



NOTICE OF AGENDA-AMENDED
TWIN FALLS CITY PLANNING & ZONING COMMISSION
May 28, 2014 6:00PM WEDNESDAY
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 Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

City Council Liaison

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 13, 2014**
2. Approval of Findings of Fact and Conclusions of Law: **None**

III. ITEMS OF CONSIDERATION:

1. Request for reconsideration of Condition #2 placed on the Laurelwood Subdivision #3 Preliminary Plat by the Planning & Zoning Commission on April 8, 2014 that states approval shall be "subject to an access being provided along Falls Avenue prior to final plat approval" c/o Tim Vawser, EHM Engineers, Inc. **WITHDRAWN**

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to construct a 4-Plex, on property located at 2140 Elizabeth Boulevard aka Russell Square Subdivision #2 Lot 26 Blk 1 c/o Kimberly Construction, Inc. / Colin Dewnup (app. 2634)
2. Request for a Special Use Permit to operate a restaurant 24 hours per day, on property located at 291 Pole Line Road c/o Gerald Martens on behalf of Silcock Enterprises, LLC (app. 2635)
3. Request for an amendment to Special Use Permit #1308 to allow outside storage of containers, on property located at 580 Addison Avenue West c/o ProWest Engineering, LLC (app. 2636)
4. Request for a Special Use Permit to allow for sporting vehicles-boat sales/rentals business to include display pad sites, on property located at 299 & 399 Addison Avenue West c/o Century Motorsport & Marine (app. 2637)
5. Request for a Variance to City Code Title 10-7-17 (C-1A) to allow for an exceeded maximum height limit of 100 ft. for a roof mounted facility including the building, on property located at 182 5th Avenue South c/o Joe Shelton on behalf of White Cloud Communications/SIRCOMM (app. 2638)

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 Chamber unless otherwise posted)

1. Work Session-June 04, 2014
2. Public Hearing- June 10, 2014

VII. ADJOURN MEETING:

Si desea esta información en español, llame Leila Sanchez al (208) 735-7287

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: **Wednesday , May 28, 2014**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development

AGENDA ITEM IV-1

Request: Request for a Special Use Permit to construct a 4-Plex on property located at 2140 Elizabeth Boulevard, aka Russell Square Subdivision #2 Lot 26 Block 1 , c/o Colin Dewnup on behalf of Kimberly Construction Inc. . (App 2634)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner	Size: (+/-) 10,000 sq ft Lot
Kimberly Construction Inc. 3640 Sage View Ln. Kimberly, ID 83341 731 – 5088 kimberlyconstruction@gmail.com	Current Zoning: R-4 PUD	Requested Zoning: approval of a special use permit
	Comprehensive Plan: Medium Density	Lot Count: 1 Lot
	Existing Land Use: Platted, Undeveloped	Proposed Land Use: Residential, 4- Plex
Representative:	Zoning Designations & Surrounding Land Use(s)	
Colin Dewsnap	North: R-4, Single Family Residential	East: R-4 PUD, Residential 4-Plex
	South: R-4 PUD , Residential 4-Plex	West: R-4 PUD, Residential 4-Plex
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-5.2(B)6c, 10-10, 10-11-1 thru 8, 10-13-2.2, Russell Square PUD	

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 marginal impact on the City budget with the property being developed.

Regulatory Impact:

Approval of this request will allow the applicant to construct a residential 4-Plex on the lot presented.

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:

The area was originally developed under the Russell Square PUD in May of 1995. This PUD proposed 18 4-Plex's to be built on deep infill lots located at 2140 Elizabeth Blvd. Later, in September 1995, the PUD was amended to further include more area and consequently add four more 4-Plex's to the development plan. In October 1996, the PUD was further amended to include a single lot subdivision, called the Russell Square Subdivision #2, into the PUD boundaries with the intent to allow one 4-Plex on the lot. This single lot subdivision is the property involved in the zoning action tonight.

Analysis:

The approved PUD for this development cited the allowed uses as those listed in the R-4 Zoning District of the City of Twin Falls Zoning Code.

Per City Code 10-4-5.2(B): A Four plex Dwelling requires a Special Use Permit to be established in the R-4 Zoning District.

Per City Code 10-10: A tri-plex or a 4-Plex requires 2 parking spaces per unit – plus 1 per building – this 4-plex will require a total of 9 parking spaces.

All required improvements will be assessed and reviewed at the time of building permit review. These improvements include storm water, paving, landscaping, water and sewer facilities, among others.

Possible Impacts: The area of this proposed 4-plex has been developed as a homogenous complex of 28 similar 4-plex dwelling units. A joint access easement onto the property was established at the time the previous dwellings were built. The surrounding area is not expected to experience an increase of negative effects by this single 4-plex dwelling being constructed in the area.

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 and the Russell Square PUD Agreement.

Attachments:

1. Letter of Request
2. Zoning Vicinity Map
3. Future Land Use Map
4. Russell Square PUD Amended
5. Russell Square Amended Plat
6. Applicant Submitted Site Plan
7. Applicant Submitted Elevations
8. Site Photos (2)



COLIN DEWSNUP – President cell: 208-731-5088 fax: 208-423-5088
3640 Sage View Ln, Kimberly, ID 83341
kimberlyconstruction@gmail.com

4-30-2014

We are requesting a special use permit in order to build a 4 plex unit on vacant lot at 2140 Elizabeth Blvd. Twin Falls, ID. Russel Square Subdivision #2 Lot 26 Block 1. Intended use of this structure will be for additional rental housing for Twin Falls residents.

This unit will be compatible with the many other units in the subdivision in appearance and function. Parking spaces are already provided and lines painted in front of the lot.

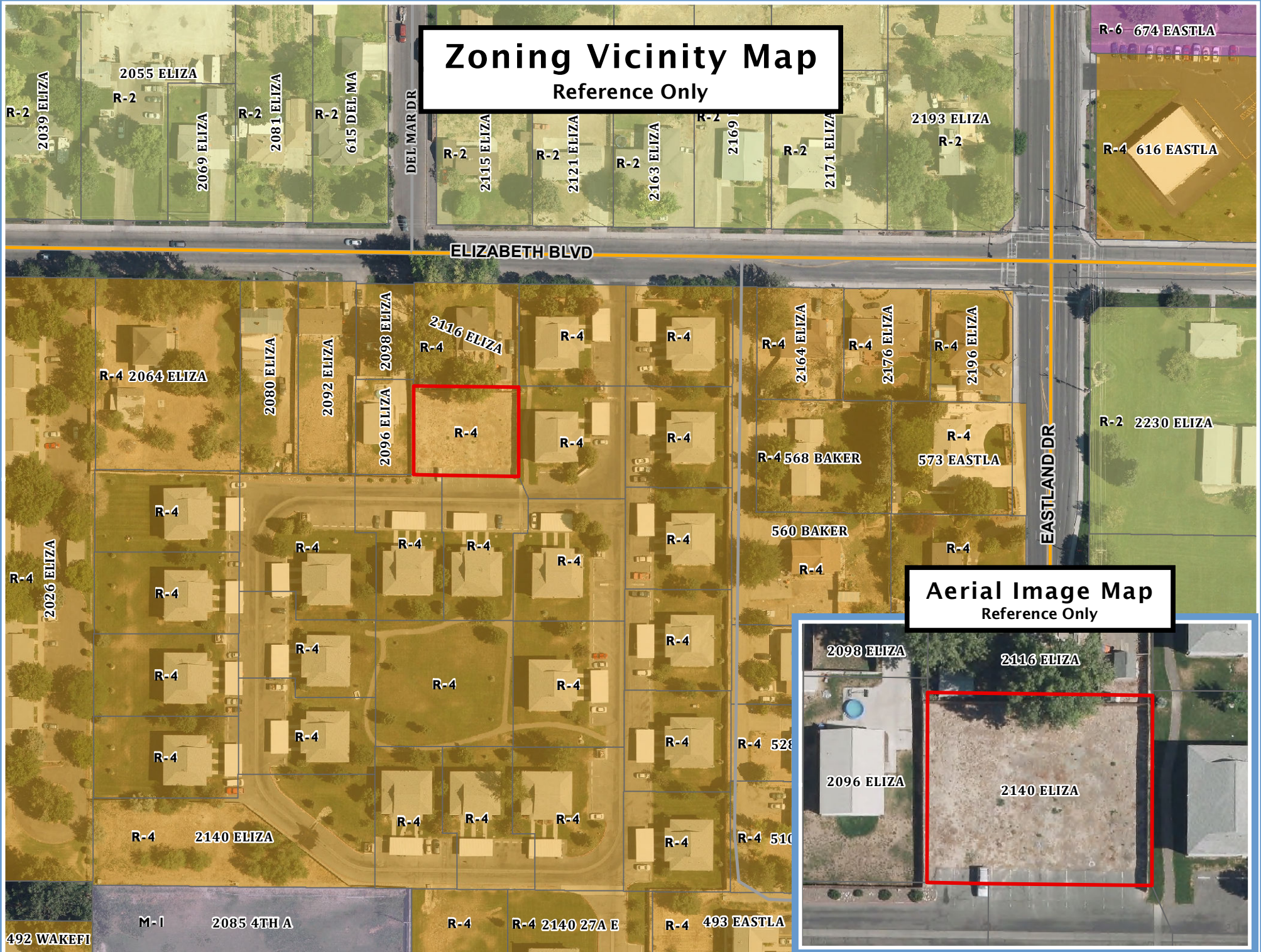
Currently the lot is bare ground with weeds and landscaping debris from surrounding properties on it. Lot will be landscaped similar to other 4-Plex lots in the subdivisions, which will give it a better appearance also.

Thank You for your consideration

Colin Dewsnap

Zoning Vicinity Map

Reference Only



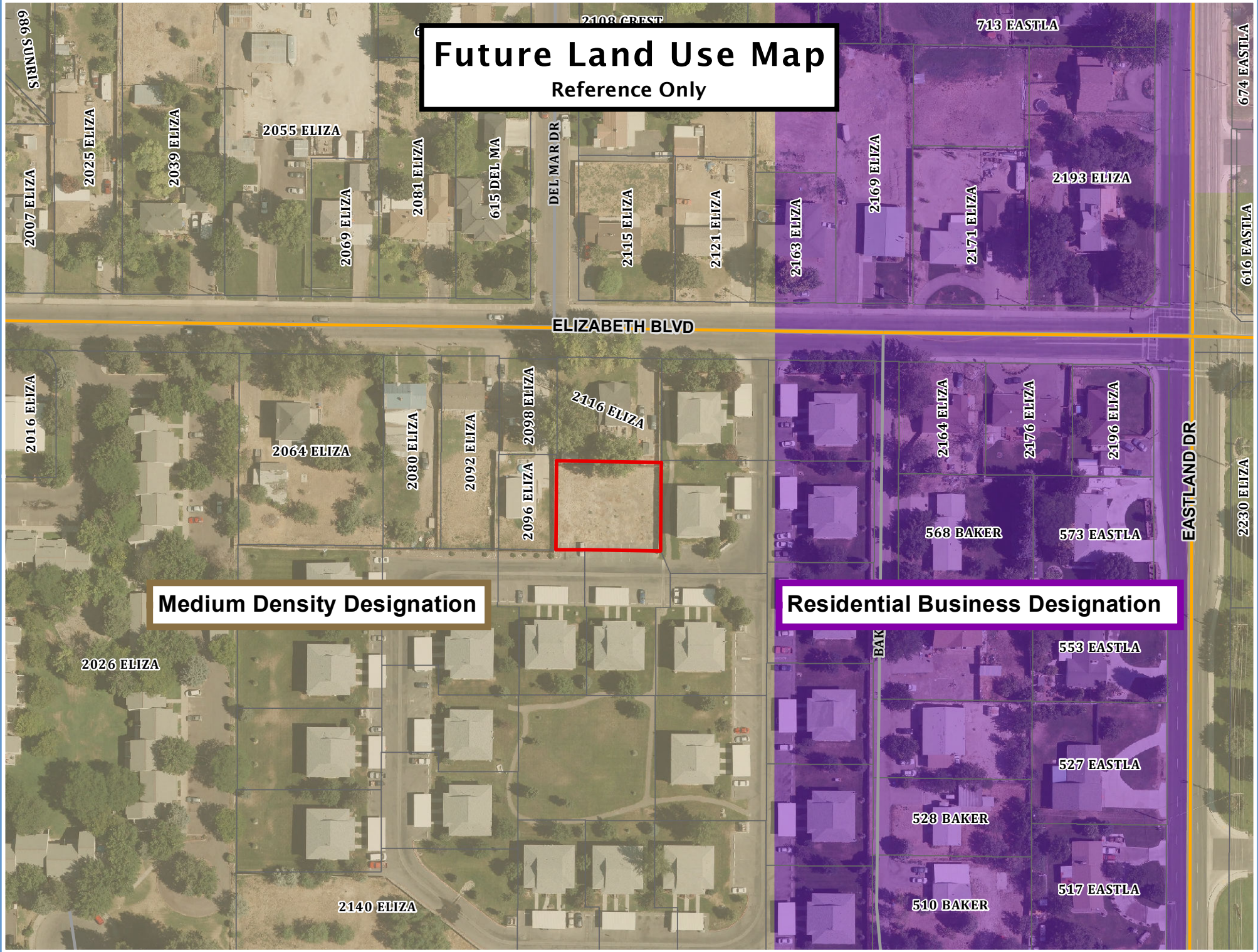
Aerial Image Map

Reference Only



Future Land Use Map

Reference Only



Medium Density Designation

Residential Business Designation

JOE RUSSELL P.U.D. Agreement
AMENDED
RUSSELL SQUARE SUBDIVISION

R-4 PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this 27th day of Nov, 1995, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and JOE RUSSELL, an individual (hereinafter called "Developer"), whose address is 3212 Woodridge Dr., Twin Falls, Idaho 83301.

RECITALS

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit "A", attached hereto, which land is bounded by Elizabeth Boulevard to the North and Cherrywood Apartments to the West and vacant property to the South (hereinafter "Property"); and

WHEREAS, Developer intends to develop and/or sell all or portions of the Property from time to time; and

WHEREAS, Developer has made request of the City to develop a residential subdivision ("Project") on the Property and has submitted to the City a master plan thereof which has been approved for development as a "R-4 PUD" by the Planning and Zoning Commission and the City Council of the City; and

WHEREAS, City, by and through its City Council, has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this agreement.

COVENANTS

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Developer and City agrees as follows:

1. NATURE OF THE AGREEMENT This agreement shall become part of the "R-4 PUD" zone with respect to the Property upon its full execution and recording. Developer and its assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and Conditions contained herein.

2. NATURE OF THE DEVELOPMENT It is agreed by the parties hereto that certain language and requirements pertaining to the "R-4" zone shall be interpreted as follows:

A. COMMON AREA AND HOME OWNERS ASSOCIATIONS AND MAINTENANCE There is a requirement for common area within the Project. Therefore, there is a requirement for Developer to organize a Home Owners Association in connection with its development of the Property, which associations are established for the maintenance of common areas. Home Owners Association shall establish and from time to time adjust monthly fees for the purpose of maintenance of lighting, etc. of the common area. Developer shall have the right to designate common areas in any phase(s) of its development, as long as it complies with the Master Plan. As the common areas are so designated, Developer may create an association of those property owners benefitting from said common areas for the purposes of maintaining the same. Except for space explicitly designated as common area, the maintenance responsibility for each parcel and the improvements thereon rests solely with the parcel's owner.

B. USES The use language of the underlying "R-4" zone shall apply with regard to permitted uses, special uses, and prohibited uses on the Property or any portion thereof.

3. STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS Developer shall be responsible for the design and construction of street, sewer, water and drainage systems on the Property (hereinafter "Improvements") as described herein in accordance with City standards.

A. IMPROVEMENT PLANS Developer shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for that development phase, showing all Improvements contemplated within that phase of the development (hereinafter "Improvement Plans"). The Improvement Plans and all Improvements shown thereon shall meet the approval of the City, which approval shall be given if such plans conform with published City requirements unless noted otherwise in this agreement.

B. IMPROVEMENT DESIGN AND CONSTRUCTION Developer shall cause to be designed, constructed and installed, in accordance with the approved Improvement Plans and at its expense, all Improvements shown on the Improvement Plans. Notwithstanding the forgoing, nothing in this agreement shall prohibit City participation in the cost or financing of improvements on the Property if mutually agreed to by the parties hereto.

C. PHASED CONSTRUCTION Developer may install the Improvements all at once or in phases. Developer shall provide the City with written notification of when and of what portion, or portions, of said Improvements it intends to complete at that time; and agrees to make such modifications and/or construct any temporary facilities necessitated by such phased construction work as shall be required and approved by the City, which approval shall not be unreasonably withheld.

D. CONSTRUCTION SUPERVISION Developer shall use a qualified construction engineer or supervisor to supervise the construction, inspection and testing of the work as

necessary, to ensure that all such Improvements are constructed in accordance with the approved Improvement Plans.

E. NON-COMPLIANCE In the event any of the requirements with regard to the installation of said Improvements are not complied with, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within 30 days of its receipt of notice (or, in the case of non-compliance that will take in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion). In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within that phase of such "PUD" until such time as all requirements specified in this Section 3 have been complied with;

PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of the parties are preserved at law and equity.

F. FEES Developer shall pay, or cause to be paid, to City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.

G. MAINTENANCE OF IMPROVEMENTS City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City standards.

H. MAINTENANCE OF STORM WATER RETENTION IMPROVEMENTS Home Owners Association, to be organized by the Developer, does hereby agree to maintain the required storm water retention volumes as shown on the approved improvement plans and to be responsible for the maintenance and cleaning of all on-site sand filters on a 5 year basis. No storm water retention facilities or appurtenances shall be altered unless first approved by City.

4. PLATS Developer agrees to file with City a preliminary plat, prepared by a registered professional engineer, of the real property which is the subject of this agreement. A final plat showing each phase to be developed shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-way the City agrees to accept herein and in the Standard Developers Agreement. It is agreed that said plat and any amendments thereto must first be approved by City.

5. INDIVIDUAL PARCEL DEVELOPMENT CRITERIA The Property or any portion thereof shall be developed in accordance with criteria set forth in this Section 5.

A. APPROVAL AND CONSTRUCTION All improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications shall first be approved by City and meet City standards which approval shall not be unreasonable withheld.

B. BUILDING SETBACKS All buildings on lots are to be constructed with not less than the minimum setbacks as required to meet the Twin Falls City Code.

C. LANDSCAPING Perimeter landscaping shall be required to be installed on each parcel of the Property at the time site and building improvements are completed thereon or by the next planting season for the proposed vegetation.

Each property owner shall maintain the landscaping on his property. Notwithstanding

the foregoing, in the event Developer chooses to designate certain landscaped areas and other areas as "common area," Developer shall have the right to create an association which shall be responsible for the maintenance of "common area."

D. LANDSCAPING PLAN At the time of development, each parcel shall be landscaped along roadway frontages to include the following: Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen inches (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30") in height. The perimeter of the development shall be planted in grass with a minimum of one tree per five hundred (500) square feet of landscaped area and a minimum of one shrub per one hundred (100) square feet of landscaped area. At least fifty percent (50%) of the shrubs and trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from groups selected by developer. Trees and shrubs may be grouped. All trees shall have a height of at least four feet (4') when planted.

E. BUILDING STANDARDS Building and improvements shall comply with the following standards.

1. Building Type Type and quality will be controlled by the architectural control committee. All exterior dimensions, footprints, finishes and, interiors may vary but shall be approved for design and layout by the architectural control committee.

2. Architectural Control No building shall be erected, placed or altered on any lot until construction plans specify a plan showing the location of the structure, setbacks, and approval in writing by the Architectural Control Committee as to: building size and footprint, roofing, exterior siding and finish materials, harmony of external location with respect to topography and finish grade elevation. The development has been planned to be very open so

no fences between buildings shall be allowed providing a neighborhood community appearance throughout.

3. Architectural Control Committee Composed of Joe Russell, Rose Russell, and George Couris, each of whom may designate a representative to act for them. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor.

4. Outside Storage Refuse and outside storage areas shall be visibly screened from streets and adjacent properties.

5. Utilities All on-site utility service lines, including electrical lines and telephone lines, located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with appropriate screening material.

F. CODES All construction on the Property shall be to the standards established by applicable codes.

G. CONTROL DURING DEVELOPMENT OF INDIVIDUAL PARCELS Developer shall maintain control during development of the Property or any part thereof, through the use of deed restrictions to be recorded referring to the required development criteria contained herein.

6. TIME LIMITATION "R-4 PUD" zone description on the property described in Exhibit "A" attached hereto is expressly conditioned upon submission to the City Council of the final plat within one (1) year from the date hereof.

7. STANDARD DEVELOPER'S AGREEMENT It is understood and agreed by the parties hereto that it shall be necessary for Developer to execute City's Standard Developer's Agreement.

8. GENERAL PROVISIONS

A. COOPERATION The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications, and working drawings required by the City.

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

C. APPLICABLE LAW This agreement shall be construed in accordance with the laws of the State of Idaho.

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

DEVELOPER: Joe Russell
 3212 Woodridge Dr.
 Twin Falls, ID 83301

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

E. SUCCESSORS AND ASSIGNS This agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Except for the obligation of Developer set forth in Paragraph 5.G, transfer of all or a portion of the Property shall create a

novation releasing the transferee from obligations under this agreement with respect to said transferred property.

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

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

H. EFFECTIVE DATE This "PUD" agreement shall become valid and binding only upon its approval by City, through its City Council , and upon its execution by the Mayor and Developer.

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

J. CONSTRUCTION Should any provision of this Agreement require Judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

K. ATTACHMENTS All attachments to this Agreement and recitals are incorporated herein and made a part hereof as if set forth in full.

L. CAPTIONS The captions, section and paragraph numbers appearing in this agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this agreement.

IN WITNESS WHEREOF, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

CITY OF TWIN FALLS

BY:

Carol Kleinberg

JOE RUSSELL, AN INDIVIDUAL

BY:

Joe Russell

IDAHO COUNTY, IDAHO
RECORDED FOR: *City Of TF*

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ROBERT S. FORT
EX-OFFICIO RECORDER

FEE: *3600* DEPUTY: *LF*

ACKNOWLEDGEMENTS

STATE OF IDAHO)
) ss.
 COUNTY OF Twin Falls)

On this 14th day of November, 1995, before me, the undersigned, a Notary Public in and for said State and County, personally appeared Gale Kleinkopf known to me to be the Mayor of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

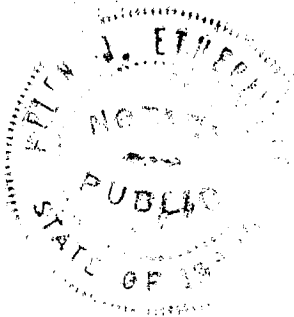
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Joanne Hall
 Notary public for Idaho
 Residence of Twin Falls, Idaho
 My Commission Expires 10-26-2000

STATE OF Idaho)
) ss.
 COUNTY OF TWIN FALLS)

On this 27th day of November, 1995 before me personally appeared JOE RUSSELL, to me personally known, who, being by me duly sworn, did say that he is an individual known as JOE RUSSELL and that the within instrument was executed by him.



Helen J. Etherington
 Notary Public for Idaho
 Residence of Kimberly, Idaho
 My Commission Expires July 19, 2000

"ERICSON SUBD."

BASE BEARING - "ELIZABETH PARK PLAZA UNIT 1"
CL ELIZABETH BLVD.

2321.82'

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BRASS CAP

CL KADRONA STREET

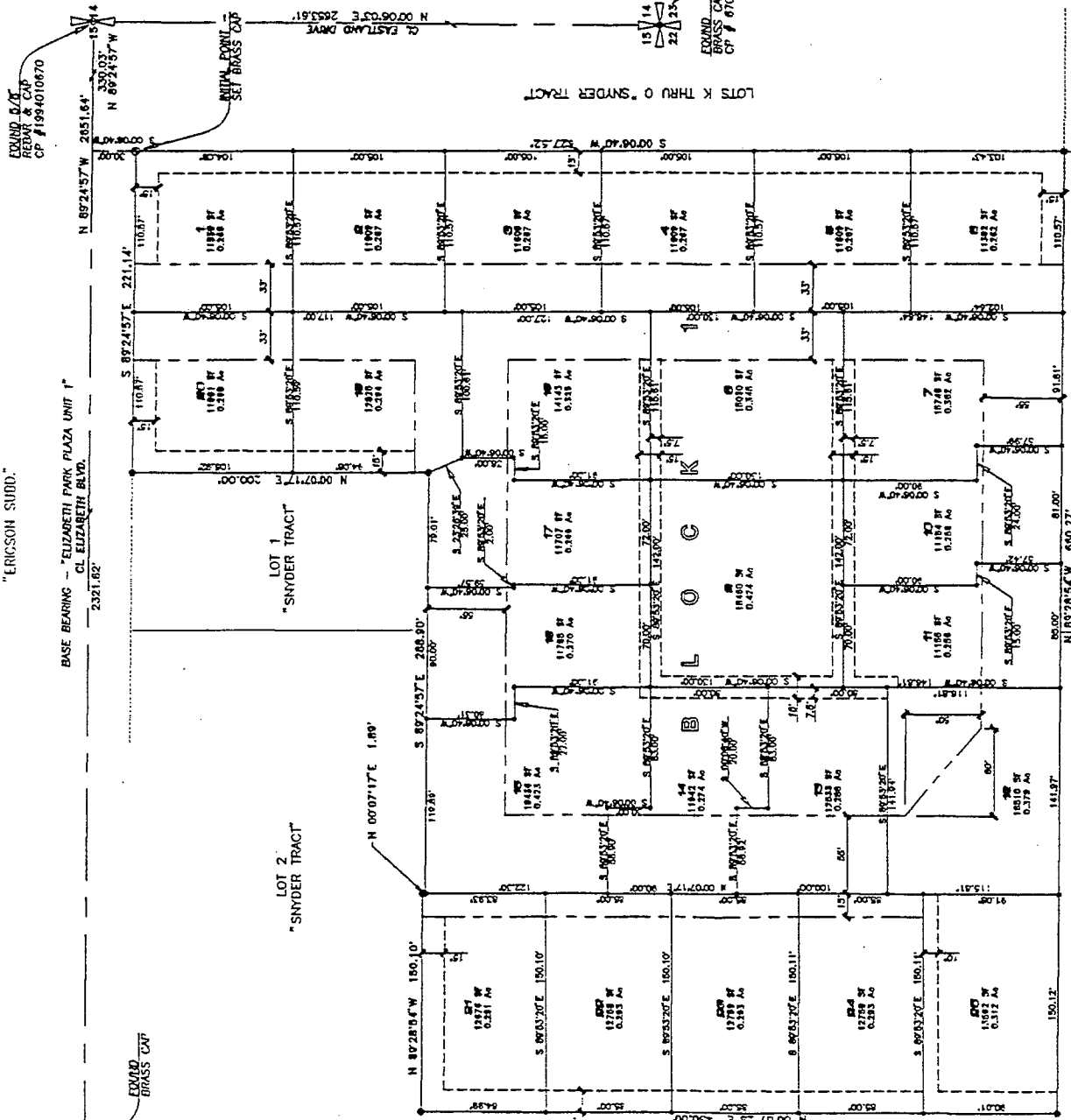
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CERTIFICATE OF OWNER

This is to certify that the undersigned is the owner in fee simple of the following described property located in a portion of Lot 1 of "SNYDER TRACT", in NE⁴ SE⁴, Section 15, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County Idaho; Said property being more specifically described as follows: Commencing at the Southeast corner of said Section 15. Thence N 00°06'03"E, 2653.61 feet to the East quarter corner of Section 15. Thence N 89°24'57"W, 551.16 feet along the centerline of Elizabeth Boulevard. Thence S 00°07'17"W, 30.00 feet to the Northwest corner of Lot 20, Block 1, "Amended Russell Square Subdivision". Thence S 00°07'17"W, 108.00 feet along the boundary of said subdivision to THE INITIAL POINT.

Thence, S 00°07'17"W, 92.00 feet along the boundary of said subdivision.
Thence, N 89°24'57"W, 108.90 feet along the boundary of said subdivision.
Thence, N 00°07'17"E, 92.00 feet along the West boundary of Lot 1, "Snyder Tract".
Thence, S 89°24'57"E, 108.90 feet to THE INITIAL POINT.

The gross area contained in the platted land as described is 0.23 Acres.

It is the intention of the undersigned to and he does hereby include said land in this plat. The easements indicated on this plat are not dedicated to the public but the rights to use said easements are hereby perpetually reserved for public utilities and such other public uses designated on this plat. No structure other than for such utility and other designated public uses are to be erected within the lines of said easements.

Joe Russell
Joe Russell

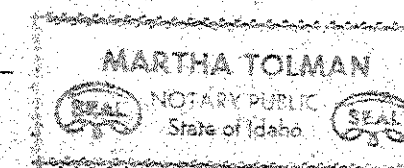
ACKNOWLEDGMENT

STATE OF Idaho
COUNTY OF Twin Falls SS

On this 25th day of February, 1997, at 1:15 P.M., before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Joe Russell, and acknowledged to me that he executed the Certificate of Owners hereon.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Martha Tolman
Notary Public for Idaho



Twin Falls
Residing of

10/13/2000
My Commission Expires

IRRIGATION WATER CERTIFICATE

Pursuant to Idaho Code 31-3805, I Joe Russell, as owner, do hereby state that the irrigation water rights appurtenant and the assessment obligation of the lands in this plat have been transferred from said lands. Lots within the subdivision will not be entitled to any irrigation water rights and will not be obligated for assessments from any Irrigation District and/or Canal Company.

Joe Russell
Joe Russell

RUSSELL SQUARE SUBDIVISION NO. 2

A Planned Unit Development

located in
A Portion Of Lot 1
of

Snyder Tract

in
NE⁴ SE⁴, Section 15
T. 10. S., R. 17 E., B.M.
Twin Falls County, Idaho
1997

LEGEND:

SUBDIVISION BOUNDARY LINE
LOT LINE
UTILITY DRAINAGE & PEDESTRIAN
INGRESS/EGRESS EASEMENT
INGRESS/EGRESS, PARKING
& UTILITY EASEMENT
INITIAL POINT - SET BRASS CAP
SET 5/8" x 30" REBAR & CAP
FOUND 5/8" x 30" REBAR & CAP

HEALTH CERTIFICATE

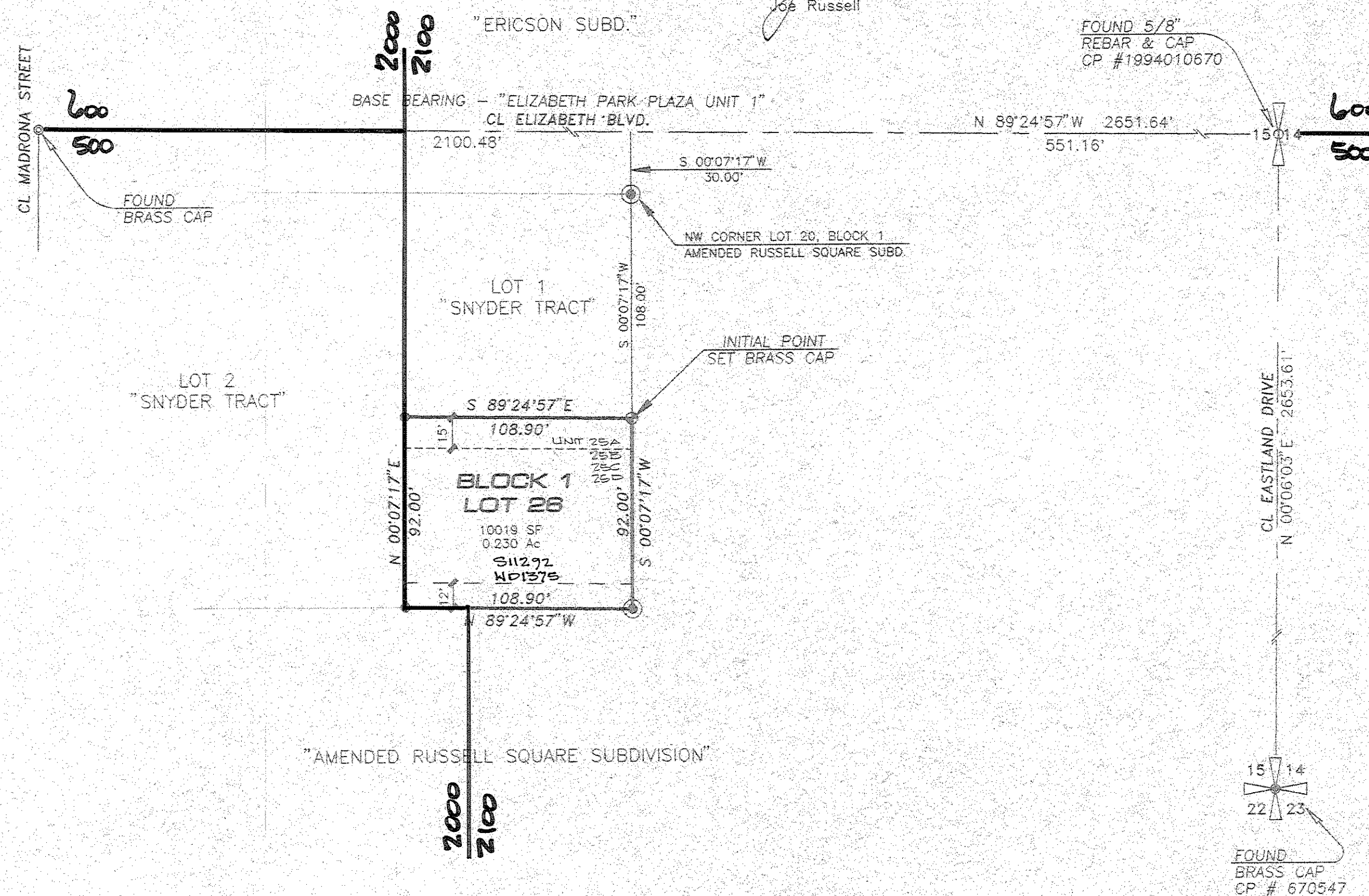
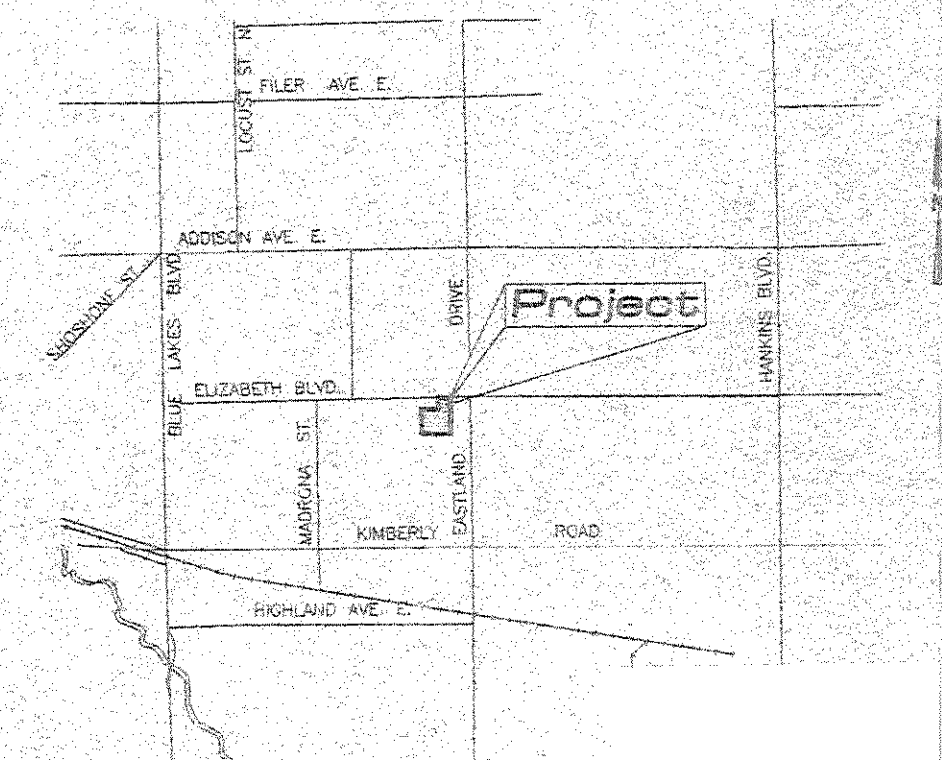
Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Feb 28, 1997

Date: _____ South Central District Health Dept., EHS

The lot on this plat is eligible to receive water service from the City of Twin Falls Municipal Water System (I.C. 50-1334).

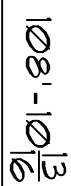
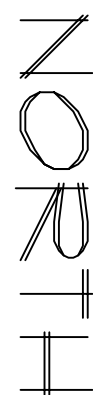
VICINITY SKETCH not to scale



NOTE: SEE "ROYAL CREST SUBDIVISION" FOR BREAKDOWN OF BOUNDARY

Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

RUSSELL SQUARE SUBD #2



GOODING IDAHO 83330
1648 SHOESTRING RD.
PH. 934-8850

SHEET TITLE: SITE PLAN









Public Hearing: **Wednesday, May 28, 2014**

To: Planning & Zoning Commission

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

AGENDA ITEM IV-2

Request: Request for a Special Use Permit to operate a restaurant 24 hours per day, on property located at 291 Pole Line Road. c/o Gerald Martens on behalf of Silcock Enterprises, LLC. (app. 2635)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner	Size: 1.02 (+/-) acres/7000 (+/-) sf Building
Silcock Enterprises, LLC Justin Silcock 910 East 500 South Declo, ID 83323	Current Zoning: C-1 PUD	Requested Zoning: Special Use Permit to allow extended retail hours
	Comprehensive Plan: Commercial/Retail	Lot Count: 1 Lot
	Existing Land Use: Undeveloped	Proposed Land Use: Restaurant operating with extended hours
Representative:	Zoning Designations & Surrounding Land Use(s)	
EHM Engineers, Inc Gerald Martens 600 North College Rd W Suite 100 Twin Falls, ID 83301 208-734-4888 208-420-2461 (c)	North: C-1 PUD; undeveloped	East: C-1 PUD; Farmer's National Bank
	South: C-1 PUD; Pole Line Rd, Lazy J Mobile Home Park	West: C-1 PUD; undeveloped
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8.2(B)10j, 10-11-1 thru 8, 10-13-2-2, Northbridge C-1 & R-4 PRO Planned Unit Development Agreement	

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.

Budget Impact:

Approval of this request will have no impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to operate a retail business twenty-four (24) hours a day, seven (7) days a week, which is outside permitted retail hours of operation of 7:00 am to 10:00 pm as outlined in City Code.

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

History:

This area was part of a request for a Comprehensive Plan Map change from residential to commercial and open space and a rezone from R-1-4300 to C-1 PUD and OS, which was reviewed by the Planning and Zoning Commission on February 9, 1993. The Commission recommended approval of the request as a C-1 & R-4 PRO PUD zoning. The request was approved by the City Council on April 19, 1993, with the Commission's recommendations, including the following:

1. Lot 6 at the intersection of Pole Line Road and Washington St N be rezoned R-4 PRO PUD.
2. Accesses to the lots on Pole Line Road to be limited to minimum 660 foot spacing and limited to shared accesses between the lots.
3. Relocate the access between lots 6 & 7 further from Washington St N and access lots 7 through an internal access easement through lot 6.
4. Provide a 44 foot wide public access road along the east side of Lot 1 to serve future development to the north. This is at the 1/2 mile (Harrison St) alignment. Make provisions to delete the approach aligned with the existing Lazy J access upon full development of the Harrison St intersection.
5. Provide a 44 foot wide public north-south access road off Pole Line Road through the C-1 PUD area to the future residential development to the north.
6. Dedicate a 40 foot 1/2 right-of-way on Washington St N and build to a 32 foot wide half arterial section.
7. A landscaped berm required on the west side of Lot 5.
8. Public parking required on Lots 1 & 2 for public access to the Perrine Coulee green belt.

As per condition #1 The PUD rezoned a 4.5 acre parcel, referenced as "Lot 6", located at the northeast corner of Washington St N and Pole Line Road as R-4 PRO.

Westpark Commercial Subdivision, No. 3 was recorded in May 2006. The plat consists of 24 (+/-) acres with 3 commercial lots. Lot 6, Block 2 consisted of 2.98 acres and located at the northeast corner of Pole Line Road and Washington Street North. Lot 6, Block 2, 2.98 acre lot (+/-), was zoned R-4 PRO PUD. Walgreen's purchased lot 6 and proceeded with a request for a PUD Modification/rezone of this lot from R-4 PRO PUD to C-1 PUD so they could build a Walgreen's.

The City Council approved an amendment to the Northbridge PUD on September 24, 2007 rezoning Lot 6, Block 2 Westpark Commercial Subdivision #3-a PUD from R-4 PRO to C-1 PUD. At the time the applicants only owned the 3 acre platted lot, leaving the remaining 1.5 acre parcel to the north zoned R-4 PRO. They purchased the remaining 1.5 acre parcel of Lot 6, Block 2 of West Park Commercial Subdivision #3-a PUD and on July 14, 2008 the City Council approved a PUD Modification of the Northbridge PUD rezoning the remaining 1.5 R-4 PRO zoned parcel to C-1 PUD.

On January 8, 2008 the Commission approved a Special Use Permit to operate a retail business outside the permitted hours of operation of 7:00 am to 10:00 pm, to operate a drive-through facility, and to operate a 32 sf message center sign. The sign code has since been modified, allowing a message center sign without a special use permit. A Certificate of Occupancy was issued for the new Walgreen's store on October 1, 2009.

May 16th, 1994 Council approved the Northbridge #2 PUD Agreement. August 22nd, 2005 the Council approved a PUD modification to the Northbridge #2 PUD to allow a storage unit facility.

On June 10, 2013 the City Council approved a request for a rezone / PUD to allow a hotel and accessory uses by right on a single lot. The property is located north of Walgreen's.

Westpark Commercial Subdivision, #7-A PUD was recorded on July 29, 2013. Westpark Commercial #7 PUD Agreement was recorded on June 28, 2013.

On February 25, 2014 the Commission unanimously approved the preliminary plat of the Westpark Commercial Subdivision #8- A PUD, as presented, subject to the following conditions:

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

2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
3. Subject to compliance with the Northbridge PUD Agreement.
4. Subject to the deed being revised in Westpark Commercial Subdivision #3, Lot 4 to exclude this subdivision, if approved.

The City Council approved the final plat of the Westpark Commercial Subdivision #8- A PUD on March 3, 2014 with the same conditions as the preliminary plat with the exception of condition #2.

A building permit for a new 4,363 sf building was submitted in April 2014. As of today's date the building permit it is under review.

Analysis:

The property is zoned C-1 PUD. The request is to operate a new Denny's Restaurant at 291 Pole Line Rd West twenty-four (24) hours a day, seven (7) days a week. The C-1 zone requires a special use permit for a retail use to operate outside the hours of 7:00 am to 10:00 pm. The Northbridge PUD Agreement does not waive the special use permit process for extended retail hours of operation.

The applicant submitted a request for an SUP to allow extended business hours of twenty-four (24) hours a day, seven (7) days a week. The site is in a commercial area that will serve highway traffic, nearby hotels and other 24 hour based businesses. The applicant does not anticipate any significant impacts to neighboring businesses.

Per City Code 10-4-8.2: Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) AM to ten o'clock (10:00) PM require a special use permit in the Commercial Highway District (C-1). The C-1 Zone is intended to provide commercial activities of various sizes from large retail stores to small specialty shops with residential opportunities for persons wishing to work and live in a unified environment. The C-1 PUD Agreement does not waive the special use permit process for extended retail hours of operation.

Possible Impacts: The neighboring properties are currently mostly undeveloped. There is currently St. Luke's Magic Valley Regional Medical Center and Wal-Mart in the area that operate twenty-four (24) hours a day. Other uses within the area are medical facilities, retail, and a bank. These various businesses may not be greatly impacted by these proposed extended hours.

Conclusion:

Should the Commission grant this request, as presented; city staff would recommend 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:

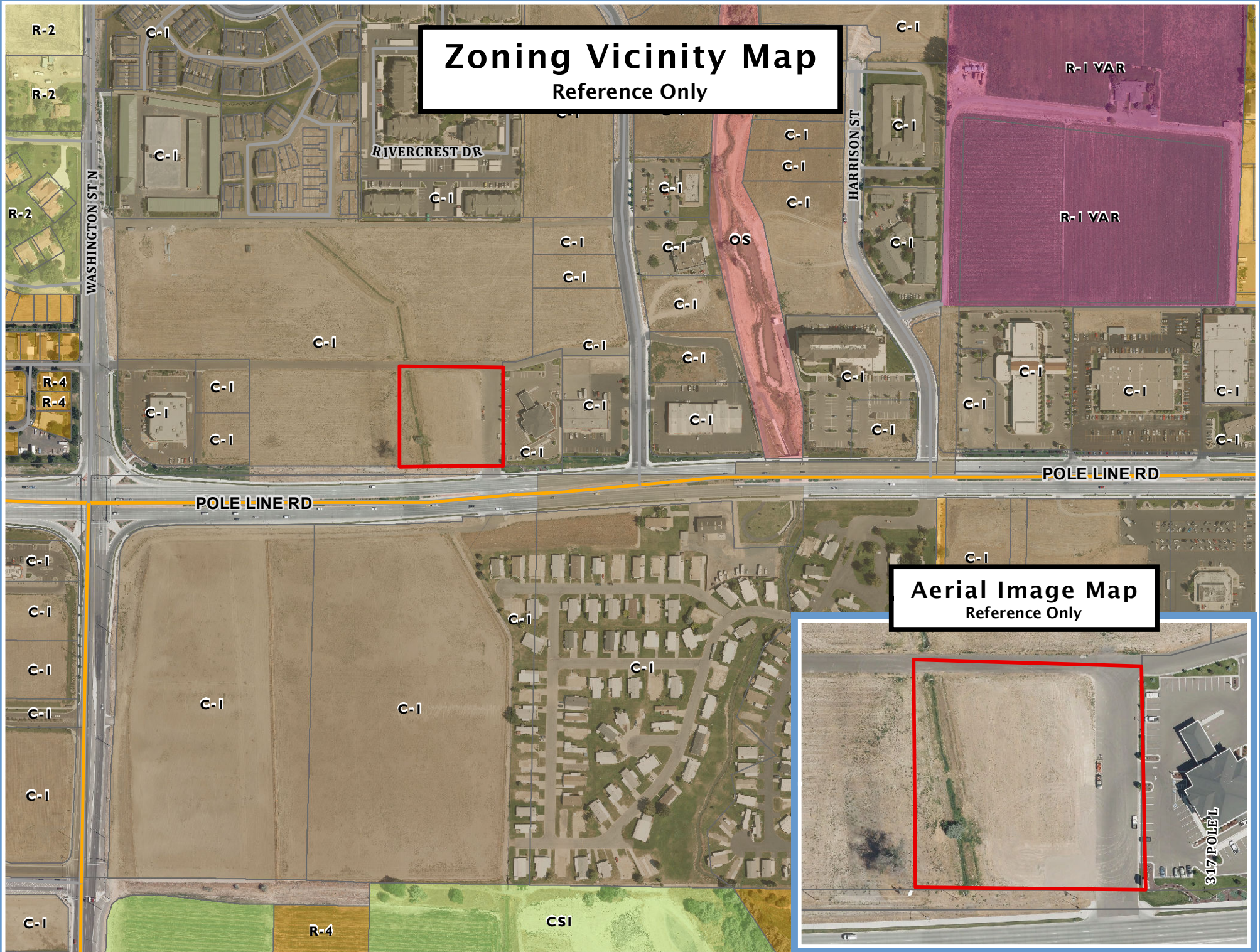
1. Narrative
2. Zoning Vicinity/Aerial Map
3. Future Land Use Map
4. Applicant Submitted Site Plan
5. Applicant Submitted Building Elevations
6. Site Photos (1)

REASON FOR REQUEST

To allow restaurant to operate 24 hours per day. The restaurant is in a commercial area, adjacent to US 93 and provides served to highway traffic, nearby hotels and others on a 24 hour basis. There are no nearby residences to be impacted by the 24 hour operation.

Zoning Vicinity Map

Reference Only



Aerial Image Map

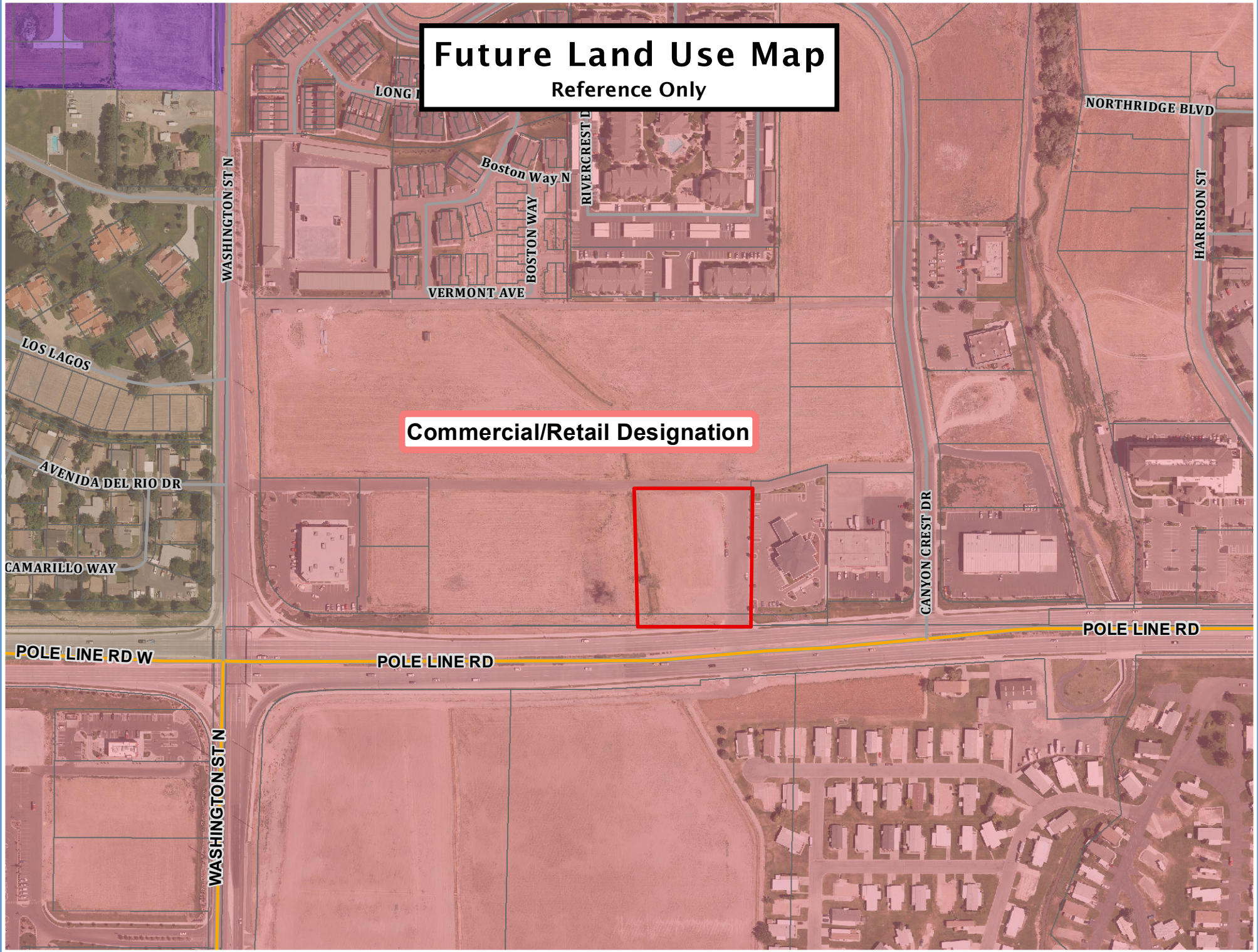
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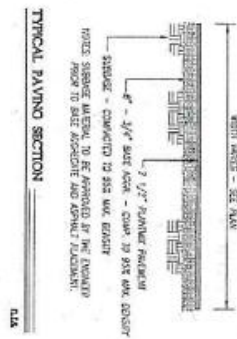


Future Land Use Map

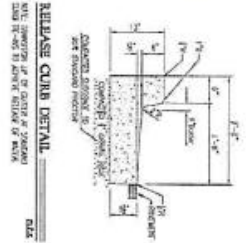
Reference Only

Commercial/Retail Designation

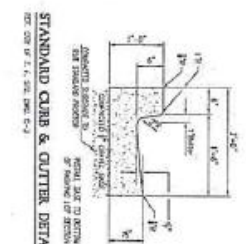




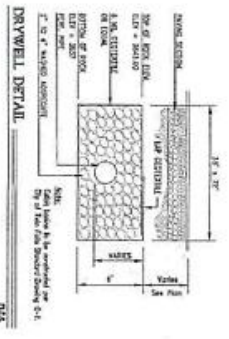
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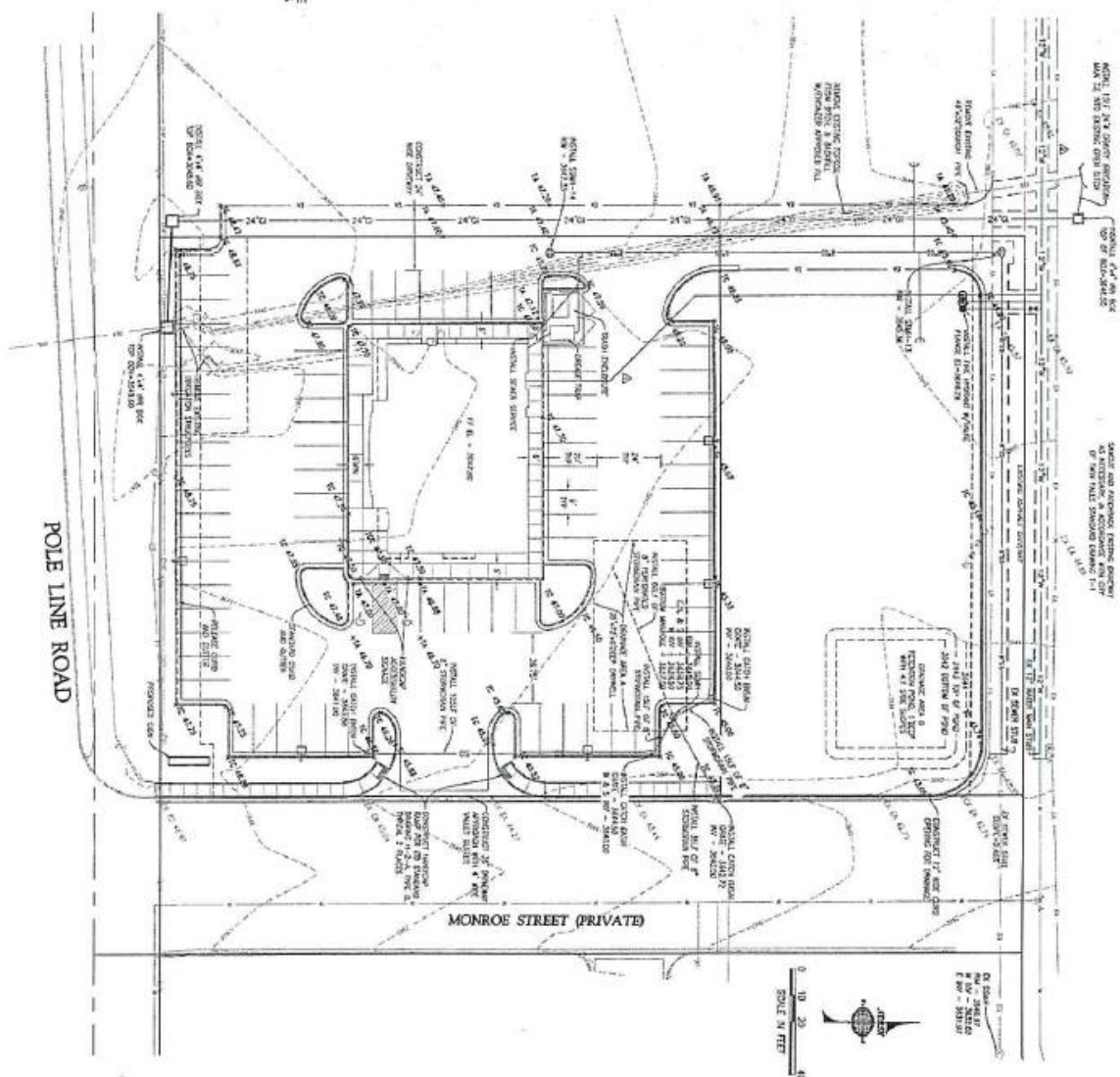
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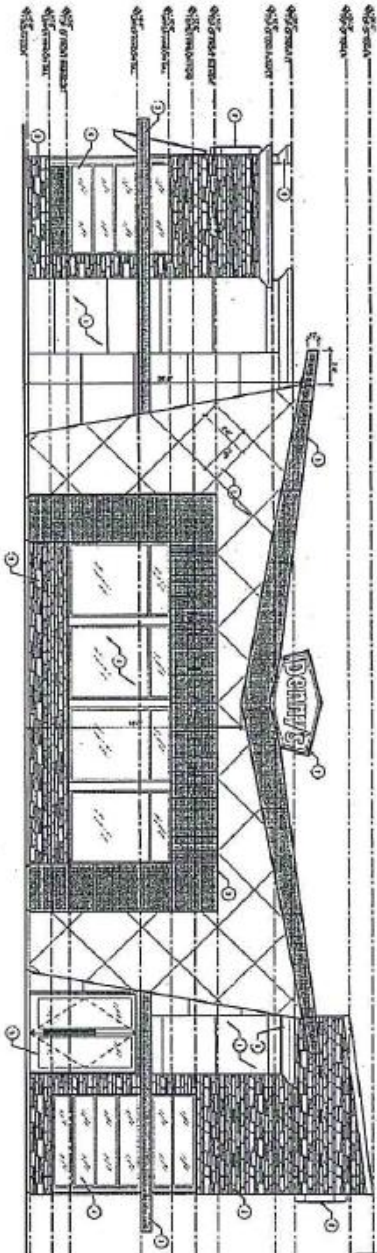


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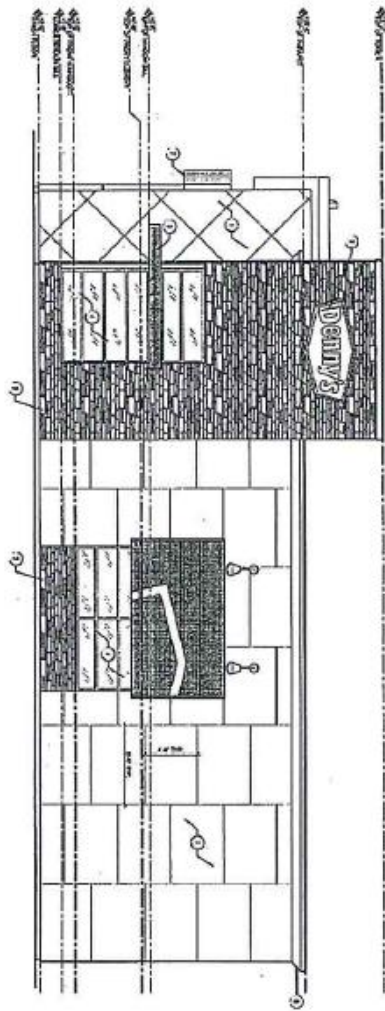
DATE: 11/17/2014
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES
 SCALE: AS SHOWN
 SHEET: 1 OF 1

SITE PLAN & DETAILS
 for
DENNY'S

EHM Engineers, Inc.
 ENGINEERS / SURVEYORS / PLANNERS
 621 North College Road, Suite 100, Twin Falls, Idaho 83301
 P (208) 734-1831 FAX (208) 734-0869 WWW.EHMEINC.COM



FRONT ELEVATION



SIDE ELEVATION

KEYNOTES

1. EXTERIOR WALL
2. EXTERIOR ROOF
3. EXTERIOR FLOOR
4. EXTERIOR CEILING
5. EXTERIOR DOOR
6. EXTERIOR WINDOW
7. EXTERIOR SIGN
8. EXTERIOR LIGHT
9. EXTERIOR VENT
10. EXTERIOR RAIL



POLE LINE RD.
TWIN FALLS, IDAHO 83301



ARCHITECTS, CHARTERED
1301 N. 20th STREET
SUITE 100
TWIN FALLS, IDAHO 83301
PH: 208-735-4111 FAX: 208-735-4112

PROJECT INFORMATION
PROJECT: Denny's Restaurant
DATE: 1-1-00
SCALE: AS SHOWN
SHEET: A4.1

EXTERIOR ELEVATIONS

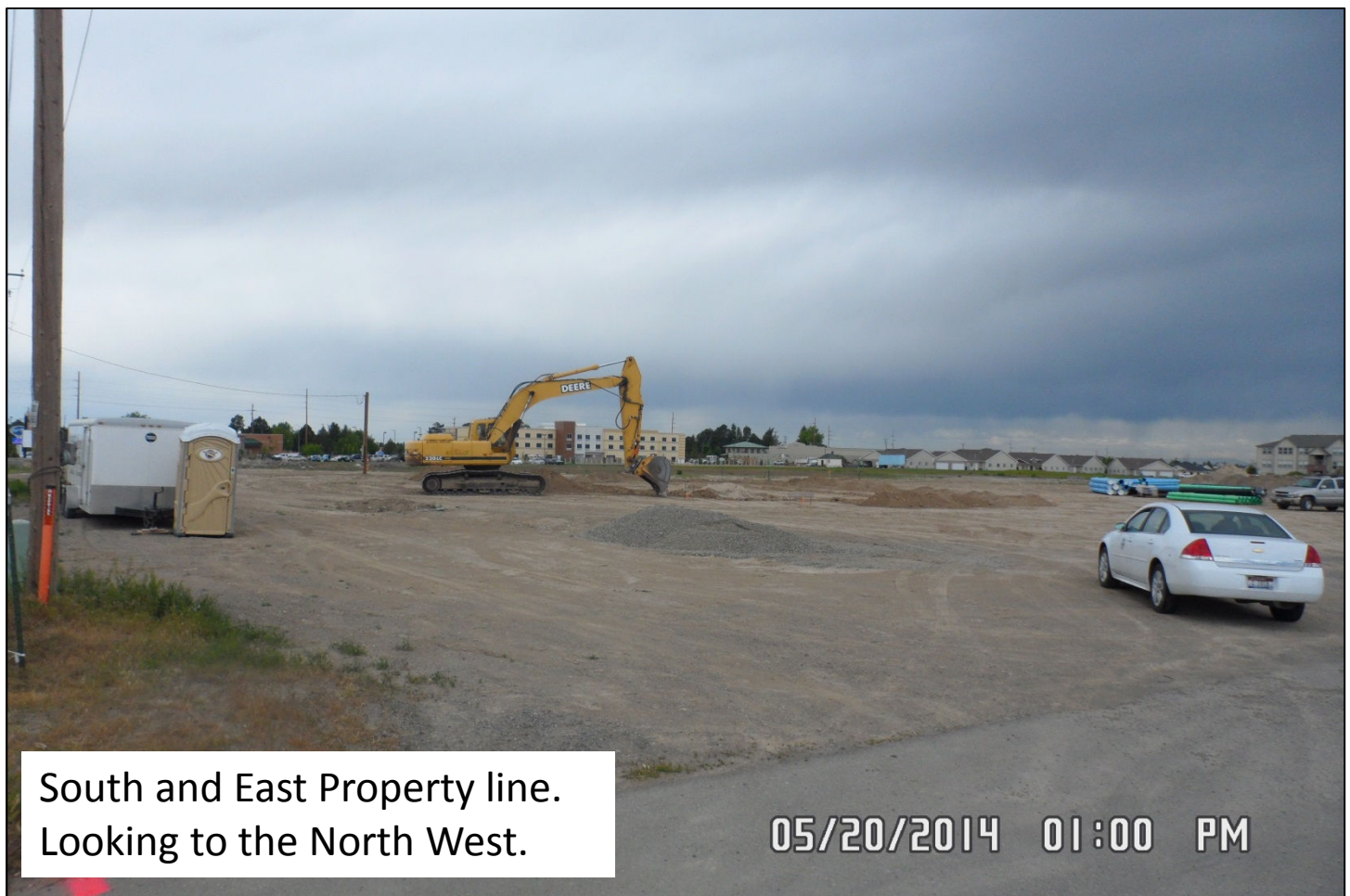
1. **STRUCTURE**
2. **ON THE BASIS OF**
3. **CONCEPTS** (e.g., **CONCEPTS**)
4. **ANALYSIS** (e.g., **ANALYSIS**)
5. **ANALYSIS** (e.g., **ANALYSIS**)
6. **ANALYSIS** (e.g., **ANALYSIS**)
7. **ANALYSIS** (e.g., **ANALYSIS**)
8. **ANALYSIS** (e.g., **ANALYSIS**)

FIG. 1 is a perspective view of a building facade. The facade features a large sign that reads "DENTIST'S" in a stylized font. The sign is mounted on a wall that has a textured, possibly stone or brick, appearance. Below the sign, there is a window with a decorative frame. The building has a gabled roof, and the overall style is reminiscent of early 20th-century architecture. Various parts of the building are labeled with circled numbers 1 through 10, indicating specific features or components.



EXTERIOR ELEVATIONS

A4.2





Public Hearing: **Wednesday , May 28, 2014**
To: Planning & Zoning Commission
From: Rene'e V. Carraway, Community Development

AGENDA ITEM IV-3

Request: Request for an amendment to Special Use Permit #1308 to allow outside storage of containers on property located at 580 Addison Ave West. ProWest Engineering, LLC (App 2636)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner	Size: 1.15 Acres
ProWest Engineering on behalf of Western Enclosure 598 Addison Ave W Twin Falls, ID 208-733-2101	Current Zoning: C-1	Requested Zoning: Amend existing Special Use Permit
	Comprehensive Plan: Commercial/Retail	Lot Count: 1 Lot
	Existing Land Use: Existing Special Use Permit for Legal Non-Conforming Use	Proposed Land Use: No Change from Existing
Representative:	Zoning Designations & Surrounding Land Use(s)	
Dan Theil 451 Eastland Ste 7 Twin Falls, ID 208-969-0668 mtnsun@ymail.com	North: R-6 PRO, Residential Apts	East: C-1, Commercial
	South: C-1, Office Buildings/Addison Avenue West	West: Martin Street; C-1, County Offices
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-13-2.2	

Approval Process:

An amendment to a Special Use Permit requires a public hearing to be held in which interested persons have the opportunity to be heard with regards to the request.

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 marginal impact on the City.

Regulatory Impact:

Approval of this request will allow the applicant to have large storage containers placed on the property. These containers are products of the Western Enclosure business that was previously established.

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:

In July 1986 a Special Use Permit was granted to Roger Powell to operate an Auction House. At that time the building had been used as a warehouse. Since that time, it is believed the building changed hands multiple times at one time or another Norco used it for storage, Magic Valley Medical Center also used it for some purpose, and most recently Twin Falls County had been using it as a mechanic shop and storage facility.

ProWest Engineering purchased the property from the County in May 2012. Since that time they have been using it to assemble electrical components into various sizes of cabinets and as a temporary storage facility for the assembled cabinets and larger cabinets/storage trailer/units.

On December 10, 2013, Western Enclosure was granted a Special Use Permit to replace an existing non-conforming use (County mechanic shop) with another non-conforming use (electrical cabinet assembly). There was quite a bit of discussion regarding this use being more industrial in nature. There were conditions placed on the permit to ensure the neighbors were being protected from a more industrial use rather than a commercial/retail permitted use.

In March 2014 the City Council approved a request to rezone the northerly 30' of the property from R-6 PRO to C-1. April 2014 the City Council adopted Ord #3069 which was later published.

Analysis:

This request is to amend Special Use Permit #1308 to allow outside storage of storage containers on site. In order to address the full request of the Applicant, City Staff has identified that both Conditions #3 and #4 will need to be amended or removed.

The property is zoned C-1; commercial. The C-1 zone allows commercial/retail uses. On December 10, 2013, Western Enclosure was granted a Special Use Permit to replace an existing non-conforming use (County mechanic shop) with another non-conforming use (electrical cabinet assembly). There is no "Use" identified in the city code describing this type of business which is why they were able to request a sup to allow another non-conforming business to operate at this site. There was some discussion regarding this proposed business being more industrial in nature rather than retail. The description of the business determined this would be a very light manufacturing/assembly use and would not negatively impact the surrounding neighbors or be detrimental to surrounding development. The Commission placed conditions on the permit to ensure the business/use operated within the parameters as presented. The only zoning district within the City that allows for outside storage of materials/products is the M-2; heavy industrial zone.

Special Use Permit #1308, granted on December 10th contained four (4) conditions of approval. They are as follows:

1. *Subject to site plan amendments as required by Building, Engineering, Fire & Zoning officials to ensure compliance with applicable City Code requirements and standards.*
2. *Subject to this Special Use permit being limited to ProWest Engineering/Western Enclosure/Eaglegate Systems only.*
3. *Subject to limiting the number of large metal shipping container sized enclosures to a maximum of two (2) on the property at one time and to be located inside the building at all times.*
4. *No outside storage of materials or finished product at any time.*

The request is to amend and/or remove condition's #3 & 4 of the Special Use Permit #1308 to allow outside storage of large metal shipping containers.

Possible Impacts: The use of the property as outlined in the narrative provided by the applicant does not match up precisely with any definitions currently existing in our zoning code. The general impacts this business will have on surrounding properties should be focused on the delivery methods, general operation and outside appearance of the business, as well as the size and scope of the large electrical cabinet assembly and delivery.

It is reasonable to assume that the traffic generated by employee's and deliveries via UPS/FedEx are acceptable in the C-1 Zoned areas. The deliveries of the containers by larger trucks may also be acceptable, depending on the frequency and methods used before, during, and after their deliveries are complete. This may require more clarification by the Commission.

Staff is concerned the volume of deliveries as well as the overall scope of the business may become more industrial in nature than what was presented in the original presentation. We would remind the Commission members that the presented "Use" of the property is not defined in our Zoning Code under the C-1 District and therefore is not a permitted use. This specific business was permitted as replacing a "non-conforming" business with another "non-conforming" business. This business has not been evaluated as to compatibility with other C-1 Uses or the impacts of its proximity to surrounding residential uses. The description is more closely related to a light industrial use.

Conclusion:

Due to the nature of the request to amend and or remove previous conditions placed on a Special Use Permit, Staff has no recommendations.

Attachments:

1. Applicant Narrative
2. Zoning Vicinity Map
3. Future Land Use Map
4. Applicant Submitted Site Plan
5. Special Use Permit #1380
6. Site Photos(2)

The reason for application is to request an amendment to the current Special Use Permit at the current location of Western Enclosure 580 Addison Ave. W. to allow containers to be stored outside of building and to provide an awning or free standing carport to cover containers to keep out of sight, in support and conjunction with the electrical panel/enclosure shop.

Hours of operation would be 8:00 a.m. to 5:00 p.m.

Traffic would be the daily arrival/departure of employees and minimal deliveries such as UPS or FedEx. There will be the occasional large truck for loading the larger enclosures when they are shipped to the customer.

Number of employees would be 2-5 employees initially and possibly more in the future.

Noise levels would be minimal impact to any on the surrounding areas.

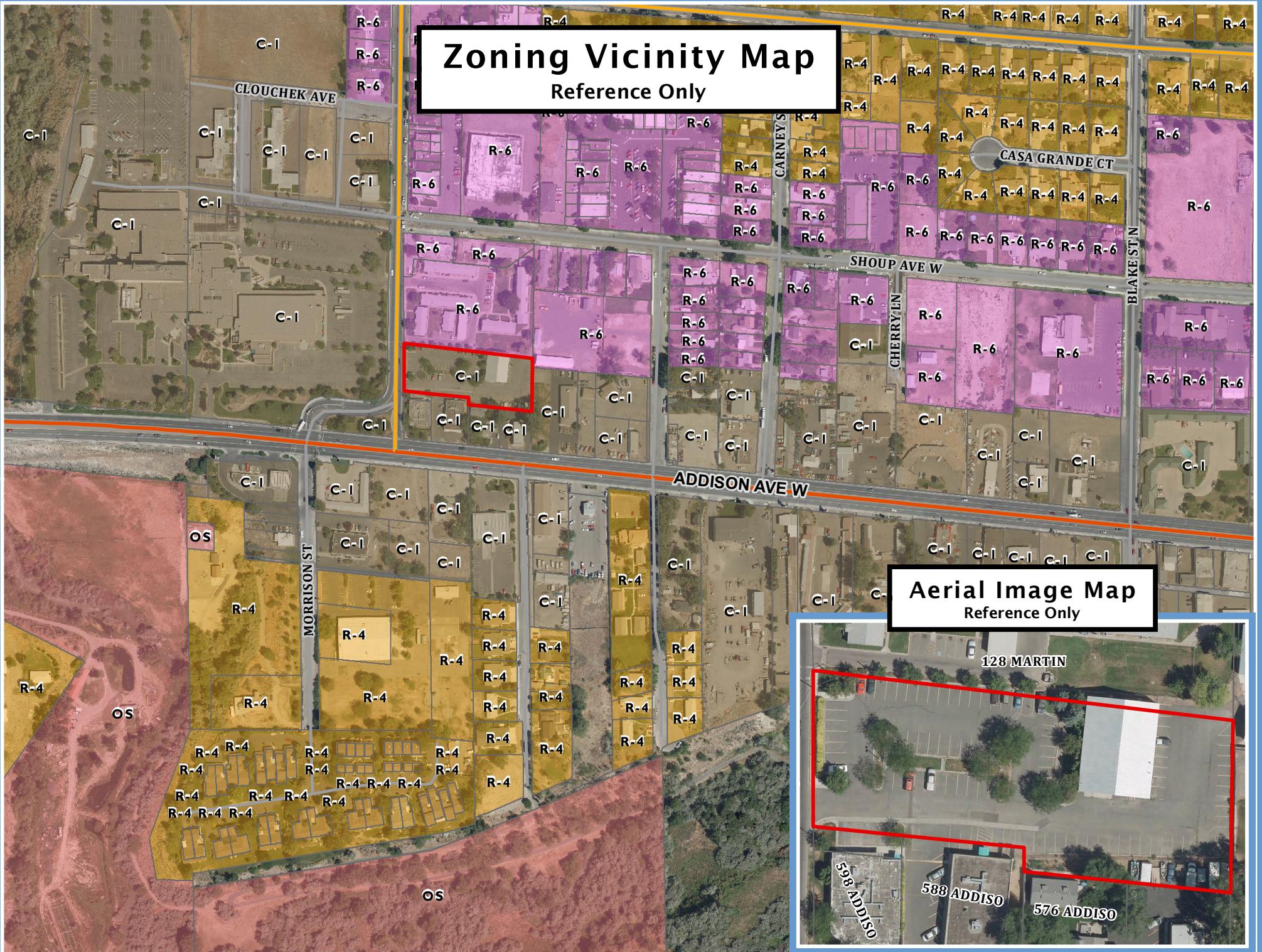
There would be no glare or odor effects from this operation.

The surrounding area consist of a pawn shop, event center, engineering firm (owner of panel shop), apartments, medical facility, County storage area, car sales lot. The compatibility with the surrounding area would be in our estimation would be good. The main access doors to the facility are not directly facing any arterial road or residential area. There is one resident (next to the pawn shop) with the fenced back yard directly in front of the main access to the facility and a proposed additional door would face east toward the Twin Falls County storage area. The facility sets back from the arterial roads and there is substantial landscaped on the west side of the building. All work will be done indoors and will not be a disruption to any of the surrounding area.

The storage of the containers will be generally located on the east side of the Western Enclosure building within the parking spaces already in place. This will not affect the number parking spaces required to be available to the building. The Shop required parking based on 1 space per 400 sq. ft. is 12 parking spaces. Available parking spaces immediately around the shop are approximately 40 spaces.

Zoning Vicinity Map

Reference Only



Aerial Image Map

Reference Only

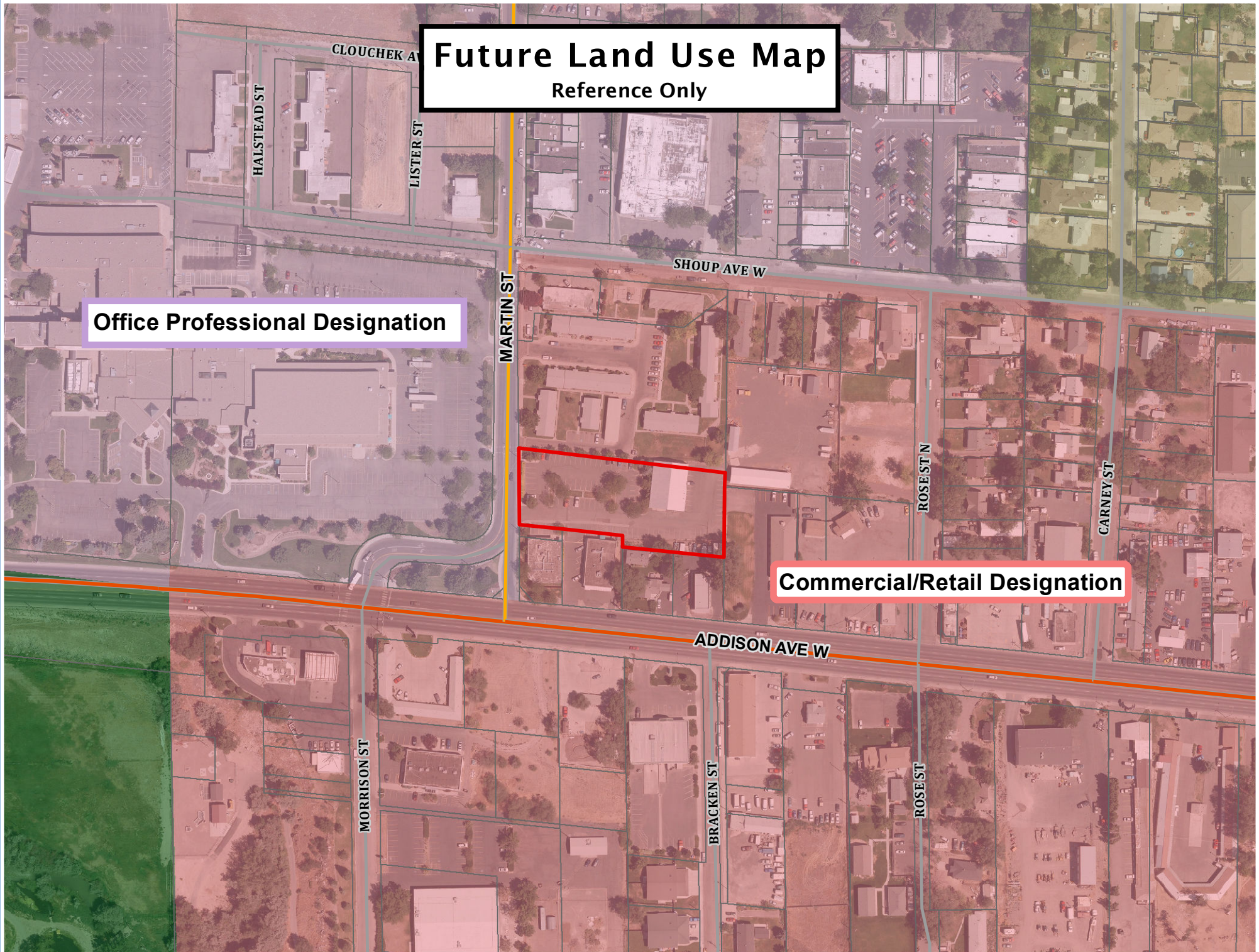


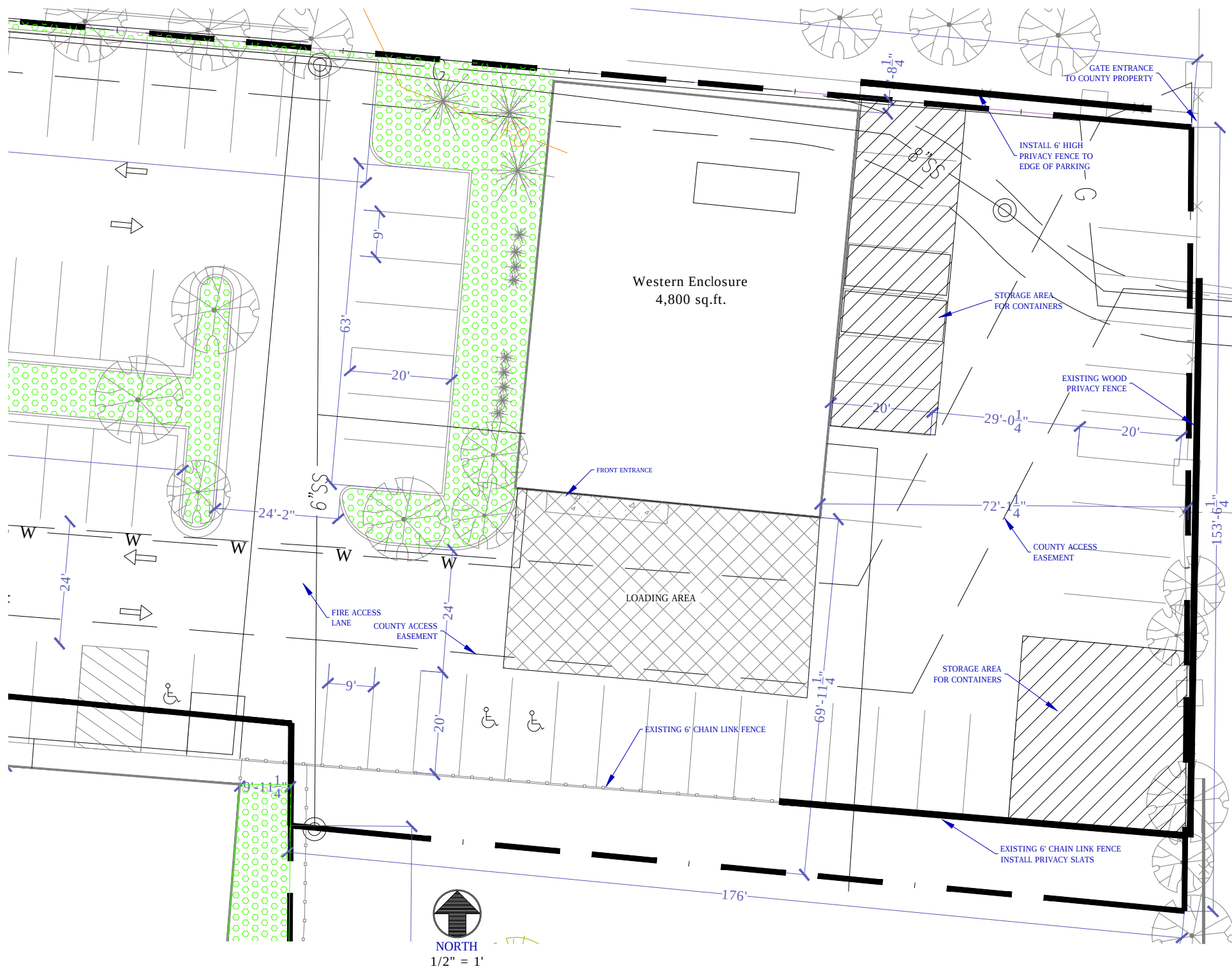
Future Land Use Map

Reference Only

Office Professional Designation

Commercial/Retail Designation





NORTH
1/2" = 1'



**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.1308

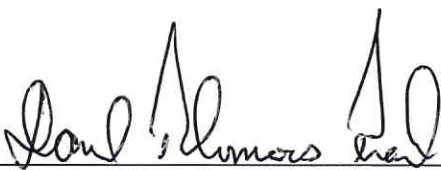
Granted by the Twin Falls City Planning and Zoning Commission, as presented, on December 10, 2013 to ProWest Engineering whose address is 580 Addison Avenue West for the purpose of replacing a legal non-conforming use by allowing and assembly business consisting of electrical components on property located at 580 Addison Avenue West and legally described as Twin Falls Holohan Addn S1/2 Exc SE 125' x 176' & Exc SW 176.9 x 145' & Exc N 30' Lot 6

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.2607

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Coder requirements and standards.
2. Subject to this Special Use Permit being limited to ProWest Engineering/Western Eclosure/Eaglegate Systems only.
3. Subject to limiting the number of large metal shipping container sized enclosures to a maximum of two (2) on the property at one time and to be located inside the building at all times.
4. No outside storage of materials or finished product at any time.





CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION
1/14/14

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





South and East Property line.
Looking to the North West.

05/20/2014 02:02 PM



Looking to the South from
County Access Easement

05/20/2014 02:02 PM



Public Hearing: **WEDNESDAY, MAY 28, 2014**

To: Planning & Zoning Commission

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

AGENDA ITEM IV-4

Request:

Request for a Special Use Permit to allow for sporting vehicles-boat sales/rentals business to include display pad sites, on property located at 299 & 309 Addison Avenue West, c/o Century Motorsport & Marine. (app. 2637)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: owner	Size: 3.55(+/-) acres 31,210 (+/-) sq. ft. buildings
Century Motorsports & Marine 299 & 309 Addison Ave W Twin Falls, ID 83301 208-733-5070 Bill Swan centurymoto@gmail.com	Current Zoning: C-1	Requested Zoning: Special Use Permit
	Comprehensive Plan: Commercial/Retail	Lot Count: 10 lots
	Existing Land Use: Sporting vehicles-boat sales/rentals business	Proposed Land Use: sporting vehicles-boat sales/rentals business to include display pad sites
Representative:	Zoning Designations & Surrounding Land Uses	
	North: C-1; Addison Ave W, commercial	East: C-1; commercial
	South: C-1 CRO, R-6 MHO; residential, commercial and open space	West: C-1 CRO; commercial
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-7-6, 10-10, 10-11, 10-13-2.2	

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 and only upon completion of the conditions within 6 months.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to operate a sporting vehicles-boat sales/rentals, service and repair business to include display pad sites.

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:

The property was Twin Falls Tire Service as early as 1973 and operated as a Texaco Station for a number of years. It was Roberts Auto Body in the 1980's until it was purchased and became R.C.'s Auto Detail in 1991.

August 12, 1997 SUP #505 was granted to Combs Car Corral for automobile sales at the 309 Addison Ave W property with conditions requiring arterial landscaping (10' from back of sidewalk) to be constructed; curb, gutter, and sidewalk to be constructed on Blake Street; an arterial approach constructed on Addison Avenue West OR the approach shall be closed. The applicant at the time was leasing off-street parking spaces to meet the minimum required parking requirements for the property and there was a condition that if the spaces were no longer available then the permit would terminate unless replacement spaces were provided. A landscaping plan was required to be approved by the Planning and Zoning Commission.

September 24, 2002, SUP #0792 was granted for one (1) year by the Planning and Zoning Commission for an automobile sales business in conjunction with an automobile detail business at 309 Addison Ave W. Again it was conditioned that if leased off-street parking was no longer available and not replaced the Special Use Permit would be terminated.

March of 2003, SUP #0811 was granted to allow the expansion of auto sales use onto the property at 317 Addison Ave West.

February of 2004 the city initiated revocation of Special Use Permits for 309 & 317 Addison Ave W because cars were displayed for sale on other properties and the previous permit had expired. The cars were removed and application for a Special Use Permit was made so the application for revocation was withdrawn.

March 30, 2004 SUP #0869 was granted – again to allow automobile sales in conjunction with automobile detail - with conditions. The conditions stated that the property used in the business was to comply with all code requirements including paved parking areas, arterial landscaping, storm water retention, and *no vehicles displayed on landscaped areas*. The permit was granted for one (1) year. A revised site plan was to be submitted by June 1, 2004.

The SUP expired March 30, 2005.

March 28, 2006, there was an application to continue the auto sales use on 309 and 317 Addison Ave W. The Commission denied the request as the applicant had conditions of approval that had not been addressed. Staff worked with the property to get the Combs Car Corral business materials removed.

March 27, 2007 SUP #1022 was granted to Done Right Auto for an auto repair business on the site. The permit expired in one (1) year and the business had discontinued within that time.

April 14, 2009 SUP #1136 was granted to Stonecreek Investments, LLC dba Diamond G Enterprises to operate an automobile and pickup sales, service and repair business.

JAN 1997 J&C Motor Sports, 140 Blake St, received a certificate of occupancy to operate a recreational vehicle (snowmobiles) repair & sales business.

AUGUST 2009 J&C Motor Sports, purchased 309 Addison Ave W to expand their business. The building at 309 Addison Ave W was demo'd and a new 20' free-standing sign was installed advertising J&C Motor Sports. They were permitted to utilize the property for their business with the understanding site improvements were required such as; hard surfacing, arterial landscaping, curb/gutter/sidewalk, storm water retention assurance, etc.... J&C Motor Sports paved and installed arterial landscaping and curb/gutter/sidewalk along Blake Street.

NOVEMBER 2012 J&C Motor Sports sold their building at 140 Blake Street to Craig's Automotive and moved J&C Motor Sports across the street to become a part of Century Motorsports & Marine-299 Addison Ave W. J&C Motor Sports also sold 309 Addison Ave W to Century Motorsports & Marine.

At this point the free-standing sign became an off-premise non-conforming sign as it was advertising a business that was now across the street. The vacant undeveloped property at 309 Addison Ave W was not connected to any business – therefore no use was allowed.

Analysis:

The applicant currently operates Century Motorsports & Marine- a sporting vehicle & boat sales/rental business located at 299 Addison Ave W. The applicant would like to be allowed to utilize the property at 309 Addison Ave W for display of sporting vehicles & boats that he sells at his business located at 299 Addison Ave W. They are also requesting display pad sites to be permitted on both properties. Both properties are located in the C-1, Highway Commercial District. A Special Use Permit is required to operate a sporting vehicles-boat sales/rentals, service and/or repair business in the C-1 zone. Outside display of vehicles for sale are permitted in this zone.

The property is approximately 3.55 acres and is currently being used for this type of business. The business has expanded and now consists of boats, dirt-bikes, ATV's, UTV's and lawnmower sale, service and rentals. They recently purchased a piece of property across Blake Street and would like to be able to display vehicles for sale – lawnmowers are not considered a sporting vehicle therefore is not permitted to be displayed outside. This property must be included in the special use permit for this use to allow them to display vehicles. Approval of this special use permit will also allow the applicant to have a free-standing sign on the property across Blake Street from the main office building.

The applicant intends to operate the business Monday through Friday from 9:00 am to 6:00 pm and Saturday from 10:00 am to 2:00 pm. They anticipate more customers per day because of the expansion of the shop area. As the property is adjacent to a high volume traffic roadway, traffic should have minimal impacts to the surrounding uses. The business employs eight people at this time and anticipates growth.

The existing business will not operate any differently. The applicant would like to use the newly acquired property at 309 Addison Avenue West as a display area only. There will not be any additional noise, glare, fumes, etc. Customer parking is provided at 299 Addison Avenue West at the existing office location. If the permit is granted a condition the display of vehicles shall be associated with the business located at 299 Addison Ave W.

Access to 309 Addison Avenue has been a concern in the past. There were four (4) drive approaches. Previous special use permits on the property have included conditions for arterial approaches on Addison to be constructed or the access to be closed. The accesses did not meet current standards. One of the accesses on Addison Avenue has been removed and the other one reconstructed to city standard. The other access on Addison Avenue has been reconstructed to city standards and is currently blocked by a chain so the public cannot access the property. Blake Street is a collector and the accesses are not to code - the northern access is too close to the intersection to meet current standards. The northern access needs to be closed and the Blake Street access moved as far south as possible. Currently there is a landscaped strip that blocks the accesses.

The landscaping requirement for the C-1 zone is the equivalent of 10% of all parking area or 3% of the total site, whichever is greater. Addison Avenue West is classified as a gateway arterial. The landscaping requirements along a gateway arterial states that in addition to the standard landscaping requirement there shall be a landscape strip of at least 10' in width behind the sidewalk when properties are being remodeled. Although 309 Addison Avenue is not being remodeled the previous requests for special use permits included land use changes and major remodeling therefore the gateway arterial landscaping was required (at the time the requirement was a minimum 10' behind the sidewalk or future sidewalk) . The site has a landscaped strip along Blake and Addison Avenue. There should be two (2) trees and eight (8) bushes in the landscaped strip along Addison Avenue. The remaining landscaping requirement is one (1) tree and four (4) bushes. The total required landscaping is 1200sf +/-.

All parking and maneuvering areas are to be hard surfaced with Portland concrete or asphaltic concrete surface material. The site has asphalt re-grind material on the parking and maneuvering areas. The city's Engineering Department can recommend to the City Council whether this material is adequate or not. The City Council is the only body that can waive the requirement for asphalt or concrete material for hard surfacing.

All commercial developments are to construct storm water retention facilities to retain 100% of the 50-year 24-hour rainstorm event on site. The storm water retention will have to be determined when the surface of the site is decided. The facility can be constructed underground or above ground.

City Code states that display of vehicles, trailers, pickup shells, tires or any other items for sale is prohibited **except** upon city approved display pads provided through approval of a special use permit. No such display pads shall be approved within fifteen feet (15') of the sidewalk or future sidewalk. The applicant would like to display boats, ATV's, UTV's and lawnmowers along Addison Avenue, however, no display pad sites have been identified. If the Commission feels **display pad sites** are appropriate along this corridor a specific number may be allowed as a condition of the special use permit.

Conclusion:

Should the Commission approve the 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. Landscaping on the site to be developed and maintained as per City Code.
3. Subject to the parking and maneuvering area being hard surfaced with asphalt or concrete or as determined by City Engineering Department.
4. Subject to storm water retention facility being constructed as determined by surface of parking and maneuvering area.
5. Subject to the use of 309 Addison Ave W being limited to Century Motorsports & Marine operating at 299 Addison Ave W. This includes the display of sporting vehicles-boat sales/rentals.
6. Subject to no display pad sites within landscaped areas.

Attachments:

1. Letter of Request
2. Zoning/Vicinity Map
3. Future Land Use Map
4. Site Plan
5. SUP #0505
6. SUP #0792
7. SUP #0811
8. SUP #0869
9. SUP #1022
10. SUP #1136
11. Site Photos

To whom it may concern,

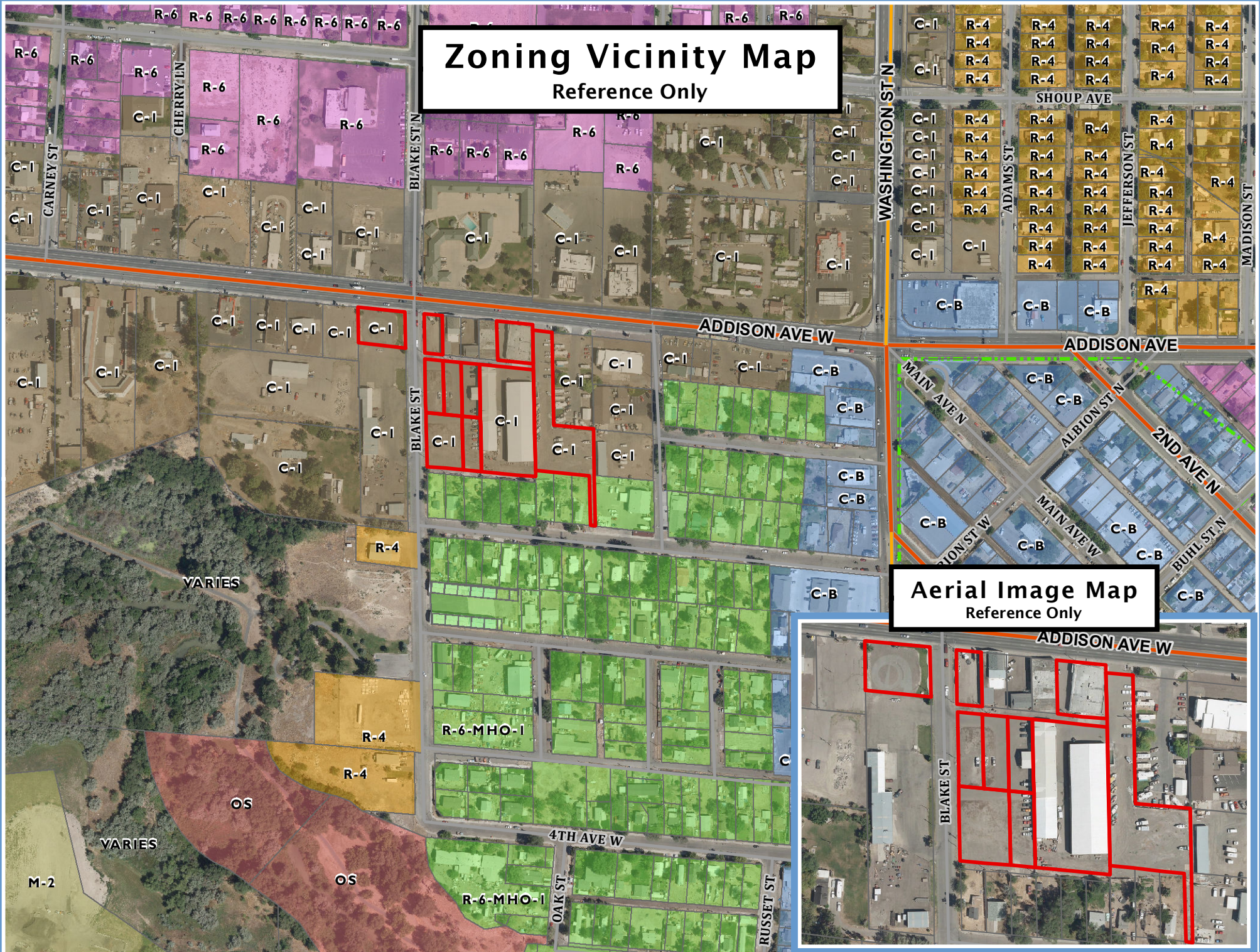
Century Boatland has been around for more than 30 years with the Magic Valley, recently we have expanded and became Century Motorsports and Marine. Our business consists of boat sales/service and now dirtbike, atv, utv and lawnmower sales/service. We bought a piece of land across the street from us, and we are wanting to join this property with our existing.

Century Motorsports and Marine is open Monday through Friday 9am-6pm and Saturdays from 10am -2pm. We are now an all season shop and anticipate a lot of traffic. As of right now with our sign on our 299 Addison Ave. West property, many people are not able to see us and know where we are at. The 309 Addison Ave. West piece that was purchased will help with getting our name out again and people being able to see our new sign and units being displayed. Century Motorsports and Marine employs 8 people and we anticipate growth.

If we can get the new piece of property joined, there shouldn't be anything different that there is now including extra noise, glare, fumes ect. All that the property will be used for is to display units that are for sale along with a sign with our business name, so the traffic is able to see .

Zoning Vicinity Map

Reference Only



Aerial Image Map

Reference Only



Future Land Use Map

Reference Only

Commercial/Retail Designation

Townsite Designation

CHERRY LN

BLAKE ST N

ADDISON AVE W

OSTRANDER ST

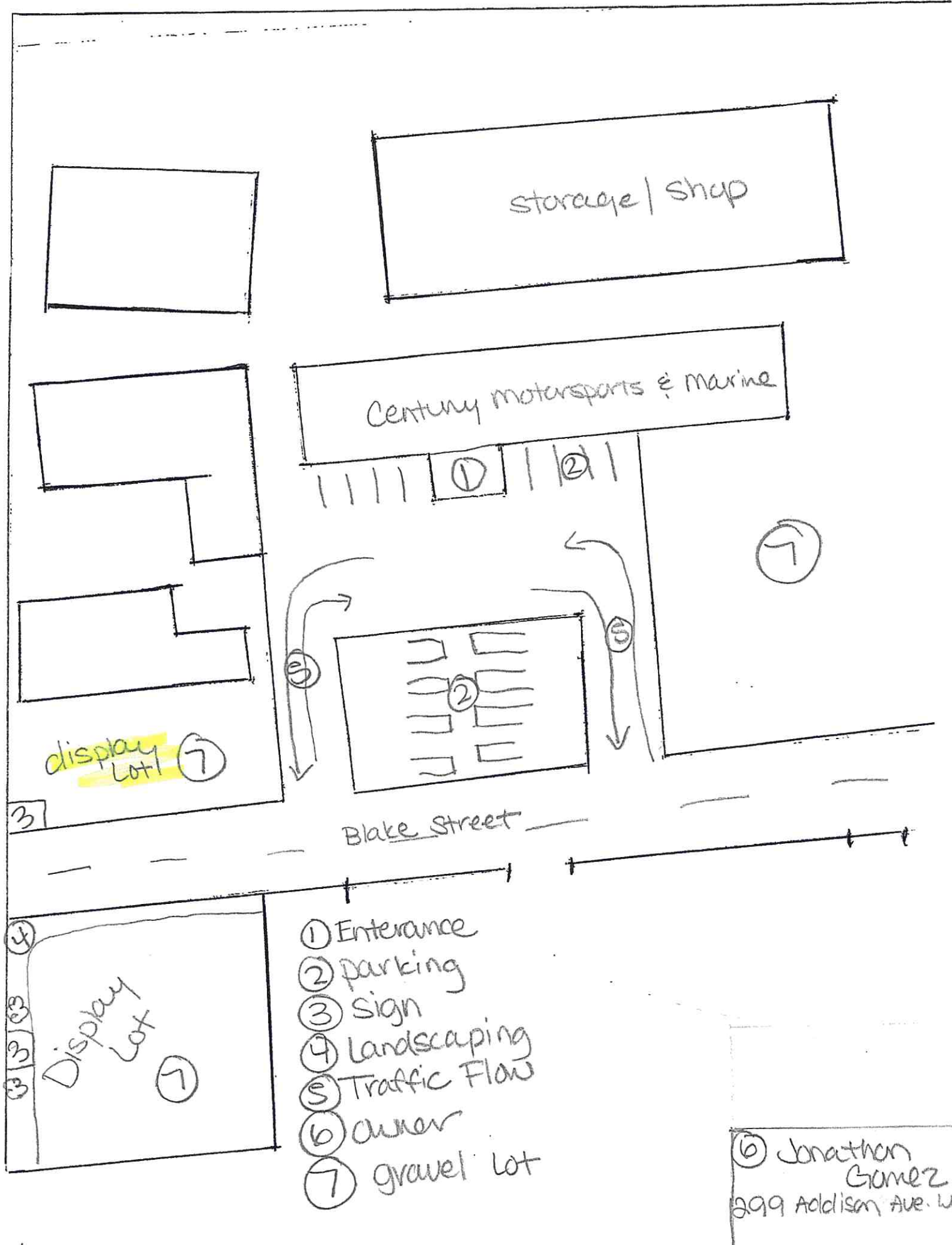
AUSTIN AVE

BLAKE ST

OAK ST

3RD AVE W

ADDISON AVE. WEST



- ① Entrance
- ② parking
- ③ sign
- ④ Landscaping
- ⑤ Traffic Flow
- ⑥ owner
- ⑦ gravel lot

⑥ Jonathon
Gomez
299 Addison Ave. Wes



P. O. Box 1907 • 321 Second Avenue East • Twin Falls, Idaho 83303-1907 • Fax: (208) 736-2296

SPECIAL USE PERMIT

Permit No. 0505

Granted by the Twin Falls City Planning and Zoning Commission on August 12, 1997, to Robert & Celeste McMillen whose address is 413 Altair Drive, for the purpose of operating an automobile sales business on real property located at 309 Addison Avenue West and legally described as (attached).

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

- 1) Arterial landscaping to be constructed during the 1997 construction season.
- 2) Arterial approaches to be constructed during the 1997 construction season or approaches on Addison Ave. W. to be closed.
- 3) Curb, gutter and sidewalk on Blake St. to be constructed during the 1997 construction season.
- 4) If leased off-street parking spaces are no longer available, the special use permit will end or replacement spaces provided.
- 5) Landscaping plan to be approved by the Planning and Zoning Commission.


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 736-2238 for further information.

This permit corresponds to Application No. 1176

cc: Building Inspection



P.O. Box 1907

321 Second Avenue East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2296

OFFICE OF THE PLANNING & ZONING DIRECTOR

208-735-7267

SPECIAL USE PERMIT

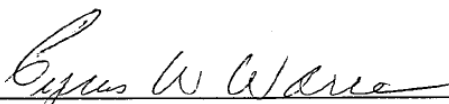
Permit No. 0792

Granted by the Twin Falls City Planning and Zoning Commission on September 24, 2002, to Bob McMillen whose address is 483 Mahard, for the purpose of operating a used vehicle sales business in conjunction with an automobile detail business on real property located at 303 Addison Avenue West and legally described as a portion of the N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 10 South, Range 17 East of the Boise Meridian.

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

- 1) If leased off-street parking spaces are no longer available, the special use permit will end or replacement spaces provided.
- 2) This permit expires one year from date of issuance.




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.

This permit corresponds to Application No. 1672

cc: Building Inspection



P.O. Box 1907321

Second Avenue East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2296

OFFICE OF THE PLANNING & ZONING DIRECTOR

208-735-7267

SPECIAL USE PERMIT

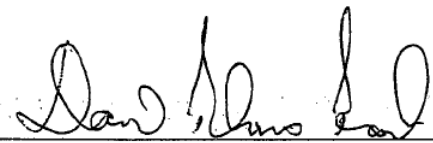
Permit No. 0811

Granted by the Twin Falls City Planning and Zoning Commission on March 25, 2003, to Combs Car Corral c/o Bob McMillen whose address is 309 Addison Avenue West, for the purpose of expanding an existing automobile sales business on real property located at 317 Addison Avenue West and legally described as Twin Falls Acres Inside W 148.58' x 99.18 of NE 188.58' x 250.41', S of Addison Avenue NE NW NE.

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

- 1) Property used in business is to comply with all building and zoning requirements to include paved parking areas, arterial landscaping, storm water retention, no vehicles displayed on landscaped areas, etc.
- 2) Provide a revised site plan showing where customer parking is located.




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.

This permit corresponds to Application No. 1705

cc: Building Inspection



P.O. Box 1907

321 Second Avenue East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2296

OFFICE OF THE PLANNING & ZONING DIRECTOR

208-735-7267

SPECIAL USE PERMIT

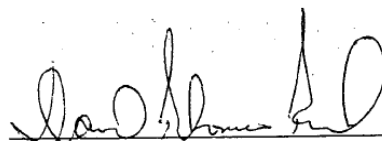
Permit No. 0869

Granted by the Twin Falls City Planning and Zoning Commission on March 30, 2004, to Combs Car Corral c/o Lyle L. Moore whose address is 309 Addison Avenue West, for the purpose of operating a used vehicle sales business in conjunction with a vehicle detail business on real property located at 309 and 317 Addison Avenue West and legally described as W $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ WE $\frac{1}{4}$ Section 17, Township 10, South Range 17 E BM.

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

- 1) *Property used in business is to comply with all building and zoning requirements to include paved parking areas, arterial landscaping, storm water retention, no vehicles displayed on landscaped areas, etc.*
- 2) *Provide an acceptable revised site plan by June 1, 2004, showing where customer parking is located.*
- 3) *Special Use Permit expires in one year.*




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.

This permit corresponds to Application No.1808

cc: Building Inspection



CITY OF TWIN FALLS
Planning & Zoning Commission
321 Second Ave E
Twin Falls, ID 83301
PH: 208-735-7267 FAX: 208-736-2641

SPECIAL USE PERMIT

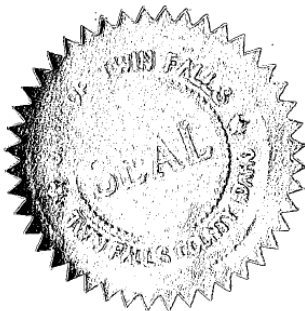
Permit No. 1022

Granted by the Twin Falls City Planning and Zoning Commission on March 27, 2007, to Larry Keesler whose address is 2906 E 3600 N Twin Falls, ID 83301, for the purpose of operating an automotive repair business on property located at 309 Addison Avenue West, Twin Falls, ID 83301 and legally described as Twin Falls Acres Inside NE 126.23' X 100' N1/2 NW NE, E OF Kam's Subd (17-10-17)

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Application No. 2106

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. Operating hours 8:00 am to 5:30 pm, Monday through Saturday.
3. Vehicles not being repaired are not to be stored on site.
4. All parts and miscellaneous equipment to be store inside of buildings.
5. Assure that no vehicles associated with the repair business are parked on adjacent properties or on public right-of-way.
6. Install sand & grease interceptors as required by Building and City Wastewater codes.
7. Retain all stormwater on site.
8. The Special Use Permit shall expire in 1 year.



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



**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. 1136

Granted by the Twin Falls City Planning and Zoning Commission on April 14, 2009 to Stonecreek Investments, LLC dba Diamond G Enterprises whose address is 3155 E 3200 N Twin Falls, ID 83301 for the purpose of operating an automobile and pickup sales service and repair business (which may include RV;s, sporting vehicles and motorcycles as trades) on property located at 309 Addison Avenue West and legally described as TWIN FALLS ACRES INSIDE NE 126.23' X 100' N1/2 NW NE, E OF KARN'S SUBD (17-10-17) TWIN FALLS ACRES INSIDE W 148.58' X 99.18' OF NE 188.58' X 250.41', S OF ADDISON AVE NE NW NE (17-10-17)

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Zoning Application No. 2296

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. For the area indicated as "Graveled Area" to be included in this permit a lot line adjustment or subdivision of the property needs to occur prior to the operation of the business and a determination that it is not within the Canyon Rim Overlay district.
3. Access plan on Addison Ave W and Blake St to be reviewed and resolved with the Engineering Department.
4. Landscaping on the site to be developed and maintained as per City Code.
5. Lighting on property to be provided as per code. Lighting to be directional and shielded to eliminate light trespass onto adjacent properties.
6. Parking areas to be striped and indicated as per code.
7. All parts and miscellaneous equipment to be stored inside of buildings or screened area.
8. Assure that no vehicles associated with the repair business are parked outside of an enclosed building, screened area, on adjacent properties or on public right-of-way.



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



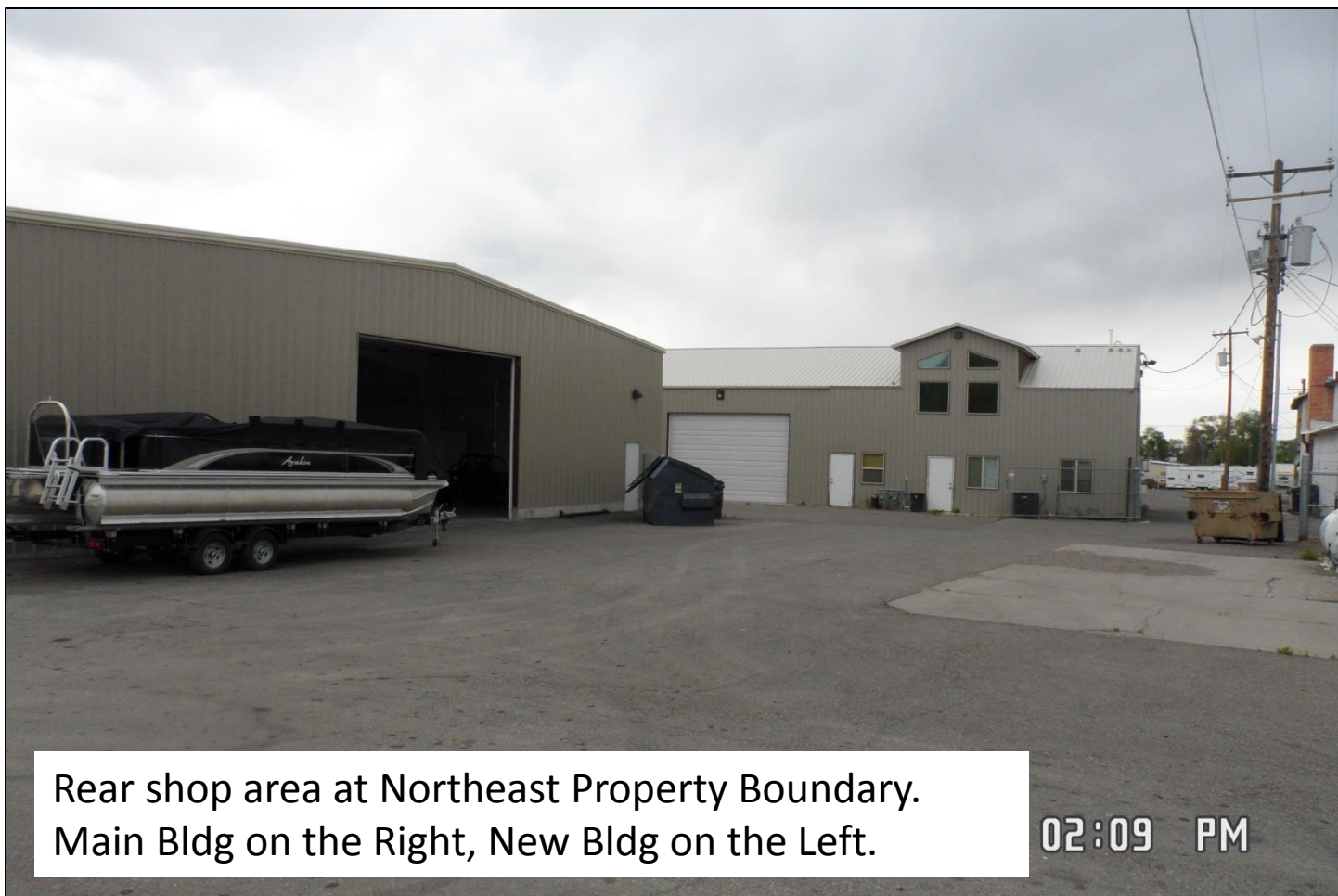
Frontage along Addison Ave W

05/20/2014 02:14 PM



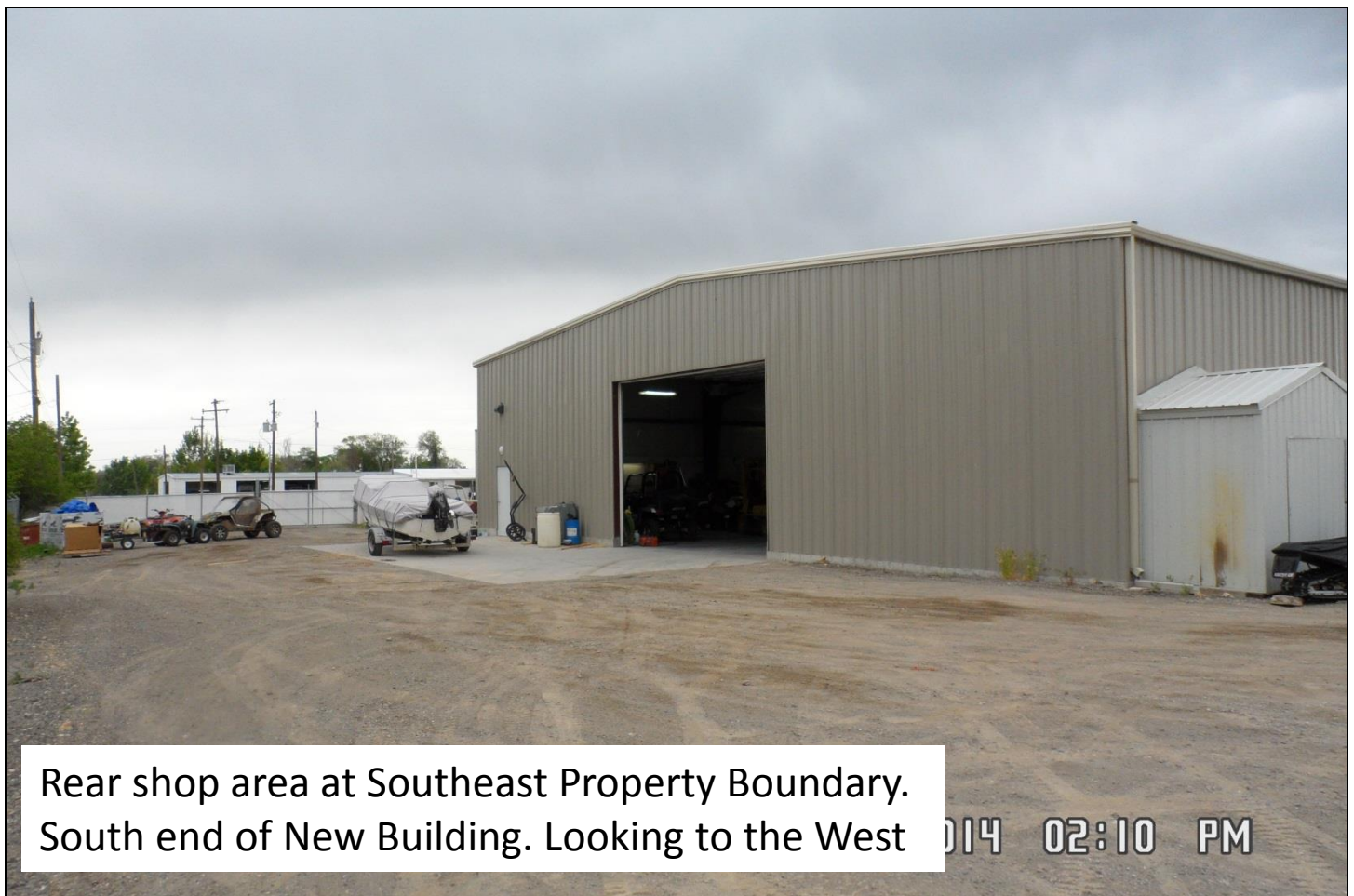
West Property boundary along
Blake Street from South

05/20/2014 02:13 PM





Fence on South Property Line
Adjacent to Residential Lots



Rear shop area at Southeast Property Boundary.
South end of New Building. Looking to the West



Rear Shop area looking at Gate
South of Main Building



Front of Business along Blake St. South Gate
shown on the Right. Main Bldg on the Left.



Public Hearing: **Wednesday, May 28, 2014**

To: Planning & Zoning Commission

From: Rene'e Carraway, Community Development

AGENDA ITEM IV-5

Request: Request for a Variance to City Code Title 10-7-17 (C-1A) to allow for an exceeded maximum height limit of 100 ft. for a roof mounted facility including the building, on property located at 182 5th Ave South, c/o Joe Shelton on behalf of White Cloud Communications/SIRCOMM (app. 2638)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Lease	Size: Approx: 1.8 Acres Land, 3475 Sq Ft Bldg
White Cloud Communications Inc./SIRCOMM 663 Main Ave East Twin Falls, ID 83301	Current Zoning: O-T WHO P-3 Overlay	Requested Zoning: Variance to 10-7-17
	Comprehensive Plan: Townsite	Lot Count: 1 Lot
	Existing Land Use: Historic Grain Silos	Proposed Land Use: Roof Mounted Wireless Communication Facility
Representative:	Zoning Designations & Surrounding Land Use(s)	
Joe Shelton 663 Main Ave East Twin Falls, ID 83301 208-733-5470	North: OT WHO P-3 Overlay; Office and Parking Lot	East: OT WHO P-3 Overlay; Event Center
	South: O-T WHO P-3 Overlay; Restaurant and Parking Lot	West: OT WHO P-3 Overlay; Restaurant and Parking
	Applicable Regulations: 10-1-4, 10-1-5, 10-7-17, 10-13	

Approval Process:

The Variance 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 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 immediate impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to construct a roof mounted tower at the location described in excess of the one hundred (100) foot maximum combined height of building and tower.

A variance 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:

The grain Silos were built in 1915 by the Twin Falls Milling and Elevator Company. The company shuttered its doors in 1968. By 1992 the Silos and the warehouse were the only buildings still standing that had ties back to the milling and elevator operation.

Analysis:

This property is zone O-T WHO P-3 Overlay, Old Towne District with the Warehouse History Overlay, and a Parking Overlay. The property is approximately 1.8 Acres in size and has the +/- 90 ft Historic Silos constructed on the SE portion of the property. The request is for a variance to the City Code regulation that requires "The maximum height for any roof-mounted facility, including the building, shall be one hundred feet (100')"

On April 22, 2014 an administrative approval was given for a roof mounted tower to be located on the Silos. This approval was given to a tower that met the maximum height requirements of current Twin Falls City Code.

The applicant is requesting for a variance to the one hundred (100) foot maximum height to allow a roof mounted tower that will reach an apex height of one hundred forty-nine feet ten inches (149'-10") tall. The applicant states in their narrative that this height is needed in order to give adequate wireless service to their clients.

City Code 10-13-2.1(C)-4 states: In order for a variance to be granted the following Five (5) criteria must all be met:

1. *That special conditions or circumstances exist which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures or buildings in the same district.*

The applicant states the public good necessitates that the dangerous tower be removed from the Twin Falls County Courthouse. The public good also necessitates that law enforcement, fire, and EMS has excellent radio coverage in the Magic Valley.

Staff's review: The variance application specifically listed the Silos as the property to which the variance is being applied for. This land does not have an irregular shape or size. The building currently exceeds the fifty

(50) foot maximum allowable height for a structure in the O-T Zoning District. As such, the Silos are currently a Legal Nonconforming structure. This status has not inhibited the Silo's performing their current primary function, a Historic Building in the Twin Falls City Warehouse Historic Overlay District. Staff feels special conditions or circumstances may exist due to the nonconforming status of the Silos.

2. *That a literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.*

The applicant states: A literal interpretation would not allow SIRCOMM to continue to operate at the capacity that they are required to insure to the public. They must move from their dangerous current location and they must provide the police, fire and EMS quality service to protect the public. Not allowing them to solve the problem deprives them of the ability to do their assignment.

Staff's review: This application is specifically for a height variance at a location listed as 182 5th Ave South. Other buildings in the district have the potential to construct a roof mounted tower to a maximum of one hundred (100) feet, the same opportunity the Silos have been given. Staff does not feel this criterion has been met.

3. *That special conditions and circumstances do not result from the actions of the applicant.*

The applicant states: The deterioration of the current tower and the insistence of the Twin Falls County Commissioners is not the result of the actions of SIRCOMM. The public good is facilitated by removing the dangerous old tower and insuring quality communications for police, fire and EMS.

Staff's review: The special conditions that currently exist, namely that the Silos are Nonconforming, did not result from the actions of the applicant. The Silos were built prior to the current Zoning Ordinance.

4. *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Title to other lands, structures or buildings in the same district.*

The applicant states they will not receive any special privilege by this variance. The owner and tenant of this property written into the lease the free use for SIRCOMM, Twin Falls County Sherrieff and Twin Falls Police Department.

Staff's review: The applicant will be given special privileges on the basis that Title 10 -7-17 of current code will deny other structures and buildings from establishing a roof mounted tower that exceeds one hundred feet (100'). Staff does not feel this criterion has been met as outlined in this section.

5. *That a literal enforcement of the provisions of this Title would result in unnecessary hardship. For purposes of this Section, where a reasonable conforming use is, or can be, located on a lot or parcel, there is no unnecessary hardship.*

The applicant states: This is a very unnecessary hardship because SIRCOMM is mandated to move from the courthouse and must provide coverage to the police, fire, and EMS and has no way to insure the coverage other than the fee use of the tower that will be built.

Staff's review: The applicant has the opportunity to construct a roof mounted tower (a reasonable conforming use) that would meet to the existing City Code on the current location being proposed for the variance.

By virtue of this opportunity there is no unnecessary hardship as listed in the description of the criterion of this section.

Conclusion:

In conclusion, Idaho State Statute 67-6516 declares “ A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. “

Staff feels that two (2) of the five (5) required criteria are met in this request. Current City Code, declares that a variance shall not be granted unless the Commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that all five (5) of the above mentioned standards and conditions have been met by the applicant. (Ord. 2466, 2-6-1995)

Attachments:

1. Letter of Request
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. Applicant Submitted Elevation Rendering
6. Site Photos (5)

1. *That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same district.*

1. Special conditions and circumstances do exist in this situation. The public good necessitates that the dangerous tower be removed from the Twin Falls County Courthouse. The public good also necessitates that law enforcement, fire and EMS has excellent radio coverage in the Magic Valley.

2. *That literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.*

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All other entities can use the facility under the existing terms on a free basis.

5. *That a literal enforcement of the provisions of this Title would result in unnecessary hardship. For purposes of this sections, where a reasonable conforming use is, or can be located on a lot or parcel, there is no unnecessary hardship.*

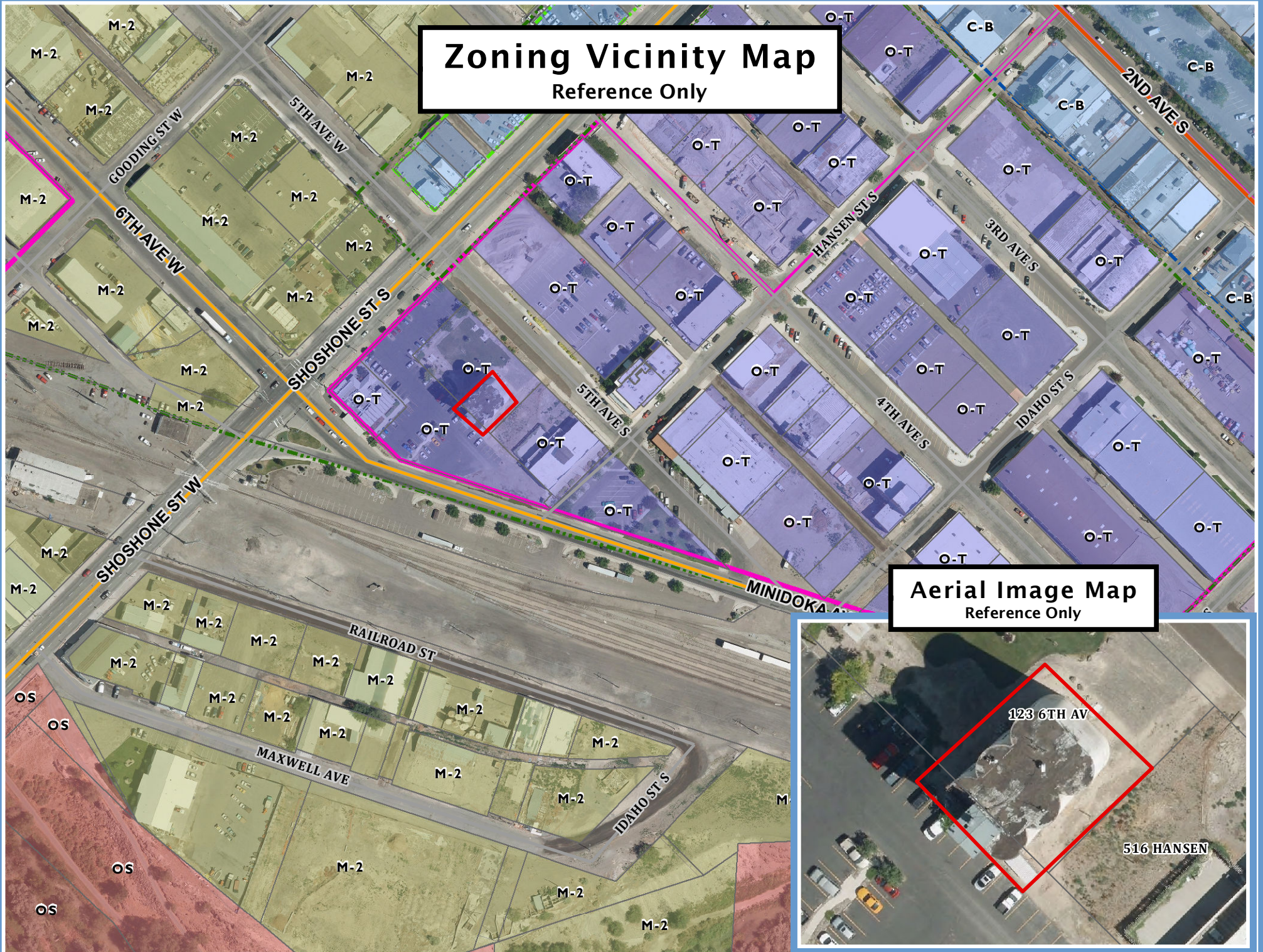
5. The literal enforcement of the provisions of the Title would result in unnecessary hardship. This is a very unnecessary hardship because SIRCOMM is mandated to move from the courthouse and must provide coverage to the police, fire and EMS and has no way to insure the coverage other than the fee use of the tower that will be built.

The citizens of the area also will have unnecessary hardship because of the danger that the tower will blow off of the courthouse and the liability that could happen from a heavy structure falling on the property and people.

Also the public would have unnecessary hardship because the regional network would not work properly for the public safety.

Zoning Vicinity Map

Reference Only



Aerial Image Map

Reference Only



Future Land Use Map

Reference Only

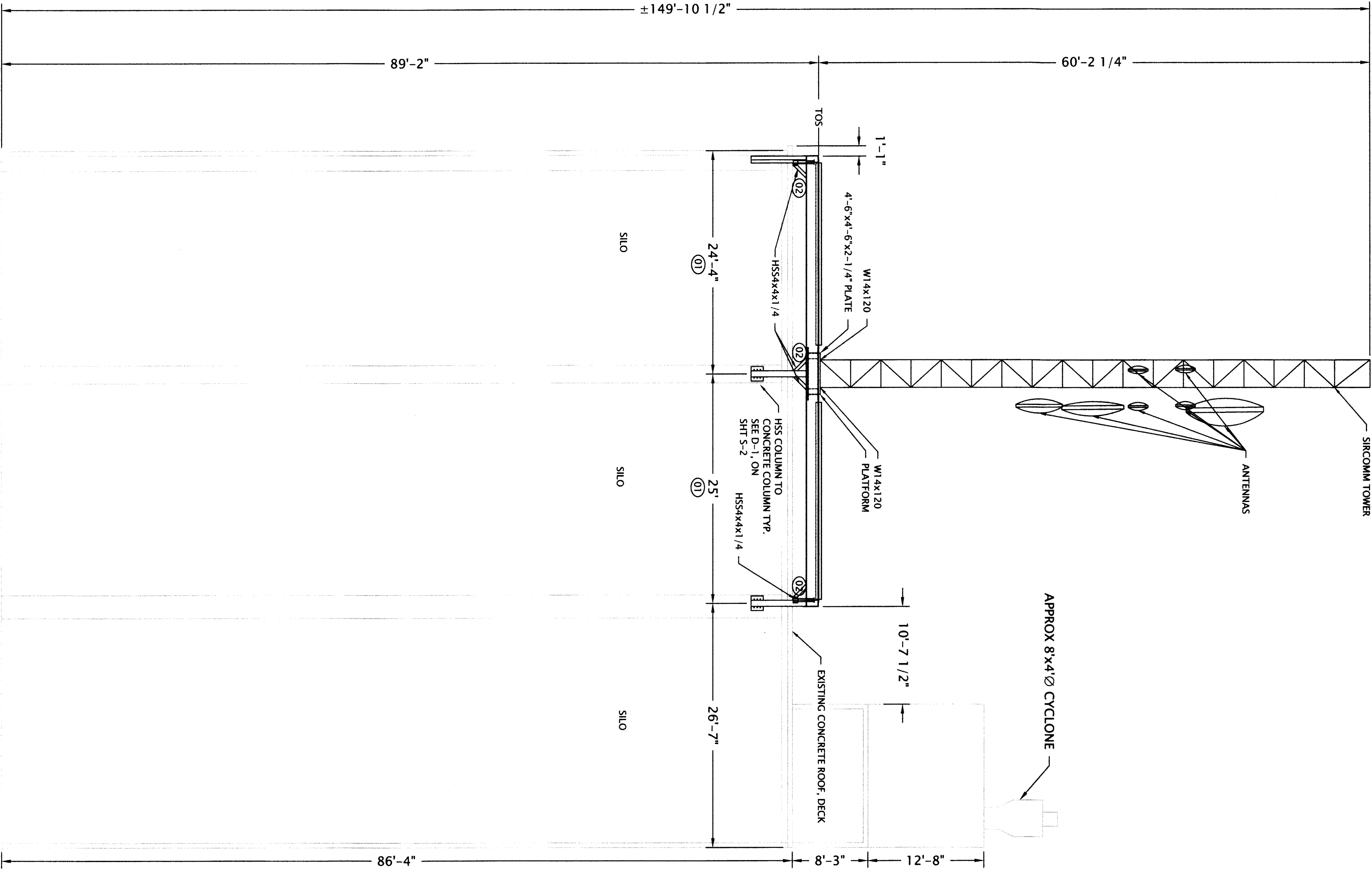
Townsite Designation



KEY NOTES:

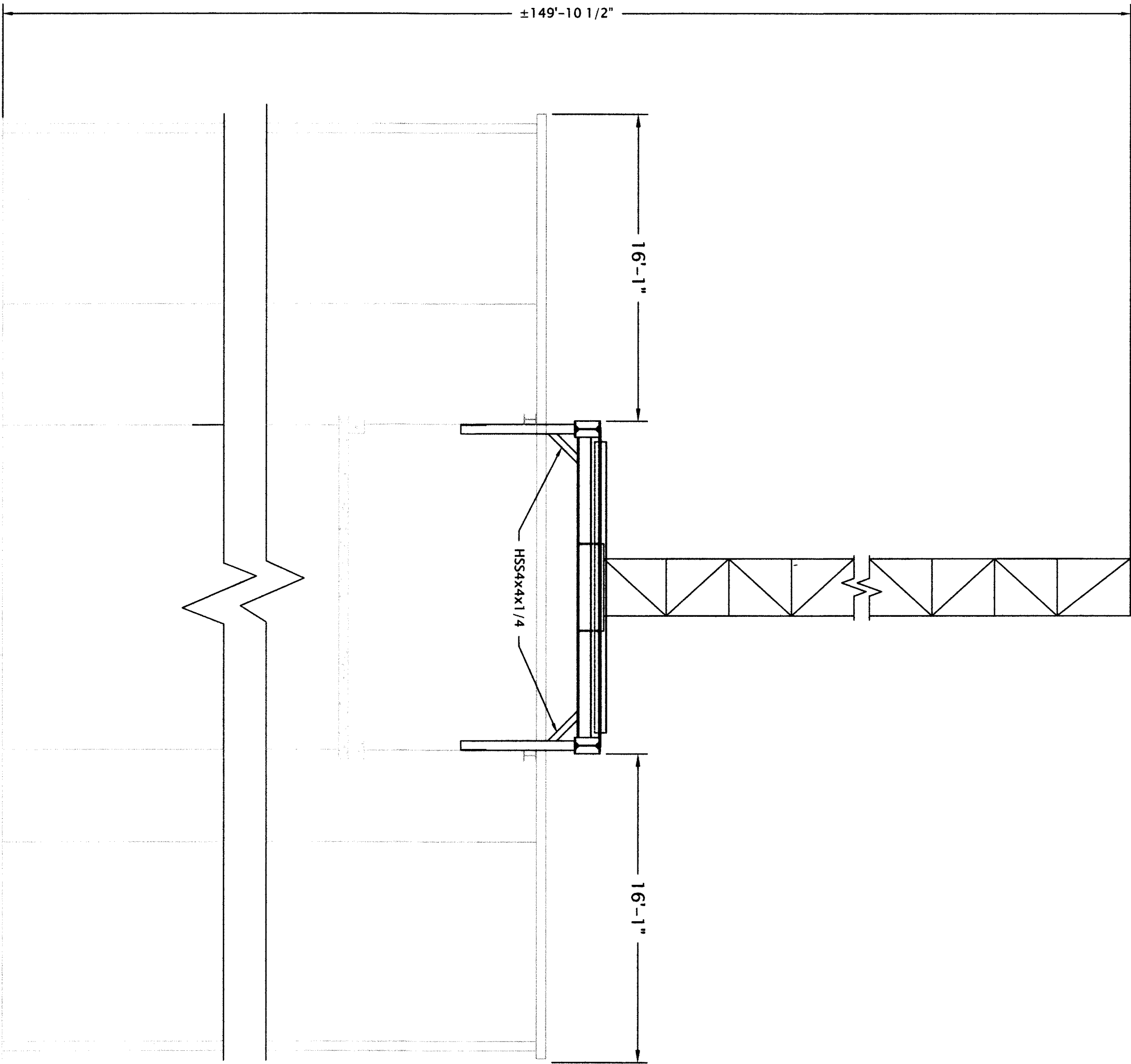
- (01) CONTRACTOR MUST VERIFY ALL CONCRETE COLUMN DIMENSIONS PRIOR TO CONSTRUCTION AND FABRICATION, AND COORDINATE WITH THE ARCHITECT TO VERIFY FRAME DIMENSIONS AND ANCHOR BOLT / PLATE PATTERNS.
- (02) ROOF PENETRATION DONE BY CONTRACTOR, ROOF REPAIRS DONE BY OTHERS.
- (03) CONTRACTOR TO DROPS CONCRETE AT SUPPORT POINTS, IF LESS THAN 24" WIDE, NOTIFY ENGINEER.
- (04) INSTALL HSS8x6x3/8 COLUMNS AT ANGLE TO MATCH INTERIOR CONCRETE IN WEST CORNERS.

REVISED PRINTS DESTROY
ALL PREVIOUS COPIES



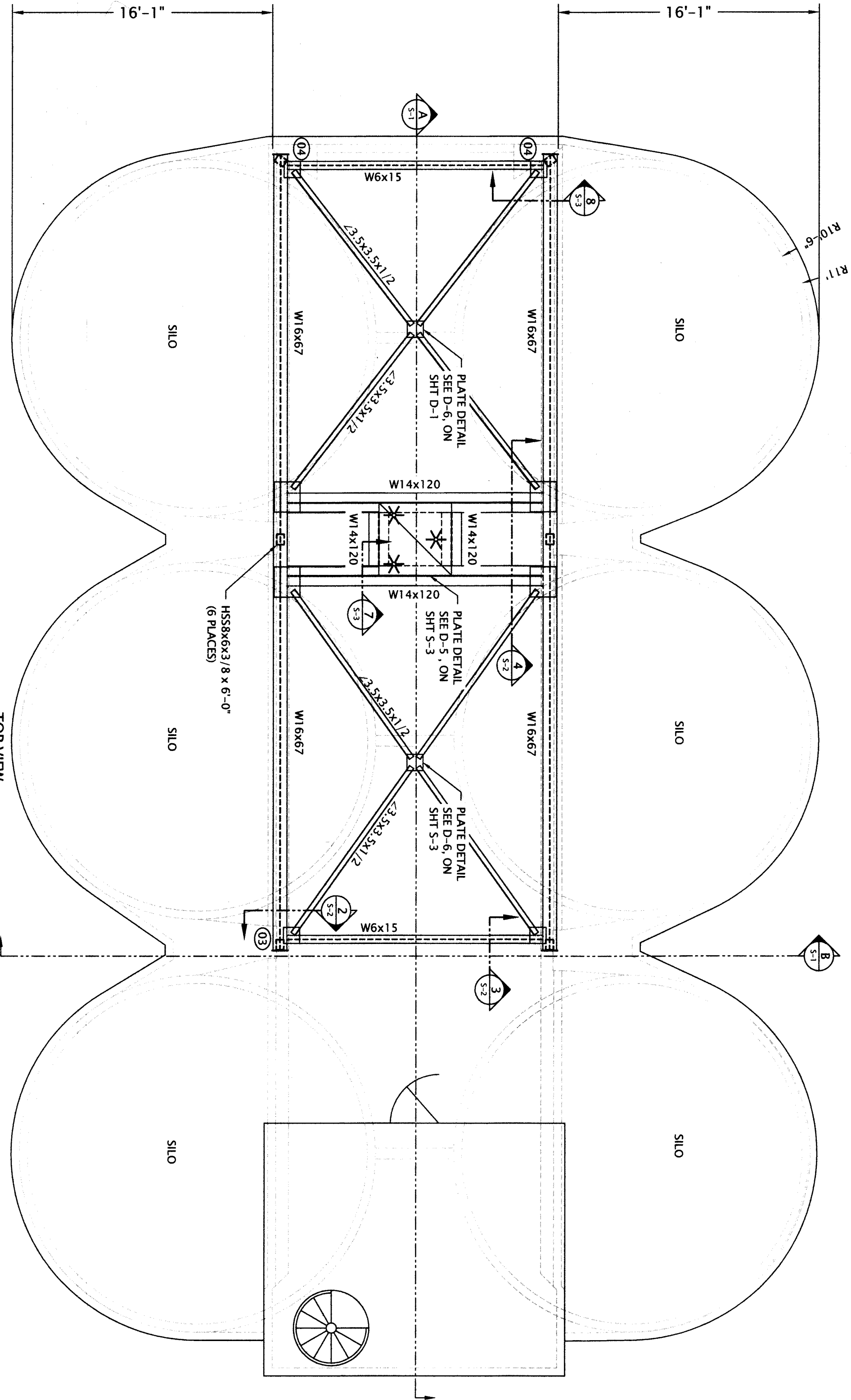
A SECTION A
5-1 SCALE: 1/8" = 1'

NOTE: 1. ALL DIMENSIONS TO BE FIELD VERIFY BY CONTRACTOR.



B SECTION B
5-1 SCALE: 3/16" = 1'

NOTE: 1. ALL DIMENSIONS TO BE FIELD VERIFY BY CONTRACTOR.



TOP VIEW
SCALE: 3/16" = 1'-0"

NOTE: 1. ALL DIMENSIONS TO BE FIELD VERIFY BY CONTRACTOR.

McClure Engineering, Inc. 507 MAIN AVE. WEST POST OFFICE BOX 1404 TWIN FALLS, ID 83301-1404 www.mcclure-engineering.com Bus: (208) 734-9015 Fax: (208) 734-9016	
DRN. BY.: RWS	DATE: 04-24-2014
DSN. BY.: SK	JOB NO.: 14-17
APPD. BY.: SM	SCALE: NTS

"ORIGINAL DOCUMENT IS ON
FILE AT THE OFFICE OF
McCLURE ENGINEERING, INC.
THE ORIGINAL IS SIGNED BY
THE DATE ORIGINAL SIGNED
04/24/2014"

CUSTOMER: PROJECT:
McClure Engineering, Inc. is the owner of this
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SILO EVALUATION

BUILDING
ELEVATIONS

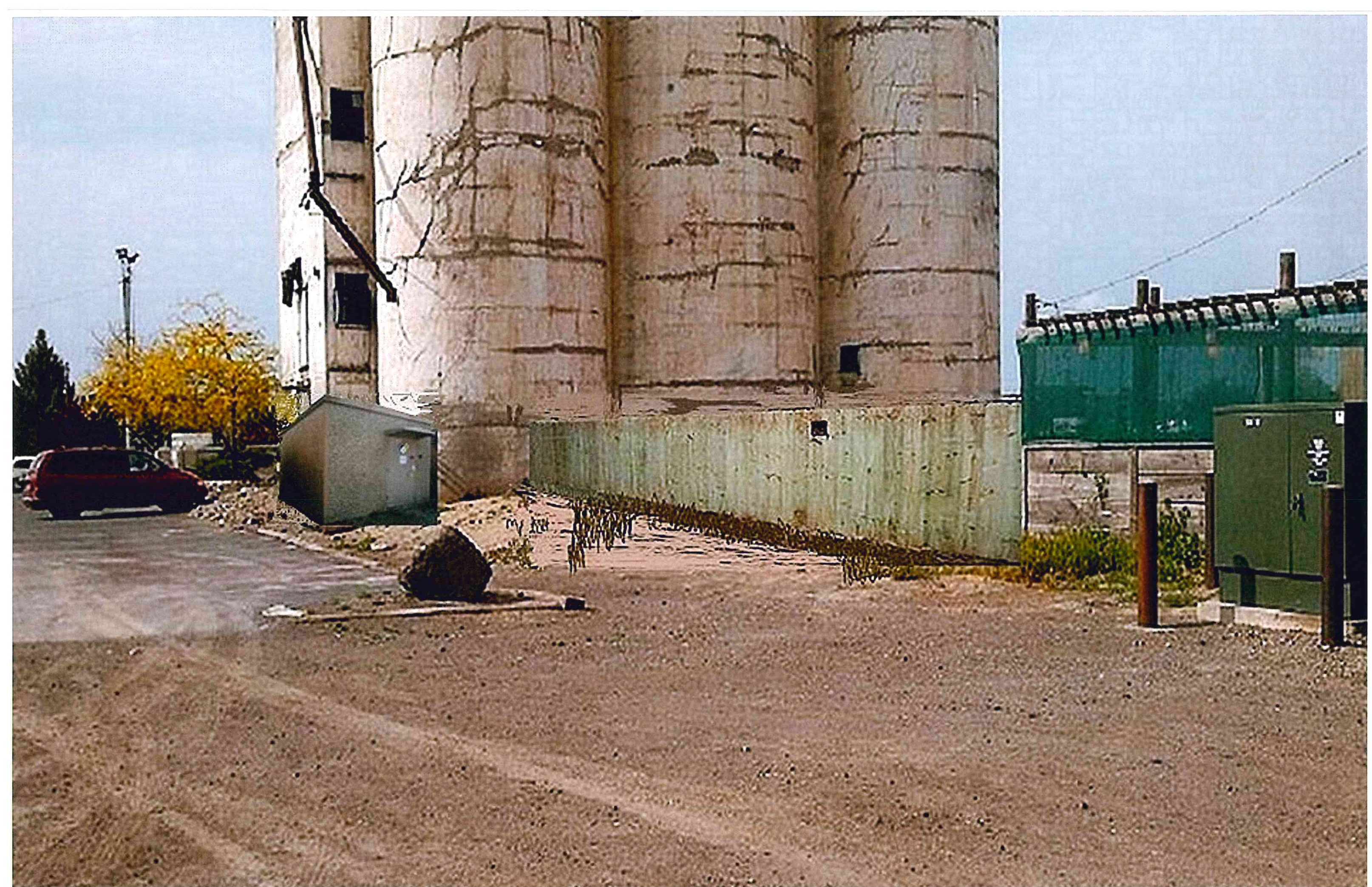
DATE	DESCRIPTION
△	REVISED/ADDED PROJECT INFORMATION, PER ENGINEER, DRN BY RWS 04-23-14

SHEET #:
S-4
5 OF 5











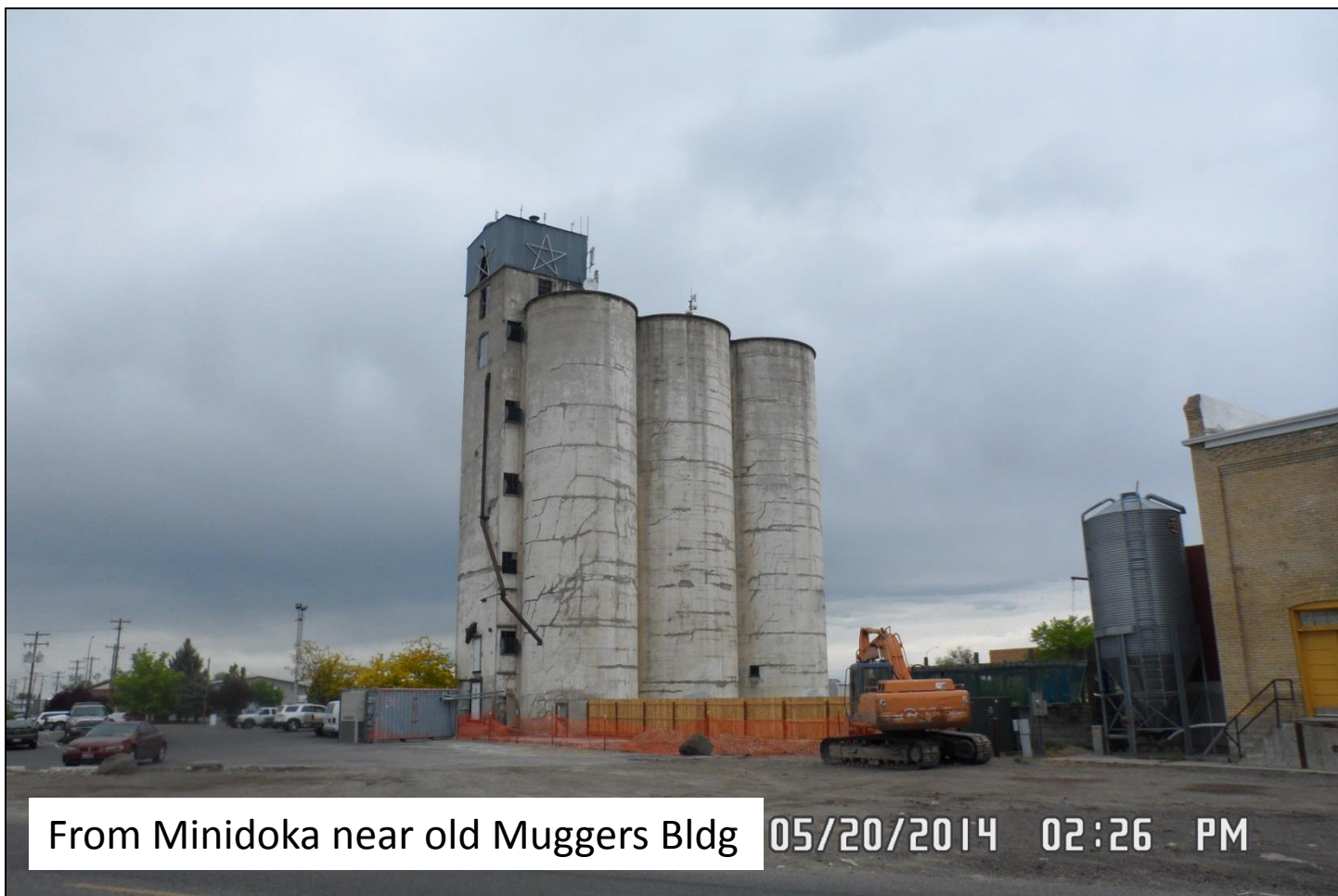




Along Shoshone St S



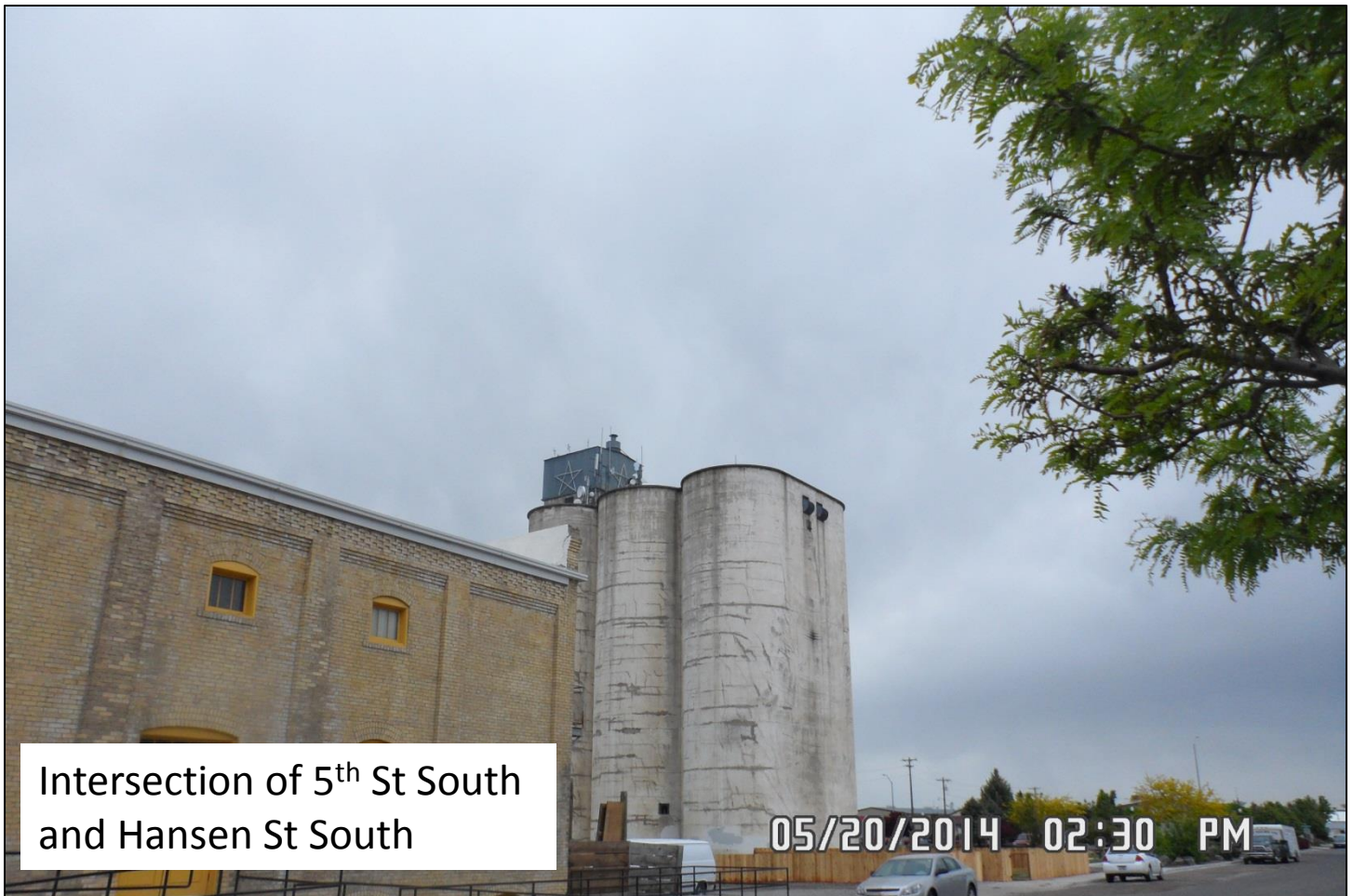
From Public Parking Lot on Minidoka



From Minidoka near old Muggers Bldg 05/20/2014 02:26 PM



Location of Proposed Equipment Enclosure 05/20/2014 02:27 PM





Taken a few blocks away near 360
Main Event and Treasure Valley Coffee

05/20/2014 02:33 PM



Taken a Few blocks away. The
Senior center is in the foreground.

05/20/2014 02:41 PM