



Twin Falls Planning & Zoning Commission Agenda

Wednesday, September 4, 2019, 12:00 PM

203 Main Avenue 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: August 13, 2019
 - b) **ACTION ITEM:** Request for approval of Findings of Fact and Conclusions of Law:
 - Cedarpark Subdivision No. 12 Preliminary Plat
 - Nicholas Gursslin Special Use Permit
 - Shannon Troop/Estella Evans Special Use Permit
- 3) General Training
 - a) **DISCUSSION:** Title 10 Code Rewrite
By: Jonathan Spendlove, PZ Director
- 4) Upcoming Meeting(s)
 - a) **INFORMATIONAL:** Tuesday, September 10, 2019
No Public Hearing Items
- 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, August 13, 2019, 6:00 PM

203 Main Avenue 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

Vice Chairman Kelley called the meeting to order at 6:00 PM

A quorum was present.

Members Present: Kelley, Perez, Detweiler, Hawkins, Hansen

Staff Present: Spendlove, O'Connor, Cherry, Ebersole, Vitek

2) Consent Calendar

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

Consent Calendar approved by a vote of 4-0-1.

a) Approval of Minutes from the following meeting: July 23, 2019 & August 7, 2019

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

- Radio Rondevoos SUP

3) Items of Consideration

a) Request for approval of a preliminary plat for the Cedarpark Subdivision No. 12, PUD, located at the southwest corner of Whispering Pine Dr. and Meadow View Ln. North, c/o EHM Engineers, Inc. on behalf of Gary N. Nelson & Co. (PZ19-0103)

Staff Presentation:

City Planner O'Connor presented the request for approval of a preliminary plat for the Cedarpark Subdivision No. 12, PUD, located at the southwest corner of Whispering Pine Dr. and Meadow View Ln. North, c/o EHM Engineers, Inc. on behalf of Gary N. Nelson & Co. (PZ19-0103)

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

The Cedar Park PUD was recorded in 1997, and the development has been built out since. The 4.55 acres of this plat is the last of the residentially zoned area of the Cedar Park PUD.

This is a request for approval of the Preliminary Plat for Cedarpark No. 12, a 4.55-acre subdivision located at SW corner of Whispering Pine Dr. and Meadowview Ln. N.

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

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

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

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant presented the request for approval of a preliminary plat for the Cedarpark Subdivision No. 12, PUD, located at the southwest corner of Whispering Pine Dr. and Meadow View Ln. North. This is part of a larger PUD, first recorded in 1997. This plat is the last residential piece for the neighborhood. The plan has changed a bit to include a lesser density of duplexes to conform better to the neighborhood.

PZ/Questions & Comments:

- Commissioner Hawkins asked if there is a park requirement with this Preliminary Plat.
- City Planner O'Connor stated the park requirement was satisfied by a Parks in Lieu contribution approved by City Council.
- Commissioner Hansen asked if there is a church on the left side of the subdivision.
- City Planner O'Connor confirmed it is a religious facility.

Discussion Followed: without concerns

Motion:

Commissioner Hansen made a motion to approve a preliminary plat for the Cedarpark Subdivision No. 12, PUD, located at the southwest corner of Whispering Pine Dr. and Meadow View Ln. North, c/o EHM Engineers, Inc. on behalf of Gary N. Nelson & Co. (PZ19-0103).
Commissioner Hawkins seconded the motion.

Unanimously approved 5-0

4) Public Hearings

- a) Request for a Special Use Permit to allow a drive-through facility with extended hours on property located at 161 Addison Avenue c/o EHM Engineers, Inc. on behalf of Shannon Troop/Estella Evans. (PZ19-0090)

Staff Presentation:

City Planner Cherry presented the request for a Special Use Permit to allow a drive-through facility with extended hours on property located at 161 Addison Avenue c/o EHM Engineers, Inc. on behalf of Shannon Troop/Estella Evans. (PZ19-0090)

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.

The subject property is currently vacant and has been utilized for temporary functions by the prior property owner, Swensen's Market. The current entrance off of Addison Ave. will be closed off with this facility.

This is a request for a Special Use Permit to allow a drive through facility and extended retail hours on property located at 161 Addison Avenue. The subject property is located with the C-B (Commercial Business) Zoning District.

City Planner Cherry stated that Chairperson Titus has a concern on the vehicle stacking being separated. He stated that the vehicle stacking on the plan meets city code.

The anticipated hours of operation will be between 4:00 AM and 12:00 AM seven (7) days a week. The business will also be open on Holidays. The business will employ approximately fifteen (15) to twenty (20) employees. Per the applicant traffic volumes are estimated at thirty-five (35) vehicles per hour or a maximum of six-hundred and sixty-five (665) vehicles per day.

The site plan provided by the applicant illustrates a drive through with an escape lane that is at least nine feet (9') wide and a stacking lane which will facilitate at least five (5) vehicles from the first stopping point.

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.

Applicant Presentation:

Dave Thibault, EHM Engineers, representing applicant, presented the request for a SUP to allow a drive-through facility with extended hours on property located at 161 Addison Avenue. He stated that this location is an underutilized lot and has been vacant for decades. He stated the roadway will be sufficient for traffic loading for this business. Access to business will be off of Adams St. and the alley way, conforming to city code with this layout. He stated they have meet city code with 5 parking stalls. He demonstrated the vehicle stacking layout for the commission. He stated they are also asking to operate with extended hours, 4:00 am – midnight, seven (7) days a week. He stated the owners plan to employ 15-20 employees. The final construction has not been decided, but will select materials that are appropriate to the area. He stated the pictures in the agenda packet are a representation of possible future construction. They are planning to build a 15' x 40' building with the required site improvements. He believes this location will serve an underserved area of the west side of town.

PZ/Questions & Comments:

- Commissioner Hansen asked if the parking stalls are for employee and/or guest parking.
- Mr. Thibault stated the number of parking stalls provided are required by city code and this will be a primarily drive up facility.
- Commissioner Perez asked if they plan to offer walk up service.
- Mr. Thibault stated they are anticipating some walk up service, and there will be pedestrian connectivity in the plans to accommodate it.
- Commissioner Perez asked what other uses for the alley and could traffic from business in alley cause issues for those other usage of alley. Will there be car stacking in the alley way?
- Mr. Thibault stated the alley is a dedicated right of way, open for vehicle access. The site utilities/sewer line runs back in alley and trash service will access through the alley way. The applicant plans to widen the alley way and there will be no vehicle stacking into the alley way.
- City Planner Cherry stated if there is stacking in the alley, it is in the public right of way, code enforcement would enforce the dedicated right of way.

Public Hearing: Opened

- Citizen Mitch Campbell stated he is concerned how this property would affect his properties on Madison Street.
- City Planner Cherry pulled up Google Maps to show the relationship of the proposed business to Mr. Campbell's properties.
- Applicant closing statement: Mr. Thibault stated he believes that they are anticipating traffic approach from Addison Ave., exiting back onto Adams St., although some may exit using the alley towards Jefferson St. He stated Addison Ave. is a divided highway, so they are not anticipating left turns onto Addison Ave.

Public Hearing: Closed**Discussion Followed:**

- Commissioner Detweiler is concerned about the exit and entrance crossing each other and the exit being blocked.
- Commissioner Hawkins is in favor. He feels this is a well thought out plan. He asked staff if alley way paved.
- PZ Director Spendlove stated he believes the applicant will pave their portion of the alleyway.
- Commissioner Kelley stated the applicant did state they will pave alleyway.
- Commissioner Hansen stated the applicant stated they plan to widen the alley way to accommodate vehicle stacking. He is in favor of the request.
- Commissioner Detweiler stated he believes this is a good fit for area. He stated they can use signage to help any traffic issues.

Motion:

Commissioner Hawkins made a motion to approve a Special Use Permit to allow a drive through facility with extended hours on property located at 161 Addison Avenue c/o EHM Engineers, Inc. on behalf of Shannon Troop/Estella Evans (PZ19-0090).

Commissioner Detweiler seconded the motion.

Unanimously approved 5-0

- b) Request for a Special Use Permit to allow sporting vehicles and motorcycle service, repair, sales, and/or rentals on property located at 727 2nd Avenue South c/o Nicholas Gursslin. (PZ19-0091)

Staff Presentation:

City Planner Cherry presented the request for a Special Use Permit to allow sporting vehicles and motorcycle service, repair, sales, and/or rentals on property located at 727 2nd Avenue South c/o Nicholas Gursslin. (PZ19-0091)

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.

The primary building on the subject property was built in 1940 and housed various uses. The most recent use was for a sign shop.

This is a request to allow “Sporting Vehicle and Motorcycle Service, Repair, Sales and/or Rentals” located at 727 2nd Avenue South. The subject property is zoned Commercial Business and P-2 Parking Overlay.

The applicant intends to engage in the repair and installation of accessories on motorcycles while also providing a small retail storefront for purchasing accessories and clothing. The applicant also wishes to have the option of selling a limited number of motorcycles.

Employees will consist of one full-time technician and two part-time employees. The applicant anticipates an average of ten (10) visitors a day depending on the riding season.

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.

Applicant Presentation:

Rob Teton, representing applicant, presented the request for a Special Use Permit to allow sporting vehicles and motorcycle service, repair, sales, and/or rentals.

PZ/Questions & Comments:

- Commissioner Perez asked where the parking will be located.
- Mr. Teton demonstrated where the parking will be located.
- Commissioner Detweiler asked if there will be street parking allowed.
- Mr. Teton stated street parking is not allowed in front of that location.

Public Hearing: Opened

- Citizen Dennis Pettigrove stated he has the adjacent building at 701 2nd Ave South. His only concern is adequate parking and signage. He is concerned customers will park in his lot and wrong way drivers on 2nd Ave. South. He would like to see an exit sign at the location with a directional arrow.
- Citizen Robert Thatcher owns property at 735 Minidoka Ave and 727 2nd Ave South. He stated he has allocated up to 30% parking at 735 Minidoka Ave. to allow additional tenant parking at 727 2nd Ave South. Signage will not be a problem, but signage in right of way will have to be run through City Engineering.

Public Hearing: Closed

Discussions Followed: without concerns

Motion:

Commissioner Detweiler made a motion to approve the Special Use Permit to allow sporting vehicles and motorcycle service, repair, sales, and/or rentals on property located at 727 2nd Avenue South c/o Nicholas Gursslin. (PZ19-0091)

Commissioner Hawkins seconded the motion.

Unanimously approved 5-0

5) Upcoming Meeting(s)

- a) Tuesday, August 27, 2019
No public Hearing items.

6) Adjournment

The meeting adjourned at 6:44 pm.

Kelli Ebersole, Administrative Assistant



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

In Re:)
)
Preliminary Plat Application,) FINDINGS OF FACT,
)
Cedarpark Subdivision No. 12) CONCLUSIONS OF LAW,
Applicant(s)) AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the **August 13, 2019** hearing for consideration of the preliminary plat of **Cedarpark #12, P.U.D.** Subdivision, approximately **4.55 (+/-)** acres, to develop **28** lots located on **Whispering Pine Drive**, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the preliminary plat of **Cedarpark #12, P.U.D.** Subdivision, approximately **4.55 (+/-)** acres, to develop **28** lots located on **Whispering Pine Drive**.
2. The property in question is zoned **R-4 PUD** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Town Neighborhood** in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, **Residential**; to the south, **Multi-family Development**; to the east, **Meadowview Ln. N.**; to the west, **Religious Facility**.
5. The City Engineering Office has reviewed the preliminary plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb, gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.
6. Any detrimental effects on the neighborhood would be ameliorated by observance of the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The preliminary plat of the **Cedarpark #12, P.U.D.** Subdivision, approximately **4.55 (+/-)** acres, to develop **28** lots located **on Whispering Pine Drive** is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The preliminary plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H) (2) (a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the Commission's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

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

DECISION

The request for approval of the preliminary plat of **Cedarpark #12, P.U.D.** Subdivision, approximately **4.55 (+/-)** acres, to develop **28** lots located **on Whispering Pine Drive** is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. 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.

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING
COMMISSION

DATE

"EXHIBIT NO. A"

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.**



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

In Re:	)	
	)	
<u>Special Use Permit</u> , Application,	)	FINDINGS OF FACT,
	)	
<u>Nicholas Gursslin</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 August 13, 2019 for public hearing pursuant to public notice as required by law for a Special Use Permit to allow sporting vehicles and motorcycle service, repair, sales and/or rentals on property located at 727 2nd Avenue South, 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 sporting vehicles and motorcycle service, repair, sales and/or rentals on property located at 727 2nd Avenue South.
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: July 25, 2019.
3. The property in question is zoned C-B 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, Tire Retail; to the southeast, Utility Trailer Rental; to the northwest; Sport Equipment Rental (Service); and to the southwest, 2nd Avenue South and railway.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-7, 10-7-12, 10-10-11, 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 sporting vehicles and motorcycle service, repair, sales and/or rentals on property located at 727 2nd Avenue South is consistent with the purpose of the C-B 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 to allow sporting vehicles and motorcycle service, repair, sales and/or rentals on property located at 727 2nd Avenue South 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 sporting vehicles and motorcycle service, repair, sales and/or rentals on property located at 727 2nd Avenue South 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.

APPLICATION # PZ19-0091



**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. PZ19-0091

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **August 13, 2019** to **Nicholas Gursslin** whose address is **727 2nd Avenue South** to allow "Sporting Vehicle and Motorcycle Service, Repair, Sales, and/or rentals and legally identified with the following Parcel ID: **RPT00011090120**."

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.

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>Shannon Troop/Estella Evans</u>	)	CONCLUSIONS OF LAW,
<u>c/o EHM Engineers, Inc.</u>	)	
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on August 13, 2019 for public hearing pursuant to public notice as required by law for a Special Use Permit to allow a drive-through facility with extended hours on property located at 161 Addison Avenue, 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 a drive-through facility with extended hours on property located at 161 Addison Avenue.
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: July 25, 2019
3. The property in question is zoned C-B pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Neighborhood Commercial in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Vacant; to the south, Retail; to the east, Vacant Building; and to the west, Retail.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-7, 10-7-12, 10-10-10, 10-11-1 through 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 a drive-through facility with extended hours on property located at 161 Addison Avenue is consistent with the purpose of the C-B 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 to allow a drive-through facility with extended hours on property located at 161 Addison Avenue 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 a drive-through facility with extended hours on property located at 161 Addison Avenue 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.

APPLICATION # PZ19-0090



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. PZ19-0090

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **August 13, 2019** to **Stella Troop/Estella Evans c/o EHM Engineers, Inc.** whose address is **621 North College Rd., Suite 100** to allow a **drive-through facility with extended hours on property located at 161 Addison Avenue** and legally identified with the following Parcel ID: **RPT3701002007B**

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.**

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.