



Twin Falls Planning & Zoning Commission Agenda

Tuesday, October 9, 2018, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Members -

City Limits: Danielle Dawson, Vice-Chair; Craig Hawkins; Gerardo "Tato" Muñoz, Chairman; Ed Musser; Carolyn Bolton; Curtis Hansen; Craig Kelley

Area of Impact: Ryan Higley; David Detweiler

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consent Calendar
 - a) Approval of the following Findings of Facts and Conclusions of Law:
 - Al Gamache-SUP
 - Core Cycle-SUP
 - Dutch Bros-SUP
 - Tayler Chapin-SUP
 - Eastland Storage Solutions-SUP

Purpose: **ACTION ITEM**

- 3) Items of Consideration
 - a) Request for the consideration of the preliminary plat for Kaitlyn Court Subdivision, approximately 2.01 (+/-) acres consisting of 8 lots located along the 500 Block of Borah Avenue West c/o EHM Engineers, Inc, on behalf of Kaitlyn Courts, LLC (app. PZ18-0068)
Purpose: **ACTION ITEM** By: Steve O'Connor, City Planner
- 4) Public Hearings
 - a) Request for the revocation of Special Use Permit #1233 issued for the purpose of operating an indoor recreation facility with extended hours of operation on property located at 139 Shoshone Street North. c/o City of Twin Falls (app. PZ18-0075)
Purpose: **ACTION ITEM** By: Jonathan Spendlove, Planning & Zoning Director
- 5) Upcoming Meeting(s)
 - a) October 23, 2018
- 6) 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.



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

203 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907
Phone: 208-735-7267 Fax: 208-736-2641

SPECIAL USE PERMIT

Permit No. PZ18-0058

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on September 25, 2018 to Al Gamache whose address is 3365 E 4028 N for the purpose of constructing a detached accessory building larger than 1500 sq. ft. on property located at 3365 E 4028 N and legally identified with the following Parcel ID:RPO92540050040A

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. PZ18-0058

1. Subject to site plan amendments as required by City Code Standards
2. Subject to personal use only-no commercial activity

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING
COMMISSION

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.



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

In Re:	)	
	)	
<u>Special Use Permit</u> , Application,	)	FINDINGS OF FACT,
	)	
<u>Al Gamache</u>	)	CONCLUSIONS OF LAW,
	)	
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on September 25, 2018 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of purpose of constructing a detached accessory building larger than 1500 sq. ft. on property located at 3365 E 4028 N, 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 purpose of constructing a detached accessory building larger than 1500 sq. ft. on property located at 3365 E 4028 N
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: September 6, 2018
3. The property in question is zoned SUI pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Rural Residential in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Residential; to the south, Residential; to the east; Residential; and to the west, Residential.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-2, 10-13-2.2, Twin Falls City Code.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of purpose of constructing a detached accessory building larger than 1500 sq. ft. on property located at 3365 E 4028 N is consistent with the purpose of the SUI 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 SUI 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 purpose of constructing a detached accessory building larger than 1500 sq. ft. on property located at 3365 E 4028 N 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 constructing a detached accessory building larger than 1500 sq. ft. on property located at 3365 E 4028 N 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 site plan amendments as required by City Code Standards
2. Subject to personal use only-no commercial activity

APPLICATION # PZ18-0058
SUP# PZ18-0058



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**
203 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907
Phone: 208-735-7267 Fax: 208-736-2641

SPECIAL USE PERMIT

Permit No. PZ18-0063

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on September 25, 2018 to Core Cycle c/o Gerald Martens whose address is 621 N College Rd, Ste 100 Twin Falls, ID 83301 for the purpose of operating an indoor recreation facility on property located at 163 Cheney Drive West, Ste 200 and legally identified with the following Parcel ID: RPT45960010040

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. PZ18-0063

1. Subject to amendments as required by City Code Standards.

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING
COMMISSION

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.



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

In Re:	)	
	)	
<u>Special Use Permit</u> , Application,	)	FINDINGS OF FACT,
	)	
<u>Core Cycle</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 on September 25, 2018 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of operating an indoor recreation facility on property located at 163 Cheney Drive West, Ste 200, 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 indoor recreation facility on property located at 163 Cheney Drive West, Ste 200
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: September 6, 2018
3. The property in question is zoned C-1 PUD pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Neighborhood Commercial & 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, Commercial; to the south, School; to the east, Bank; and to the west, Medical Office.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-8, 10-13-2.2, Twin Falls City Code.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of operating an indoor recreation facility on property located at 163 Cheney Drive West, Ste 200 is consistent with the purpose of the C-1 PUD 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 PUD 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 indoor recreation facility on property located at 163 Cheney Drive West, Ste 200 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 indoor recreation facility on property located at 163 Cheney Drive West, Ste 200 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 amendments as required by City Code Standards.

APPLICATION # PZ18-0063
SUP# PZ18-0063



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

203 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907
Phone: 208-735-7267 Fax: 208-736-2641

SPECIAL USE PERMIT

Permit No. PZ18-0064

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on September 25, 2018 to Dutch Bros c/o Kyle Cooper whose address is 5906 W Half Moon Ln Eagle, ID 83616 for the purpose of purpose of operating a drive through on property located at 326 Blue Lakes Boulevard North and legally identified with the following Parcel ID: RPT6021000009AA

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. PZ18-0064

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to a landscape plan being designed through collaboration with the neighbors to be reviewed and approved by the Commission prior to any final inspections being done.
3. Subject to the installation of a masonry fence
4. Subject to a berm with the majority of evergreen trees to be planted with a starting minimum height of 6' tall to provide year round buffer.
5. Subject to the lighting sources being shielded to prevent infiltration to adjacent properties.
6. Subject to a right turn only arrow being painted on the exit and if allowed a right turn only to be place near the exit.

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING
COMMISSION

DATE

ADMINISTRATIVE 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.



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

In Re:	)	
	)	
<u>Special Use Permit</u> , Application,	)	FINDINGS OF FACT,
	)	
<u>Dutch Bros</u>	)	CONCLUSIONS OF LAW,
<u>c/o Kyle Cooper</u>	)	
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on September 25, 2018 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of operating a drive through on property located at 326 Blue Lakes Boulevard 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 applied for a Special Use Permit for the purpose of operating a drive through on property located at 326 Blue Lakes Boulevard North
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: September 6, 2018
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 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, Restaurant; to the south, Retail; to the east, Multi-Family Housing; and to the west, Blue Lakes Boulevard North.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-8, 10-13-2.2, Twin Falls City Code.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of operating a drive through on property located at 326 Blue Lakes Boulevard North 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 a drive through on property located at 326 Blue Lakes Boulevard North 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 a drive through on property located at 326 Blue Lakes Boulevard North 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 site plan amendments as required by City Code Standards.
2. Subject to a landscape plan being designed through collaboration with the neighbors to be reviewed and approved by the Commission prior to any final inspections being done.
3. Subject to the installation of a masonry fence
4. Subject to a berm with the majority of evergreen trees to be planted with a starting minimum height of 6' tall to provide year round buffer.
5. Subject to the lighting sources being shielded to prevent infiltration to adjacent properties.
6. Subject to a right turn only arrow being painted on the exit and if allowed a right turn only to be placed near the exit.

APPLICATION # PZ18-0064
SUP# PZ18-0064



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**
203 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907
Phone: 208-735-7267 Fax: 208-736-2641

SPECIAL USE PERMIT

Permit No. PZ18-0065

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on September 25, 2018 to Tayler Chapin whose address is 247 Sunrise Boulevard North Twin Falls, ID 83301 for the purpose of operating an indoor recreation facility on property located at 834 Blue Lakes Boulevard North and legally identified with the following Parcel ID: PP0000278500A

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. PZ18-0065

1. Subject to site plan amendments as required by City Code Standards.

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING
COMMISSION

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.



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

In Re:	)	
	)	
<u>Special Use Permit</u> , Application,	)	FINDINGS OF FACT,
	)	
<u>Tayler Chapin</u>	)	CONCLUSIONS OF LAW,
	)	
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on September 25, 2018 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of operating an indoor recreation facility on property located at 834 Blue Lakes Boulevard 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 applied for a Special Use Permit for the purpose of operating an indoor recreation facility on property located at 834 Blue Lakes Boulevard North
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: September 6, 2018
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 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; to the south, Residential; to the east, Residential and to the west, Blue Lakes Boulevard North
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-8, 10-13-2.2, Twin Falls City Code.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of operating an indoor recreation facility on property located at 834 Blue Lakes Boulevard North 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 indoor recreation facility on property located at 834 Blue Lakes Boulevard North 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 indoor recreation facility on property located at 834 Blue Lakes Boulevard North 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 site plan amendments as required by City Code Standards

APPLICATION # PZ18-0065
SUP# PZ18-0065



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

In Re:	)	
	)	
<u>Special Use Permit</u> , Application,	)	FINDINGS OF FACT,
	)	
<u>Eastland Storage Solutions, LLC</u>	)	CONCLUSIONS OF LAW,
<u>c/o Tyler Davis-Jeffers</u>	)	
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on September 25, 2018 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of constructing a storage unit rental facility and automobile/recreation vehicle storage yard on property located at 240 Eastland Drive 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 constructing a storage unit rental facility and automobile/recreation vehicle storage yard on property located at 240 Eastland Drive
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: September 6, 2018
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 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, School; to the south, Indoor Recreation Facility; to the east, Cemetery; and to the west, Retail.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-8, 10-13-2.2, Twin Falls City Code.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of constructing a storage unit rental facility and automobile/recreation vehicle storage yard on property located at 240 Eastland Drive 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 constructing a storage unit rental facility and automobile/recreation vehicle storage yard on property located at 240 Eastland Drive 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 constructing a storage unit rental facility and automobile/recreation vehicle storage yard on property located at 240 Eastland Drive 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 site plan amendments as required by City Code Standards.
2. Subject to the applicant dedicating right of way on 4th Ave. prior to receiving final occupancy. Dimensions to be determined by the City Engineer.

APPLICATION # PZ18-0066
SUP# PZ18-0066



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

203 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907
Phone: 208-735-7267 Fax: 208-736-2641

SPECIAL USE PERMIT

Permit No. PZ18-0066

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on September 25, 2018 to Eastland Storage Solutions c/o Tyler Davis-Jeffers Summit Creek Capital whose address is P.O. Box 2971 Ketchum, ID 83340 for the purpose of construct a storage unit rental facility and automobile/recreational vehicle storage yard on property located at 240 Eastland Drive and legally identified with the following Parcel ID: RPT00107146001A

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. PZ18-0066

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to the applicant dedicating right of way on 4th Ave. prior to receiving final occupancy. Dimensions to be determined by the City Engineer.

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING
COMMISSION

DATE

ADMINISTRATIVE 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.



Date: Tuesday, October 9, 2018
To: Planning and Zoning Commission
From: Planning & Zoning Department

ACTION ITEM

Request:

Request for the consideration of the preliminary plat for Kaitlyn Court Subdivision, approximately 2.01 (+/-) acres consisting of 8 lots located along the 500 Block of Borah Avenue West c/o EHM Engineers, Inc, on behalf of Kaitlyn Courts, LLC (app. PZ18-0068)

Time Estimate:

Applicant may take upto 10 minutes, Staff will take about 5 minutes

Background:

N/A

Approval Process:

As per Twin Falls City Code 10-12-2.3: The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

Budget Impact:

Regulatory Impact:

N/A

History:

There is minimal history on this property other than it was Farmland since at least the '50's and '60's.

Analysis:

This is a request for approval of the Preliminary Plat for Kaitlyn Court, a 2.01-acre subdivision with eight residential lots at the intersection of Rose St and Borah Ave.

This plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3, all regulations regarding R-4 zoning development standards, and the 2016 comprehensive plan. All general criteria for approval have been met, per State Statute 50-13.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or wastewater services. The plat indicates that each lot will be connected to the 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

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.

Conclusion:

Should the Commission approve the preliminary plat of Cedar Park No. 11 Subdivision, as presented, staff recommends approval be subject to 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.

Attachments:

1. PZ18-0068 Prelim Plat Staff Report
2. 1 - Vicinity Map
3. 2 - Preliminary Plat
4. 3 - Photos



Comprehensive Staff Report

To: Planning & Zoning Commission
 Presenter: Steve O'Connor, City Planner
 Request: To Consider a **Preliminary Plat** of Kaitlyn Court Subdivision, consisting of 8 lots and 2.01 acres (+/-) located on property located south of the intersection of Borah Avenue West and Rose Street North.
 Application: PZ19-0059
 Applicant:
 Kaitlyn Court, LLC
 c/o Tim Vawser, EHM Engineers, INC.
 621 North College Rd. Ste. 100
 Twin Falls, ID 83301
 208.734.4888
 tvawser@ehm-inc.com

Public Meeting: October 9th, 2018

Analysis

This is a request for approval of the Preliminary Plat for Kaitlyn Court, a 2.01 acre subdivision with 8 residential lots at the intersection of Rose St and Borah Ave.

This plat complies with the standards as set forth in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3, all regulations regarding R-4 zoning development standards, and the 2016 comprehensive plan. All general criteria for approval have been met, per State Statute 50-13.

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.

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.

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As per Twin Falls City Code 10-12-2.3: The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

History

There is very limited history on this property other than it was Farm land since at least the '50's and '60's.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Neighborhood Commercial." Therefore staff has determined this request complies with the 2016 comprehensive plan.

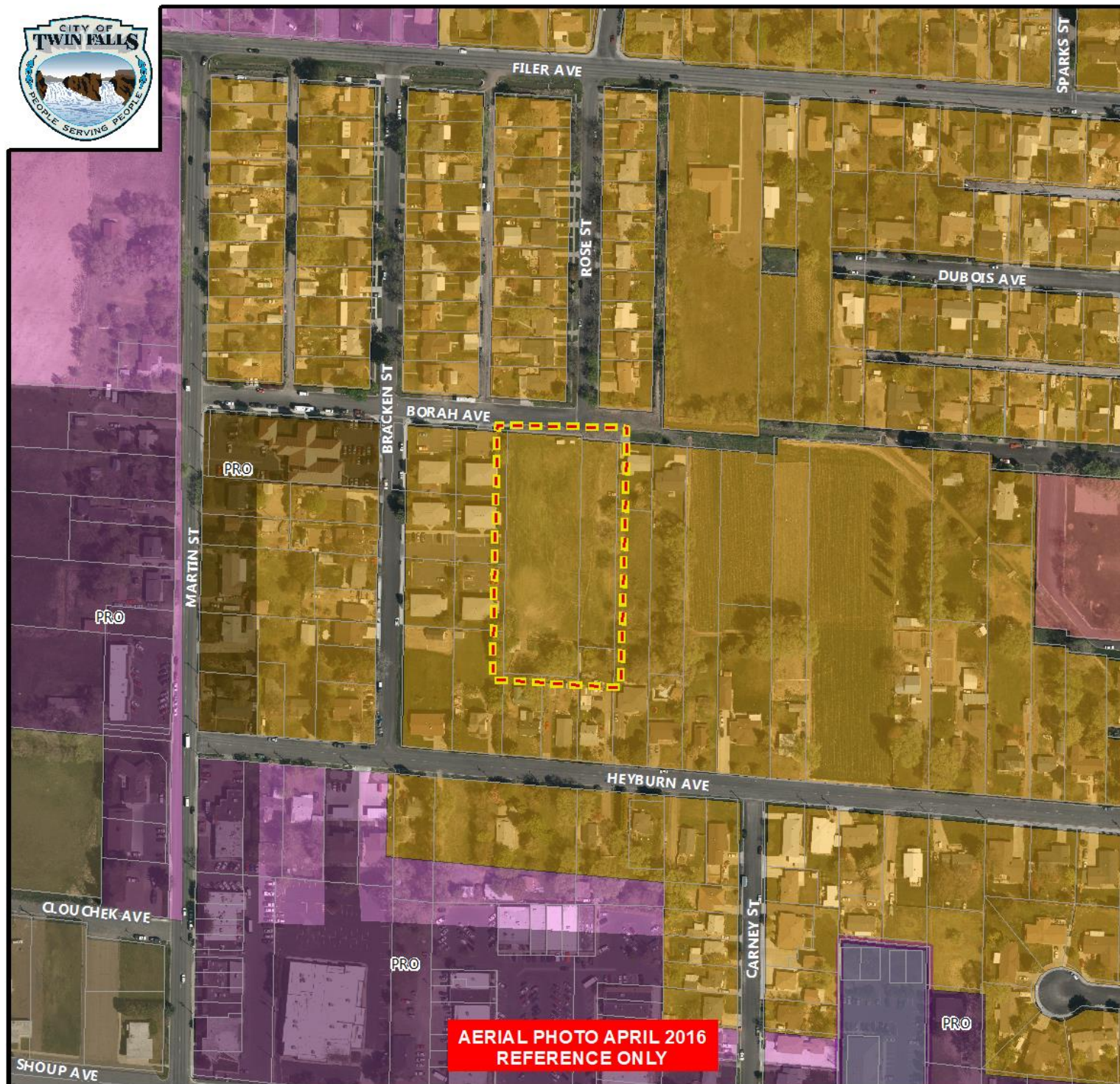
Conclusion

Should the Commission approve the preliminary plat of Cedar Park No. 11 Subdivision, as presented, staff recommends approval be subject to the following conditions:

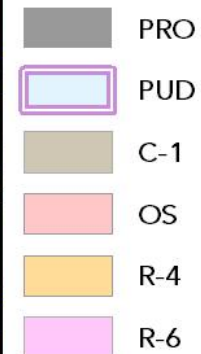
1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

Attachments

1. Vicinity Map
2. Kaitlyn Court Preliminary Plat
3. Photos



Vicinity Map



Current Zoning & Land Use:

R-4, Medium Residential

Comprehensive Plan:

Neighborhood Commercial

Adjacent Zoning & Land Uses:

North:

Borah Ave.; R-4; Residential

South:

R-4; Residential

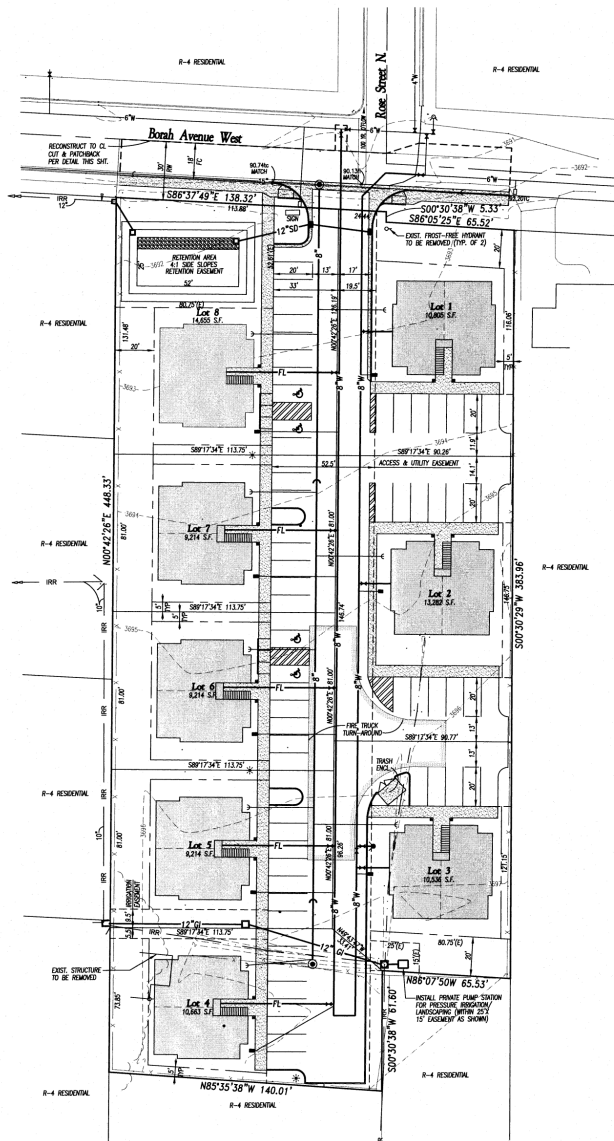
East:

R-4; Residential

West:

R-4; Residential





Site Data

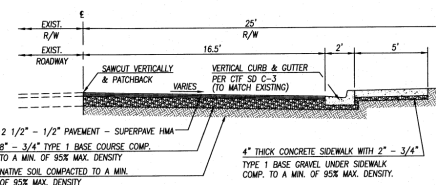
OWNER:	KATLYN COURT, LLC 5/4 GARY N. NELSON P.O. BOX 8004 TWIN FALLS, ID 83303 (208) 731-5030 CONTACT: GARY N. NELSON	SETBACKS:	ALL BUILDING AND YARD SETBACKS WILL BE IN ACCORDANCE WITH THE CURRENT C.O.T.F. ORDINANCES.
ENGINEER:	EHM ENGINEERS, INC. 621 N. COLLEGE RD., SUITE 100 TWIN FALLS, ID 83301 (208) 734-4888 CONTACT: TIM WANKER	EASEMENTS:	AS DEPICTED ON FINAL PLAT OR RECORDED BY SEPARATE DOCUMENT FOR UTILITIES AND ACCESS IN ADDITION TO CITY REQ'D. EASEMENTS DEPICTED.
EXISTING USE:	VACANT	UTILITIES:	CITY SEWER AND WATER, PRIVATE FIRE, IRRIGATION, JOINT TRENCH UTILITIES WILL INCLUDE DRAINAGE, POWER, CENTURY LINK, INTERMOUNTAIN GAS, CABLE TV, AND FIBER.
PROPOSED USE:	RESIDENTIAL - MULTI-FAMILY	STORMWATER:	STORM WATER FOR PROJECT SHALL BE ONSITE IN DEDICATED EASEMENT.
EXISTING ZONE:	R-4	SUBD. AREA:	2.01 ACRES
EXCEPTIONS:	REQUIRES APPROVAL OF ADDITIONAL DRIVEWAY LENGTH.	PAVED AREAS:	INTERIOR DRIVE ISLE AND PARKING AREAS TO BE CONSTRUCTED OF 2 1/2" ASPHALT MATT OVER 8" OF 3/4" TYPE 1 GRAVEL BASE.
BENCHMARK:	SHOWN	PARKING:	REQUIRED: 8 4-PLEXES (MAX. 2 BEDROOM) 32 UNITS x 2 = 64 REQUIRED SPACES PROVIDES 68 TOTAL SPACES (4 OF WHICH WILL ACCOMMODATE VAN ACCESSIBLE PARKING)

Legend

	EXISTING	PROPOSED
SUBDIVISION BOUNDARY LINE	---	---
LOT LINE	---	---
STREET CENTERLINE	---	---
ACCESS & UTILITY EASEMENT	---	---
DRAINAGE & UTILITY EASEMENT	---	---
BUILDING SETBACK LINE	---	---
WATER MAIN	---	---
FIRE LINE	---	---
SEWER MAIN	---	---
PRESSURE IRRIGATION	---	---
GRAVITY IRRIGATION MAIN	---	---
STORM DRAIN	---	---
ORBI AND GUTTER	---	---
CONTOUR LINE	---	---
SEWER MANHOLE	---	---
FIRE HYDRANT	---	---
GATE VALVE	---	---
BLOW-OFF ASSEMBLY	---	---
LIGHT POLE	---	---
WATER SERVICE	---	---
SEWER SERVICE	---	---
PRESSURE IRR. SERVICE	---	---
CATCH BASIN	---	---
DRAINAGE ARROW	---	---

Storm Water Retention Calculations

87,583 S.F. TOTAL DEVELOPMENT AREA / 6,461 RIGHT OF WAY AREA	
55,199 S.F. DEVELOPMENT IMPERVIOUS: $55,199 \times 1.6/12 \times 0.85 =$	+ 6,992 C.F.
32,384 S.F. DEVELOPMENT LANDSCAPING: $32,384 \times 1.6/12 \times 0.25 =$	+ 1,079 C.F.
5,148 S.F. RIGHT OF WAY IMPERVIOUS: $5,148 \times 1.6/12 \times 0.85 =$	+ 652 C.F.
1,313 S.F. RIGHT OF WAY LANDSCAPING: $1,313 \times 1.6/12 \times 0.25 =$	+ 44 C.F.
STANDARD PRE-DEVELOPMENT: $94,044 \times 1.6/12 \times 0.35 =$	- 4,399 C.F.
TOTAL RETENTION VOLUME REQUIRED =	4,378 C.F.
BASIN: $1300 \text{ S.F.} \times 2' \text{ DEEP} / \text{BATTER: } 1488 \text{ S.F.} \times 2' \text{ DEEP} / 2 =$	4,088 C.F.
DRYWELL: $55' \times 6' \times 2.5' \times 0.40 =$	332 C.F.
TOTAL RETENTION PROVIDED IN BASIN & DRYWELL =	4,420 C.F.



Typical Street Cross Section
Borah Avenue West

D.T.S.

Located In
A Portion of
Lot 16, Delton Addition &
Lot 1, Casey Subdivision
In
NE4 SW4 & NW4 SE4, Section 8
T. 10 S., R. 17 E., B.M.
Twin Falls County, Idaho

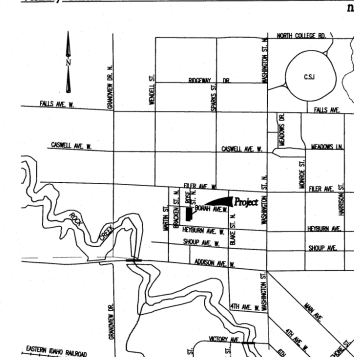
Project Bench Mark

HYDRANT NUMBER 3835-2842, 1" BOLT ON FIRE HYDRANT ON BRACKEN STREET N. BETWEEN BORAH AVENUE WEST AND HEYBURN AVENUE WEST - 1" BOLT ELEV. = 3694.90

Notes

ALL CONST. SHALL BE DONE IN ACCORDANCE WITH THE CITY OF TWIN FALLS STANDARDS, & SPECS.
ALL EASEMENTS AND BUILDING SETBACKS SHALL CONFORM TO THE CITY OF TWIN FALLS ZONING ORDINANCE AND THE PLD AGREEMENT.
LOT LINES ARE CONCEPTUAL AND SUBJECT TO CHANGE IN THE FINAL LAYOUT. DIMENSIONS APPROX.
PRESSURE IRRIGATION WILL BE PROVIDED WITH A PRIVATE PUMP STATION AND CENTRAL SPRINKLER SYSTEM OWNED AND MAINTAINED BY THE HOA.
A RECIPROCAL EASEMENT SHALL BE RECORDED FOR THE PURPOSE OF CROSS-USE ACCESS, PARKING, UTILITIES, DRAINAGE, LANDSCAPING AND MAINTENANCE OF SHARED AMENITIES.

Vicinity Sketch



EHM Engineers, Inc.
Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83301
P (208) 734-4888 Fax (208) 734-4849 www.ehm-inc.com

Preliminary Plat For
Katlyn Court Subdivision
Twin Falls, Idaho

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES, OMISSIONS, OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK.
REVISIONS
DATE
Rev'd. Per Review 9-11-2018
APPROVED
DESIGN T. WANKER
DRAWN T. WANKER
CHECK JUNE, 2018
SCALE AS SHOWN
ISS FILE 225-17PP
ISS NO. 225-17



NE Corner Looking SW



SE Corner Looking NW



Date: Tuesday, October 9, 2018
To: Planning and Zoning Commission
From: Planning & Zoning Department

ACTION ITEM

Request:

Request for the revocation of Special Use Permit #1233 issued for the purpose of operating an indoor recreation facility with extended hours of operation on property located at 139 Shoshone Street North. c/o City of Twin Falls (app. PZ18-0075)

Time Estimate:

Staff presentation will take approximately fifteen (15) minutes, additional questions may take another fifteen (15) minutes.

Background:

Due to the history of the property and the revocation process which took place last year the Twin Falls Police Department has been monitoring this premises closely since December 2017. The calls for service and the increase in hazards to the public have continued to go unabated.

Due to recent events, the Police and Fire Chiefs are extremely concerned with the lack of safety being observed at the business and in the surrounding area after hours. Including overcrowding of the building and numerous altercations, disturbances, and fights.

On September 7th City Staff (Police Chief, Fire Marshall, Building Official, Zoning Director) met with the business owner/Operator, Mr. Hetemi. During that meeting, many items were discussed including the SUP Conditions and Violations, building occupancy/overcrowding, repeated police actions, and general unruliness of the property and operation of the business. During this meeting the owner was informed that Staff would begin the process of revoking the Special Use Permit (SUP).

After the meeting, Staff began looking further into the SUP conditions, and the circumstances surrounding the business operations. During the investigation, we found substantial evidence to suggest the business has been operating outside the permitted hours of operation. Leading us to conclude they are in violation of their SUP conditions.

Approval Process:

Per City Code 10-13-2-3: The commission may initiate revocation by adoption of a motion. The permit holder shall be notified of the motion, the change in circumstances which have been alleged to occur and the adverse impact the changes made, and the conditions alleged to have been violated. A public hearing would then be scheduled and held, where the permit holder will have the opportunity to address the allegations, and the Commission will be tasked with making a decision on revocation.

Budget Impact:

N/A

Regulatory Impact:

Revocation of the Special Use Permit would remove the right of the permit holder to conduct the business, or activity listed on the permit. In this case, it would limit the hours of operation to 07:00 - 10:00 (the outright permitted retail hours in City Code), and remove the right to use the property as an "Indoor Recreation Facility" or Dance Floor with live music.

History:

In Aug 1993, Ordinance 2413 was adopted changing City Code to include the limitation on the Retail Hours of Operation within the CB Zoning District. At that time, the business located at 139 Shoshone St N was reported to be a music store. This type of use continued until the early 2000's when the music store vacated the space. Our records indicate the space had a time of vacancy, the length of vacancy is not entirely known, but our records indicate from 2001 until late 2005. This period of vacancy is important, as it "reset" the requirement for this location to now conform to the hours of operation (7:00 AM - 10:00 PM).

In 2006 Charlies Food Store requested a liquor license to serve bottled and draft beer for consumption on the premises. This request was granted by the City Council on Feb 27, 2006.

In June 2011 Special Use Permit #1233 was approved. This SUP was granted for Extended Hours of Operation and an Indoor Recreation Facility. This permit granted the right for the retail operation to be open past 10:00 PM on Wednesday, Friday and Saturday nights. It also permitted the "dance floor and live music" (see attachment).

In September 2017, the Planning and Zoning Commission took action to initiate revocation of SUP #1233. A Public Hearing took place on October 24, 2017. The commission voted to table the item until December 12, 2017. An additional Public Hearing took place on December 12, 2017. The motion to revoke the Permit failed by a vote of 1-4.

On September 11, 2018 the Planning and Zoning Commission initiated the revocation process and the public hearing was posted for October 9, 2018.

Analysis:

The evidence of the Special Use Permit violation comes in the form of the applicant admitting they have been open on Thursday nights, multiple sources of posted hours of operation (see attachments) and some police activity on those nights. This evidence is only representative of research conducted during this past calendar year. On this information alone, the Commission has reason to revoke the Special Use Permit due to violation of Special Use Permit #1233, Condition 3.

Beyond the violation of the Special Use Permit, Staff is including further information regarding the public safety concerns.

Between January and October 2018 there were 66 calls for service attributed to this location (Business or Parking Lot) between the hours of 1:00 AM and 4:00 AM. The calls of serious note are 3 Battery's, 12 Fights, 4 Parking Lot Clears. Between January and October there have been 35 weekends, this indicates the police are being called to this area on average two (2) times each weekend.

For perspective, Staff tallied the numbers of total calls for service from January thru mid-September between the hours of 1:00 AM and 5:00; and compared that to the calls we responded to this location. Nearly 1 of 11 calls to the police department between these hours (1:00 – 5:00) was to this address. The City of Twin Falls has approximately 20,000 properties within the city limits. This one property has been attributed to every 11th call to the TFPD, for the time-frame they operated after 1:00 am. This is a significant drain on police resources. It is a significant safety issue for the surrounding property owners. Lastly, the applicant has not been able to contain the patrons wishing to frequent this establishment after 1:00 AM.

The Police Department would like to submit 2 videos as evidence of the safety issue they are facing. In these videos, you will see a few things: 1. Our police department is vastly outnumbered on a regular basis when attempting to investigate the numerous fights, disturbances, batteries, etc. It consistently requires every available officer (including calling in resources from the County and the State Departments) to contain the situation and properly investigate the crimes. 2. The lack of control shown by the operator to limit the number of patrons inside the building which results in fire code violations for overcrowding and is a significant safety risk to the public and the patrons themselves in the event of a fire or other emergency situation.

{Videos will be shown here}

Since meeting with the owner on September 7, the building safety portion of the issue has been improved. However, one of the videos shown took place two (2) days after Staff met with the operator. Due to the potentially escalating situation we feel it may be appropriate to elevate the conversation to a higher level of consequence order to create a safer environment for the owner, neighbors, patrons, police and ultimately the residents of the City of Twin Falls.

Conclusion:

After conducting multiple internal discussions, City Staff (Police, Fire, Building, and Zoning Staff) do not wish to pursue barring an owner, or operator, from the ability to earn a living. The City strives to provide a consistent commitment to ensuring community residents have access to employment that supports personal and family well-being.

However we have also committed to provide a community where people feel and enjoy a high level of safety through crime and fire prevention, and enforcement of quality of life issues.

In conclusion, City Staff recommends amending the hours of operation for this business to 1:00 AM. As well as an additional condition whereby the commission may review the permit if public safety issues arise at any time in the future, or if circumstances arise which appear to violate the standards listed in City Code 10-13-2-2-(D).

The Commission is tasked with making a decision on this item. The Commission may do one of the following:

1. Take no action on this item - deny the revocation by voting no on the motion. (The business will continue operating as is).
2. Table the item to a future date in order to gather more information.

3. Modify the Special Use Permit by motion; including new conditions on hours of operation and/or other pertinent limitations.

4. Revoke the special use permit by voting yes on the motion. Thus reverting this property to the base zoning code allowances (no extended hours, and no dance floor).

Attachments:

1. 1233 Afrim Hetemi (SUP)
2. 139 Shoshone St. N - Police Calls Information (003)
3. Bumpin Bernies - Advertised Hours



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

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

SPECIAL USE PERMIT

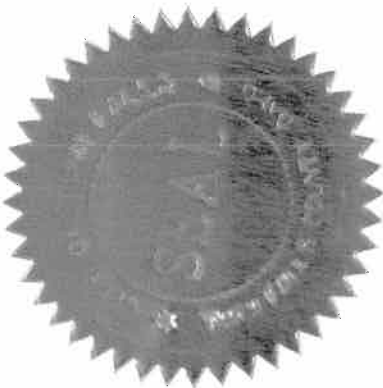
Permit No.1233

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.

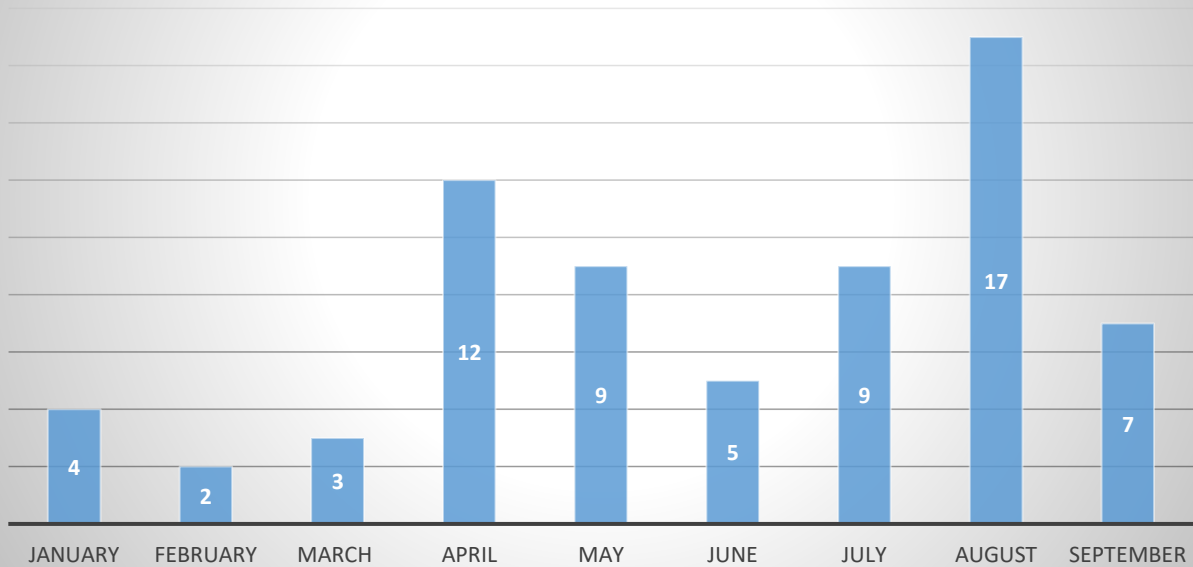
Please contact the Building Department at 735-7238 for further information.

cc: Building Inspection

Police Call for Service

0100 to 0500

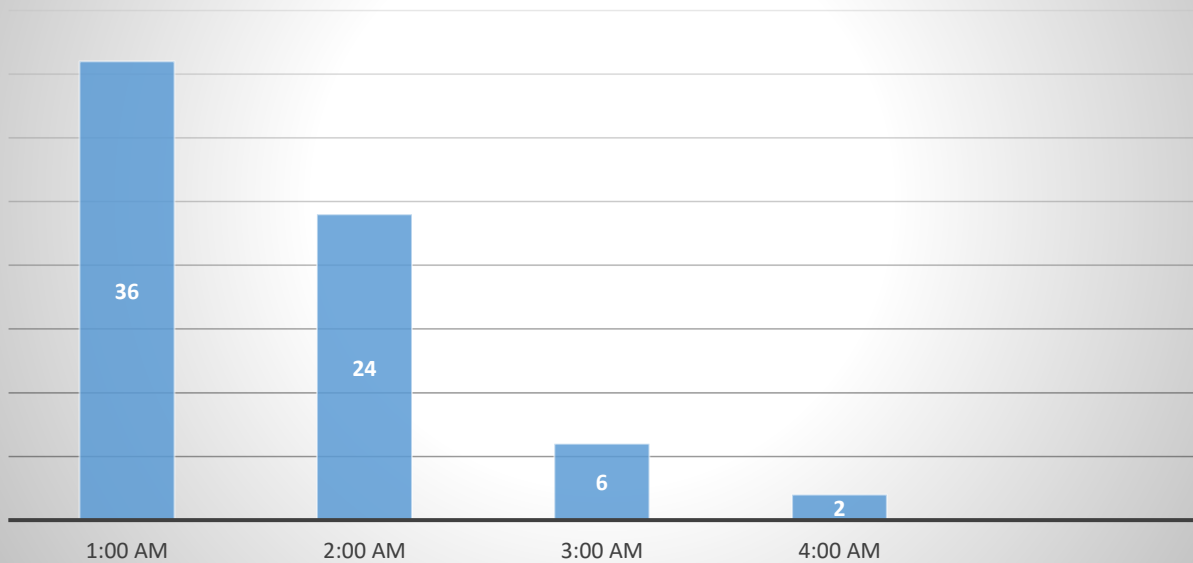
139 Shoshone St N

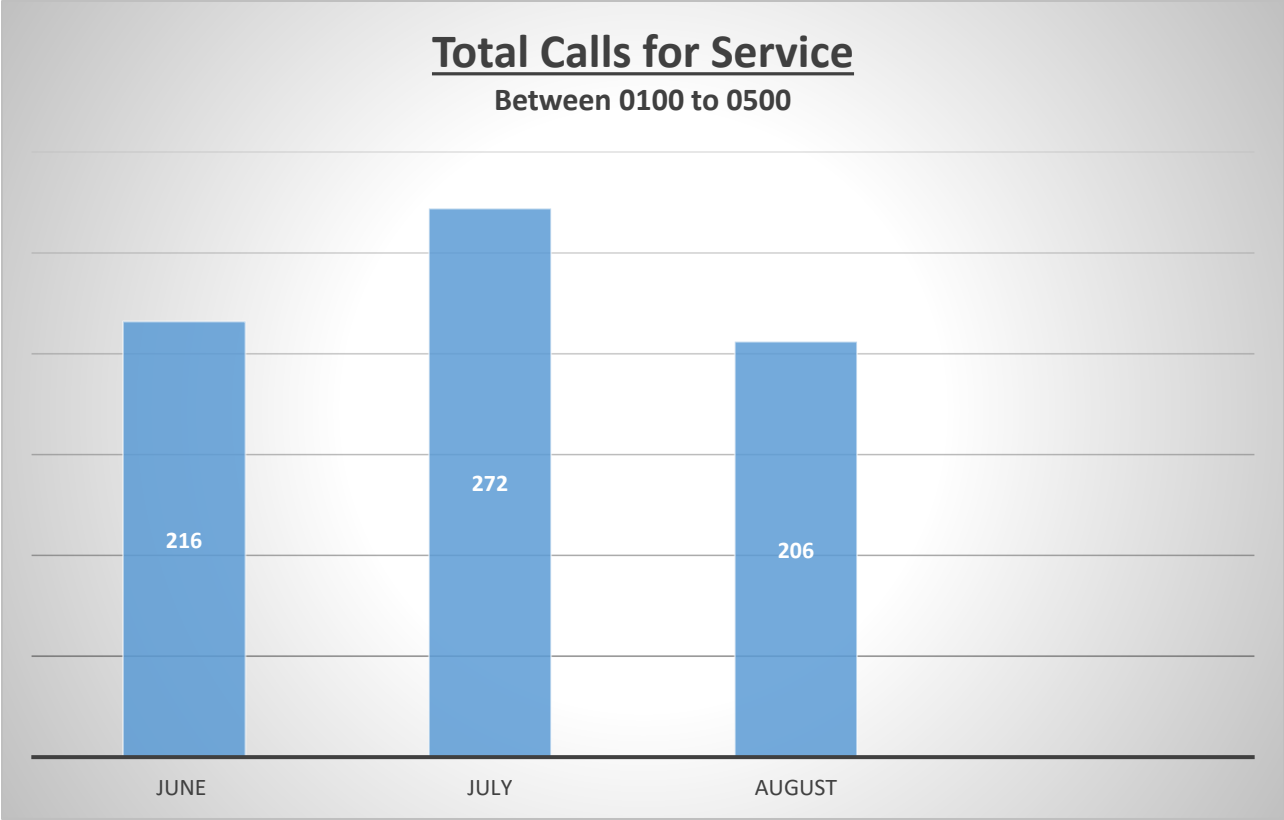
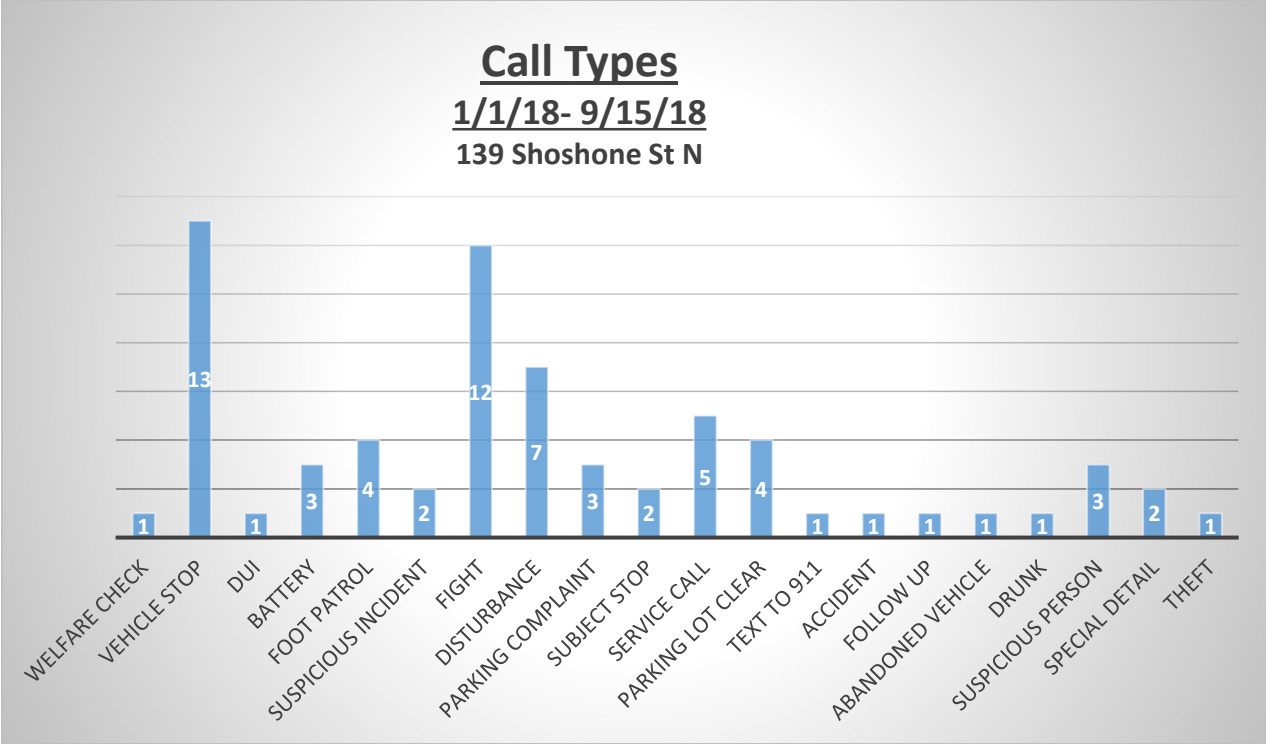


Call Times

1/1/18-9/15/18

139 Shoshone St N





Bumpin Bernies Lour

Bar and Hookah Loungein Twin Falls

Opening at 10:00 AM tomorrow

CALL (208) 329-1575

Updates



We'll have a great time wit...



New Year's Party 🎉



Bumpin Bernie's
@BumpinBernies

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FIND US

139 Shoshone St N
Twin Falls, Idaho

Get Directions

Call (208) 329-1575

HOURS

Closed Now

CLOSED

Monday: CLOS

Tuesday: CLOS

Wednesday: 5:00 PM - 1:00 AM

Thursday: 5:00 PM - 1:00 AM

Friday: 7:00 PM - 3:00 AM

Saturday: 7:00 PM - 3:00 AM

Sunday: CLOS

We are a fun bar with a live DJ and a complete Hookah lounge.

Dance & Night Club · Pub · Party Entertainment Service

STORY

Bumpin Bernie's

Come check us out! Established in 2009. Bumpin Bernie's is located in the historic downtown of Twin Falls! We are a bar and Hookah Lounge that caters nightlife to those who are 21 and over.

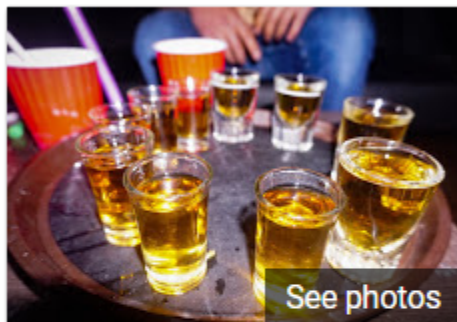
http://bit.ly/2Gw85H3

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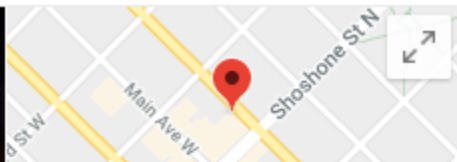
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[See photos](#)



[See outside](#)

Bumpin Bernies Lounge & Bar

[Website](#)

[Directions](#)

[Save](#)

4.2 ★★★★★ 61 Google reviews

\$ · Bar

Address: 139 Shoshone St N, Twin Falls, ID 83301

Hours: Tuesday

10AM-2PM

Wednesday

10AM-2PM, 7:30PM-1AM

Thursday

10AM-2PM, 7:30PM-1AM

Friday

10AM-2PM, 7PM-3AM

Saturday

10AM-2PM, 7PM-3AM

Sunday

7:30PM-1AM

Monday

10AM-2PM

(Columbus Day) **Hours might differ**

[Suggest an edit](#)

Phone: (208) 329-1575

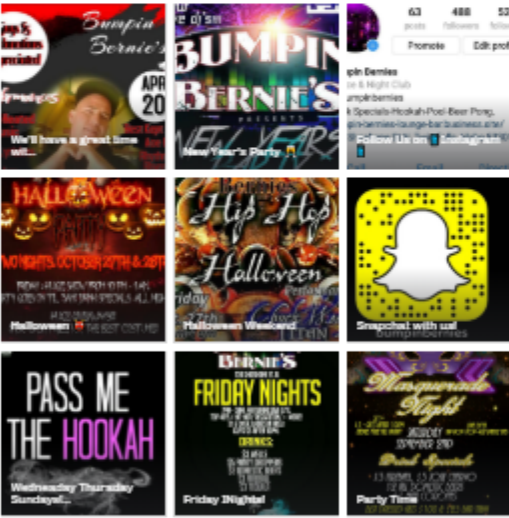
[Suggest an edit](#)

Bumpin Bernies Lounge & Bar

Bar and Hookah Lounge in Twin Falls
Opening at 10:00 AM tomorrow

CALL (208) 328-1575

Updates



VIEW ALL

Downtown Twin Falls

We are located in Downtown of Twin Falls. We provide nightlife to the city of Twin Falls with a variety of drinks, hookah, games, and music.



ADDRESS

139 Shoshone Street
North
Twin Falls, ID 83301
United States
[Get directions](#)

CONTACT

(208) 328-1575

BUSINESS HOURS

Mon
10:00 AM – 2:00 PM
Tue
10:00 AM – 2:00 PM
Wed
10:00 AM – 2:00 PM
7:30 PM – 1:00 AM
Thu
10:00 AM – 2:00 PM
7:30 PM – 1:00 AM
Fri
10:00 AM – 2:00 PM
7:00 PM – 3:00 AM
Sat
10:00 AM – 2:00 PM
7:00 PM – 3:00 AM
Sun
7:30 PM – 1:00 AM