



NOTICE OF AGENDA
PUBLIC MEETING
Twin Falls City Planning & Zoning Commission
June 25, 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): **June 11, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 Leung (SUP 06-11-13) Teodora Caffé, LLC (SUP 06-11-13)
 Church on a Mission (SUP 06-11-13) Expedition Motor Sports, LLC (SUP 06-11-13)

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request to amend condition #3 on Special Use Permit #1286, granted April 9, 2013 allowing the operation of an indoor recreation facility with extended hours of operation on property located at 516 Hansen Street South. Condition #3 requires the applicant to develop land behind the building for parking area for the building.
 c/o Edward Sabia (app. 2561)

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. Work Session – **Wednesday, July 3, 2013** 12:00 pm – 1:00 pm
2. Public Hearing – **Tuesday, July 9, 2013** 6:00 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 25, 2013**

To: Planning & Zoning Commission

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

AGENDA ITEM IV-1

Request: Request to amend condition #3 on Special Use Permit #1286, granted April 9, 2013 allowing the operation of an indoor recreation facility on property located at 516 Hansen Street South. Condition #3 requires the applicant to develop land behind the building for parking area for the building.. c/o Edward Sabia (app. 2561)

Time Estimate:

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

Background:

Applicant:	Status: Commercial Lease Agreement	Size: 12,112 sq. ft building/20,000 sq. ft. lot
Edward M. Sabia 2124 Stadium Blvd Twin Falls, ID 83301 208-280-1932	Current Zoning: OT WHO P-3	Requested Zoning: Amend Condition #3 of SUP 1286
	Comprehensive Plan: Townsite	Lot Count: 1 Lot
	Existing Land Use: Special Use Permit – Indoor Recreation	Proposed Land Use: Same as Existing – amending condition #3 on SUP #1286
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: OT WHO P-3; 5 th Ave S, old Gem State Paper/office building	East: OT WHO P-3; vacated Hansen St E, Urban Renewal Agency/public parking lot
	South: OT WHO P-3; Depot Grill, undeveloped, Minidoka Ave, Urban Renewal Agency/public parking lot	West: OT WHO P-3; Preservation Twin Falls, Inc., Historic Grain Elevators, park
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-13.2(B), 10-4-22, 10-10-1 thru 4, 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).

Amending a Special Use Permit requires 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 make a determination whether the use is appropriate for that location, in conformance with the comprehensive plan, and if any impacts to the area need to be mitigated. The Planning Commission then approves, approve with conditions, or disapprove the application for the Special Use Permit.

The applicant, or other individuals, may appeal the decision made by the Planning Commission within fifteen (15) days through a written appeal. After submitting a written appeal to the City, a hearing will be scheduled before the City Council. During the Appeal Hearing, the City Council will review all information associated with the original decision. The Council will then uphold, conditionally uphold, or overrule the decision of the Planning Commission.

Budget Impact:

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

Regulatory Impact:

Approval of this request will remove condition #3, on Special Use Permit #1286.

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.

Recent History:

On April 9th 2013 the Planning and Zoning commission granted a Special Use permit to operate an indoor recreation facility with extended hours of operation on property located at 516 Hansen Street South. The Commission attached the following Conditions to that Special Use Permit.

1. *Subject to the applicant contacting the City of Twin Falls Police Department on every event/show to determine if a Special Events Permit and/or Catering Permit are required including a review of the security and trash clean-up plan.*
2. *Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.*
3. ***Subject to the undeveloped portion of the northwest side lot being developed as a parking lot per City Codes 10-11-4, 10-4-13.3(F)2 and 10-4-22.3.***
4. *Subject to the applicant complying with all City, County and State Alcohol licensing regulations.*
5. *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.*

Analysis:

This property is located in the OT WHO P-3 zone. The lot is in the Old Towne district with a Warehouse Historic Overlay and a P-3 Parking Overlay. The P-3 Parking Overlay allows for “special consideration on a case by case basis” regarding parking requirements if the minimum requirements cannot be met. A Special Use Permit is required for the retail sale of alcoholic beverages when consumed on premises where sold, retail uses operating outside the hours of 7:00 am and 10:00 pm, and for indoor recreation facilities such as an event center.

The original request presented to Staff and the Commission did not address any parking issues. Typically, in these cases, staff will not design a parking plan for the applicant. Staff took steps to contact the applicant in order to obtain a parking plan for the proposed buildings and uses. We were unsuccessful in obtaining any plan. Where there was vacant land in this case, staff determined it could be better used as parking rather than vacant/gravel/dirt area. Although we do allow businesses to draw on public parking in certain areas, we are not in a position to offer those spaces without reason, or without being approached with a plan.

Since approving the Special Use Permit, the owner of the property, Jeff Hepworth, has proposed that the vacant land behind the building be used as an extension of the Silo Park, or a landscaped area for patrons of the special events, or a combination of both. The owner has also issued a narrative detailing a parking plan for the site. The building/use, as approved, is required to have a minimum of 56 parking spaces. The owner and applicant have proposed using the surrounding URA parking lots in order to meet their minimum parking space requirements. A total of 198 parking spaces are located within 500 feet of the front entrance to the proposed SUP building location.

We do not believe granting the removal of the condition that requires parking behind the building will be a detriment to the area. The parking spaces in the area are currently underutilized, and the cost/benefit ratio of installing spaces behind the building does need to be considered. However, in the future, special uses wishing to draw on those same public lots will need to be brought through with more scrutiny as the demand on those public lots continues to rise.

Conclusion:

Staff recommends amending Special Use Permit #1286 by removing condition #3.

Attachments:

1. Letter of Request
 - 1a. SUP #1286
2. Vicinity Map
3. Area Zoning Map
4. Area Parking Map
5. Site Plan
6. Site Photos (4)

MAY 30 2013

CITY OF TWIN FALLS
PLANNING & ZONING**REQUEST FOR PARKING ACCOMODATION**

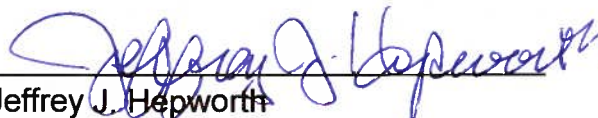
The Downtown Renaissance, LLC and its tenants, Ed and Acy Sabia, d/b/a The Brickhouse, request an accommodation from the parking requirements set forth by the Planning and Zoning Commission. This request pertains to the building located at 516 Hansen Street South which consists of 12,112 square feet of rentable space on the first and second floors. We have been advised we need approximately 56 parking spaces. This requirement can easily be met by using the public parking lot that was built across Minidoka avenue specifically for this building when it was originally remodeled in the late 1980's. That lot contains over 70 parking spaces and is rarely used by anyone other than an occasional semi-truck. No other businesses are likely to use that lot.

In addition to the Minidoka lot, customers of The Brickhouse will likely use the public parking directly in front of the building where there are 22 spaces and the parking lot across 5th Avenue South which is public parking and contains 80 parking spaces that are currently only used during the 8:00 a.m. to 5:30 p.m. time slot on weekdays. The Brickhouse customers are expected primarily after 5:30 p.m. weekdays and on weekends. There will be no conflict in use.

We have met with the City officials and Urban Renewal Director to discuss construction of additional parking between the Brickhouse and the silos. Mitch Humble estimated 13 parking spaces could be constructed at a cost of about \$200,000.00. We do not believe that is economically feasible and an extreme waste of resources.

I operate my law practice at 161 5th Avenue South directly across the street from 516 Hansen Street where The Brickhouse will operate. Our parking area is almost always empty after 5:30 p.m. on weekdays and on weekends when The Brickhouse will draw customers to its restaurant, night club, and events. These uses are completely compatible and desirable and will ensure that the City parking resources are fully utilized. This is a very efficient and utilitarian use of available resources.

Dated this 30th day of May, 2013.


Jeffrey J. Hepworth

Downtown Renaissance, LLC, Manager



Ed Sabia



**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.1286

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on April 9, 2013 to Edward Sabia whose address is 2124 Stadium Boulevard Twin Falls, ID 83301 for the purpose of to operating an indoor recreation facility -- which may include charity/fundraiser events, comedy club, theater, music events, art show and private events, and to allow alcohol consumption on site in conjunction with a restaurant—all with extended hours of operation until 1:30 a.m. seven (7) days a week, on property located at 516 Hansen Street South and legally described as Twin Falls Townsite Lots 20 Thru 22; N 17' Adj Vac 2nd St S Block 154 (16-10-17 SW)

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.2561

1. Subject to the applicant contacting the City of Twin Falls Police Department on every event/show to determine if a Special Events Permit and/or Catering Permit are required including a review of the security and trash clean-up plan.
2. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
3. Subject to the undeveloped portion of the northwest side lot being developed as a parking lot per City Codes 10-11-4, 10-4-13.3(F)2 and 10-4-22.3.
4. Subject to the applicant complying with all City, County and State Alcohol licensing regulations.
5. 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.




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.

cc: Building Inspection

SHOSHONE ST S

Site Map



156 4TH AV NORTH

123 6TH AV

545 SHOSH

161 5TH AV

HANSEN ST S

5TH AVES

203 5TH AV

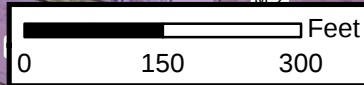
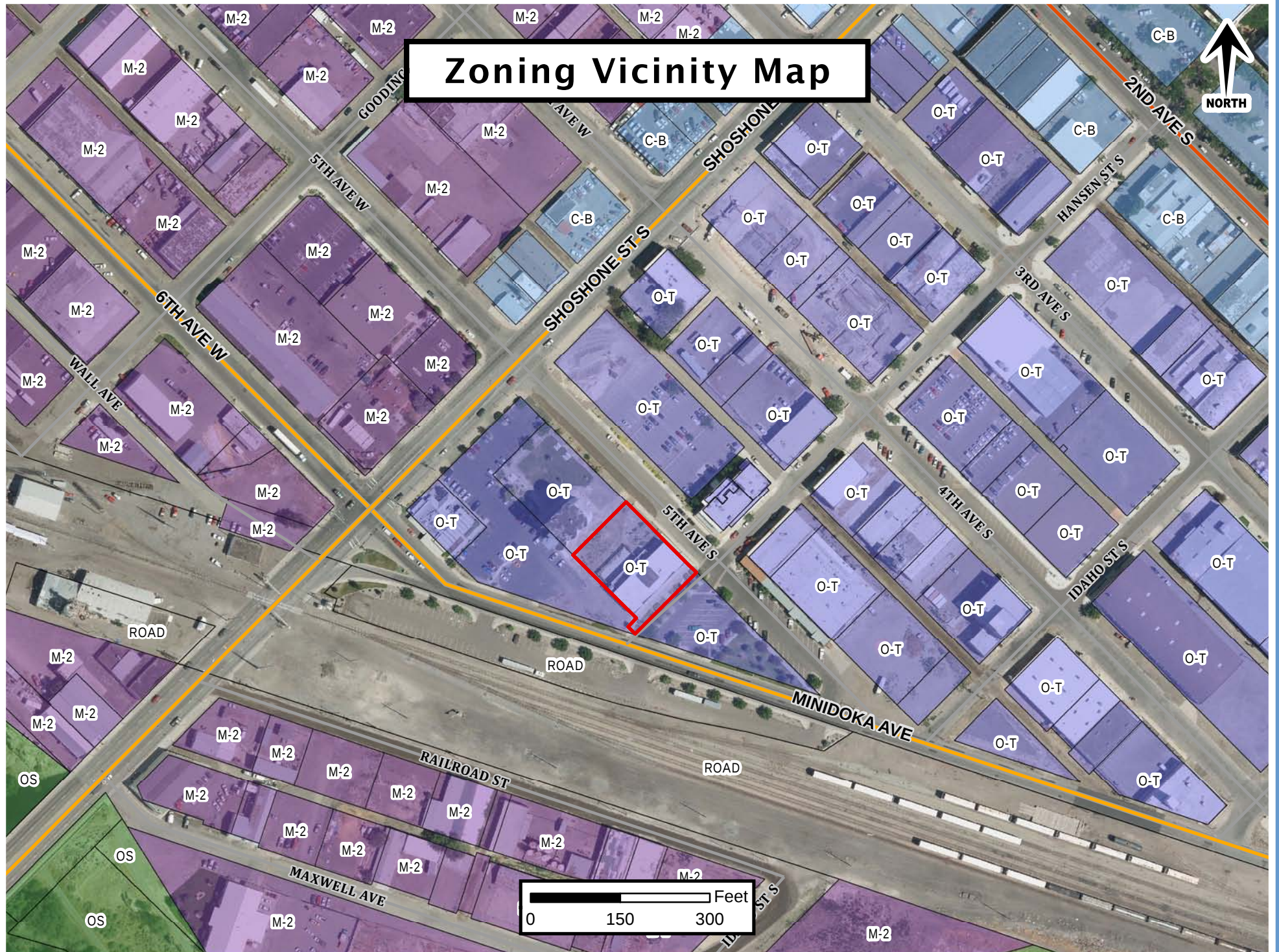
516 HANSEN

233 5TH AV

MINIDOKA AVE



Zoning Vicinity Map



Sabia SUP Amendment Exhibit

Reference Only



530 SHOSH

161 4TH AV

120 6TH AV

SHOSHONE ST S

77 Spaces

156 4TH AV

4TH AVE S

6TH AVE W

123 6TH AV

HANSEN ST S

222 4TH AV

Proposed Location of SUP

URA Parking Areas

516 HANSEN

51 Spaces

233 5TH AV

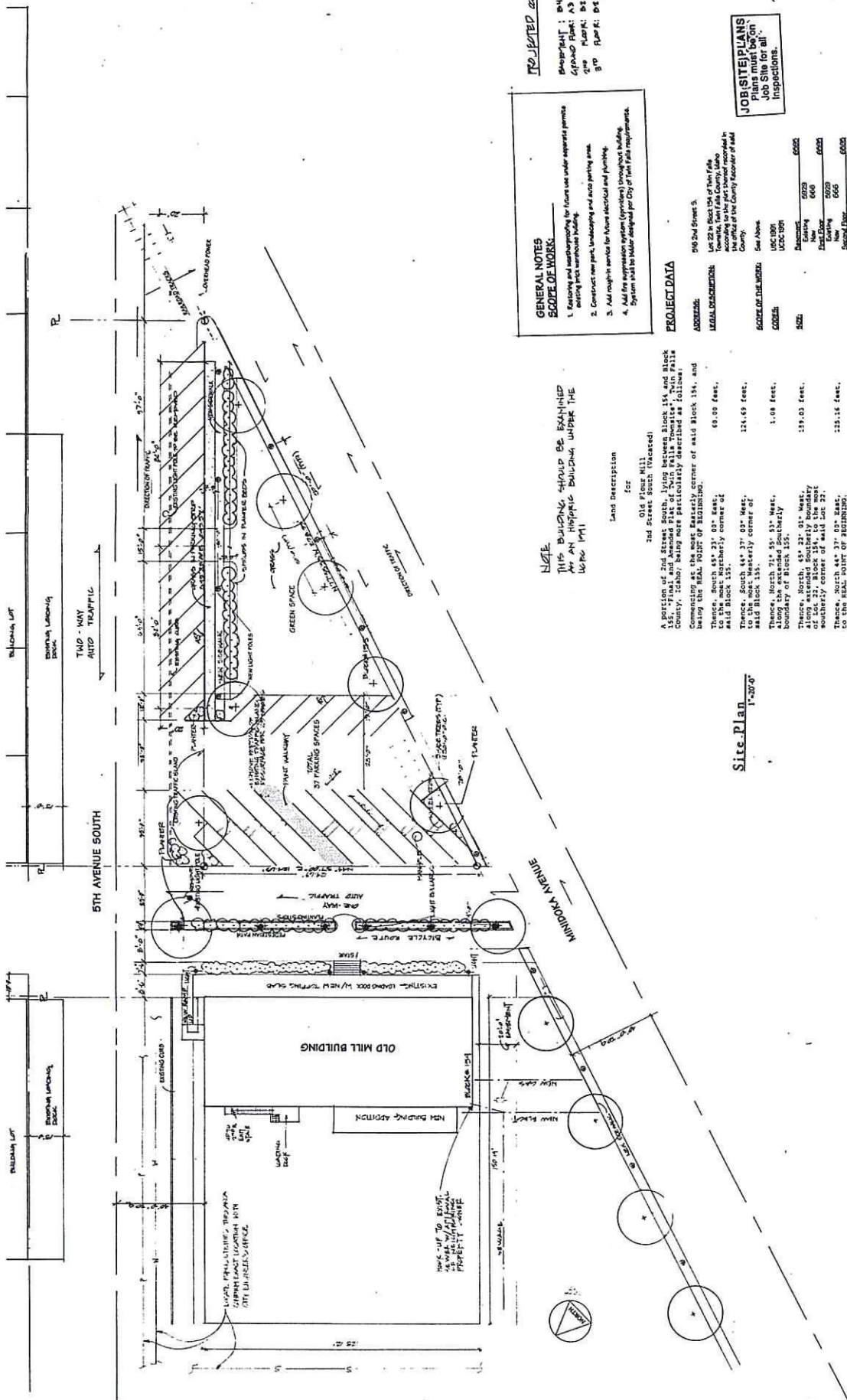
MINIDOKA AVE

70 Spaces

245 MINIDO

0 200 400 Feet

140 RAILRO



PROPOSED IMPROVEMENTS

- GENERAL NOTES**
SCOPE OF WORKS
1. Retaining and landscaping for future use under separate permits existing site conditions.
 2. Construct new park, landscaping and auto parking area.
 3. Add rough-in service for future electrical and plumbing.
 4. Add fire suppression system (sprinklers) throughout building.
- System shall be holder designed per City of Twin Falls requirements.

NOTE
 THIS BUILDING SHOULD BE EXAMINED
 BY AN ARCHITECT BEFORE UNDER THE
 WORK PERMIT

BLDG HEIGHT : 24' 4"
 GRAND FLOOR : 13' - 0"
 2ND FLOOR : 13' - 0"
 3RD FLOOR : 13' - 0"

PROJECT DATA

ADDRESS: 240 2nd Street S.
LEGAL DESCRIPTION: Lot 22 in Block 154 of Twin Falls Township, Twin Falls County, Idaho.

JOB SITE PLANS
 Plans must be on Job Site for all inspections.

SCOPE OF THE WORK	See Above
CONCRETE	CONCRETE
PAVING	PAVING
LANDSCAPING	LANDSCAPING
SEWER	SEWER
WATER	WATER
ELECTRICAL	ELECTRICAL
PLUMBING	PLUMBING
MECHANICAL	MECHANICAL
FINISH	FINISH
TOTAL	20,000

(Available for 11th multi-story)

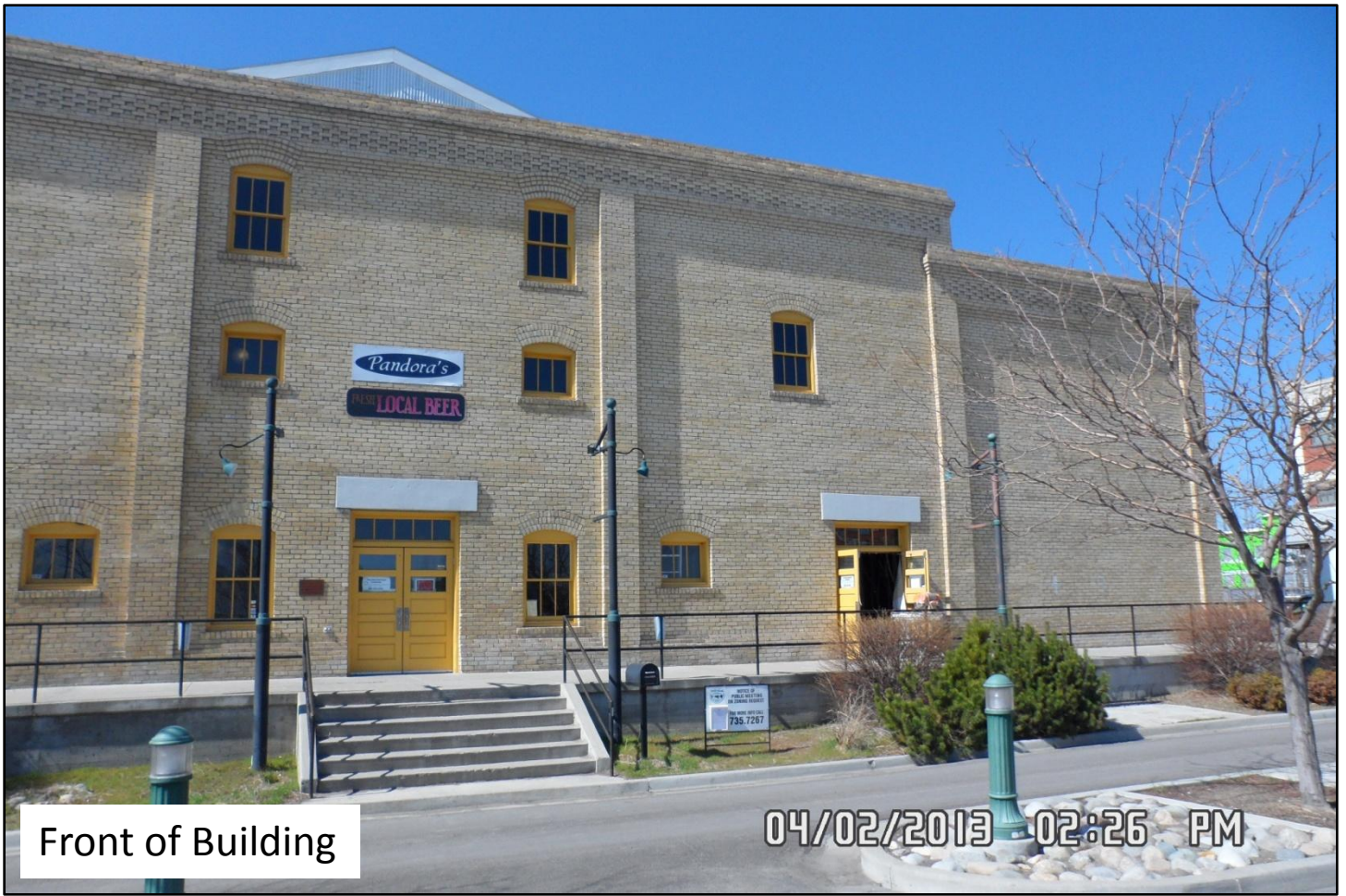
A portion of 2nd Street South, lying between Block 154 and Block 155, final and Amended Plat of "Twin Falls Township", Twin Falls County, Idaho, being more particularly described as follows:

- Commencing at the more easterly corner of said Block 154, and lying South 44° 37' 00" West, 60.00 feet, to the most northerly corner of said Block 155.
- Thence, South 44° 37' 00" West, 124.69 feet, to the most southerly corner of said Block 155.
- Thence, North 71° 55' 55" West, 1.08 feet, along the extended southerly boundary of Block 155.
- Thence, North 71° 55' 55" West, 159.03 feet, to the most southerly corner of Block 154, to the most southerly corner of said Block 22.
- Thence, South 44° 37' 00" West, 225.16 feet, to the most southerly corner of said Block 154.
- Containing approximately 7510 sq. ft.

Site Plan
 1"=20' 0"

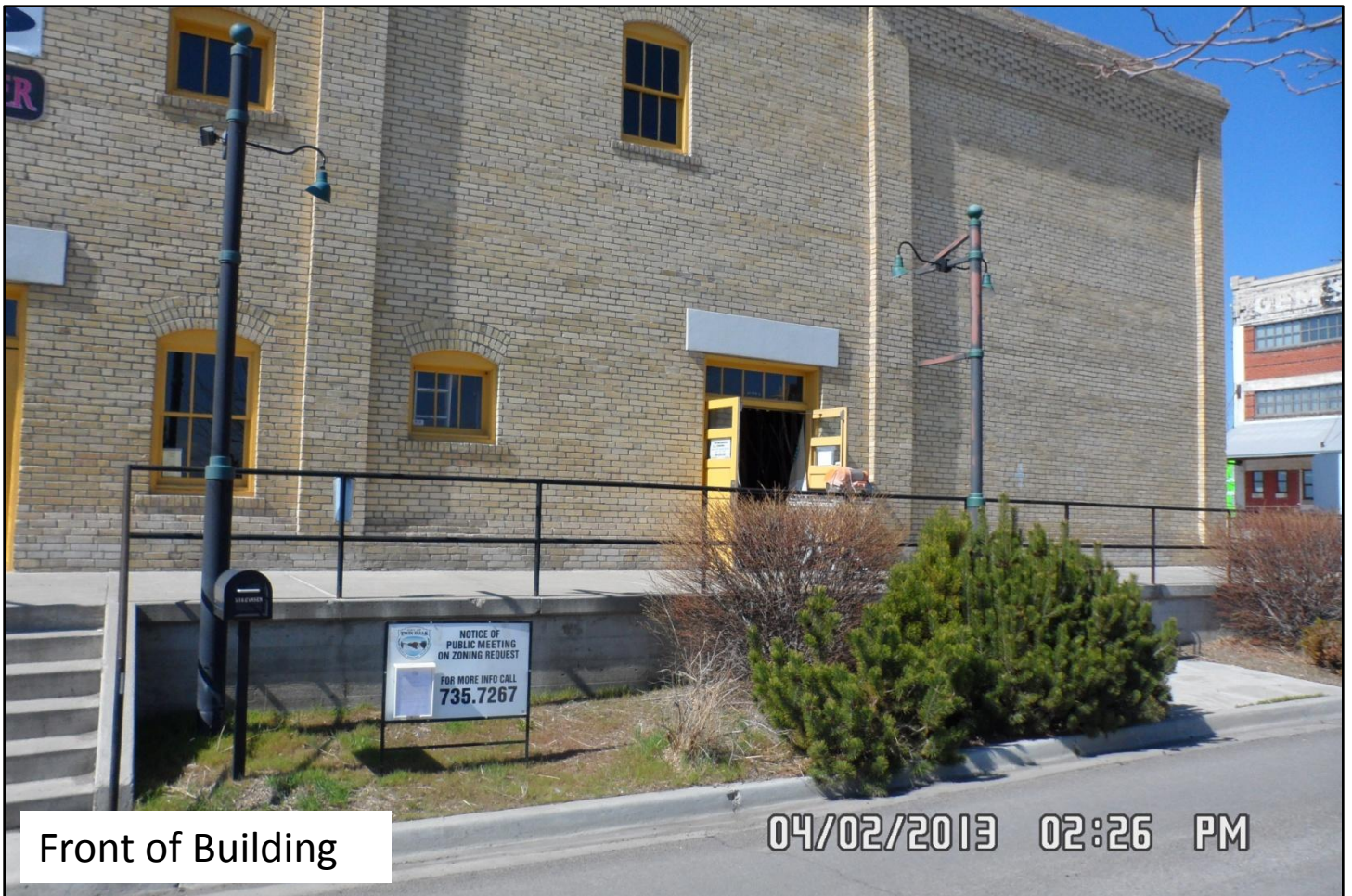


OLD FLOUR MILL, TWIN FALLS, IDAHO
SITE PLAN: 1:20



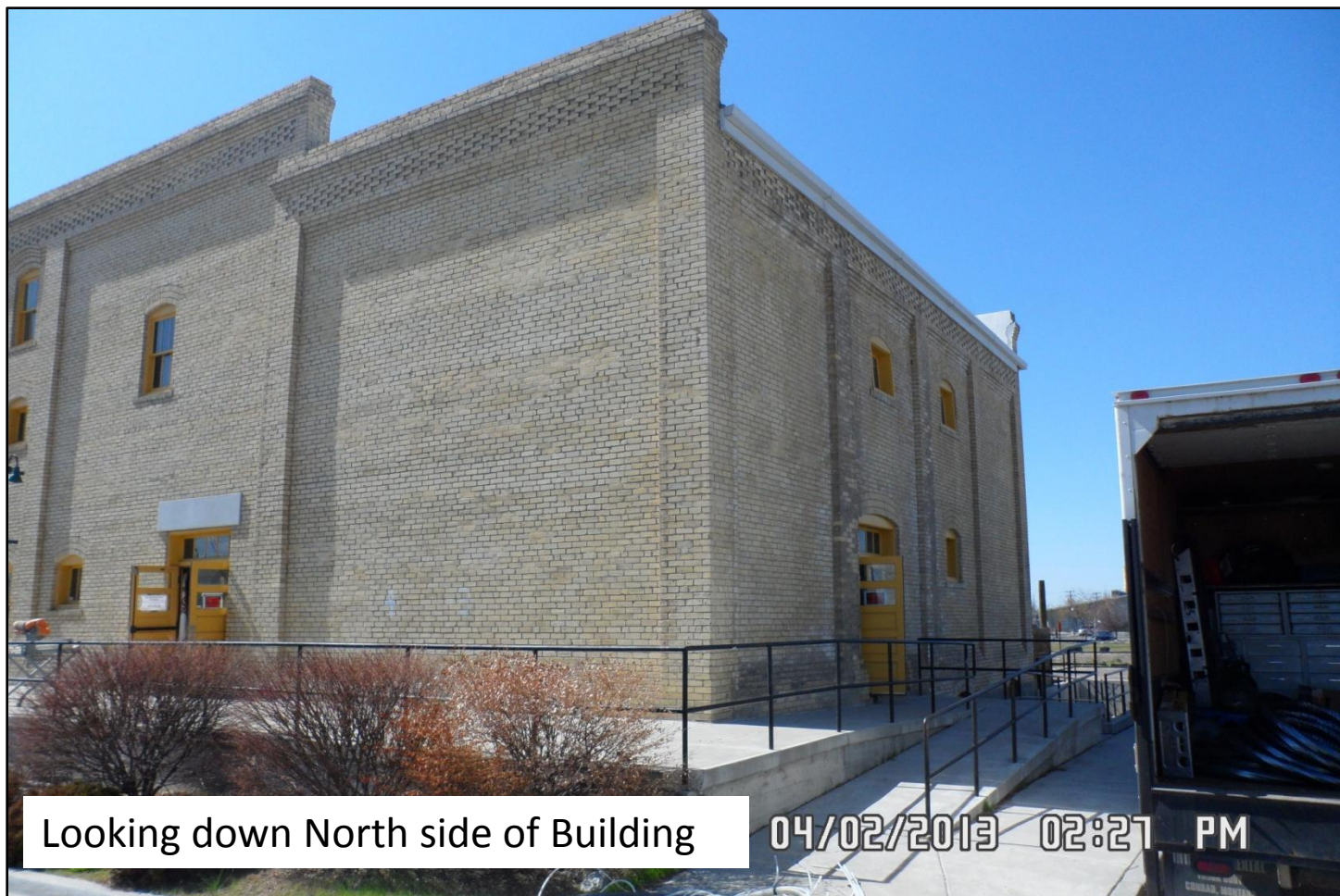
Front of Building

04/02/2013 02:26 PM



Front of Building

04/02/2013 02:26 PM







Rear of Building

04/04/2013 11:49 AM



South of Building near Minidoka

04/04/2013 11:49 AM