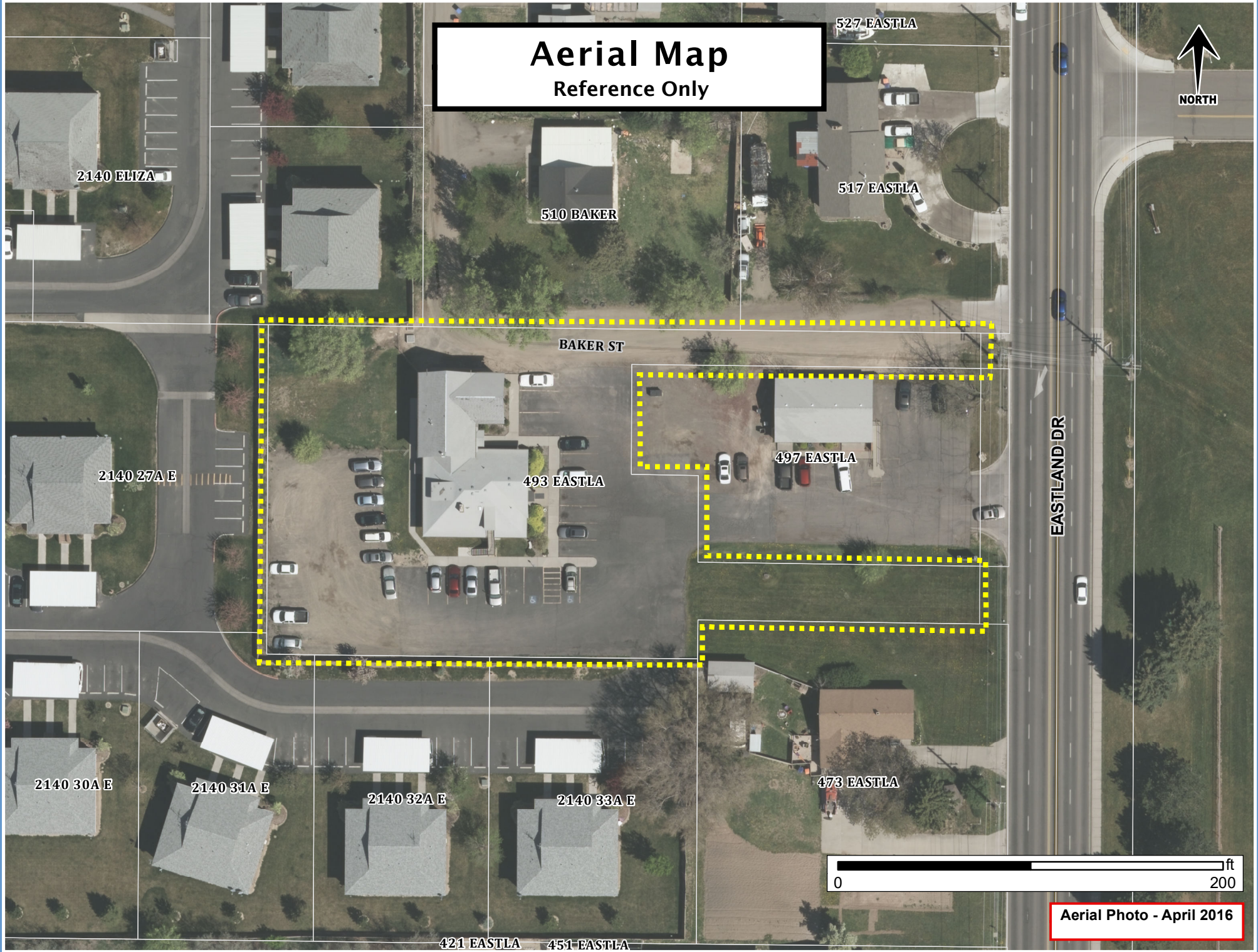
Reference Only



Aerial Photo - April 2016

Aerial Map

Reference Only



Aerial Photo - April 2016

Future Land Use Map

Reference Only



DEL MAR DR

OLEARY WAY

GREENTREE WAY

ELIZABETH BLVD

WAKEFIELD ST

BAKER ST

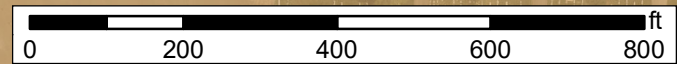
EASTLAND DR

4TH AVE E

WYCOFF CIR

4TH AVE E

Town Neighborhood



Aerial Photo - April 2016

1. For complete R/W and P/L information, refer to the property records on file with Twin Falls County. A legal description is attached to this Application
- 2 The space to be leased and occupied is the "1993 Addition" to the original structure only.
3. This internal area is a separate lot with separate ownership.

Scale: 1"=40'

Scale: 1"=40'



"1993 Addition" - 7 space + 1 offload/load space (per code analysis by P&Z)
Original Bldg - 11 spaces (office space), 1 space per 250 sf)
Total Required Spaces - 18 spaces + 1 offload/load space
Total Available Spaces - 19 spaces

UPDATE #2, 04.27.2017

Asphalt Concrete

Edge Hatch used to clarify limits of internal property.

T10S R17E Boise Meridian
A tract in Lot P of
Snyder Tract

Joseph Ippilito
493 Eastland Drive
(208) 420-3651



Front of Building Looking West



SE Corner Looking NW



View from Baker St (Private)



Rear of Building Looking East



SW Corner Looking NE



Twin Falls Planning & Zoning Commission Minutes

Tuesday, May 23, 2017, 6:00 PM

Amended Agenda

City Council Chambers
305 3rd Ave E
Twin Falls, ID 83301

Members -

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, 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

Commissioner Members Present: Frank, Grey, Dawson, Hall, Hawkins, Munoz

Staff Members Present: Carraway-Johnson, Nope, O'Connor, Spendlove, Strickland, Vitek, Wonderlich

Commissioner Frank called the meeting to order at 06:00: PM. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

2) Consent Calendar

a) May 9, 2017 PH Minutes

b) April 25, 2017 PH Minutes -Amended

Motion:

Commissioner Grey moved to approve the consent calendar, as presented. Commissioner Munoz seconded the motion.

Unanimously Approved

3) Items of Consideration

a) Request for the consideration of the **preliminary plat** of Morning Sun Subd No. 10, approximately 32.11 (+/-) acres consisting of 95 lots, 1 tract, and 1 parcel located south of Falls Avenue East and east of Hankins Road North. c/o EHM Engineers, Inc.

Applicant Presentation:

Gerald Martens, representing the applicant, stated this property is located south of Pillar Falls School. The property will be developed as Morning Sun Subdivision No. 10 and is just a continuation of the Morning Sun Subdivision. The plat will consist of 95 residential lots to be

developed in a minimum of three phases beginning at the northwest corner working towards the south. There are two commercial parcels, one to be transferred to the City of Twin Falls for a proposed Fire Station. The second will go to the Intermountain Gas Company for a pressure reduction station to provide additional capacity in the area. They have reviewed the staff report and concur with staff recommendations. He explained they are currently mid construction for making improvements to Morning Sun Park with a canopy along with some picnic facilities, utilizing funds from Morning Sun Subdivisions 8 & 9. They have also requested to pay parks-in-lieu funds that would then be applied to complete the improvements such as a drinking fountain and some restrooms. They do understand that the details for the parks-in-lieu need to be worked out prior to recording the final plat. They plan to have Morning Sun Subdivision No. 9 completed before they begin No. 10 and will most likely not begin No. 10 until 50% of the lots are sold so that development can occur as the demand arises.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated on July 8, 2014 the Commission held a public hearing to hear a request for Annexation of 53.6 (+/-) acres, zoned R-1 VAR, located on the east side of the 500, 600 & 700 blocks of Hankins Road North aka 3200 East Road c/o Twin Falls School District & The City of Twin Falls (app. 2650). All members present voted in favor of the motion to forward a positive recommendation with the zoning of R-1 VAR. On August 4, 2014, the City Council held a public hearing on this request. With a vote of 6 in favor to 1 against City Council approved annexation with the zoning designation of R-1 VAR. On August 11th, 2014 the Ordinance 3075 was read and adopted. January 13th, 2015 this commission forwarded to city council, a request to rezone this area to R-2. In February 2015, City Council approved and passed Ordinance 3089 to rezone said property. The Final Plat for the Sackett Farms Subdivision No. 2 was recorded in May 2015.

Sackett Farms Conveyance Plat was recorded in 2007. In 2015 Sackett Farms Subdivision #2 was recorded. Morning Sun #10 is a replat of a portion of Sackett Farms Sub #2.

This is a request for preliminary plat of The Morning Sun #10 subdivision. This request is a resubdivision of Lot 1, Block 2 of the Sackett Farm Subdivision No. 2. The Sackett Farm Subdivision No. 2 was platted to facilitate the development of Pillar Falls Elementary School as well as further residential development. Morning Sun # 10 is the last section of the Sackett Farm No.2 to be re-platted. The preliminary plat submitted consists of 32.11 +/- acres with 95 residential lots, 1 Tract and 2 Commercial Parcels. It is unclear as to the intent of the 2 commercial parcels.

The code requires every residential subdivision to develop parkland unless a request for a Parks-in-Lieu, cash payment, is approved by the City Council subject to a recommendation from the Parks & Rec Commission. As of today, the Parks and Rec Commission has not held a public hearing on this request. A final plat cannot be submitted until the parks issue is resolved. The preliminary plat does not show a park.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan, which designates this area as "Town Neighborhood." Low to medium

density residential use is appropriate for this future land use designation.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

Senior Planner Spendlove stated upon conclusion, should the Commission approve the request, as presented, staff recommends the following conditions.

1. Subject to final technical review and amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to no final plat submitted until the parks issue is resolved.

P&Z Questions/Comments:

Commissioner Munoz asked about the designation for Hankins Road.

Senior Planner Spendlove explained it is an arterial, and any landscaping requirements would be reviewed at the time of the building permit review.

Commissioner Grey asked about a cross walk located near Filer Avenue and Hankins Road.

Senior Planner Spendlove stated citizens would be encouraged to travel Hankins Road to Stadium to cross the road at the signal.

Commissioner Grey asked about the direct route to the park.

Senior Planner explained the route to the park on the overhead.

Public Input: Opened

Commissioner Frank read into the record a letter received from a citizen. The letter has been filed with the application packet.

John Martin, 624 Hankins Road, stated that he is happy to speak in favor of this subdivision.

Stuart Sandall, 3051 Highlawn Dr, stated the back of his property is adjacent to Filer Avenue East and asked for some clarification on the plat and what is planned for the south side of this development. He explained connection to the school is limited from his property and the traffic along Hankins Road at the Filer Avenue intersection is so dangerous his children have to ride a bus, when the school is just a few blocks over from their home.

Public Input: Closed

Closing Statements:

Mr. Martens explained property to the south is in the county would not be allowed to hook into city services and any improvements made to the street are going to be made at his cost however when the property was developed to the south it would be subject to the City payback resolution to reimbursement the cost. As for the corner of Filer Avenue and Hankins Road that will become City property when the Fire Station is developed and the City is very aware of the traffic at this intersection and will need to ensure a safe intersection for the operation of the Fire Station.

Assistant City Engineer Vitek explained he would try to answer questions that Mr. Martens was unable to answer. He stated that there will be curb, gutter and sidewalk installed along the exterior portions of the Morning Sun Subdivision No. 10 when developed. The property to the south of Filer Avenue West is in the county, if that subdivision wants to put a sidewalk in they would have to do it at their own expense. When the City does develop the Fire Station area there will be curb, gutter and sidewalk installed. As for speed control he showed on the overhead a photo of the roadway and explained the design requirements as it relates to speed and a vehicles ability to stop in time. He explained that the roadway does have a crest along but without more information he would not be able to determine that it is not safe. As for hooking up to City services the properties that are in the county would have to annex into the city in order to hook up to services. Filer Avenue West is a collector street, therefore there will not be any accesses allowed along this section of the road.

Deliberations:

Commissioner Grey he doesn't have any issues but did ask if a traffic signal would be installed because of the Fire Station.

Assistant City Engineer Vitek explained a signal must be warranted in order for it to be installed. He is unable to answer this question at this time without a traffic study. Even with a traffic study completed he's not sure a signal would be warranted at the intersection of Hankins Road and Filer Avenue West.

Commissioner Munoz explained that this seems like a natural progression for the area.

Commissioner Frank explained he is in favor of this development but it does bring up discussion about how things get developed within the community.

Commissioner Hall explained he would like to see the sidewalk completed all at once for safety purposes.

Commissioner Munoz explained the difficulty is that the City can only require the improvements when the property is developed.

Motion:

Commissioner Munoz moved to approve the request, as presented. Commissioner Hall seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With The Following Conditions

1. Subject to final technical review and amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to no final plat submitted until the parks issue is resolved.

4) Public Hearings

- a) Request for a **Special Use Permit** for the purpose of operating a private school offering pre-school through 5th Grade in a portion of an existing professional office building on property located at 493 Eastland Drive. c/o Acorn Learning Center (app. 2863)

Applicant Presentation:

Andrew Swensen, representing the applicant, explained the applicant is requesting to operate a pre-school through fifth grade in the 1993 portion/northern half of the building. The southern portion of the building will not be occupied by the applicant. There is a nice size play area to the back of the property that will be fenced and have play equipment installed. On site parking is available to handle the requirements for both the proposed use as well as the southern portion of the building with the assumption that that space will be used as a professional office. The primary access to the site is through an ingress/egress easement that runs along the southern 25' of the property. There will be a maximum of 50 students per day occupying the building with possibly more enrolled students. They have varied times for drop off and pick up to mitigate traffic concerns. He asked that the work enrollment in the conditions be changed to occupancy. This learning center is an absolute treasure and adds to the quality of life for the community and he asked that the Commission approve the request.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated this parcel is part of the Snyder Tract recoded in 1909. 493 Eastland Dr. first appeared in the Polk directories in 1984 as a psychologist's office. It has since change uses and in 1993 built a 3900 sq. ft. addition, 1300 sq. ft. on 3 floors, to the north side of the existing building. The zoning with the PRO overlay was likely placed when Ordinance 2012 passed in 1981.

This is a request to operate a private school serving preschool through 5th grade aged children in a portion of an existing professional office building at 493 Eastland Dr. The request is to operate the school from all three floors of the 1300 sq. ft. 1993 addition, for a total of 3900 sq. ft., located on the north side of the building. The Commission may wish to get clarification whether or not the school will operate from all three (3) floors. There is no indication whether or not there will be a safe outside play area for the children. The aerial identifies a fenced grass area that may be utilized for an outside play area.

The property has had several uses of the years and has previously had two (2) other Special Use Permits, SUP #103 to establish a professional office and in 1993 SUP #339 was granted to expand the building to its current size. The R-6 zone requires an SUP to establish a private academic school.

Though there is limited parking on this lot, the applicant is requesting to use only the 3900 sq. ft. of the 1993 addition. Based on the use of this school and a professional office staff has

determined there appears to be adequate parking provided. There are 19 total spaces available onsite and assuming the original portion of the building is utilized as a professional office it appears to be enough parking here to fit both uses. The private school, as presented, requires seven (7) parking spaces:

1 Preschool class with 2 Teachers = 3 parking spaces
1 Kindergarten class with 1 Teacher = 2 parking spaces
1 Elementary class with 2 Teachers = 2 Parking Spaces
Total Parking = 7 spaces + 1 Off loading/Loading space

There is a secondary access lane to the north of the building. The lane appears to be unpaved. Declaration of the intended use of the lane should be addressed as part of this request. If the applicant does not intend to use the unpaved access/lane then a condition that it be blocked from use should be a condition of approval. Any use of the access/lane shall require hard surfacing and may require development of an arterial approach. The area located to the west of the building does not appear to be paved. Parking and maneuvering areas require them to be hard surfaced. If the applicant intends to use this area then it will require development.

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for Town Neighborhood, which is defined as; Primarily residential in nature, with lots that are smaller than rural lots to maximize open space and provides services which would cater to residential uses. This application for a private school which is a use that will serve the surrounding neighborhood as well as other students in other parts of the city. Staff determined that a private school complies with the Town Neighborhood designation of the 2016 comprehensive plan.

Per City Code 10-4-6:

A Special Use Permit is required to establish a private academic school in the R-6 zone and assurance the site is in compliance with development requirements.

Per City Code 10-11-1 thru 8:

Required improvements for this change of use may include arterial access, drainage and storm water retention, parking, parking lot lighting, striping, landscaping, etc... Required improvements shall be evaluated at the time of building permit submittal. All applicable code requirements shall be completed prior to a certificate of occupancy being issued.

The applicant does not anticipate any adverse effects from noise glare or odor. However, it is anticipated that traffic during the morning drop off times will increase and could add to traffic on Eastland Drive seen at that time for O'Leary Middle School. The pick-up times are proposed to be staggered in order to limit the traffic impact in the afternoon. The narrative does not state the maximum number of students. It has been a typical condition placed by the commission to limit the number of students/teachers under an approved special use permit for the operation of a school. In addition, there is only one developed access to the applicant's property and that is through 493 Eastland Dr. Currently a chiropractic office is operating at 497 Eastland Dr. The increase in traffic in the morning and afternoon will have the most impact upon this business.

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 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 the maximum occupancy be limited to 50 students at any time. Additional occupancy shall require a new special use permit.
3. Subject to all parking and maneuvering areas being developed in compliance with code.
4. Subject to the northerly access being blocked if it is not used.
5. Subject to no occupancy until a Certificate of Occupancy is issued.

PZ Questions/Comments:

Commissioner Grey asked about the width of the access and if it is sufficient for the additional traffic and safety vehicles to access the property.

Planner O'Connor explained that this will be reviewed during the building permit process.

Commissioner Frank asked if all 3 floors of the building will be used by the applicant.

Mr. Swensen explained that yes all 3 floors will be used.

Commissioner Hall asked about life safety issues and ADA requirements.

Planner I O'Connor explained that this will be reviewed during the building permit process.

Public Hearing: Opened

Josh Olsen, Kimberly, explained that he is in support of the request, however he is concerned about the traffic impacts to his Chiropractic Office. He is concerned about the cars that are parked at his practice having to worry about vehicles pulling in and out to drop off children. He feels this will have a negative impact on his business. He has asked that Baker Street be considered as an option to access the school.

Heidi Campbell, 435 Hailee Ave, president of Acorns Learning Center, have been operating since 1982 and occupied their current location since 1985. O'Leary plans to start at 8:40 am and they do not plan to operate at the same time. 8:15 to 8:30 for pre-school and then 8:45 for pre-school hours.

John Marten, 624 Hankins Rd stated this is the best school around, and their children benefited from this learning center.

Nicki Dasher, 1037 Skyline Dr, explained she has two children enrolled at Acorn Learning. Pre-School hours will be 9:00 am there are families with multiple children registered. There will not be 50 cars and there are not usually any delays at their current facility with regards to traffic.

Jenny Taylor, File, explained she has one child and will have two more attending Acorn Learn School she is excited about this opportunity.

Tim Floyd, 667 Sunrise Blvd N, this school has provided an outlet for her children that no other school provides. Their current site has a small parking area and they work with the adjacent neighbors to prevent impacts to the businesses next to them now. The staggering arrivals and multiple family drop offs, she hopes this can be resolved.

Rebecca Olsen, Kimberly, explained that when you are leaving the office you can only leave by turning right, it is difficult to turn left. She is not trying to be complicated and as a community

we all need to share space but we also need to keep the safety of the kids in mind. Kelly Carson, 406 Knottingham Dr, she is here in support of the Acorn Learning Center and was a patient at this office when Dr. Longs clinic operated and has not had traffic issues.

Public Hearing: Closed

Closing Statements:

Bart Browning, 1044 Laurelwood Ct, Attorney, representing the applicant, explained the easement is wide enough to accommodate two-way traffic. Eastland is an arterial and there are traffic signals at Elizabeth Boulevard and at Kimberly Road, which provides a gap in traffic flow to accommodate entering and exiting this property. Dr. Robinson occupied the building that Acorn Learning Center is considering and the traffic for his office was quite a bit heavier, but he and Dr. Long were able to co-exist without many issues.

Deliberations Followed:

Commissioner Munoz explained he understands the concerns however there could be another use that could be more excessive in this building.

Commissioner Grey asked for clarification of the curb cut location.

Assistant City Engineer Vitek explained that the curb cut for access looks as if it was put in the wrong place. He had a gentleman speak to him about relocating the approach and the City would be in full support of that decision. The new approach just has to meet ADA standards on both sides and the sign may need to be relocated.

Commissioner Grey clarified that if both businesses were willing to work together and share the expense of moving the access it could resolve the issues.

Commissioner Hall asked if Baker Street is public.

Assistant City Engineer Vitek explained it is private, heads north and exits onto Elizabeth Boulevard.

Commissioner Frank stated he believes is a good use for the property and previous uses have been high traffic. He thinks the approach does need to be redone and in the mean time they will need to work together.

Motion:

Commissioner Grey made a motion to approve the request, as presented, with 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 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 the maximum occupancy be limited to 50 students at any time. Additional occupancy shall require a new special use permit.
3. Subject to all parking and maneuvering areas being developed in compliance with code.
4. Subject to the northerly access being blocked if it is not used.
5. Subject to no occupancy until a Certificate of Occupancy is issued.

- b) Request for a **Special Use Permit** for the purpose of operating a massage therapy business as a Home Occupation on property located at 662 Eastland Drive North. c/o Angie Port dba Knots in Knead Massage Therapy (app. 2864)

Applicant Presentation:

Angie Port, the applicant stated she is requesting a Special Use Permit to operate a massage therapy business at her home with no more than 6 hours per day. The driveway is large enough for parking vehicles and there should not be any impacts to the surrounding neighbors.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated this property is part of the original 1964 Canyon Crest Subdivision, and has been a residential lot since that time. The applicant purchased this property in March of 2017.

This is a request to operate a massage therapy business as a home occupation at 662 Eastland Dr. N. Staff has determined this request to fall under the definition of "Home Occupation" since only the homeowner/applicant will be providing a service to customers that come to her home. A Home Occupation requires a Special Use Permit. The description the applicant has provided in how the home occupation will operate leads staff to characterize this request as a low impact use as there will not be an over burdensome amount of traffic coming and going from the property. Also, the layout of the residence will allow the customers to park off the street almost unseen from the public right of way so there will be minimal visual impact as well. The driveway does not appear to be paved at this time. All parking and maneuvering areas are required to be paved.

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for Town Neighborhood, which is defined as; Primarily residential in nature, with lots that are smaller than rural lots to maximize open space. Since this application is not requesting to change the primary use and function of the residence, staff has determined this request complies with the 2016 comprehensive plan.

Per City Code 10-2-1:

Home Occupation is defined as:

A service, excluding daycare, offered by the resident of a household unit or the sale of items handcrafted on the premises by the resident of a household unit providing the service, sale or handcrafting is performed only by the resident therein and providing the area used in performing the home occupation does not exceed four hundred (400) square feet in area and providing there is no exterior indication of the home occupation. Services which generate no traffic to the premises or which use no vehicles which would not normally be found incidental to a residential use shall be exempt from this definition.

Per City Code 10-4-4:

A Special Use Permit is required in the R-2 zone for Home Occupations.

Per City Code 10-11-1 thru 8:

Required improvements may include access, paving of parking & maneuvering areas, drainage, storm water retention, etc.. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal. The applicant may request the improvements be developed over a 3-yr period, City Council approval is required.

The applicant has stated there will be no more than one customer at a time on the premise, and there will be a minimum of 30 minutes between appointments to prevent any overlap or possible congestion of vehicles on the property. The applicant only plans on being open for 1-2 days a week and possibly one day on the weekend and will only operate for no more than 6 hours on the days she is open. The applicant nor staff anticipate any adverse effects from a massage therapy establishment.

Planner I O'Conner stated upon conclusion should the Commission approve the request, as presented, staff recommends 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.
1. 2. Subject to the business being operated as presented in the applicant's narrative.
2. 3. Subject to the parking and maneuvering areas being hard surfaced per code.
3. 4. Subject to the driveway being used for customer parking only during business hours.

PZ Questions/Comments:

Commissioner Munoz asked about hours of operation.

Ms. Port explained her earliest appointment would be around 8:00 am her latest would be finished by 7:30 pm.

Public Hearing: Opened & Closed No Public Present

Deliberations Followed: Without Concerns

Motion:

Commissioner Hawkins made a motion to approve the request, as presented. Commissioner Grey 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 the business being operated as presented in the applicant's narrative.
3. Subject to the parking and maneuvering areas being hard surfaced per code.
4. Subject to the driveway being used for customer parking only during business hours.

5) General Public Input

Zoning & Development Manager Carraway-Johnson explained that there are possibly some issues with the current sign code. In order for staff to pursue reviewing this code for amendments. Staff

Motion:

Commission Munoz moved have staff begin review of the current sign code. Commissioner Dawson seconded the motion. All members present voted in favor of the motion.

6) Upcoming Meeting(s)

Commissioner Frank reminded the Commission that the June 7, 2017 Work Session has been cancelled.

June 7, 2017 Work Session Cancelled

June 13, 2017 Public Hearing

a) June 7, 2017 Work Session - Cancelled

June 13, 2017 Public Hearing

7) Adjournment

Chairman Frank adjourned the meeting at 7:36 pm.

Lisa A. Strickland, Administrative Assistant



**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.1432

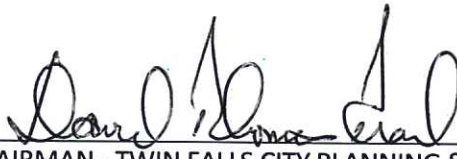
Granted by the Twin Falls City Planning and Zoning Commission, as presented, on May 23, 2017 to Acorn Learning Center c/o Andrew Swensen and Joseph Ipilito whose address is 2972 E 3400 N Twin Falls, ID 83301 for the purpose of operating a private school offering pre-school through 5th Grade in a portion of an existing professional office building on property located at 493 Eastland Drive and legally described as TWIN FALLS SNYDER TRACT LOT P, EXC E 196.2'X100', EXC E 15'; NE 79.85'X171.15' 12; NW 52.71'X143.95' & NE 16.4' OF E 143', EXC E 15' LOT Q (15-10-17 SE) RPT504100000PI

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.2863

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 the maximum occupancy be limited to 50 students at any time. Additional occupancy shall require a new special use permit.
3. Subject to all parking and maneuvering areas being developed in compliance with code.
4. Subject to the northerly access being blocked if it is not used.
5. Subject to no occupancy until a Certificate of Occupancy is issued.




CHAIRMAN, TWIN FALLS CITY PLANNING & ZONING COMMISSION

6/13/17
DATE

ADMINISTRATOR SIGNATURE

DATE

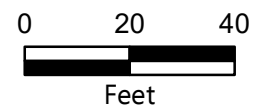
This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

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

cc: Building Inspection



Aerial Map



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**



SE Corner Looking NW



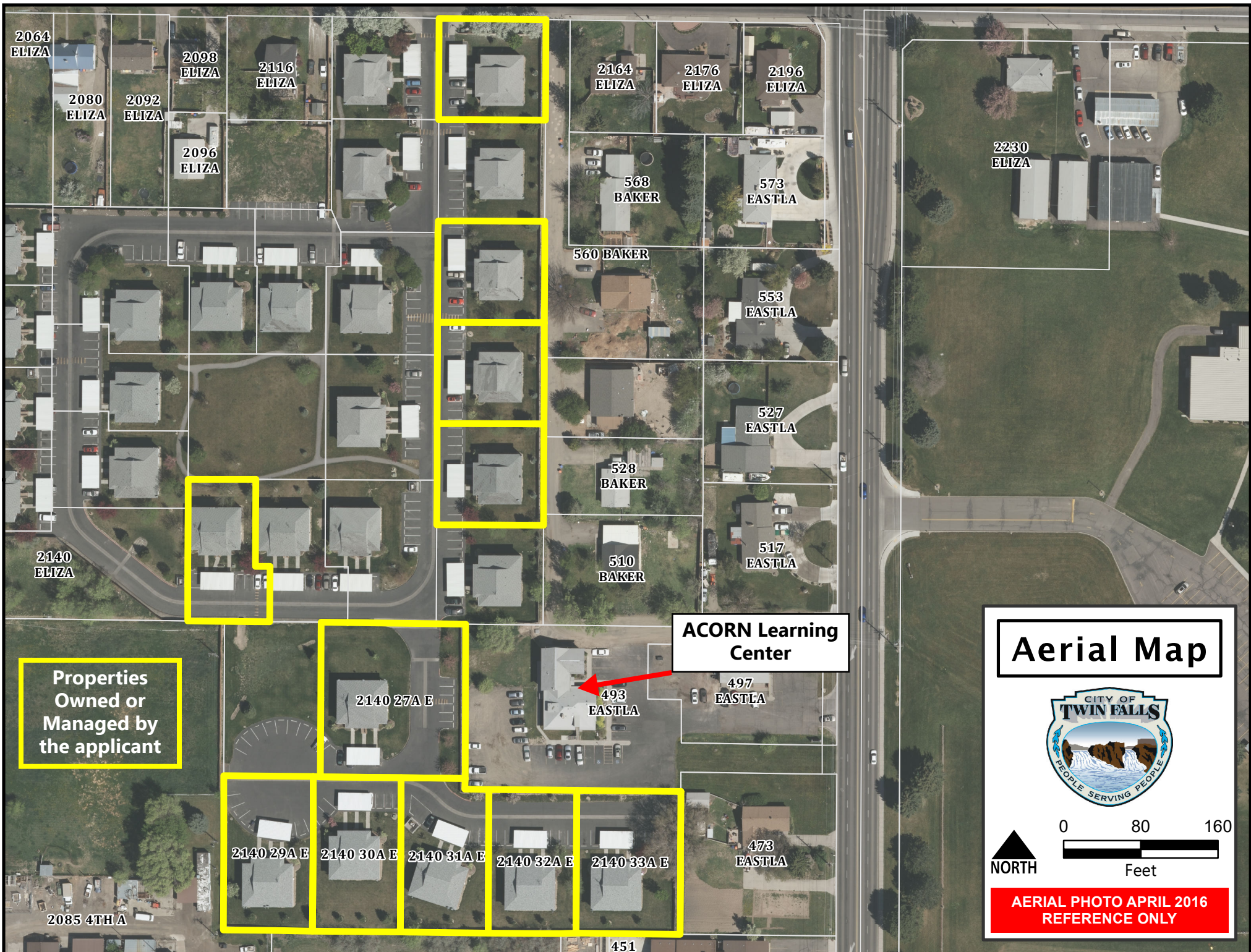
SW Corner Looking NE



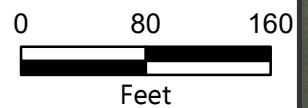
NW Corner Looking SE



NE Corner Looking SW



Aerial Map



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**



Public Hearing: **TUESDAY, December 12th, 2017**

To: Planning and Zoning Commission

Presenter: Jonathan Spendlove, Senior Planner

Editor: Renee V Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

ITEM 6f

Request: Request for the Commission's recommendation on a **Zoning Title Amendment** to add "Wedding Chapels and Event Centers" to the SUI District 10-4-2.2 (B)5 as allowed by Special Use Permit and to add to Title 10-2-1 the definition of "Wedding Chapel and Event Center". BBR, LLC c/o Louise Ward (app. 2911)

Time Estimate:

Applicant may take up to fifteen (15) minutes, Staff presentation may take up to ten (10) minutes and Additional time may be necessary to address questions and or clarifications asked by the commission.

Background:

Applicant:	
BB55, LLC 2757 Carriage Way Twin Falls, ID 83301 208.734.2625 blakepedersen@gmail.com	Requested Zoning: Request for the Commission's recommendation on a Zoning Title Amendment to add "Wedding Chapel and Event Center" to the SUI District 10-4-2.2 (B)5 as allowed by Special Use Permit and to add to Title 10-2-1 the definition of "Wedding Chapel and Event Center."
Representative:	
Louise Ward PO Box 176 Murtaugh, ID 83344 208.731.1174 louise@imtprop.com	Applicable Regulations: 10-2-1, 10-4-2, 10-14-1 through 7

Approval Process:

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to the Council.

After the Council receives a recommendation from the Commission, a public hearing shall be scheduled where the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the Council shall specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

Regulatory Impact:

A recommendation from the Planning and Zoning Commission on the proposed Zoning Title Amendment will allow the request to proceed to the City Council. Upon approval by the City Council an ordinance is later approved and codified.

History:

The R-1 43,000/SUI zone is located within the Area of Impact. The purpose of this zoning district is intended to provide a transition district from agricultural land uses to residential land uses in the area of impact. This district is also intended as a holding zone for future higher density residential zones, to be annexed and developed when city water and sewer services become available.

Analysis:

This request is to amend City Code 10-4-2; SUI Zoning District, to allow by Special Permit, Wedding Chapels / Event Centers. The SUI Zone lists the following permitted uses: farming in the form of animals on pasture, trees and plants, and intense agriculture on parcels 5 acres or larger. However, there are limited commercial uses listed under Special Uses, attachment #3.

The applicants state there are limited options for large gathering places for more than 200 people on properties located within this zoning district. This request looks to expand the special uses by adding Wedding Chapels/Event Centers, with a minimum of 3 acres, and meeting specific development standards with regards to fire, water, parking, landscaping, lighting, storm water retention, etc... Approval of this request would amend City Code 10-4-2 as listed below.

- 1) **10-4-2.1: PURPOSE:** This district is intended to preserve the rural integrity of areas adjacent to the city. (Ord. 2796, 6-14-2004)

10-4-1.2: USE REGULATIONS:

...

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

...

5. Public Assembly:
 - a. Auditoriums
 - b. Religious facility.
 - c. Schools – public.
 - d. [Wedding Chapel/Event Center with 3 acres or more.](#)

Possible Impacts: The addition of Wedding Chapel/Event Center into the Special Use category for the SUI zone could have some detrimental effects across the Area of Impact. However, staff feels that since this request places the use into the Special Use section, each request will be scrutinized based on the conditions of the property, and the proposed development on a case by case basis. This process will place a burden on the Commission to evaluate each request consistently, and mitigate each request for those impacts which contribute to detrimental effects in those areas.

Lastly, if the Commission decides to approve the request, Staff recommends modifying the language to match the Use currently portrayed in City Code: [Wedding chapels and/or reception halls](#) this will alleviate some confusion within the code, and keep the land use consistent across Zoning Districts. Furthermore, a new definition would not need to be created at this time, as we would be using the terminology currently in use within City Code.

Conclusion:

The Commission may recommend the zoning title amendment as requested, recommend a modification of the amendment as presented (this may require another public hearing before the Commission), recommend with staff's modifications, or recommend the amendment be denied.

Attachments:

1. Applicant Narrative
2. Zoning Districts Map
3. Comp Plan-Future Land Use Map

Our request is to add to the SUI Zone 10-4-2.2: USE REGULATIONS: 5.

Public Assembly: **Item d. Wedding Chapel/Event Center**

This would allow the Option to apply for a Special Use Permit to develop a property of not less than 3 Acres and after meeting specific requirements to include; the standard requirements for Water, Sewer, Fire protection, parking, landscaping, etc.

then you would be able to apply for a Permit to construct a building for the approved use.

The following Narrative explains why we and others we have conferred with feel this would be beneficial to our area.:

Twin Falls proper needs a large gathering place for events. There are very few, if any, options to house more than 200 people.

With the exception of a closed-windowed hotel conference room, Twin Falls has limited options for large groups to hold weddings, meetings, dinners, receptions, family parties, etc.

Other communities similar in size to ours have benefitted from similar events centers in the size we are proposing. They have been well-received and seen as an asset in their communities.

We have talked to a number of people in the Twin Falls community, including caterer's, party planners, and those who have a need for a venue for a wedding, community event, or family event. The general consensus is that our community would benefit – and has a need for – a large, attractive events center. People have voiced that they cannot find a location large enough and with the features they would want to have the gathering that they desire to have.

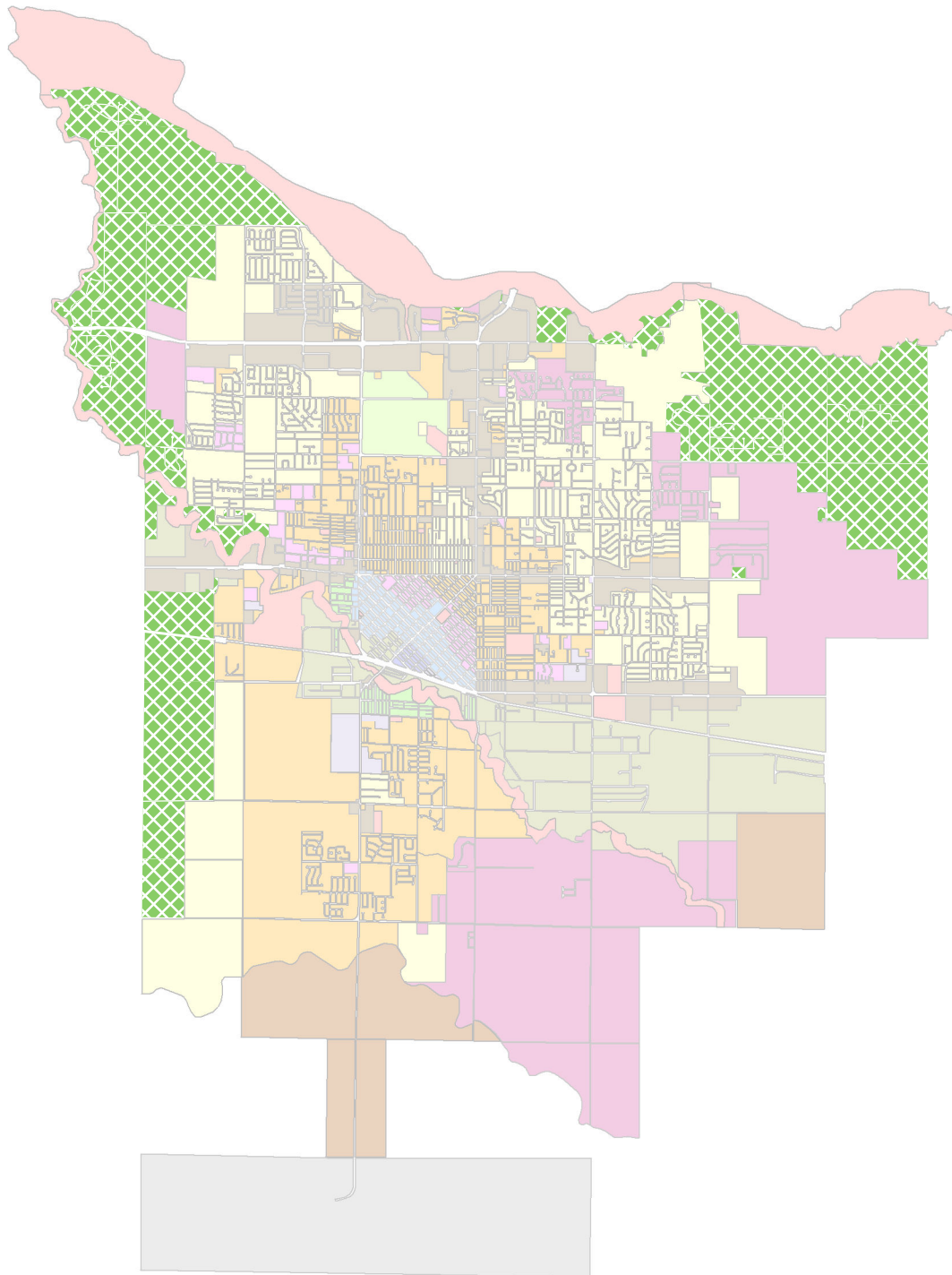
Our plan is to build the event center North 3300 East. We would be beautifying the approach to Shoshone Falls with an events center and it's beautiful grounds. The grounds will be well thought-out because of the tourist attraction of the Falls. It would serve as an improvement to the area as a beautiful building with beautifully maintained grounds.

In addition to private parties, weddings, receptions, and family events, we see this events center as being an ideal location to host community events, local food vendor nights, boutique and craft events, potential farmers market days, and so forth.

Currently, the code in Twin Falls will not permit a wedding chapel/event center to be located in a rural area. Our intent is to have a barn-style reception center with some acreage so there could be indoor and outdoor weddings in a rural-type setting. As the code currently stands, there is no place in Twin Falls for us to develop this property. There are limitations on parking, landscaping, and even the over-all footprint to make a building large enough to accommodate the number of people we propose – not to mention the inability to make an events center profitable with such limitations. By changing the code, we can help beautify Twin Falls as well as provide a desirable space for the residents of Twin Falls and the surrounding areas to gather.

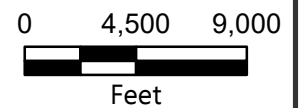
We have conferred with the Idaho Department of water Resources regarding the requirements to drill a well for both facility use as well as Fire Protection. Attached is a copy of the Idaho Statute along with side notes from the meeting, which indicated that the same well can be used for both but the filling of the Fire Protection storage water tank must be filled using the amount of water allowed daily.

We also conferred with the South Central Health Department and were instructed that we would need to install a Complex Alternative Septic System, which would have several tanks and a To be determined size or multiple drain fields. If it is determined that the Perk Tests completed previously are not sufficient; additional tests will be done.



Zoning Vicinity Map

-  SUI
-  RB
-  AG
-  AP
-  C-1
-  C-B
-  CSI
-  M-1
-  M-2
-  O-T
-  OS
-  R-1 VAR
-  R-2
-  R-4
-  R-6
-  R-6-MHO-1



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**

10-4-2: SUI, SUBURBAN-URBAN INTERFACE DISTRICT:

10-4-2.1: PURPOSE:

This district is intended to provide a transition district from agricultural land uses to residential land uses in the area of impact. This district is also intended as a holding zone for future higher density residential zones, to be annexed and developed when city water and sewer services become available. (Ord. 2796, 6-14-2004)

10-4-2.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agricultural:

- a. Farms - animals on pasture.
- b. Farms - plants and trees.
- c. Intensive agricultural units of five (5) acres or more without residential facilities.

2. Communications and utilities:

- a. Underground and aboveground transmission lines.
- b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

3. Parks:

- a. Open space.
- b. Private parks and playgrounds without crowd attracting facilities.
- c. Public parks and playgrounds without crowd attracting facilities.

4. Residential:

- a. Accessory buildings (less than 1,500 square feet), personal swimming pools and other accessory uses.
- b. Dwellings - detached single household. (Ord. 2526, 5-20-1996; amd. Ord. 2773, 12-15-2003)

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications and utilities:

- a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. Cultural facilities:

- a. Botanical gardens and arboretums.
- b. Historic sites and monuments.
- c. Zoos.

3. Governmental facilities:

- a. Fire stations and police stations.
- b. Water treatment plants.

4. Parks:

- a. Park concessions.
- b. Public parks and playgrounds with crowd attracting facilities.

5. Public assembly:

- a. Auditoriums.
- b. Religious facilities.
- c. Schools - public.

6. Residential:

- a. Detached accessory buildings (more than 1,500 square feet) i.e., garages and other accessory buildings.
- b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
- c. Home occupations.
- d. Residential ZDA, not to exceed SUI density.

e. Bed and breakfast facilities.

7. Services:

a. In home daycare services.

8. Sports facilities:

a. Golf courses and country clubs.

b. Outdoor, public and commercial ice and roller skating facilities.

c. Outdoor, public and commercial swimming pools.

d. Outdoor, public and commercial tennis courts.

9. Transportation:

a. Bus facilities, including pick up shelters. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2796, 6-14-2004; Ord. 2850, 2-21-2006; Ord. 3082, 12-8-2014)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection [10-17-1](#)(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-2.3: PROPERTY DEVELOPMENT STANDARDS:

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

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling shall be one acre, or as set forth in the "Technical Guidance Manual For Individual And Subsurface Sewage Disposal Systems" as adopted by the South Central district board of health, whichever is larger. (Ord. 2796, 6-14-2004)
2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section [10-7-6](#) of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than thirty feet (30') to the front property line.

b. Where lots have double frontage on two (2) streets the required front yard of thirty feet (30') shall be provided on both streets.

c. On a corner lot the required front yard of thirty feet (30') shall be provided on both streets. (Ord. 2526, 5-20-1996)

d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages, except when the accessory building is more than one hundred feet (100') from any public access road or to the front property line, whichever is further. (Ord. 2850, 2-21-2006)

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section [10-7-5](#) of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section [10-7-5](#) of this title.

c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than thirty feet (30') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section [10-7-5](#) of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section [10-7-5](#) of this title.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have five percent (5%) of the site landscaped and shall comply with the provisions of section [10-11-2](#) of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of [chapter 10](#) of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See [chapter 9](#) of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section [9-9-16](#) of this code. (Ord. 2550, 6-2-1997)