



Twin Falls Planning & Zoning Commission Minutes

Tuesday, February 27, 2018, 6:00 PM

203 Main Ave E
Twin Falls, ID 83301

Members -

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

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

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

Staff Present: Carraway-Johnson, Nope, Spendlove, Strickland

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.

2) Consideration of Amendments to Agenda : None

3) General Public Input

Scout Master from Kimberly Twin Falls introduced himself and stated he brought scouts from Troop 243 to witness a public meeting as part of working towards their Citizenship Badge.

4) Consent Calendar

a) Approval of Findings of Fact and Conclusions of Law:

- Magic Valley Dining & Entertainment, LLC (SUP 02-13-18)

Motion:

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

Unanimously Approved

5) Items of Consideration: None

6) Public Hearings

- #### a)
- Request for an **amendment to Special Use Permit #1447**, granted August 22, 2017 to allow extended hours or operation to 3:30 AM for property located at 360 Main Avenue North. c/o Adrian Quiroz (app. 2926)

Applicant Presentation:

Adrian Quiroz, the applicant explained the business and stated currently they operate Tuesday thru Thursday 8:30 pm to 12: 00 am and they have approximately 10-15 people a night. On

Friday and Saturday, they are open 8:00 pm to 1:30 am and have about 100 people on those nights. The request is to extend the hours on Friday and Saturday to 3:30 am.

Senior Planner Spendlove reviewed the request on the overhead and stated In June 2007 this Commission approved SUP #1035 for a Restaurant and Lounge with Extended hours to 1am Monday thru Thursday, and until 3:30am Friday & Saturday at this site. In 2015, a new business moved in advertising itself as a Hookah Lounge. They operated for approximately 7-8 months in this location under the original SUP #1035. In August 2017, this commission approved SUP #1447 for extended hours to 1:30 am in conjunction with an Indoor Recreation facility for a Dance Club. There is currently no alcohol served for consumption on-site.

This is a request to amend SUP #1447 to extend the hours from 1:30am to 3:30am on Friday and Saturday. The Hookah lounge itself does not require an SUP per the CB zone, however, the extended retail hours and Indoor Recreation for the dance club do. The applicant established El Compa back in August 2017 and has operated ever since. The narrative states the business operates Tuesday thru Thursday 8:30 pm to 12:00 am/midnight and Friday and Saturday from 8:00 pm to 1:30 am. The Planning and Zoning Staff have not received any complaints, aside from the first weekend, from any of the individuals who testified the evening of August 22nd.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for “Downtown.” Downtown is defined as supporting and serving a diverse mix of uses from restaurants, retail, civic uses for regional and local activities, and high density residential. A Hookah lounge can be considered “Cultural” in that the activity is commonly practiced in South East Asia, the Middle East and parts of Northern Africa. The Downtown Future Land Use designation specifically calls out Entertainment, Arts, and Cultural activities as categories that should be supported through this designation. Staff has determined this request complies with the 2016 Comprehensive Plan; “Grow With Us”.

Per City Code 10-4-7:

A Special Use Permit is required for operation of an indoor recreation facility/dance club or that operates a retail business outside the hours of 7am to 10pm.

Per City Code 10-11-1 thru 8:

Required improvements will be assessed and all applicable code requirements will be enforced at the time of building permit submittal.

Possible Impacts:

The impacts from extended hours in conjunction with a Hookah lounge and dance club has historically presented a conflict, providing many opportunities for individuals to get into trouble. It is not the establishment itself which is the issue but the hours of operation.

According to conversations with the Police Department, individuals who would usually go home after the bars close, end up at locations still open. This provides the opportunity and

location for individuals to continue drinking. These impacts are exacerbated by the fact there is residential uses adjoining and very near 360 Main Ave N.

Senior Planner Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following condition:

1. Amending Condition #2 of SUP #1447 to read "Subject to the business being closed and all customers out of the building by 1:30 am ***except for Friday and Saturday with the business being closed and all customers out of the building by 3:30 am.*** "

PZ Questions/Comments:

- Commissioner Woods asked for clarification on the history and if there were issues when that business was open until 3:30 am.
- Senior Planner Spendlove explained that the Planning & Zoning Department has no history of complaints when the previous business was open until 3:30 am.
Commissioner Grey asked about police complaints for this business.
Senior Planner Spendlove explained that there have not been issues raised by the Police Department with regards to this request.
Commissioner Munoz asked about fencing along the property line that is across from the residence.
- Senior Planner Spendlove explained that with the alley between the commercial and the residential use screening is not required.
Commissioner Frank asked about clientele shown in the video at the last public hearing.
Mr. Quiroz explained the video shown at the last meeting was not of their clientele and was video of a previous business that was operating at this location.

Public Hearing: Opened

- Dianne Weaver, 146 Main Avenue N explained that 3:30 am in a residential area is not good for the neighborhood, she feels that it is too late to be operating.
- Barbara Rude, 351 2nd Avenue N explained it is the parking lot across from the hookah lounge, and she has not seen any issues, the owner has been keeping things under control, she has not seen any trash nor any people hanging out in the parking lot. She is aware of the previous business and how it operated but has not seen the same issues with this business. Her concern is if the behaviors changed would there be a right to appeal.
- Sid Vanderpool, 359 Main Ave N showed on the overhead photos of minimal amounts of trash that has been thrown over in his parking lot. He notified the applicant and the applicant came over and cleaned up the trash. He has not seen any issues other than cars parking in his area. His only issue is the lighting of the parking lot and the safety of the clientele with only two exits.
- Marcella, Twin Falls Citizen, explained she thinks extending the hours will be a great opportunity for the business. The business has done a good and it is a nice place to go.

Public Hearing: Closed

Closing Statement:

Mr. Quiroz stated he has been in contact with the neighbors and he has been willing to go and pick up the trash. He has had people move their cars off the neighbors lots when there are issues. They have been trying to support the community by doing fund raisers and inviting local artists to play at their establishment. He thanked the Commission for their time and would appreciate their approval.

Discussion Followed:

- Senior Planner Spendlove stated that one call was received regarding this request and they had concerns about noise later in the night. He also explained if the neighbors feel that the business is in violation of the Special Use Permit they can make a request for the Planning & Zoning Commission to consider revocation.
- Commissioner Woods stated he has mixed emotions on this issue. There were problems with another business in a more commercial area downtown with nighttime activities increasing after 1:30am. His concern is if the hours are extended until 3:30 am would it create similar problems because it would be another place for people to go after 1:30 am. He also stated he thinks this is a cultural issue and it is important for Twin Falls for remain diverse. He would be willing to give it a shot with some limitations.
- Commissioner Munoz explained he was also has mixed feeling about the noise and this being a destination for a different group of people to go to after 1:30am, possibly attracting problems. It sounds like the applicant is working hard to make sure things are going well.
- Commissioner Musser explained he is generally against the 3:30 am and feels there should be some limitations.
- Commissioner Grey explained he was concerned but the fact that they don't sell beer and alcohol makes a difference. He thinks they have done what has been asked and are trying to work at growing their business.
- Commissioner Frank explained he does agree that the residential area is a concern, but with the neighbor's reports and without the alcohol he is willing to give them a good shot.
- Commissioner Woods stated he is concerned that the extended hours would change the character of the neighborhood.
- Commissioner Munoz explained that it is not a change to the area, there has been a previous business operating until 3:30 am and it is across the street from another bar establishment.
- Commissioner Grey explained his encouragement is that there are not many complaints from the Police Department.

Motion:

Commissioner Grey made a motion to approve the requested, as presented, with staff recommendations. Commissioner Musser seconded the motion. Members Dawson, Hawkins, Munoz, Musser, Higley, Grey and Frank voted in favor of the motion while Member Woods voted against the motion. Motion Passed 7-1

Approved, As Presented, With The Following Condition

1. Amending Condition #2 of SUP #1447 to read "Subject to the business being closed and all customers out of the building by 1:30 am ***except for Friday and Saturday with the business being closed and all customers out of the building by 3:30 am.*** "

7) Upcoming Meeting(s)

a) March 7, 2018 Work Session

- Zoning & Development Manager Carraway-Johnson explained the work session will be a training session for the Commission. She also thanked the outgoing members for their service and dedication.
- Commissioner Frank, Wood and Grey thanked staff and fellow Commissioners for their service and dedication.

b) March 13, 2018 Public Hearing

8) Adjournment

Chairman Frank adjourned the meeting at 7: 45 pm.

Lisa A. Strickland, Administrative Assistant