



Twin Falls Planning & Zoning Commission Agenda

Wednesday, August 7, 2019, 12:00 PM

203 Main Ave East
Twin Falls, ID 83301

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Craig Hawkins; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consent Calendar
 - a) **ACTION ITEM:** Approval of Minutes from the following meeting: July 23, 2019
 - b) **ACTION ITEM:** Approval of Findings of Fact and Conclusions of Law:
 - Radio Rondevoo SUP
- 3) General Training
 - a) **PRESENTATION:** Title 10 Code Rewrite
By: Jonathan Spendlove, PZ Director
- 4) Upcoming Meeting(s)
 - a) Tuesday, August 13, 2019
- 5) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Kelli Ebersole (208) 735-7267 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chair shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chair, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. A City Staff Report shall summarize the application and history of the request.
 4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The 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.**
 5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chair may limit public testimony to no less than two (2) minutes per person.
 - **Individuals are not permitted to give their time to other speakers.**
 - **However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chair. The spokesperson shall be limited to 15 minutes.**
 - **Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.**
 8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond.
 9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chair, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chair may limit the time permitted for the answer.
 10. The Mayor or Chair shall close the Public Hearing. The City Council or Planning & Zoning 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 Mayor or Chairman.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, July 23, 2019, 6:00 PM

203 Main Ave East
Twin Falls, ID 83301

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Craig Hawkins; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 6:00 pm
A quorum was present.

Members Present: Titus, Hawkins, Perez, Bolton, Detweiler, Hansen

Staff Present: Spendlove, Cherry, Nope, Vitek, Ebersole

2) Consent Calendar

Commissioner Bolton made a motion to approve the consent calendar, as presented. Commissioner Detweiler seconded the motion.

Motion passed 4-0-2.

a) Approval of Minutes from the following meeting: July 9, 2019

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

- Jason Reading SUP
- Brett Thompson SUP

3) Public Hearings

a) Request for a Special Use Permit to allow an indoor recreation facility with extended hours of operation on property located at 241 Main Ave West c/o Alex Castaneda. (PZ19-0043)

Staff Presentation:

PZ Director Spendlove presented the request for a Special Use Permit to allow an indoor recreation facility with extended hours of operation on property located at 241 Main Ave West c/o Alex Castaneda. (PZ19-0043)

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

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within six (6) months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, 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.

On February 25, 2003 a special use permit was granted for an indoor recreational facility.

In March, Staff was approached by the police department to discuss potential land use issues regarding night club activities at the subject property. The applicant initially meet with members of the Police department and City Staff on March 26th and then City Leadership and Police several times over the last few months. He was informed of the midnight cutoff for the SUP multiple times and promised to end all events by the approved time.

However, you can see from the reports presented by the police department there have been multiple events which were ongoing even beyond 2 a.m. after March 26th.

From December 2018 to May 2019 there were 8 calls for service directly attributable to an event at the subject property.

12/07/18 11:50 PM: Underage Drinking

12/08/18 01:27 AM: Disturbance/Fight

02/15/19 11:24 PM: Drunk Person

03/16/19 12:25 AM: 911 Call

03/30/19 12:43 AM: Event Ongoing

03/30/19 01:12 AM: Juvenile Issues (Curfew)

04/20/19 11:34 PM: Noise Disturbance

05/21/19 01:33 AM: Event Ongoing

This is a request for a Special Use Permit an indoor recreation facility with extended hours of operation on property located at 241 Maine Avenue West. The subject property is located within the C-B (Commercial Business) Zoning District.

The applicant currently operates an event center and the current SUP requires all events to end by 12:00 am midnight. The applicant provides services for private events such as fundraisers, parties, and business meetings, and wishes to extend the operating hours for events to 1:00 am in the morning.

Extended hours generally do not pose an issues, however, we have seen in the case of a bar or night club use, extended hours tend to bring multiple issues. The circumstances regarding Radio Rondevoo are no different.

If the Commission approves this request as presented, then staff recommends the following conditions:

1 - Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

2 - Subject to the applicant's narrative and/or testimony given during the approval process.

3 - Subject to all events being closed to patrons by 1:00 am.

4 - Any violation, of condition number 3, may initiate revocation process.

5 - This SUP will repeal and replace SUP #0805

PZ Commission Questions:

- Commissioner Perez asked if there are other businesses that close at midnight and the comparison of issues with those businesses and Radio Rondevoo.
- PZ Director Spendlove stated there are other businesses in the area that close at 1:00 am that don't have the same call volume.
- Commissioner Bolton asked if condition #4 means if there is a one-time violation to the SUP that it will be revoked.
- PZ Director Spendlove stated it is a notice that it is possible to revoke the SUP with one violation.
- Commissioner Perez asked to review the revocation process.
- PZ Director Spendlove explained the revocation process.
- Commissioner Bolton asked if there are other businesses in area open until 1:00 am.
- PZ Director Spendlove stated he doesn't believe there are other close businesses that stay open late, but there may be businesses open later that are down the block.
- Commissioner Hansen asked about the history of police calls.
- PZ Director Spendlove stated the new owner has owned the property for a while. This is the latest history, once staff engaged with owner regarding calls and violations to the current SUP.

Applicant Presentation:

Alex Castaneda, applicant, presented his request for a Special Use Permit to allow an indoor recreation facility with extended hours of operation on property located at 241 Main Ave West. He stated he purchased the business eight (8) years ago, but has been involved with property through three (3) ownerships. Regarding the December 7 incident - random lady showed up to the center and left. The police were called out for underage drinking. Per Mr. Castaneda all guests were of age. He has asked for the police reports and footage from city. The events cater to family events - weddings, quinceaneras. He explained the May event in questions was the Canyon Ridge HS all night grad party. He stated the old SUP didn't have these conditions and the events ending at 1:00 am. He disagrees with representation by staff that the city starting looking at issues in March. He stated he feels harassed by local police. He is now working things out with city staff and understands the conditions of this SUP. He stated he is not asking for more than how he has been currently operating.

PZ Commission questions/comments:

- Commissioner Bolton asked if all events are privately rented events and are IDs checked when alcohol is served.
- Mr. Castaneda stated the security and bar staffs are instructed to check ID when patrons are served.
- Commissioner Bolton asked if the parking lot behind the business is owned by event center or is it a public lot.
- Mr. Castaneda stated the parking lot is private to event center.
- Commissioner Bolton asked if there are external security for the parking lots.
- Mr. Castaneda stated they are policed and cleaned by security. He stated he has an agreement with the school district to share their parking lots during off hours. He stated he has a crew that cleans parking lots.
- Commissioner Perez asked about the May incident being an all-night school event. Will this type of event still be allowed?
- Mr. Castaneda stated it was a Canyon Ridge HS event. He stated that staff encouraged him to come back for separate type of request for those special events.
- Commissioner Perez stated she is not aware of the juvenile curfew rules. Is it okay for juveniles to be out late if there are parents at the event.
- City Attorney Nope stated that a parent or legal guardian can be there with an underage child after curfew, City Code 6-6-4.

Public Hearing: Opened and closed without input

Discussions Followed:

- Commissioner Hawkins stated he is in favor of this request and believes the facility has controls and security and is in line with City Comprehensive Plan.
- Commissioner Hansen stated he has an issue that after the applicant was informed in March of violations to the current SUP, there continued to be incidents after that discussion. He stated he can't support the request because the applicant did not abide by it after discussion with staff.
- Commissioner Perez stated she read that the person who rented the venue wasn't aware of the hours. She asked if a condition can be added that renters have to be aware of the operating hours.
- PZ Director Spendlove stated that is why condition #4 is on the SUP. It gives clear consequences of violation.
- Commissioner Detweiler stated he believes the applicant is trying to get into compliance and will abide by the 1:00 am closing time. He believes with the revocation condition, he thinks the owner will comply. He is in favor of the SUP.
- Chairperson Titus believes Commissioner Hansen is fair with his assessment, but believes the applicant is trying to get in compliance and the current violations aren't detrimental to other businesses. It also speaks that there is no opposition by the public to this request.

Motion:

Commissioner Hawkins made a motion to approve the Special Use Permit to allow an indoor recreation facility with extended hours of operation on property located at 241 Main Ave West, with staff recommendation. Carolyn Bolton seconded the motion.

Motion approved by a vote of 5 to 1.

- b) Request for a recommendation of approval to City Council for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South c/o of OneSixty LLC. (PZ19-0085)

Staff Presentation:

City Planner Cherry presented the request for a recommendation of approval to City Council for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South c/o of OneSixty LLC. (PZ19-0085)

A request for additional height follows the public hearing process for zoning map amendments as described in subsection 10-14-5(B) and section 10-14-7 of City Code.

The Planning & Zoning Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The Commission shall then transmit its recommendation to City Council.

After receiving the recommendation, the City Council shall conduct a public hearing, and make a final decision on the request.

The existing primary building on the subject property was built in 1908. Per the Engineering Department the existing building is approximately thirty-three (33) feet high.

The existing building is considered historic in nature due to the businesses and entities that conducted business within its walls over the years (Mercantile, County Court House, etc.).

However, the building is not located within the Downtown Historic District. Therefore, the property is not required by code to adhere to the Historic Design Guidelines and Standards.

The building most recently housed the Idaho Youth Ranch, and is currently vacant.

This is a request for a special use permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South. The subject property is located within the C-B (Commercial Business) Zoning District and P-1 Parking Overlay.

First two floors are retail, and top floors office and residences.

The applicant is seeking approval to construct a new six (6) story, seventy-five (75) foot tall mixed-use building. The future building is proposed with a mix of Retail/Office/Residential type uses. The drawing depicts building finishes of Glass, Metal, Concrete, and other common rock/stone like materials.

At seventy-five (75) feet, this building would be the tallest structure in the vicinity and will create shadows along Main Street, on adjacent buildings and potentially stretching into the Plaza.

This request is in line with Comprehensive plan. Staff has done an analysis of area for parking. With the current parking areas, there will be enough parking for patrons.

As this is the first building of this size within the vicinity, it will change the skyline of downtown. It will create new challenges and experiences for the residents and visitors to the area. As the growth of the City progresses, similar buildings have the potential to become more commonplace.

The commission may recommend to City Council that additional height be approved as requested, approved with modifications, tabled for additional information, or it may recommend that the request be denied.

If the Commission chooses to approve this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to continued compliance with the application materials and drawings submitted by the applicant.
3. Subject to the maximum height of the building to include all mechanical and service equipment.

PZ Commission Questions/Comments:

- Commissioner Detweiler asked about other residential dwellings downtown and parking for them.
- PZ Director Spendlove pointed out there are other residences in the downtown area now.
- City Planner Cherry stated staff believes there is adequate parking.
- Commissioner Hansen asked if the city has looked at adding additional height requirements.
- PZ Director Spendlove stated the height code was changed to fifty feet (50') in certain zones 4-5 years ago. This is a current conversation with the code rewrite.
- Commissioner Hawkins asked what the logic behind additional height is.
- PZ Director Spendlove stated as growth happens, the city needs to look at ways to accommodate it.
- Commissioner Perez asked if the shadow would affect kids playing at The Commons across the street.
- City Planner Cherry stated there will be some type of shading due to the increase height.
- Commissioner Detweiler asked if Gemstone Climbing facility is over fifty feet (50') tall.
- PZ Director Spendlove stated the Columbia Bank building measures at fifty-three feet (53') tall. Gemstone Climbing Center is under fifty feet (50') tall.

Applicant Presentation:

Fran Florence, representing applicant, presented the request for a recommendation of approval to City Council for additional height to allow a 75' tall mixed use building on property located at 160 Main Avenue South c/o of OneSixty LLC. He explained the request is for seventy-five (75') feet tall, but staff recommended asking for further height for mechanical and service equipment, with seventy-five (75') feet

for the structure + ten (10') feet for equipment. He stated he is excited for the repurpose and revitalization effort for downtown. URA is supportive of growth revitalization. He gave examples of other businesses that have worked to revitalize downtown. He explained the reasons for request for additional height. This building fits the needs of the city. He requested a modification to the language to add ten (10') feet for mechanical and service equipment.

PZ/Questions & Comments:

- Chairperson Titus asked for clarification of the existing request and what they are now requesting.
- Mr. Florence clarified the modification to the request.

Public Hearing: Opened

- Citizen Dan Brizee stated he is local downtown business owner, and a past member of URA. He is an advocate for downtown growth. He addressed some of the concerns and questions of Commission. He believes housing is an intricate part in the revitalization of downtown. He stated there is a lot of housing in downtown, mostly on the 2nd floor of buildings. He stated he is for this request and believes this is a good thing for the growth of downtown. He stated that the organizers of Twin Falls Tonight would like more shade for their summer concerts.
- Citizen Eric Watte, stated he supports this request. He owns hotels in downtown, and feels this is a good way of trying to improve downtown.

Public Hearing: Closed

Discussions Followed:

- Commissioner Hansen stated he is in favor of this request. With the growth of the city, there is a need for additional height.
- Commissioner Bolton stated she is also in favor of the request and believes this is keeping with comprehensive plan. She likes the idea of residential in downtown and the mixed use of the proposed structure. She believes this will add to downtown. DT asked for cleanup of how to amend condition.
- PZ Director Spendlove provided verbiage for the amendment to condition #3.

Motion:

Commissioner Hansen made a motion to amend condition #3 to read - subject to mechanical, service, or other structural equipment extending no more than ten (10) feet above the height of the structure. Commissioner Perez seconded the motion for the amendment.

Unanimously approved

Discussions Followed:

- Commissioner Detweiler stated he has mixed feelings on the building height, but believes this request is positive for the beautification and growth of downtown.
- Chairperson Titus stated since there is no public opposition or concerns, she feels this is something the public is wanting for downtown.

Motion:

Commissioner Perez made a motion to recommend approval to City Council for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South, as presented, with the amendment to condition #3 and staff recommendations. Commissioner Hawkins seconded the motion.

Unanimously approved

4) Upcoming Meeting(s)

- a) Wednesday, August 7, 2019 at 12:00 pm (Worksession)
Tuesday, August 13, 2019 at 6:00 pm

5) Adjournment

The meeting adjourned at 7:08 pm.

Kelli Ebersole, Administrative Assistant



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

SPECIAL USE PERMIT

Permit No. PZ19-0043

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **July 23, 2019** to **Alex Castaneda** whose address is **241 Main Avenue West** to allow extended retail hours on property located at 241 Main Avenue West and legally identified with the following Parcel ID: **RPT0001101005AA**

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

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to the applicant's narrative and/or testimony given during the approval process.
3. Subject to all events being closed to patrons by 1:00 am.
4. Any violation, of condition number 3, may initiate revocation process.
5. The SUP will repeal and replace SUP #0805.

Chairman Planning & Zoning Commission

Date

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

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



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

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

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on July 23, 2019 for public hearing pursuant to public notice as required by law for a Special Use Permit to allow extended retail hours on property located at 241 Main Avenue West, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit to allow extended retail hours on property located at 241 Main Avenue West.
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: July 4, 2019.
3. The property in question is zoned CB DHD P-1 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Downtown in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the northeast, Commercial; to the southwest, Commercial; to the southeast, Commercial; and to the northwest, Commercial.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-7, 10-10, 10-11-1 thru 8, and 10-13, Twin Falls City Code.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit to allow extended retail hours on property located at 241 Main Avenue West is consistent with the purpose of the CB DHD P-1 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.

3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2

4. The proposed use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area as required by Twin Falls City Code 10-13-2.2(D)3.

5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.

6. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community as required by Twin Falls City Code 10-13-2.2(D)6.

7. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors as required by Twin Falls City Code 10-13-2.2(D)7.

8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.

9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.

10 The proposed use is a proper use in the SUI Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of Public Notice Text should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

DECISION

1. The application for a Special Use Permit to allow extended retail hours on property located at 241 Main Avenue West is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

3. The Special Use Permit shall be issued, as presented.

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to the applicant's narrative and/or testimony given during the approval process.
3. Subject to all events being closed to patrons by 1:00 am.
4. Any violation, of condition number 3, may initiate revocation process.
5. The SUP will repeal and replace SUP #0805.

APPLICATION # **PZ19-0043**