



NOTICE OF AMENDED AGENDA
PUBLIC MEETING
Twin Falls City Planning & Zoning Commission
JUNE 11, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods
Vice-Chairman

CITY COUNCIL LIAISONS:

Suzanne Hawkins
Rebecca Mills-Sojka

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of Staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **May 14, 2013 & May 29, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
Moffitt-(SUP 05/29/13) Wills Motor Company (SUP 05/29/13)
Golay-(SUP 05/29/13) Velasquez Enterprises, Inc. (SUP 05/29/13)
Flatco, LLC (SUP 05/29/13)

THE FOLLOWING ITEM HAS BEEN WITHDRAWN AND IS NOT RESCHEDULED AT THIS TIME:

1. Request for a Zoning Title Amendment to amend 10-4-8.3 (D) 1 to allow a *porte-cochere* within the required building setback c/o Bridgeview Estates (app. 2576) **WITHDRAWN**

III. ITEMS OF CONSIDERATION:

1. Reactivation of Special Use Permit #1153, granted on July 28, 2009 to Lisa McClain for the purpose of operating a drive through coffee shop on property located at 778 Falls Avenue, c/o Lisa McClain. (app. 2321)
2. Presentation on a proposal for consideration of an alternative landscape material by Hailey Barnes.

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate an automobile and pickup retail sales business on property located at 347 Washington Street North c/o Michael Leung (app.2575)
2. Request for Special Use Permit to serve alcoholic beverages for consumption on-site in conjunction with a restaurant on property located at 1563 Fillmore Street, Unit 1B c/o Teodora Caffé, LLC (app. 2577)
3. Request for a Special Use Permit to operate a religious facility on property located at 136 2nd Avenue South c/o Church on a Mission (app.2578)
4. Request for Special Use Permit to operate a motorcycle, ATV, and snowmobile repair shop on property located at 506 Addison Avenue West c/o Expedition Motor Sports, LLC (app. 2579)

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

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

1. Public Hearing – Tuesday, June 25, 2013 6:00 pm
2. Work Session – Wed, July 3, 2013 12:00 pm – 1:00 pm

VII. ADJOURN MEETING:

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

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

The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.
4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
 - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
 - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
 - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed-**No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

**** Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.**



Public Hearing: **TUESDAY, JUNE 11, 2013**

To: Planning & Zoning Commission

From: Rene'e Carraway, Community Development Department

AGENDA ITEM III-1

Request: Reactivation of Special Use Permit #1153, granted on July 28, 2009 to Lisa McClain for the purpose of operating a drive through coffee shop on property located at 778 Falls Avenue, c/o Lisa McClain. (app. 2321)

Time Estimate:

Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Lease Agreement	Size: 5690 sq. ft space 8.5' x 14' Kiosk
Lisa McClain 2193 E 3845 N Filer, ID 83328 208-731-6878	Current Zoning: C-1	Requested Zoning: N/A
	Comprehensive Plan: Commercial Retail	Lot Count: N/A
	Existing Land Use: Parking Space	Proposed Land Use: Drive Through Coffee Shop
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: R-2; Falls Avenue, residential	East: C-1; commercial (Turf Club Plaza)
	South: C-1; commercial (Turf Club Plaza)	West: C-1; commercial (Turf Club)
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-7-13, 10-10-3, 10-11, 10-13-2.2	

Approval Process:

As per TF City Code: 10-13-2.2 (I) – Special Use Permit: Transfer, Review and Discontinuance of Special Use Permits:

Special uses that have not been established within one year of the date of issuance can be reviewed by the Commission to determine if the facts and/or circumstances have changed. The Commission can reinstate the existing Special Use Permit or call for a new application.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the process for construct and operation of a drive-through coffee kiosk at this location.

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:

On July 28, 2009 Lisa McClain was issued a special use permit to construct and operate a drive through coffee kiosk on property located at 778 Falls Avenue. The original Special Use Permit had the following conditions:

- 1) 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;
- 2) Subject To A Cross-Use Agreement For Parking And Access Between The Lots Of The Turf Plaza Subdivision And The Turf Club;
- 3) Hours Of Operation From 7:00 am To 6:00 pm Monday Through Saturday.

Currently the drive through coffee kiosk has not been constructed. Ms. McClain-Reeder recently inquired about constructing and operating a drive through coffee kiosk at this location. For this purpose, Ms. McClain-Reeder has asked that the original Special Use Permit be reactivated.

Analysis:

The approved Special Use Permit is considered void as the use on the property located at 778 Falls Avenue was not established within a year of approval.

City Code Section 10-13-2.2(I) states "...special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the commission to determine if the facts and circumstances have changed." If the commission determines there has been substantial changes they may call for a new special use permit application. If the commission determines that the surrounding area and/or facts and circumstances have not changed since the special use permit was approved, they may reactivate the expired special use permit by motion and a majority vote, subject to the same conditions of approval."

The surrounding area has not had any substantial changes that would be affected by the reapproval of this project, and there have not been any substantial changes, proposed or actual, to any of the surrounding land uses.

In the building permit review process the Engineering Department would like to see that storm water retention is managed in a way to ensure that the retaining wall is not undermined with the addition of this use. There appears to be a cross-use agreement between the Turf Club Plaza and Turf Club for shared parking and access through the properties. This will be verified as part of the building permit review process. When building permit plans are submitted there will be a full review of the site plan and conformance of the project with applicable City Code requirements and standards.

Conclusion:

Staff recommends the Commission reactivate Special Use Permit #1153, as presented.

Attachments:

1. Reactivation Request
2. Special Use Permit #1153
3. Area Zoning Map
4. Aerial View Map
5. July 28, 2009 Staff Report
6. July 28, 2009 Minutes
7. Current Site Photos

From: Lisa Reeder <lisa@idaholendinggroup.com>
Sent: Tuesday, June 04, 2013 2:11 PM
To: Kelly Weeks
Subject: SUP # 1153

Kelly,

I am writing to you to request the reinstatement of Special Use Permit #1153 with no change requests.

Thanks so much Kelly, appreciate your help!

Lisa McClain - Reeder

The Reeder-Gallegos Team

Your Lenders for Life

Idaho Lending Group

1182 Eastland Dr. N., Suite A

Twin Falls, ID 83301

Lisa: 208-595-4167

Eddee: 208-969-9074

NMLS ID# 93616/ 186671

MLB# 7170



**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. 1153

Granted by the Twin Falls City Planning and Zoning Commission on July 28, 2009 to Lisa McClain whose address is 2193 E 3845 N Filer, ID 83328 for the purpose of operating a drive through coffee shop on property located at 778 Falls Avenue and legally described as Twin Falls Turf Plaza Lot 2 (9-10-17 NE)

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. 2321

1. 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.
2. Subject To A Cross-Use Agreement For Parking And Access Between The Lots Of The Turf Plaza Subdivision And The Turf Club.
3. Hours Of Operation From 7:00 Am To 6:00 Pm Monday Through Saturday.

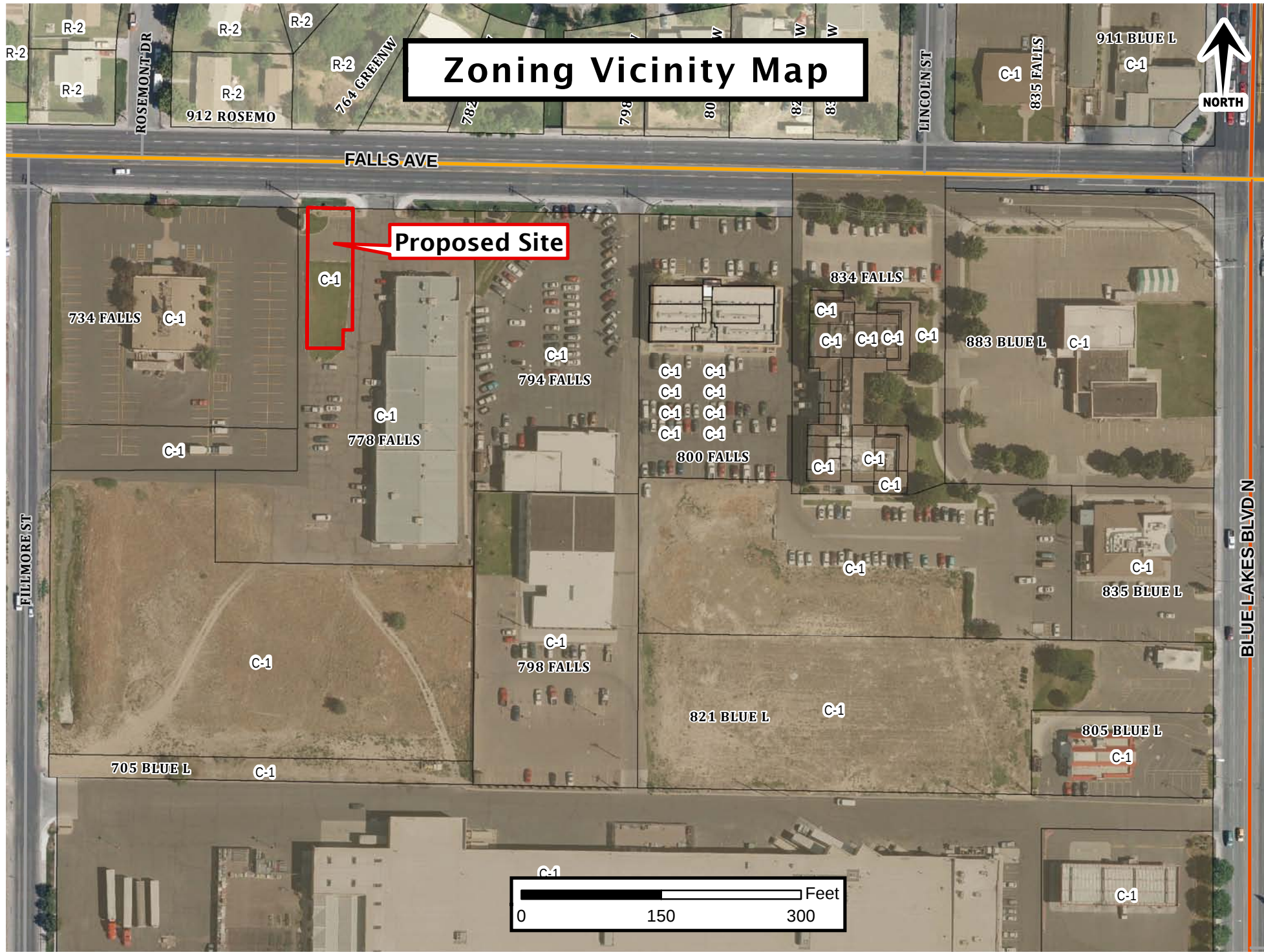


Chairman

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.

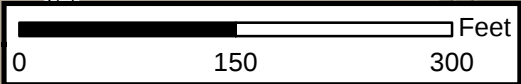
cc: Building Inspection



Zoning Vicinity Map



Proposed Site



Site Map



Turf Club

Proposed site

Turf Plaza

748 FALLS

778 FALLS

794 FALLS

798 FALLS

FILMORE ST

764 GREENW

772 GREENW

782 GREENW





Public Hearing: **TUESDAY, JULY 28, 2009**

To: Planning & Zoning Commission

From: Rene'e Carraway, Community Development

AGENDA ITEM IV-2

Request: Request for a special use permit to operate a drive through coffee shop on property located at 778 Falls Avenue, c/o Lisa McClain. (app. 2321)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Lease Agreement	Size: 5690 sq. ft space 8.5' x 14' Kiosk
Lisa McClain 2193 E 3845 N Filer, ID 83328 208-731-6878	Current Zoning: C-1	Requested Zoning: N/A
	Comprehensive Plan: Commercial Retail	Lot Count: N/A
	Existing Land Use: Parking Space	Proposed Land Use: Drive Through Coffee Shop
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: R-2; Falls Avenue, residential	East: C-1; commercial (Turf Club Plaza)
	South: C-1; commercial (Turf Club Plaza)	West: C-1; commercial (Turf Club)
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-7-13, 10-10-3, 10-11, 10-13-2.2	

Approval Process:

As per TF City Code: 10-13-2.2 (F), (G) & (J)

(F) Public Hearing: Prior to granting a special use permit, at least one public hearing before the Commission in which interested persons shall have the opportunity to be heard shall be held. **(G)** Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications, the Commission shall direct the Administrator to issue a special use permit listing the specific conditions specified by the Commission for approval. **(J) Appeal To The Council:** Upon receipt of an appeal from the action of the commission, the council shall set a hearing date, under the same provisions as the commission hearing, to consider all information, testimony and the commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission. (Ord. 2124, 10-15-1984)

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to construct and operate a drive-through coffee kiosk at this location.

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:

No known zoning history.

The Twin Falls Turf Plaza Subdivision was recorded in 1998.

Analysis:

The property is zoned C-1, the City's Commercial Highway designation. The property is a 7000 sq ft (0.16 acre) lot adjacent to the Turf Club Plaza. The lot is currently landscaped and is proposed to be developed with a coffee kiosk and drive-through lanes. Facilities with drive-through services require a Special Use Permit in the C-1 zone.

The facility is proposed to operate from 7:00 am to 6:00 pm Monday through Friday, 8:00 am to 1:00 pm on Saturdays, and closed Sundays. Initially there would only be one employee but an additional employee would be added if necessary to meet demand. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. also require a Special Use Permit. Should the applicant decide to operate outside permitted retail hours another special use permit would be required.

If approved this business would operate as a drive through business only. The site plan shows a building with a window on two sides of the kiosk. City Code §10-7-13 states the vehicle stacking requirements for drive-through facilities are: (A) For a fast food restaurant the requirement is 9 stacking spaces or such number as approved by the Planning and Zoning Commission, but not less than six (6) spaces; (B) All others six (6) spaces. The proposed design for stacking is that the vehicles could come in from the north from Falls Avenue with (2) stacking spaces indicated before the travel lane and access to Falls Avenue. Vehicles could come from the south through the Turf Club Plaza parking area and would have four (4) stacking stalls, for a total of six (6) stacking spaces.

The applicant anticipates catering to business and student traffic in the area. A 2005 traffic study indicated that 13,000 vehicles pass by this location on an average weekday. This use is not intending to increase traffic but draw from the traffic already in the area. Falls Avenue is five (5) lanes wide at this area with two (2) travel lanes in either direction and a center turn lane.

This proposal would require new construction and development of the lot. The landscaped area would be carved out to provide for the kiosk and travel lanes. On the west edge of the lot there is a retaining wall. In the building permit review process the Engineering Department would like to see that storm water retention is managed in a way to ensure that the retaining wall is not undermined with the addition of this use. There appears to be a cross-use agreement between the Turf Club Plaza and Turf Club for shared parking and access through the properties. This will be verified as part of the building permit review process. The number of parking spaces provided on the Turf Club Plaza area for the existing plaza building and the kiosk would exceed the Code requirement. Some adjustments may need to be made to ensure there are adequate travel radiuses to accommodate the drive-through kiosk lanes. Other site improvements such as road right-of-way, landscaping, curb, gutter, sidewalk, and storm water retention, etc., will be reviewed at the time of building permit application.

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 all applicable City Code requirements and Standards.
2. Subject to a cross-use agreement for parking and access between the lots of the Turf Plaza Subdivision and the Turf Club.
3. Hours of operation from 7:00 am to 6:00 pm Monday through Saturday.

Attachments:

1. Letter of Request
2. Letter from property manager
3. Area Zoning Map
4. Aerial View Map
5. Site View
6. Site Plan
7. Sample Structure
8. Site Photos

The retail drive-thru coffee concept is the fastest growing niche in the retail coffee industry. Helped by enormous success of major chains like Starbucks, many “mom and pop” drive-thru operations sprung up the Northwest part of the country. The concept was immediately a success, but, in most cases, was unrefined. The drive-thru concept offers its customers coffee and espresso based products that maintain all of the quality of a “sit-down” coffee house while providing the convenience of a drive-thru. In most cases, because overhead and operational costs are lower in the drive-thru concept, we can price our menu lower than our competition. In short, why pull into a “sit-down” coffee house, take the kids out of their car seats, and wait in line to pay for a higher price latte than you can get at **“A Shot in the Dark”** drive-thru coffee house.

We have secured a lease on a lot on Falls Ave. at Turf Plaza. This area is concentrated with office complexes along the South side of Falls Avenue and CSI on the North. The new Twin Falls High School is less than 1 mile away. We are two blocks off of Blue Lakes with reasonably easy access in and out of our site. We want to cater to the business person and student on their way to work and school. The coffee hut can be seen whether you are heading east or west on Falls Avenue.

Due to location and prospective clientele, our scheduled hours of operation for at least the first 90 days will be 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturdays, closed Sundays. Our intention in doing this will be to see if we get enough afternoon and early evening traffic to justify staying open until 6 p.m. After the first 3 months we will re-evaluate. We will have onsite training for the first week or two and then the hut should operate at full capacity with only one Barista running it at all times. If we find that 2 are required in the morning hours to better accommodate our customers, we will make that adjustment. We have attached a traffic count from 2005 which shows the # of cars that passed this location at that time was approx. 13,000 on the avg. weekday. We have used less than 1% of all cars in our calculations when figuring our breakeven point. With the center turn lane, this amount of turn in traffic should not cause any additional congestion on Falls Ave.

We have located a pre-owned coffee kiosk thru Mudslingers. Mudslingers Drive-Thru Coffee is a manufacturer, licensor and consulting service in the drive -thru coffee industry. With the purchase of this kiosk we would receive the completely contained double window kiosk with a restroom, all necessary equipment required to operate efficiently, contact/set up with suppliers, shipping of the kiosk to the site, and on-site training. Once Mudslingers and I have established the business setup, there will be no ongoing fees, or royalties attached to the relationship.

In the site drawing attached you can see that we have set up the traffic flow so we will not have a stacking issue out into Falls Ave. We have also tried to impede on the Turf Club access as little as possible. With two entrances/exits to the property it will allow a smooth flow to either side of the kiosk, thus helping to reduce a stacking issue as well. We should not have any adverse impact on surrounding businesses, as we have tried to set up the traffic flow to avoid any problems with their customers or business as usual. We will not be competing with any of the established business in the complex as the only food we will be offering will be muffins, cookies or something of this nature.

We believe this will be a huge asset for both students and professionals alike. Our focus and objective will be to treat the customer w/ a positive attitude ALWAYS, provide a great tasting, always consistent drink in a fast and friendly atmosphere. We hope you see this as an asset to this area as well. Please do not hesitate to call me with any questions or concerns.

Thank you for your time and consideration



Lisa McClain
208-731-6878



VERITY

Property Management, Inc
Accredited Management Organization®

July 1, 2009

To Whom it May Concern:

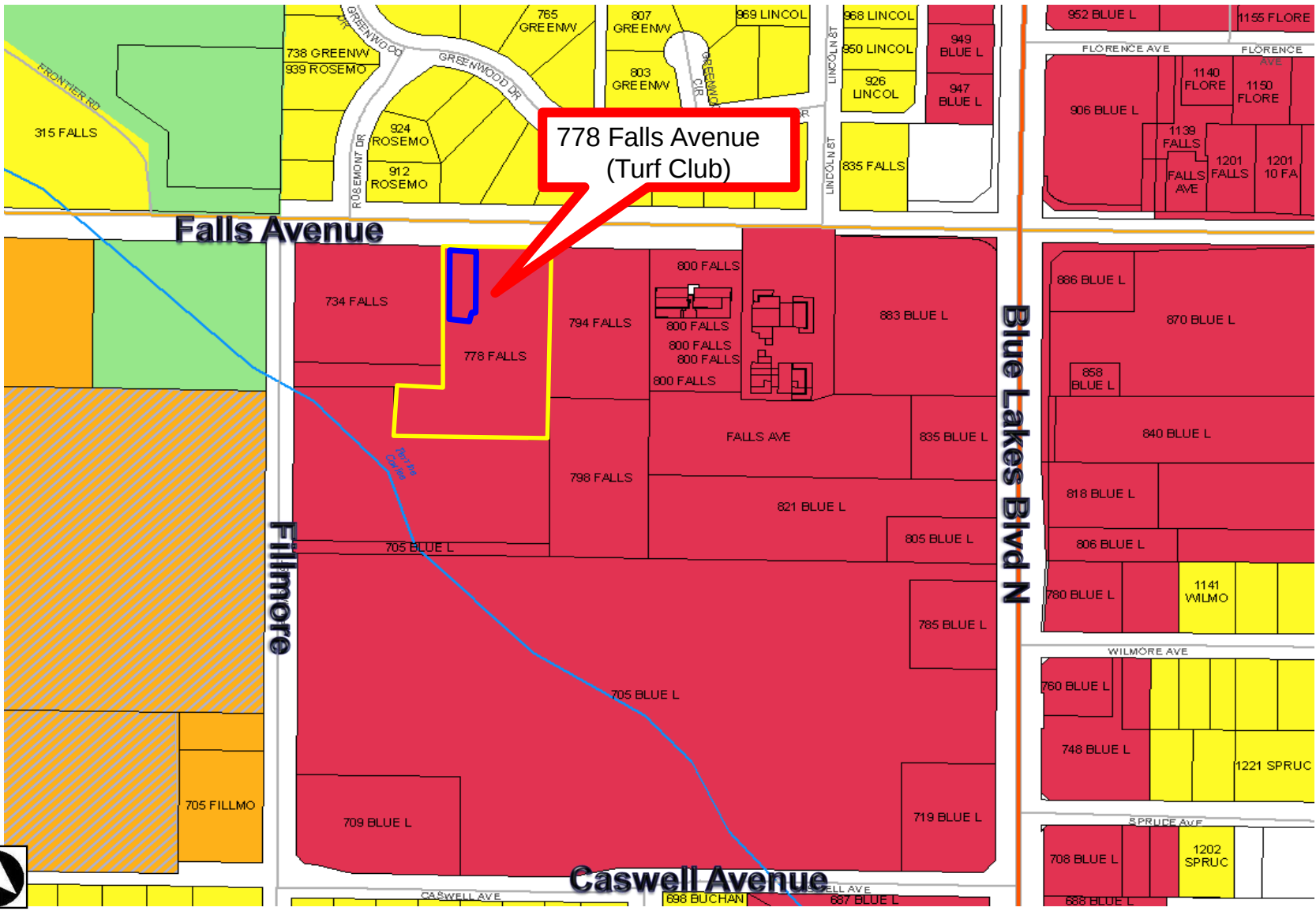
Please be advised that Canyon Falls LLC (Turf Plaza) is aware of the special use permit application by Lisa McClain and would approve of the use of a coffee kiosk at Turf Plaza. Please let me know if there are any questions regarding this matter, I may be reached at 208-734-4339.

Sincerely,

Robert Ringer

Full Service Property Management Specialists
528 Blue Lakes Blvd. North • Twin Falls, Idaho 83301
(208) 734-4339 • Fax (208) 734-6466 • www.veritymgt.com

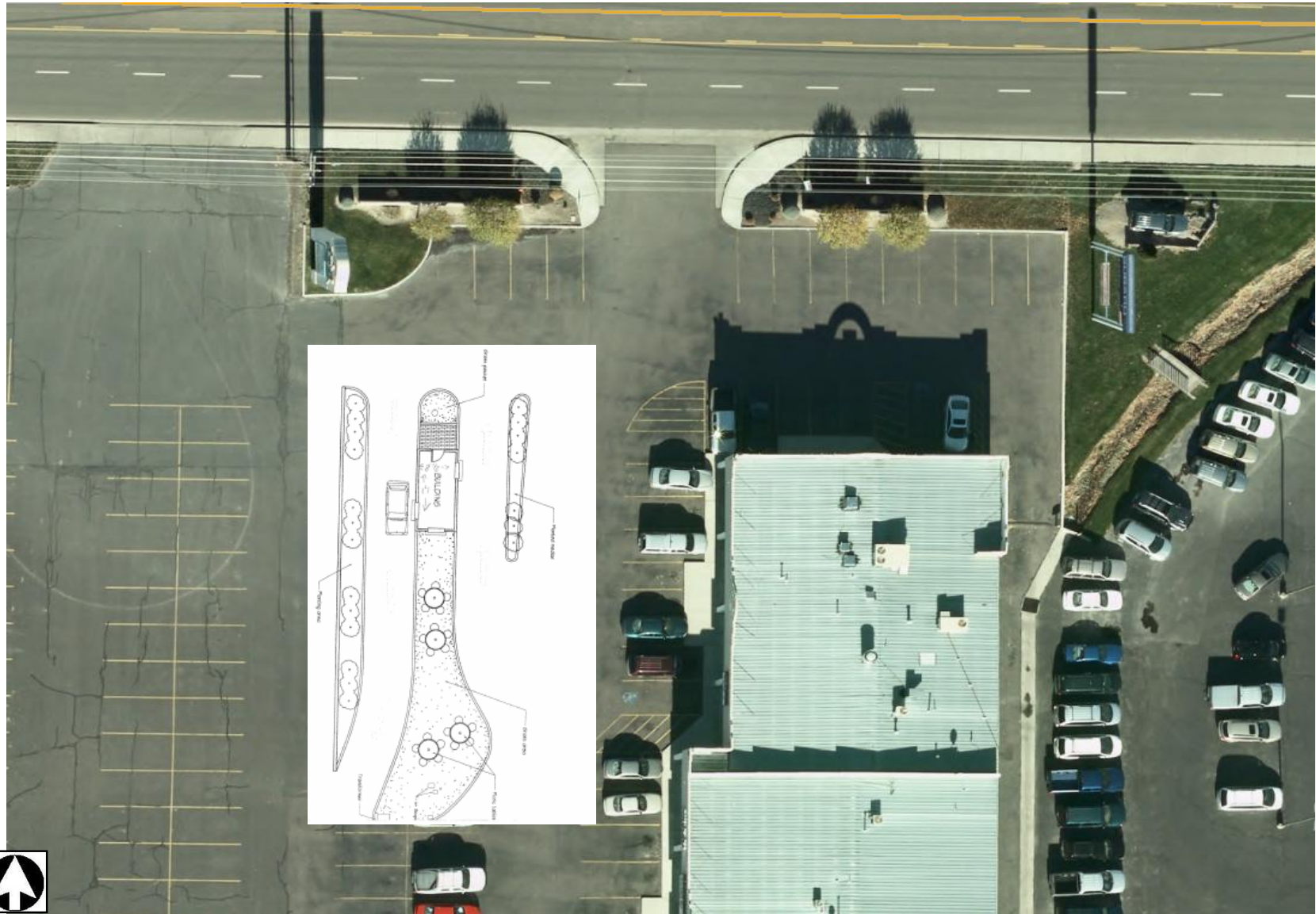
ZONING MAP



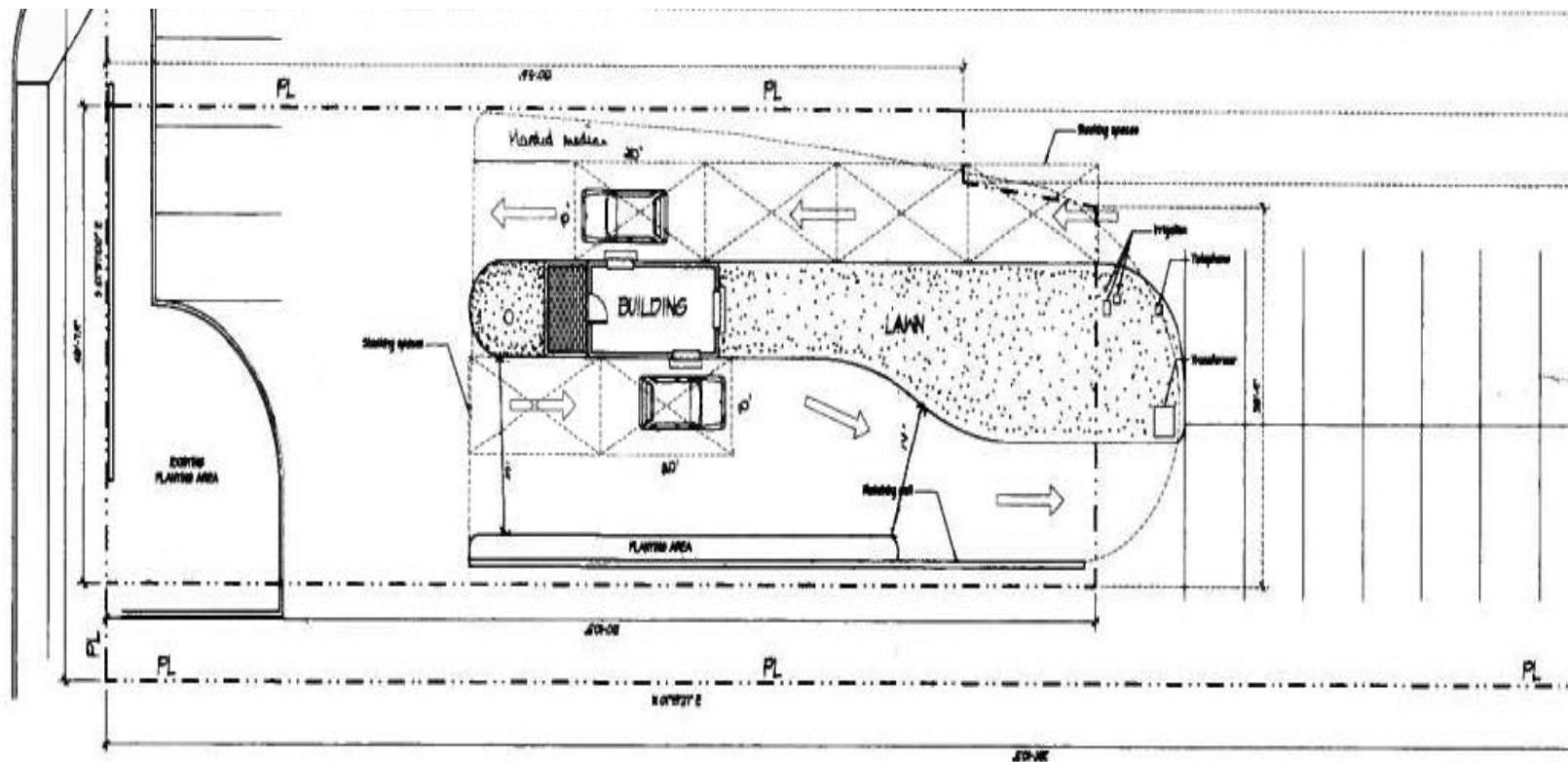
AERIAL MAP



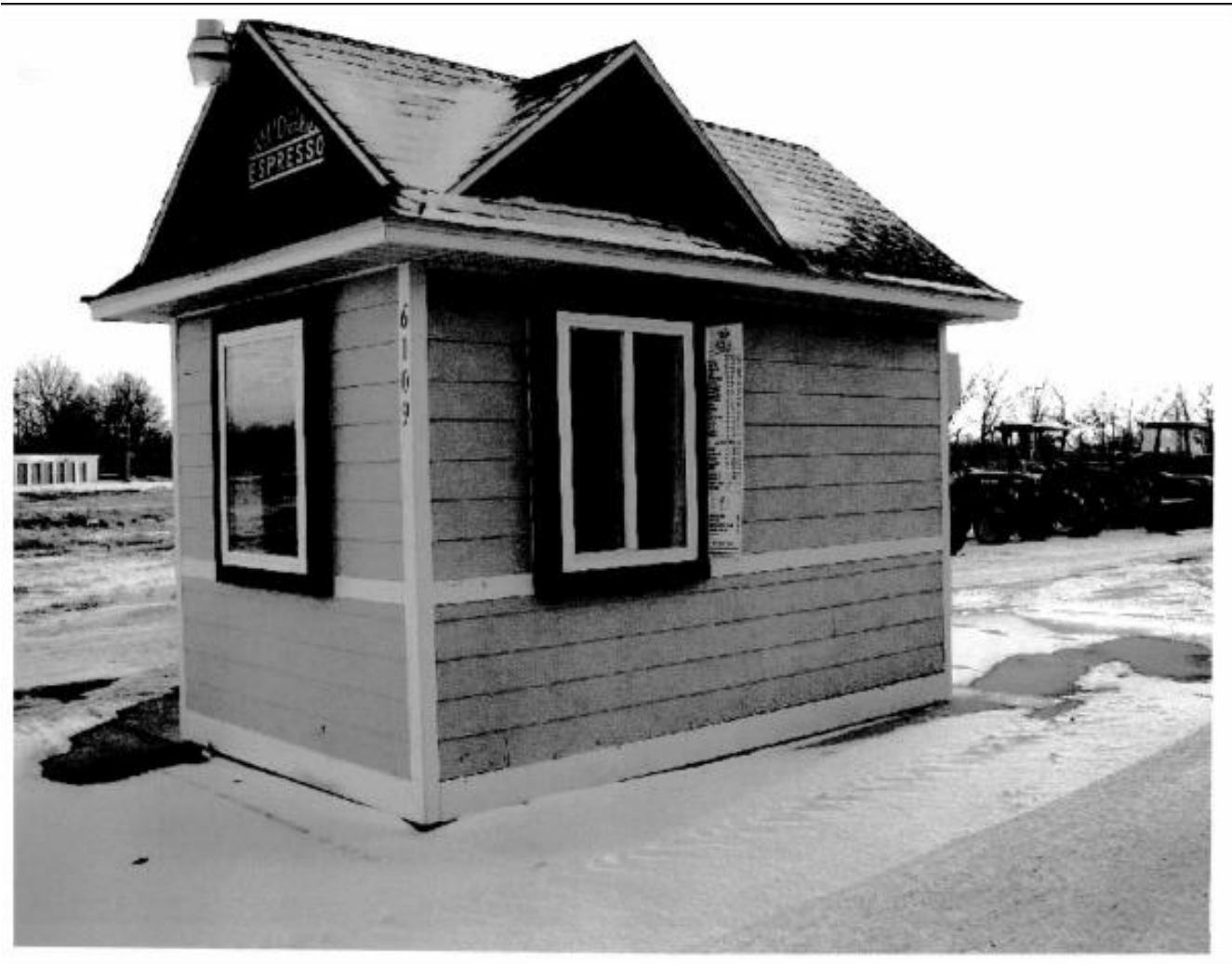
SITE VIEW



SITE PLAN



STRUCTURE









MINUTES

Twin Falls City Planning & Zoning Commission
July 28, 2009-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Bonnie Lezamiz Gerardo Munoz Jim Schouten Cyrus Warren Carl Younkin
Vice-Chairman Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Lezamiz
Schouten
Warren
Younkin

ABSENT:

Munoz

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Mikesell

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele

CITY STAFF PRESENT: Carraway, Glaesemann, Jones, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARINGS:

1. Request for a Comprehensive Plan Amendment which would amend the Future Land Use Map, Map 2-4, for property located south of Cheney Drive West, west of Park View Drive, and north of North College Road West from Medium Density Residential to Office/Professional c/o Osprey, LLC (app. 2320)
2. Request for a Special Use Permit to operate a drive-thru coffee shop on property located at 778 Falls Avenue c/o Lisa McClain (app. 2321)
3. Request for a Special Use Permit to operate a private school in conjunction with an existing religious facility on property located at 401 6th Avenue North c/o Heritage Alliance (app. 2322)
4. Request for a Special Use Permit to establish four (4) display pad sites on property located at 3205 Kimberly Road c/o Agri-Service (app. 2323)

I. CALL MEETING TO ORDER:

Chairman Younkin 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 present.

II. CONSENT CALENDAR:

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

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Comprehensive Plan Amendment which would amend the Future Land Use Map, Map 2-4, for property located south of Cheney Drive West, west of Park View Drive, and north of North College Road West from Medium Density Residential to Office/Professional c/o Osprey, LLC (app. 2320)

APPLICAN PRESENTATION:

Gerald Martens, EHM Engineering, Inc., representing the applicant stated the purpose of this request is to amend the Comprehensive Plan so that a rezone of this particular property can be made. The goal is to rezone the property from R-2 to R-2 with a Professional Office Overlay. He stated the property in question is a remnant from the high school construction project at the west end adjacent to Parkview Drive and across from the North Pointe Park residential subdivision. The property is approximately 6 (+/-) acres and faces Parkview Drive the area is substantially developed the roadways are in on the three sides the utilities have been installed. If this request is approved the next step will be to modify the Canyon Ridge High PUD to rezone this parcel with a Professional Office Overlay. This change would have a positive impact on the area by providing a transition from residential area and the developing commercial property.

P&Z COMMENTS/QUESTIONS:

- Commissioner Warren asked if the applicant had plans for the development of the property.
- Mr. Martens stated that the plan is to have multiple professional office buildings. The buildings will be residential in character, single story, with a lot of landscaping to provide a buffer for the residential area. There is a large irrigation easement along the western portion of the property and the uses will be geared towards serving the adjacent residential area as well as the high school population to the east.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this is a request to change the City Of Twin Falls' Comprehensive Plan –Future Land Use Map 2-4 from Medium Density Residential to Professional/Office for an area 6 +/- acres in size located on the west side of

the 1300-1400 blocks of park view drive – west of the new Canyon Ridge High School. This site is currently zoned R-2 PUD and is part of the Canyon Ridge High School PUD. To the south and west of the proposed site are developed residential neighborhoods, to the north is a major collector with developing commercial property and to the west is the new Canyon Ridge High School. As you have just heard – the applicant is requesting this change in order to allow them to proceed with a PUD modification at this site for the development of a professional office complex. The property is currently zoned R-2 PUD and is part of the Canyon Ridge High School PUD approved in January of 2007.

The Comprehensive Plan Future Land Use Map recognizes an existing and future land use pattern of Medium Density Residential uses within this area. The property is adjacent to three (3) major collector streets; with developing commercial property to the north. The proposed change could have a positive effect in the area by providing a better transition of uses with lesser impacts between the existing residential neighborhoods and developing commercial uses and the new high school. Development of a professional office complex would have limited direct access to Park View Drive versus a potential driveway for each residence. The proposed use may also be less intensive in terms of increased traffic and use of City Services than residential development that could take place on this property.

Idaho State Law is specific in how changes are made to a Comprehensive Plan. A recommendation from the Planning and Zoning Commission is required at a public hearing before the City Council can take action on the request at an additional public hearing. If this request is granted by the City Council, a PUD Amendment of the Canyon Ridge High School PUD Agreement for this 6+/- acres site from R-2 PUD to R-2 PRO PUD shall be required prior to development of a professional office complex.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of this request, as presented, staff recommends 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.

PUBLIC HEARING: OPENED

- Sandy Sanstrom, 576 Sarah Avenue, asked how many buildings are planned for the development, where the parking will be located, if landscaping will be provided, what types of uses would be allowed in the buildings, and how the traffic will flow through the area.
- Brian Hall, 1434 Tara Street, stated the back of his property is adjacent to this parcel and he would like to know what size the easement is behind his property and if the professional office designation allows for restaurants or gas stations.

CLOSING STATEMENT:

- Mr. Martens stated the preliminary plan is to have 4-6 professional buildings so that the buildings are not extremely large; this allows for approximately $\frac{3}{4}$ of acres per building which will accommodate a 6-9000 sq. ft. building. To date there has been interest shown for medical and dental offices and other medical uses geared towards high school population. As for traffic flow Cheney Drive will be completed and will extend from Washington Street North to Grandview Drive North. Parkview Drive which is a road along the east boundary of the property will extend all the way to Pole Line Road where a traffic signal will be constructed at the time St. Luke's is completed. The easement width on the west side of this property is 58' wide with a minimum requirement of 20' for landscaping. The primary parking will be in the front of the buildings or along the sides. The professional office overlay district does not allow for restaurants or gas stations a specific list of allowed uses can be requested through the City.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Warren made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL WITH STAFF RECOMMENDATIONS

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

PUBLIC HEARING SCHEDULED FOR CITY COUNCIL AUGUST 24, 2009

2. Request for a Special Use Permit to operate a drive-thru coffee shop on property located at 778 Falls Avenue c/o Lisa McClain (app. 2321)

APPLICANT PRESENTATION:

Lisa McClain, the applicant, stated she is here to request a special use permit to construct and operate a double sided drive through coffee shop. Plans have been submitted and the design meets stacking requirements, it will be strictly drive through traffic and located between the Turf Plaza and the Turf Club on Falls Avenue. The hours of operation will be 7am to 6pm Monday through Friday, 8am to 1pm Saturdays and closed on Sundays. The building will be approximately 112 sq. ft. and will be placed on a permanent foundation. The lot will be leased and the owner of the property is aware of this request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated the property is located at 778 Falls Avenue and is zoned C-1; Commercial. The request is to develop a lot, currently landscaped, with a drive-thru coffee kiosk. Any facility with a drive-thru service requires a

special use permit in the C-1 zone. The facility is proposed to operate within the permitted retail hours of operation of 7:00 am to 10:00 pm. Should the applicant decide to operate outside permitted retail hours another special use permit would be required. If this request is approved this evening the business would operate as a drive through business only. The site plan shows a building with a window on both sides of the kiosk.

CITY CODE §10-7-13 STATES --vehicle stacking requirements for drive-thru facilities other than a fast food restaurant is a minimum of six (6) spaces. The proposed traffic plan is for vehicles to either come in from Falls Avenue with space for (2) two vehicles or for vehicles to come from the south off of Fillmore through the Turf Club Plaza parking area with space for four (4) vehicles, for a total of six (6) stacking spaces. This request, if granted this evening, would require a building permit for construction and development of the lot. The landscaped area would be carved out to provide for the kiosk and stacking lanes. On the west edge of the lot there is a retaining wall. In the building permit review process the Engineering Department would like to see that storm water retention is managed in a way to ensure that the retaining wall is not undermined with the addition of this use. A cross-use agreement between the Turf Club Plaza and Turf Club for shared parking and access through the properties shall be required as part of the building permit process. a full review to assure compliance with required improvements such as road right-of-way, landscaping, curb, gutter, sidewalk, parking and storm water retention, etc., will be completed as part of the building permit process.

Zoning & Development Manager Carraway stated upon conclusion should the commission approve this request, as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a cross-use agreement for parking and access between the lots of the Turf Plaza subdivision and the Turf Club.
3. Hours of operation, as presented, from 7:00 am to 6:00 pm Monday through Saturday.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVED AS PRESENTED WITH STAFF RECOMMENDATIONS

1. 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.
 2. Subject to a cross-use agreement for parking and access between the lots of the Turf Plaza Subdivision and the Turf Club.
 3. Hours of operation from 7am to 6pm Monday through Saturday.
3. Request for a Special Use Permit to operate a private school in conjunction with an existing religious facility on property located at 401 6th Avenue North c/o Heritage Alliance (app. 2322)

APPLICANT PRESENTATION:

Jim Evans, Pastor of the church, the request is to accommodate a small Christian college until they can get established within the Twin Falls Community. The intent is not to maintain a school after the College has moved from this location. The College anticipates it will take approximately 2 years to get established in the area. There will be two teachers and approximately 10-20 students. They are moving the program from Jerome to Twin Falls because of space limitation in their current building.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated the property is zoned R-6, a Medium Density Residential District. The Heritage Alliance Church is currently operating at this site. The request is to add a private school. To operate a private school in the R-6 zone requires a special use permit.

The building is located on the western corner of two local downtown streets: 6th Avenue North and Eden Street North. The site is approx ½ acre and consists of a church, parking area, and landscaping.

Heritage Alliance Church typically operates from 8:30 am to 5:30 pm during the week with two (2) services held on Sunday - one at 9:00 am and one at 10:30 am. The paved parking area has thirty-five (35) parking spaces which meets minimum parking requirements. There are two (2) accesses off of 6th Avenue North. If this request is approved as presented this evening there should be minimal traffic impacts to the residential neighborhood.

The narrative states the school is a private college. The students are generally older adults preparing to serve an outreach ministry program. They anticipate an enrollment of twenty-five (25) students. The college typically would hold classes during times when the church is not having regular services. A condition the private school would not operate during days & times of regular church services should be considered. The code does not specify standards for operation of a private school; for example number of students/teachers or class schedules for days and/or times. If this request is granted the Commission may consider a condition that this permit is specific to this private school as presented.

Zoning & Development Manager Carraway 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 all applicable city code requirements and standards.
2. Approval subject to this private school only. Any change will require a special use permit.
3. Subject to the school not operating during regular church service times.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:

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

APPROVED AS PRESENTED WITH STAFF RECOMMENDATIONS

1. 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.
 2. Approval subject to this private school only. Any change will require a special use permit.
 3. Subject to the school not operating during regular church service times.
-
4. Request for a Special Use Permit to establish four (4) display pad sites on property located at 3205 Kimberly Road c/o Agri-Service (app. 2323)

APPLICANT PRESENTATION:

Clint Schnoor, Agri-Service Operations Officer, stated he is here to formalize what they currently do which to display equipment along Kimberly Road and Hankins Road. In previous permitting processes he wasn't sure that they were made aware that a special use permit is required for the display areas, he is here tonight to request approval of a special use permit for the display pads. The four proposed pads are in gravel or landscaped areas along the grounds of the property, they are requesting that they can restrict these areas as designated pad sites. The pads would be trimmed out with landscape pavers and filled with gravel. The equipment they intend to display along Kimberly Road would include compact equipment and small tractors. The equipment they intend to display at the corner of Hankins Road and Kimberly would be lawn tractors. This is a visual aid to help with sales and most of the lawn tractors do not exceed the 3' requirement for the sight triangle regulations. They would ask for an exception to be made

for the actual materials used for the display pads and that gravel be allowed versus hard surfacing. They would also like to request that the verbiage for the sight triangle read that the equipment displayed in this area cannot exceed 36 inches.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated the site is zoned C-1 and is approx 6 acres this agricultural equipment dealership has operated at this location for approx 50 years. The applicant is requesting to establish four (4) equipment display pad sites within their landscaped area along Hankins Road and Kimberly Road. To establish display pad sites requires a special use permit in the C-1 zone. Non-conforming building expansion permits were issued in August of 2007 and April of 2009 both of these expansions required full compliance with the landscaping requirements for gateway arterial roadways.

City code 10-7-12 states, ".....a landscaping strip at least ten feet (10') in width shall be provided immediately behind the sidewalk or future sidewalk when existing buildings are being remodeled...." Staff has reviewed the site plan and the proposed locations for the four (4) display pad sites. The proposed display pad site along Hankins Road appears to be located within future road right-of-way. At the time Hankins Road is widened this display pad will have to be removed if located in right-of-way. Display pad sites are considered to be parking areas and are required to comply with City code §10-11-4(b) which states "...all parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material". Sight obstruction and sight visibility are major concerns at intersections. The traffic sight triangle for a typical intersection is the area within a triangle with legs that extend forty feet (40') along the intersecting roads. There cannot be any obstructions taller than three feet (3') within this area, including displayed merchandise. To ensure that the view of traffic is not hindered from the display pad site on Hankins Road a condition the a review shall be completed by the Engineering Department to assure that it would not encroach into the visibility triangle of this intersection would be appropriate.

The business is currently operating under one entity with 3 separate parcels. Building permits, special use permits and required improvements have been reviewed and approved with this site being considered as one parcel. A condition the total site be combined as one legal description would assure the property remain in compliance with minimum code requirements.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the 6 (+/-) acres site, as presented with this application, be combined as one legal description.
3. Subject to display pad site being hard surfaced Per City Code 10-11-4(B)
4. Subject to landscaping and setback of display pad sites to comply with City Code 10-7-12, Gateway Arterial Landscaping requirements and City Code 10-11-2(B)4.

5. Subject to a review by the Engineering Department to ensure traffic safety and to assure the display pad sited do not cause any sight obstructions
6. At the time Hankins Road is widened the display pad site at the intersection of Hankins Road and Kimberly Road will be removed if it is located in right-of-way.
7. Subject to a Certificate of Occupancy being issued on any active building permits prior to use of approved display pad sites.
8. Subject to full compliance with previously approved special use permits prior to use of approved display pad sites.

P&Z QUESTIONS/COMMENTS:

Commissioner Mikesell asked if the clarification for the sight obstruction the applicant is requesting is the same verbiage as the code.

Zoning & Development Manager Carraway stated yes the verbiage is the same in the code, the applicant just needs to understand the measurement is from the top of curve not the top of berm, visibility is the issue.

PUBLIC HEARING: OPENED

CLOSING STATEMENT:

- Mr. Schnoor stated they are in the process of completing the final building expansion. The only item would like the Commission to reconsider is condition that would not allow use of the display pads until the Certificate of Occupancy is obtained for the active building permit. They would like to be able to use the display pads immediately because since the equipment has been pulled from these areas sales have dropped and customers have asked if they no longer carry the product line because the displays have been empty.
- Commissioner Younkin asked if the equipment has been removed from the display pads.
- Mr. Schnoor stated that they have removed the equipment and it has not been on display from the time they realized they needed a special use permit.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Borhn stated he has no problem approving this request as long as the conditions remain the same. The hard surfacing is a code requirement.
- Commissioner DeVore asked what the purpose is of condition #7 requiring a Certificate of Occupancy being issued prior to use of the display pads.
- Zoning & Development Manager Carraway stated that it is to keep the property in compliance the Certificate of Occupancy ties all the permits together. The applicant is correct they have not had equipment on display since this application was submitted.
- Commissioner Mikesell asked if condition #8 is covered in condition #7 being that a Certificate of Occupancy will not be issued unless all conditions are met.

- City Attorney Wonderlich stated it is better to leave both conditions in place.
- Commissioner Bohrn asked if the applicant has met all of the conditions placed on the previous special use permits and the non-conforming building expansion approvals.
- Zoning & Development Manager Carraway stated no not all of the conditions have been met.
- Commissioner Bohrn stated that is why he thinks all of the conditions must remain as presented
- Commissioner Mikesell agreed

MOTION:

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

APPROVED AS PRESENTED WITH STAFF RECOMMENDATIONS

1. 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.
2. Subject to the 6 (+/-) acres site, as presented with this application, be combined as one legal description.
3. Subject to display pad site being hard surfaced Per City Code 10-11-4(B)
4. Subject to landscaping and setback of display pad sites to comply with City Code 10-7-12, Gateway Arterial Landscaping requirements and City Code 10-11-2(B)4.
5. Subject to a review by the Engineering Department to ensure traffic safety and to assure the display pad sited do not cause any sight obstructions
6. At the time Hankins Road is widened the display pad site at the intersection of Hankins Road and Kimberly Road will be removed if it is located in right-of-way.
7. Subject to a Certificate of Occupancy being issued on any active building permits prior to use of approved display pad sites.
8. Subject to full compliance with previously approved special use permits prior to use of approved display pad sites.

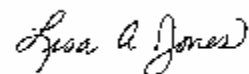
V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: **NONE**

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for Tuesday, August 11, 2009

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:05 p.m.



Lisa Jones
Administrative Assistant
Community Development Department







Public Hearing: **TUESDAY, June 11, 2013**
To: Planning & Zoning Commission
From: Rene'e Carraway, Community Development

AGENDA ITEM IV-1

Request: Request for a Special Use Permit to operate an automobile and pickup retail sales business on property located at 347 Washington Ave North. c/o Michael Leung (App 2575)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Lease	Size: 5600 sf Lot; 1000 sf Building
Michael Leung 3308 Matterhorn Way Ceres, CA 90307 209-402-0785 michaelleung@att.net	Current Zoning: C-1; Commercial Highway	Requested Zoning: Special Use Permit
	Comprehensive Plan: Residential Business	Lot Count: 1 Lot
	Existing Land Use: Vacant; Previously Commercial/Retail	Proposed Land Use: Automobile/Truck Sales
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: C-1; Residence	East: Washington St N; C-1 Residence
	South: Wiseman Ave; C-1 Residence	West: R-4; Residence
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8.2(B)10c,10-7-12, 10-10, 10-11-1 thru 8, 10-13	

Approval Process:

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

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

If an applicant or interested party appeals the decision of the Commission, 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 negligible impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to establish and operate an automobile/ pickup retail sales business on property located at 347 Washington Street North.

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:

Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed.

The building file with the city details various commercial/retail uses taking place on the property. These retail uses varied from Collars and Cuffs in the early 90's to the Smoke N Head in 2008. Most recently the building has been vacant and the lot empty of any activity.

Analysis:

The applicant has supplied a narrative outlining the operation of the facility, including number of employees, hours of operation and how the car sales will affect neighboring property owners. It is planned to be an owner operated business, with possibly one additional employee. Proposed hours of operation are 9am-6:30pm Monday – Saturday. There will be noise and fumes associated with starting and moving cars on site for customers. The anticipated number of customers was not furnished by the applicant.

Per City Code 10-4-8.2(B)-10c: automobile/ truck sales need a special use permit in order to be established in the Commercial Highway District (C-1) zone. The C-1 Zone is intended to provide commercial activities of various sizes from large malls to small shops, fast food restaurants and tourist accommodations. It is designed for application on major streets.

An automobile/truck retail sales establishment along Washington Street North falls into the category of a commercial activity along a major street.

Per City Code 10-7-12: Gateway Arterial Landscaping is required along the frontage of Washington Street when development occurs. No future building is designed for this lot, and the existing building is not applying for a building permit. Therefore the 10 ft arterial landscaping is not required. However the applicant has shown on his site plan an area for landscaping along Washington. In discussions with the applicant, after application submittal, the applicant would like to change the ten (10) feet shown to an alternative plan.

Since there is no landscaping currently on-site, and the gateway arterial landscaping is not required. An alternative landscape plan would be appropriate.

Per City Code 10-10: Off Street Parking is required for the sales office. Automobile sales offices are currently assessed one (1) parking space per two hundred fifty (250) square feet of office area. The total amount of required parking spaces amounts to four (4) spaces. The applicant's site plan is showing 4 spaces being provided, this satisfies the requirement.

Possible Impacts: The neighboring land uses are residential. A screening fence should be maintained or built in order to mitigate some negative impacts to the neighboring residences.

Landscaping along corridors helps beautify and negate visual impacts. Although gateway arterial landscaping is not required in this situation, an alternative landscape plan would help negate some visual impacts on the

area. An alternative landscape plan should be reviewed and approved by the Planning and Zoning Commission and installed by the applicant, with a deadline of September 10, 2013.

Conclusion:

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to a screening fence being maintained or constructed on the North and West sides of the property, with the screening material being approved by staff.
3. Subject to an alternative landscape plan being approved by the P&Z Commission and installed with a deadline of September 10, 2013.
4. Subject to no PA system being used or installed.

Attachments:

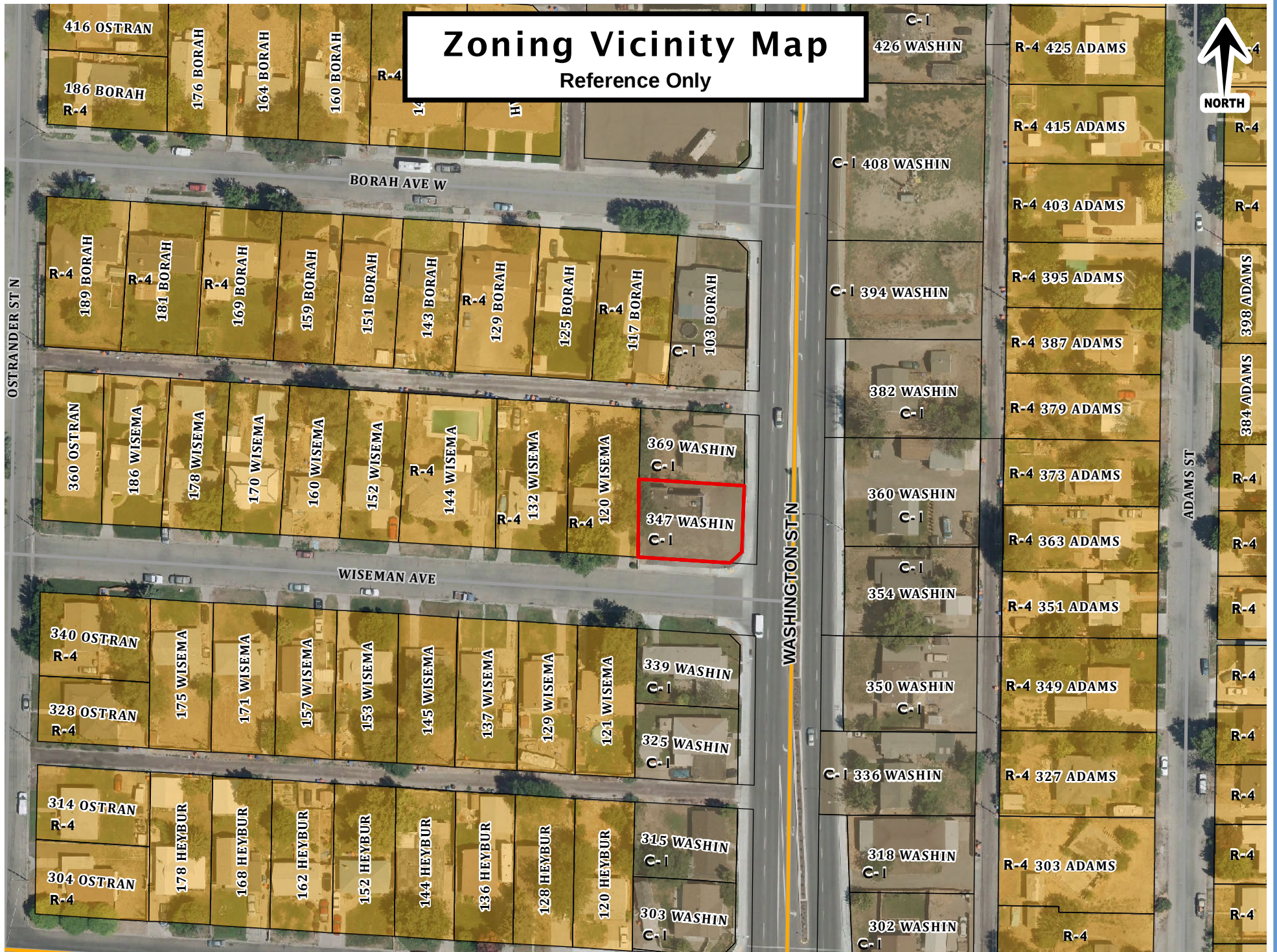
1. Letter of Request
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. Site Photos

This will be a owner operator retail/wholesale used car & Truck business. The price range from \$4000 - \$13,000 financing to consumer is available. My wife & I. are Committed to the Twin Falls Community. for the Long term. We are buying our home in this Community & selling our home in California. The amount of units will range from 12 to 15 units. depending on the Volume of Sales. All vehicles will be safety & smog and Customer retention & service after the sale will be the Key. I have been in the car business since 1995 & currently employed as a used car manager. for a Ford dealership in Modesto California for the past 12 1/2 years. I hope the City will grant us the use we know we can contribute a large portion to the Twin Falls Community.

The change of use to Small Shop retail to
used Car. retail. The hours of operation
will be. 9:00 a.m. - 6:30 p.m. Monday to
Saturday. The anticipated of traffic
as much as we can get to come in
through Advertising in the internet
Local Newspaper. The internet Coverage
will encompass not just Twin Falls
be as far as Pocatello. This is
through my own dealership web page &
Craig's list. This business will be
operated by myself & my wife Lynnette
There will be a slight noise &
fumes associated with the starting &
movement of Vehicles within the
lot. My main goal is to provide
quality vehicles to the buying public
and Cars & Trucks we can stand behind
& here for business for the long haul.

Zoning Vicinity Map

Reference Only



Aerial Site Map

Reference Only







Corner of Washington and Wiseman





Public Hearing: **TUESDAY, JUNE 11, 2013**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Department

AGENDA ITEM IV-3

Request: Request for a Special Use Permit to serve alcoholic beverages for consumption on site in conjunction with a restaurant on property located at 1563 Fillmore Street, Unit 1B, c/o Robert Kohler dba Teodora Caffè, LLC. (app. 2577)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately ten (10) minutes.

Background:

Applicant:	Status: Lease	Size: 43,584 sq. ft lot/1250 sq. ft. building
Teodora Caffè, LLC Robert Kohler 10 Ridge Loop Jerome, ID 83338 208-961-1020 208-961-1020 (c)	Current Zoning: C-1 PUD	Requested Zoning: SUP
	Comprehensive Plan: Commercial/Retail	Lot Count: 1 Lot
	Existing Land Use: Restaurant	Proposed Land Use: Restaurant serving beer and wine for consumption on the premise
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: C-1 PUD; commercial, Claude Sports	East: C-1 PUD; Fillmore Street, commercial
	South: C-1 PUD; commercial	West: R-4; vacant, CSI
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8.2(B), 10-11-1 thru 9, 10-13-2.2	

Approval Process:

All procedures will follow the process as described in TF City Code: 10-13-2.2 (F), (G), & (J).

Special Use Permits 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 Commission will approve, approve with conditions, or disapprove the application for the Special Use Permit.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to serve beer and wine for consumption on premises in conjunction with a restaurant, as approved.

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:

City Council approved Ordinance #2295 rezoning the property to C-1 PUD on December 18, 1989. The PUD Agreement was approved by Council on May 18, 1990.

Analysis:

This property is located in the C-1 PUD zone. A Special Use Permit is required for the retail sale of beer and wine when consumed on premises when the property is located within three hundred feet (300') of residential property.

The applicant is requesting this special use permit be granted to have the ability to serve beer and/or wine in conjunction with their restaurant menu items. They operate an Italian restaurant that seats approximately twenty (20) people. They do not anticipate additional traffic with the issuance of this special use permit.

The current hours of operation are 8:00 am to 8:00 pm. They serve breakfast, lunch and dinner. They currently employ five (5) people and do not anticipate the need for more employees. The applicant does not anticipate any adverse effects on the adjoining properties with the addition of beer and wine to their menu.

The request is in compliance with the Comprehensive Plan which designates this area as Commercial/Retail.

Conclusion:

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

1. Subject to permit being limited to beer and wine consumption in conjunction with a restaurant at this location.
2. Subject to compliance with State, County, and City requirements for beer and wine licensing for sale & consumption on site.
3. 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.

Attachments:

1. Letter of Request
2. Landlord Approval Letter
3. Area Zoning/Vicinity Map
4. Aerial of the Project Site
5. Site Plan
6. Site Photos

To Whom It May Concern,

Teodora Caffè is requesting a Special Use Permit for the purpose of obtaining an onsite license for the sale of beer and wine. We are an Italian restaurant that is open from 8am until 8pm for breakfast, lunch, and dinner. The intent of the beer and wine is to complement the food items on our menu. We have a seating capacity of twenty chairs, and the expected customer traffic will be typical of a restaurant our size. We currently employ five people, and do not anticipate the need for more employees with the granting of the license.

There will be no effect on the adjoining properties with the addition of beer and wine to our menu. Beer and wine sales are very compatible with the other retail and restaurant establishments in our center.

Sincerely,

Robert Kohler
Teodora Caffè LLC

Azure LLC
Carl Beavers
P. O. Box 8584
Boise, Idaho 83707

April 9, 2013

Teodora Cafe LLC
Robert Kohler
10 Ridge Loop
Jerome, ID 83338

Re: Teodora Caffé - Beer / Wine License

Dear Robert,

Azure LLC, the landlord for the North Bridge Plaza, approves your request for the addition of a beer / wine license for the Teodora Caffé located at 1563 Fillmore Street, Suite 1B, Twin Falls, ID.

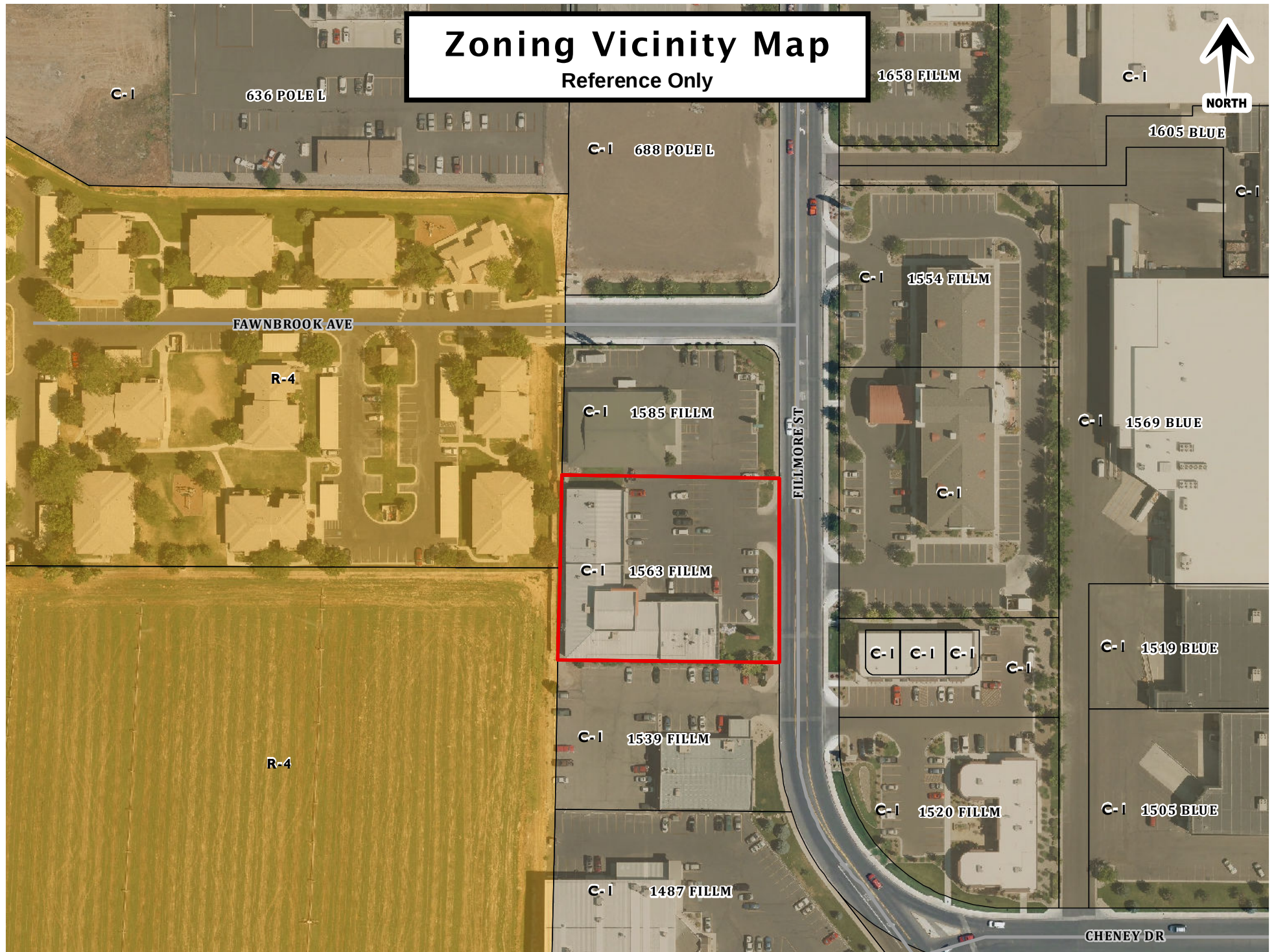
Yours truly,

A handwritten signature in black ink that reads "Carl Beavers". The signature is written in a cursive, flowing style.

Carl Beavers
Managing Member
Azure LLC

Zoning Vicinity Map

Reference Only



Aerial Site Map

Reference Only



1585 FILLM

1563 FILLM

1539 FILLM

FILLMORE ST

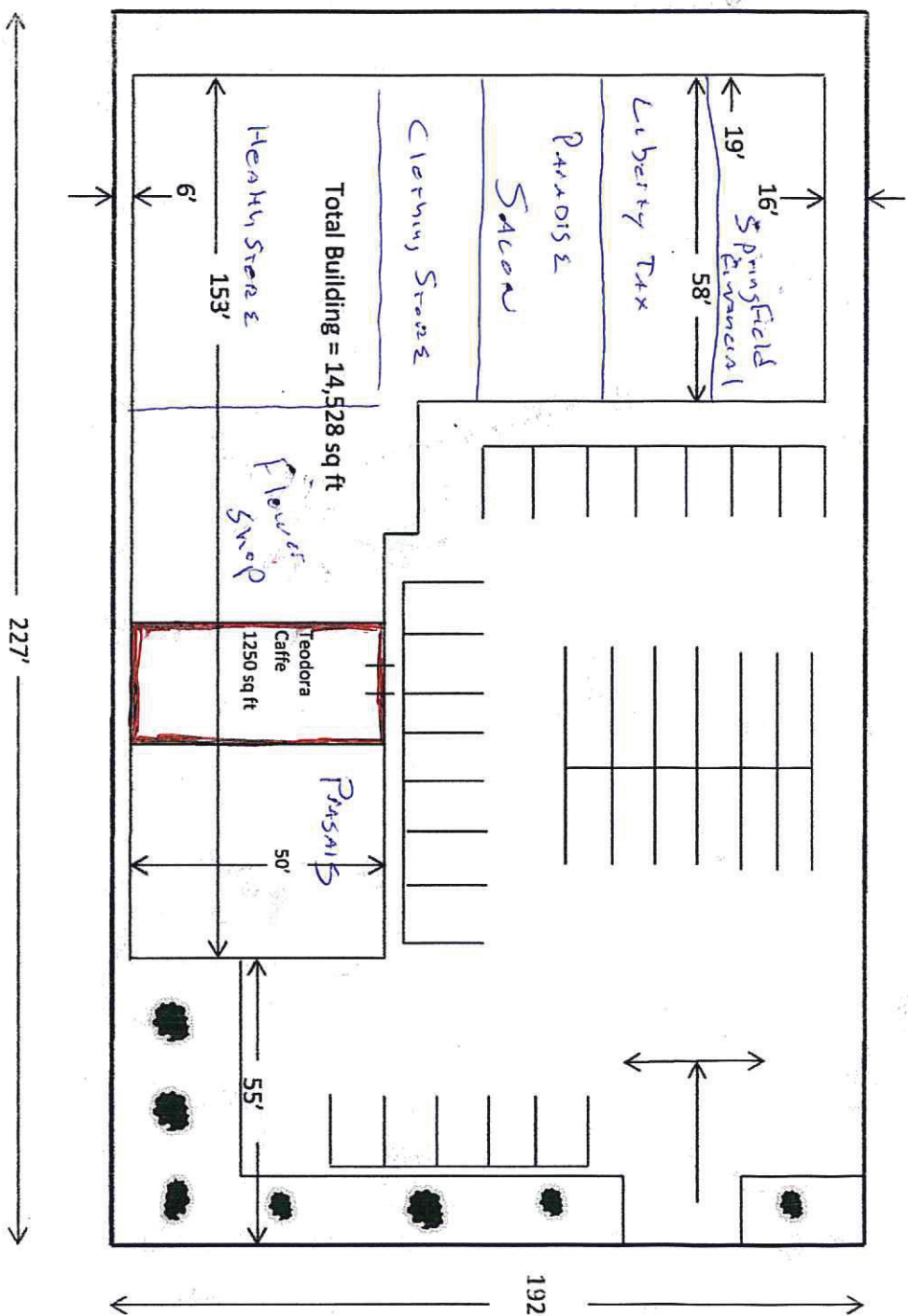
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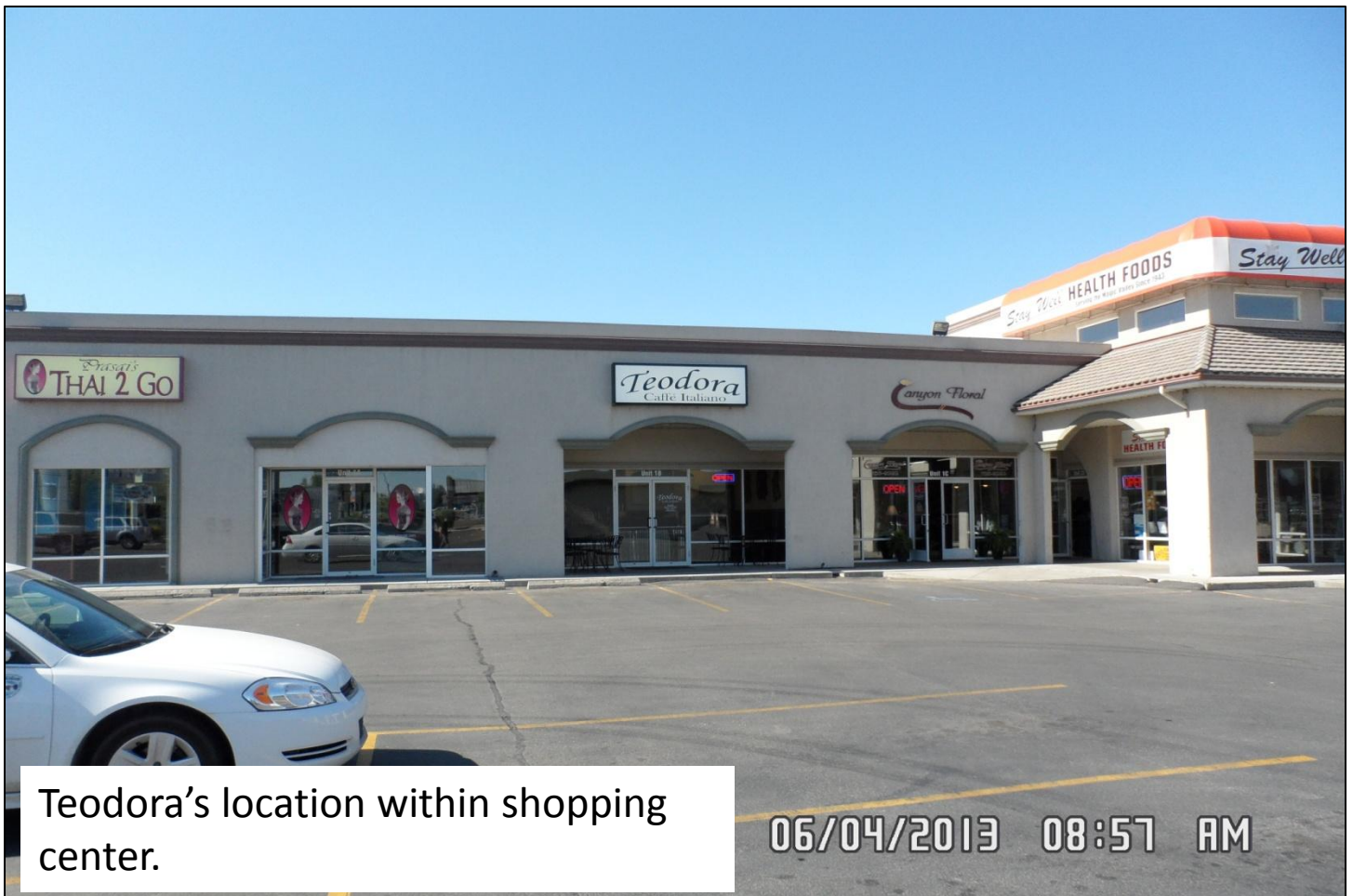
Closest
Residence

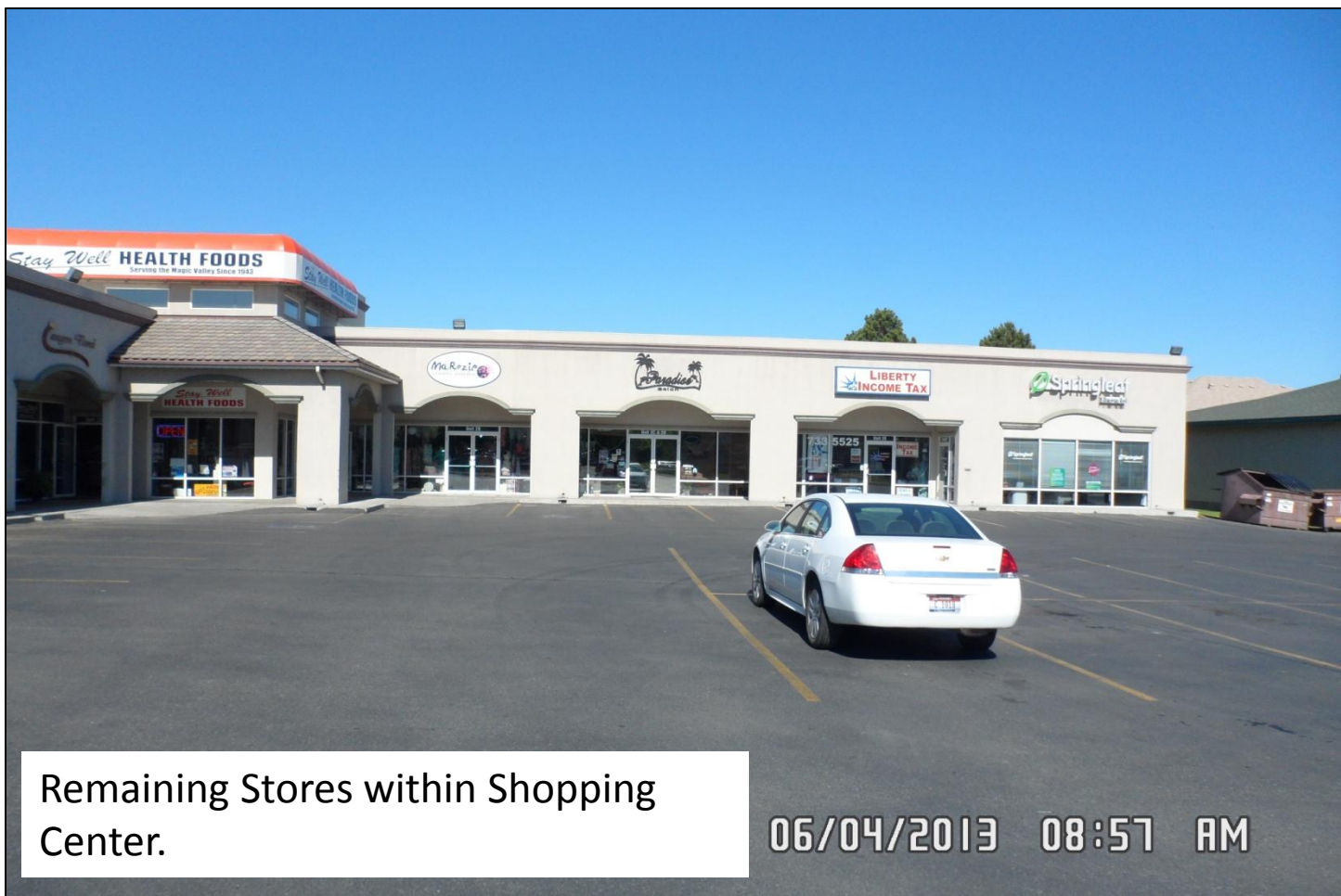


Scale: 1"=35'

Lot 8, Block 2 Breckenridge
Farms Phase III, Twin Falls,
Twin Falls County, ID

Teodora Caffe LLC
1563 Fillmore St Unit 1b
Twin Falls, ID 83301





Remaining Stores within Shopping
Center.

06/04/2013 08:57 AM



Public Hearing: **TUESDAY, June 11, 2013**
 To: Planning & Zoning Commission
 From: Rene'e Carraway, Community Development

AGENDA ITEM IV-4

Request: Request for a Special Use Permit to operate a religious facility on property located at 136 2nd Avenue South.
c/o Pastor Paul Jordan on behalf of Church on a Mission (App 2578)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Lease	Size: 3075 sqft
Church on a Mission 253 Adams St. Twin Falls, ID 83301 208-961-0849 Churchonamission@Yahoo.com	Current Zoning: Central Business with a P-1 parking overlay	Requested Zoning: Special Use Permit
	Comprehensive Plan: Townsite	Lot Count: 1 Lot
	Existing Land Use: Commercial/Retail; Photography Studio	Proposed Land Use: Religious Assembly
Representative:	Zoning Designations & Surrounding Land Use(s)	
Pastor Paul Jordan 2940 N 3500 E Kimberly ID 83341 702-353-2626 Spiritpv7@yahoo.com	North: 2 nd Ave S; CB Parking Lot	East: CB; Dance Studio
	South: OT; Cryst-L-Craze	West: CB; Wedding Dreams N Things
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-7.2(B)8b, 10-10, 10-11-1 thru 8, 10-13	

Approval Process:

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

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

If an applicant or interested party appeals the decision of the Commission, 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 negligible impact on the City budget with the change of the property to a public assembly for a religious facility.

Regulatory Impact:

Approval of this request will allow the applicant to establish and operate a religious facility on property located at 136 2nd Ave South.

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:

Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed.

The building file with the city designates the building as housing various mercantile businesses over the years, including Magic Valley Thrift Shoppe, Pier 4 Imports and Red's Custom Upholstery. The most recent use of the building was a photography studio.

This organization currently operates at 134 Hansen St East under special use permit #1241 which was issued in 2011.

Analysis:

The applicant has supplied a narrative outlining the operation of the facility, including number of employees, hours of operation and how the assembly facility will affect neighboring property owners. It is anticipated that there will be 3 employees. Hours of operation will be from 10am-12:30pm on Sunday mornings, as well as 6pm-7:30 pm on Wednesdays; other occasional evenings throughout the year will also be used. Traffic anticipated will be 5-10 cars on Wednesday evenings and 10-20 cars on Sunday mornings. There will be noise/music for services during hours of operation. No other effects on adjoining properties are anticipated by the applicant.

City Code 10-4-7.2(B)-8b states that religious facilities need a special use permit in order to be established in the Central Business zoning district. The CB zone is designated as an area for commercial activities of varying sizes, with residential opportunities for persons wishing to work and live in a unified environment.

A religious facility falls into the category of a unified area where people live and work. The religious facility is classified as a public assembly and as such would offer a location for people to assemble for various activities and meetings outside normal business hours.

City Code 10-10 addresses parking requirements for land uses. Religious facilities are currently assessed one (1) parking space per four (4) chairs present in the main assembly area.

This location is in the P-1 Parking Overlay, this overlay removes the parking requirement for businesses located within its boundaries. Therefore, the religious facility is not required to provide any off street parking spaces at this time. Despite not requiring off street parking, it has been acknowledged by the applicant that patrons will use on-street and public parking lots located across 2nd Ave South for their parking needs.

City Code 10-11-1 thru 8: The required improvements as applied to this building will be reviewed for compliance with current city code at the time of building permit application.

Conclusion:

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

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

Attachments:

1. Letter of Request
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. Site Photos

#4---Detailed written statement

a. The **reason for the request** is that Church on a Mission, Inc. currently located at 134 Hansen St. East, is now too small for our congregation. The new location at 136 2nd Ave South is almost 3 times larger which will meet our current and future needs. We believe the church will continue to be an asset and partner in the re-birth of our Downtown area.

b. Explanation of the project.

i. The hours of operation will typically be Sunday mornings from 10:00 to 12:30pm and Wednesday evenings from 6:00 to 7:30 pm with the possibility of other occasional evenings through out the year.

ii. There is not a traffic problem anticipated as most of the businesses around Downtown are closed on Sundays and Wednesday evenings. The actual count would be five to ten cars on Wednesday evening and ten to 20 cars every Sunday.

iii. There are currently three employees: Pastor, Secretary and Maintenance person. The church office is located at another location.

c. Evaluation of the effects on adjoining property.

i. Concerning noise; the church (worship music) is probably the only amount of noise the neighboring businesses could possibly hear. Of course, that would be during the hours of 10:30-12:00 pm on Sundays and 6:00-7:30 on Wednesdays. The music on Wednesday evenings might be heard by the adjoining business which is a dance studio and they sometimes operate at night but they are playing their own music to dance too.

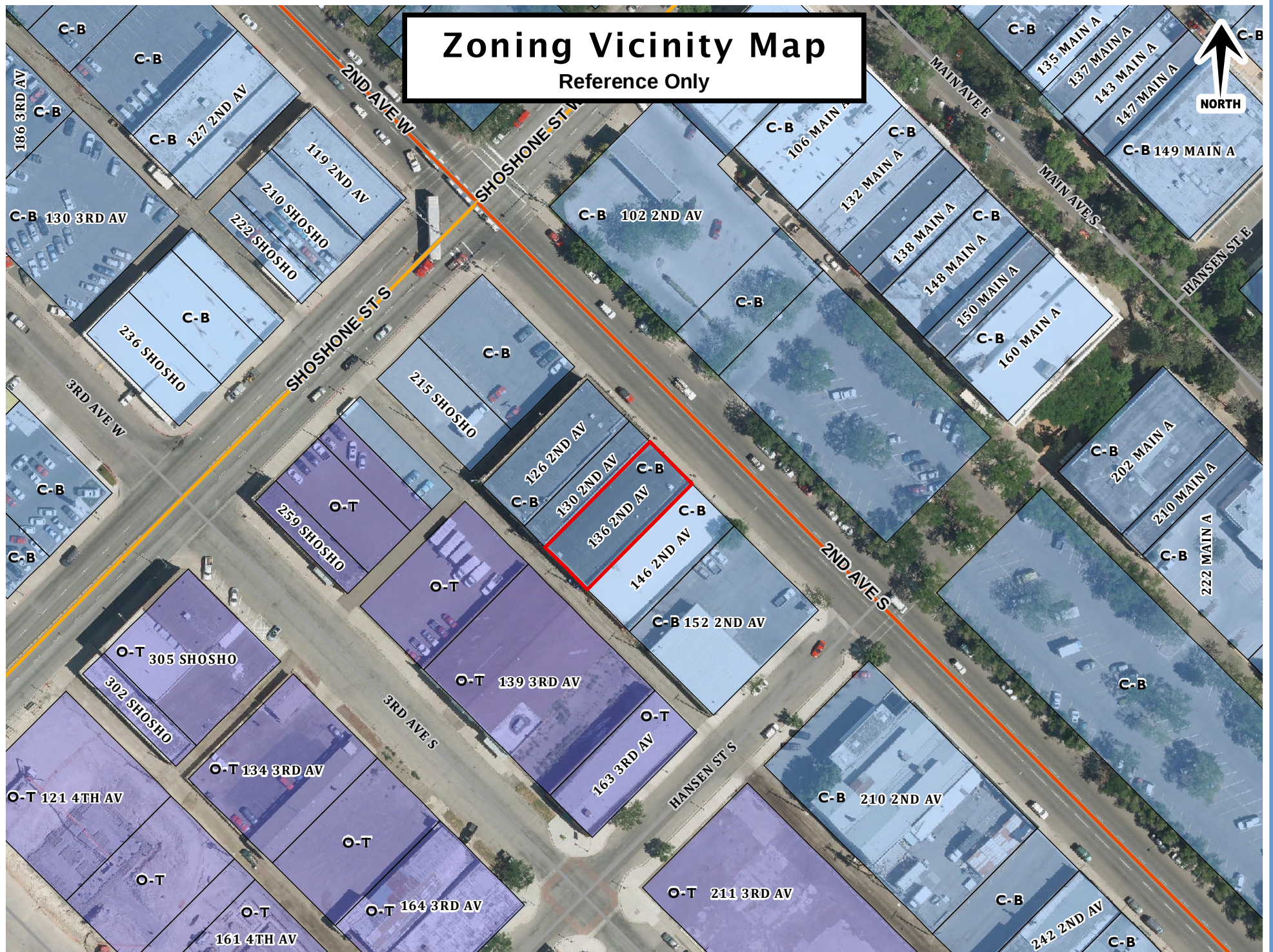
ii. Glare; What glare is present seems minimal and has been in place for many years.

iii. Odor; we believe there would be no source of odor in the neighborhood as a result of Church on a Mission's presence.

iv. Fumes and vibration; We will not be creating any fumes or vibrations on the adjoining properties.

Zoning Vicinity Map

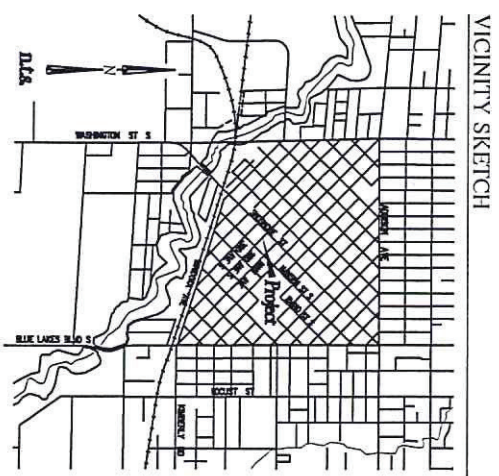
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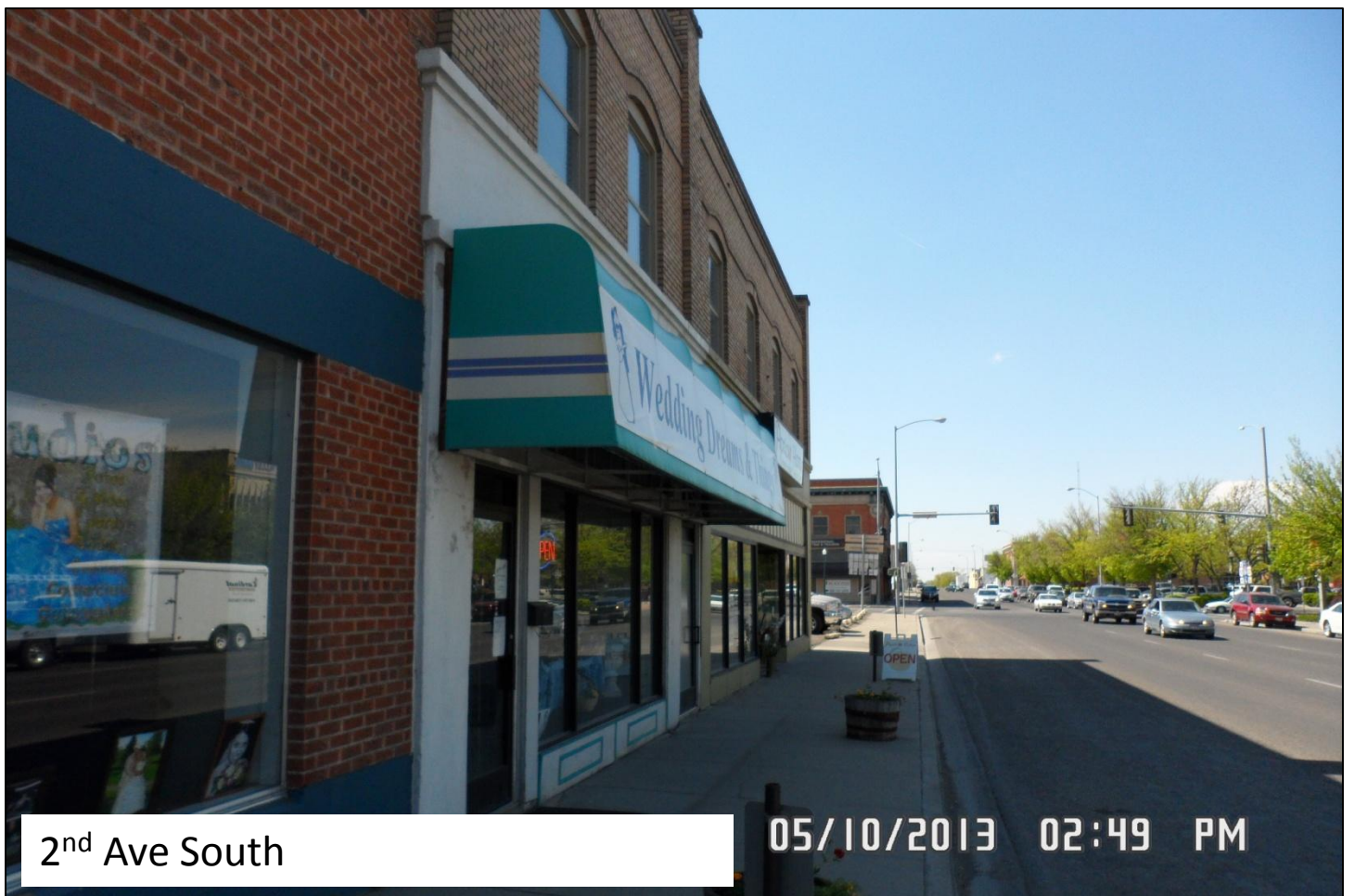
Aerial Site Map

Reference Only











2nd ave S



Public Hearing: **TUESDAY, June 11, 2013**

To: Planning & Zoning Commission

From: Rene'e Carraway, Community Development

AGENDA ITEM IV-5

Request: Request for a Special Use Permit to operate a motorcycle, ATV, and snowmobile repair shop on property located at 506 Addison Avenue West. c/o Kevin Young (App 2579)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Purchase Sale Agreement	Size: 6500 sf Lot; 1500 sf Building
Expedition Motorsports LLC 356 Robbins Ave Twin Falls, 83301 208-734-6686 Expedition_id@yahoo	Current Zoning: C-1; Commercial Highway	Requested Zoning: Special Use Permit
	Comprehensive Plan: Commercial/ Retail	Lot Count: 1 Lot
	Existing Land Use: Vacant; Previously Commercial/Retail	Proposed Land Use: Motorcycle, ATV Repair
Representative:	Zoning Designations & Surrounding Land Use(s)	
Kevin Young	North: C-1; Used Car Lot	East: Rose St N; C-1 Bar/Restaurant
	South: Addison Ave W; R-4 Valley House	West: C-1; Used Car Lot
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8,10-7-12, 10-10, 10-11-1 thru 8, 10-13	

Approval Process:

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

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

If an applicant or interested party appeals the decision of the Commission, 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 negligible impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to establish and operate a motorcycle, ATV, and snowmobile repair business on property located at 506 Addison Ave West.

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:

Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed. The building file with the city shows the latest tenant being an animal shelter/pet store. Most recently the building has been vacant and the lot empty of any activity.

Analysis:

The applicant has supplied a narrative outlining the operation of the facility, including number of employees, hours of operation and how the assembly facility will affect neighboring property owners. It will be an owner operated business, with one-two additional employees. Hours of operation will be from 8am-6pm; Monday – Saturday. There will be noise and fumes associated with repairing and starting motorcycles and ATV's. The anticipated number of customers is anticipated at 5-10 per day.

Per City Code 10-4-8.2(B)-11f: Sporting Vehicles and motorcycles – service and repair needs a special use permit in order to be established in the Commercial Highway District (C-1). The C-1 Zone is intended to provide commercial activities of various sizes from large malls to small shops, fast food restaurants and tourist accommodations. It is designed for application on major streets.

A sporting vehicle and motorcycle service and repair establishment along Addison Ave West falls into the category of a commercial activity along a major street.

Per City Code 10-4-8.3: The existing building does not meet setback standards for the area. If in the future the building is expanded it will need to apply for a non-conforming building expansion. The landscaping requirement for the lot is 198 square feet. The site plan provided by the applicant shows 370 square feet of landscaping; not including the gateway arterial landscaping. This meets the minimum square footage set forth in city code.

Per City Code 10-7-12: Gateway Arterial Landscaping is required along the frontage of Addison Ave when development occurs. A minimum of ten (10) is required for existing buildings. This is enforced when application for a building permit is made. The applicant has shown on the provided site plan that the ten (10) feet will be provided. This will satisfy the Gateway Arterial Landscape requirement.

Per City Code 10-10: Off Street Parking is required for this business. The site plan provided by the applicant shows 5 spaces being provided on the property. The number of parking spaces required will be reviewed upon building permit application. Initial assessments show the building being assessed at 1 space per 300 sqft, which comes to 5.08 spaces.

Per City Code 10-11: Required improvements such as landscaping foliage, screening, parking and others will be reviewed for compliance at the time of building permit application.

Possible Impacts: The City Engineer has made comments on the proposed use including the requirement for sidewalk to be installed along Rose Street. This requirement comes into effect with the building permit. The City Engineer would recommend a deferral on the property.

The approach currently accessing Addison Ave West is too close to the intersection, it is recommended by the Engineering Department that the approach be closed due to traffic safety concerns.

Storage of parts and vehicles waiting for repair can be a detriment to surrounding property owners. The applicant is showing a privacy fence being installed on the property as part of the site plan. It is recommended to require staff approval of the screening material to ensure the intent of screening various parts and vehicles is accomplished.

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 recording a deferral for sidewalk along Rose St North with the City of Twin Falls.
3. Subject to closing the approach on Addison Ave W, as shown on site plan.
4. Subject to a privacy fence with sight obscuring material being approved by Staff prior to installation.
5. Subject to all parts, and vehicles waiting for repair, to be stored inside the building, or within a screened storage area.

Attachments:

1. Letter of Request
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. Site Photos

C. PRIOR TO ACCEPTANCE/SCHEDULING OF THE APPLICATION THE APPLICANT MUST PROVIDE THE FOLLOWING:

1. See included documents

2. See included documents

3. See included documents

4. Provide a Detailed Written Statement Containing:

a. The reason for the request:

This request is for a special use permit to allow the repair of motorcycles, ATV's, and snowmobiles at the location of 506 Addison Ave W. Expedition Motorsports, LLC is an established business specializing in the repair of power sports vehicles and the retail sale of related parts and accessories.

b. An explanation of the project, including:

i. hours of operation: **8:00 am to 6:00 pm Monday – Saturday**

ii. Traffic anticipated: **5-10 customers per day, typically dropping off power sports vehicles and picking them up upon completion.**

iii. Number of employees, etc.: **1-3 in foreseeable future.**

C. An evaluation of the effects on adjoining property including the effect of such elements as:

i. Noise: **Minimal noise, most notably engine noise from occasionally test running recreational vehicles.**

ii. Glare: **N/A**

iii. Odor: **Odor and fumes will be generally un-noticeable, with the exception of exhaust from short test-runs.**

iv. Fumes and vibration on adjoining property: **see answer for (iii)**

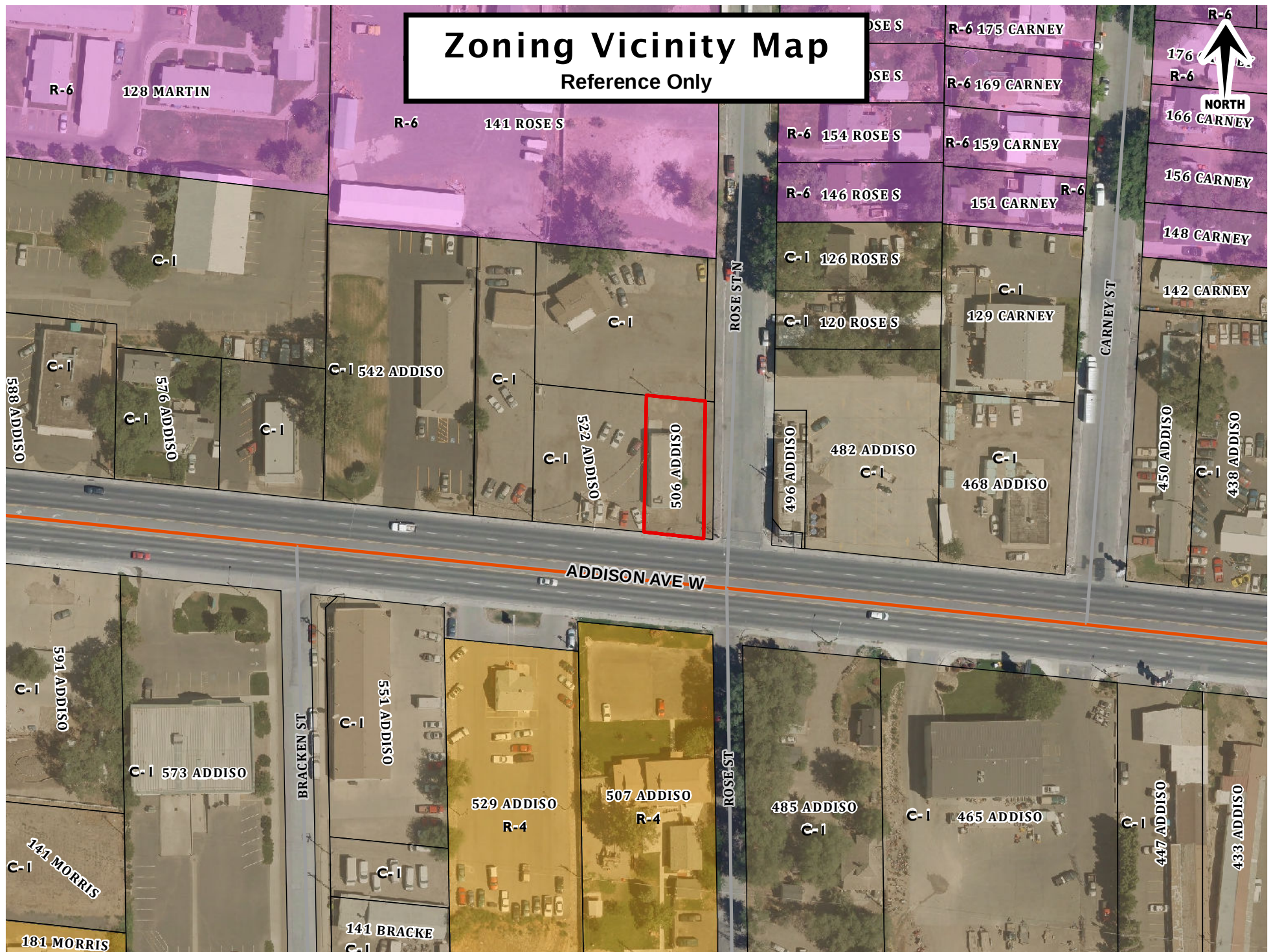
v. A discussion of the general compatibility with adjacent and other properties in the district:

We feel the business will be compatible with existing businesses in the area which include a used car lot (Instant Auto Credit), an equipment rental facility, storage unit rentals (Cove Mini-Storage), an over 21 Bar & Grill (The Cove), and 2 Pawn Shops.

I Debra Urrutia as a partner of
U\$Y LLC Future owner of 506
Addison Ave W, am aware that
special use permit as a motorcycle
repair shop is being applied for.

Debra Urrutia
5-13-13

Reference Only



Aerial Site Map

Reference Only



17'

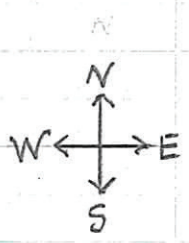
25'

36'

30'

PRIVACY
FENCE
STORAGE
750 FT²

25'



BUILDING
1525 FT²

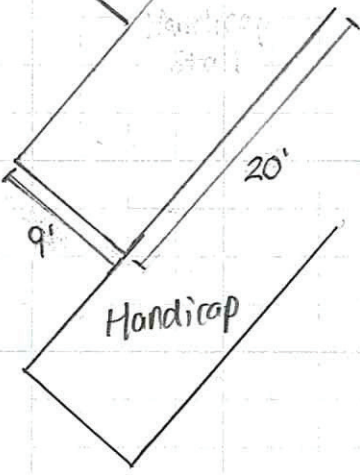
40°
PARKING
STALLS

12'
ONE WAY
DRIVE

ROSE ST

SCALE 61'
1/4" = 3ft = 1 box

25'



23'

LANDSCAPE
575 FT²

17'

LANDSCAPE
195 FT²

18'

"ELIMINATE
APPROACH 10'
Landscape 21' proposed"

25'

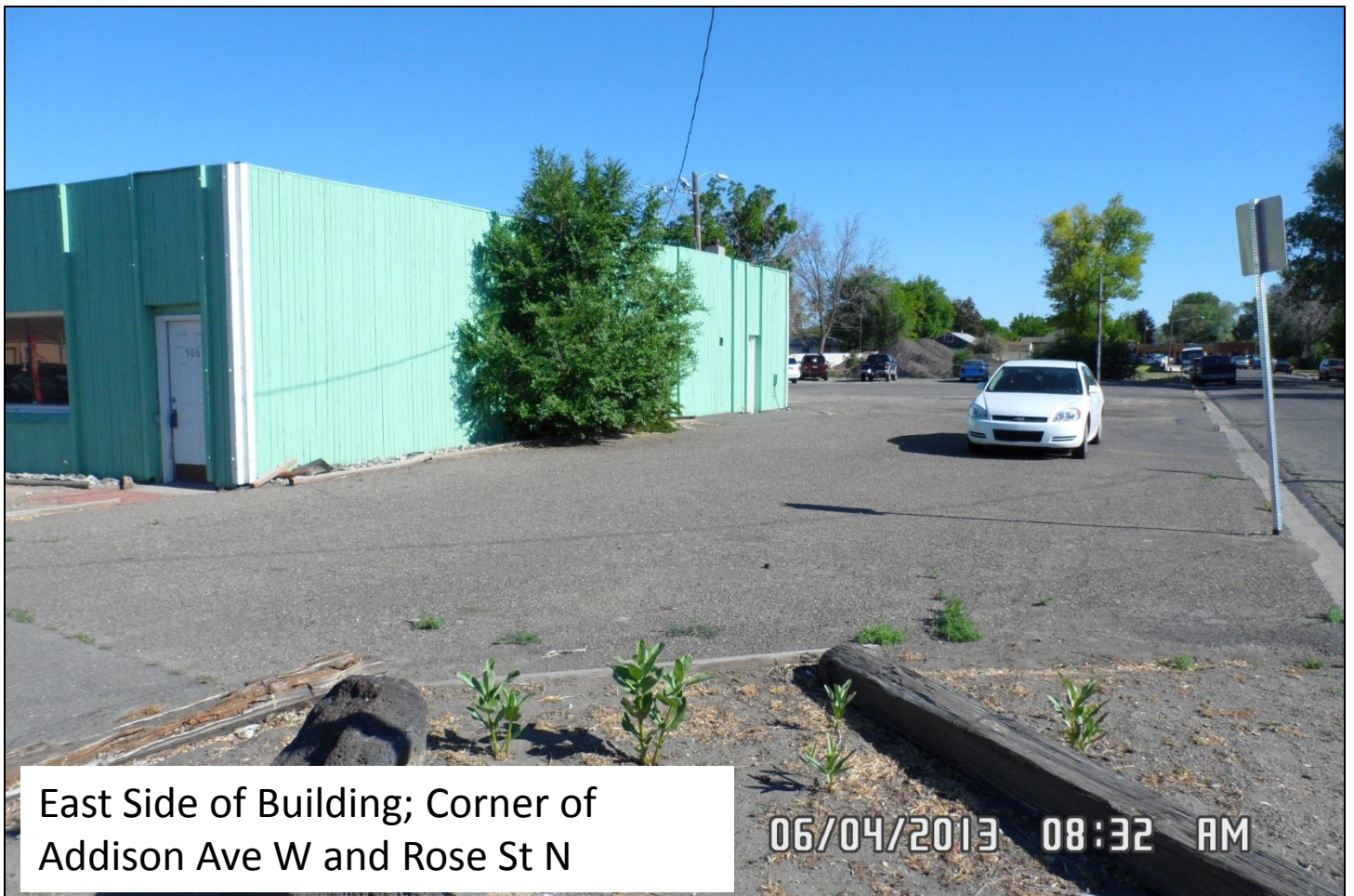
15'

ADDITION 1/E



Front of Building Along Addison Ave W

06/04/2013 08:32 AM



East Side of Building; Corner of Addison Ave W and Rose St N

06/04/2013 08:32 AM



North Side of Building Looking South
Toward Addison Ave West

06/04/2013 08:33 AM



Approach on Addison Ave W that will
be closed and Landscaped.

06/04/2013 08:34 AM