



Twin Falls Planning & Zoning Commission Agenda

Tuesday, October 22, 2019, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301
Council Chambers

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: October 8, 2019
- 3) Items of Consideration
 - a) **DISCUSSION:** One year review of the request for the revocation of Special Use Permit #1233 for the purpose of operating an indoor recreation facility with extended hours of operation on property located at 139 Shoshone Street North c/o City of Twin Falls.
By: Jonathan Spendlove, PZ Director
 - b) **INFORMATIONAL:** Preliminary Presentation for a Zoning District Change & Zoning Development Agreement from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11 c/o EHM Engineers, Inc. on behalf of Bach Homes. (PZ19-0120)
By: Steve O'Connor, City Planner
 - c) **ACTION ITEM:** Consideration of a Planning and Zoning Resolution validating conformity of the Washington Street South Urban Renewal Plan with the City Comprehensive Plan c/o Urban Renewal Agency of the City of Twin Falls (PZ19-0130)
By: Jonathan Spendlove, PZ Director
- 4) Public Hearings
 - a) **ACTION ITEM:** Request for a Special Use Permit to allow a Gasoline Service Station with extended hours on property located at 890 Washington St. South c/o Oasis Stop N Go, LLC (PZ19-0106)
By: Steve O'Connor, City Planner
- 5) Upcoming Meeting(s)
 - a) Worksession: Wednesday, October 30, 2019
Tuesday, November 19, 2019
- 6) 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, October 8, 2019, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301
Council Chambers

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, Bolton, Kelley, Musser, Hawkins

Staff present: Spendlove, O'Connor, Ebersole, Vitek, Nope

2) Consent Calendar

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

Unanimously Approved

a) Approval of Minutes from the following meeting: September 24, 2019

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

- Daniel Corsini SUP
- Clysdale Enterprises SUP

3) Public Hearings

a) Request for a Special Use Permit to allow a detached accessory building over 1,500 square feet on property located at 1615 Temple View Way c/o C-N-R Construction, LLC on behalf Phillip & Melinda Belnap (PZ19-0109)

Staff Presentation:

City Planner O'Connor presented the request for a Special Use Permit to allow a detached accessory building over 1,500 square feet on property located at 1615 Temple View Way c/o C-N-R Construction, LLC on behalf Phillip & Melinda Belnap (PZ19-0109)

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 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.

Per City and County records, the primary residence on the subject property was first built in 2017. This is a request to construct a detached accessory building larger than 1500 sq. ft. (approx. 1700 sq. ft.) on property located at 1615 Temple View Way. The subject property is located within the SUI (Suburban Urban Interface) Zoning District and Shoshone Heights Planned Unit Development (#256).

The applicant states the accessory building will be used for personal storage. The site plan and elevations submitted indicate that the accessory building will have two (2) garage bays and siding, faux stone, and stucco to match the primary residence.

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 personal use only - no commercial activity.

Applicant Presentation:

Nevin O'Berg, C-N-R Construction, representing applicant, presented the request for a Special Use Permit to allow a detached accessory building on property located at 1615 Temple View Way. He stated that the accessory building will be used for Personal use only (boat storage, woodworking shop). The outside of the building will match the house with stucco and culture stone, and metal siding. The accessory building will use the existing driveway. The building will be approximately 1700 sq. ft.

PZ/Questions & Comments:

- Commissioner Bolton asked applicant if the building will be plumbed and will it be used as residential space?
- Mr. O'Berg stated the building may have plumbing. He stated the septic system is designed to handle the load. He assured there will be no residential space.

Public Hearing: Opened and Closed Without Input

Discussions Followed:

- Commissioner Musser asked staff if this building could be used for commercial purposes.
- City Planner O'Connor stated the owner could use the building for a Home Occupation if they came back for a Special Use Permit.

Motion:

Commissioner Kelley made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Musser seconded the motion.

Unanimously approved

- b) Request for a recommendation to City Council for a Vacation of 3359 sf of Public Utility Easement on property located at 265, 287, & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ19-0119)

Staff Presentation:

City Planner O'Connor presented the Request for a recommendation to City Council for a Vacation of 3359 sf of Public Utility Easement on property located at 265, 287, & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ19-0119)

All procedures will follow the process as described in TF City Code: 10-16-1

Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning & Zoning Commission will make a recommendation to the City Council that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

The easement is part of the Pinnacle Subdivision, platted in 1996.

This is a request to vacate 3359 sf of Public Utility Easement on property located at 265, 287, & 292 River Vista Place. The applicant has supplied all the required letter form utilities companies and all have granted permission to vacate and or have approved it.

One utility provider has requested a new easement is provided to either replace existing utilities and or provide a new easement over utilities already located in the ground. The new easement will be recorded through a separate instrument and not replaced on the plat.

Should the Commission recommend approval to the City Council as presented, staff recommends approval be subject to the following conditions:

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

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented the request for a recommendation to City Council for a vacation of 3359 sf of Public Utility Easement on property located at 265, 287, 292 River Vista Place on behalf of Federation Pointe, LLC. This property was part of Pinnacle Subdivision originally platted in the 1990's. There is now a different vision for the property. He stated this property will be used for an office building. He stated there will be a replacement easement for more area as defined by the new building layouts.

PZ/Questions & Comments:

- Commissioner Titus asked for clarification the location of the vacation.
- City Planner O'Connor clarified the location.

Public Hearing: Opened and Closed without input

Discussions Followed: without concerns

Motion:

Commissioner Bolton made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Musser seconded the motion.

Unanimously approved

4) Upcoming Meeting(s)

- a) Tuesday, October 22, 2019
Wednesday, October 30, 2019 - **Worksession**
No meeting on Tuesday, November 5, 2019

Commissioner Hawkins gave positive feedback on the APA Conference held last week, hosted by the City of Twin Falls Planning and Zoning Department.

5) Adjournment

The meeting adjourned at 06:23 PM

Kelli Ebersole, Administrative Assistant



Date: Tuesday, October 22, 2019
To: Planning and Zoning Commission
From: Jonathan Spendlove, Planning and Zoning Director

DISCUSSION

Request:

One year review of the request for the revocation of Special Use Permit #1233 for the purpose of operating an indoor recreation facility with extended hours of operation on property located at 139 Shoshone Street North c/o City of Twin Falls.

Time Estimate:

10-15 minutes

Background:

On October 9th, 2019, this body approved SUP PZ19-0075, which reduced the permitted operating hours of Bumpin' Bernie's bar. There had been numerous occasions where police involvement was requested and or required for issues stemming from the extended hours of operation. The commission asked staff to revisit this SUP one year after approval.

Until a few weeks ago, the Police Department had not had a significant issue they felt needed Planning & Zoning's attention. On September 29th, Planning & Zoning staff were made aware of an incident regarding the parking lot behind utilized by all the businesses on the same block as Bumpin' Bernie's. The police noted the individuals still inside the establishment at 1:46 AM; which was a violation of a condition on the SUP.

However, taking the entire year into account staff has noted the owner/operator to be in substantial conformance with the current conditions. Therefore we recommend continued monitoring in conformance with our standard operating procedures. The Police Department has no comments or recommendations regarding this application at this time.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends no changes to this permit at this time.

Attachments:

1. PZ18-0075 SUPREVOC PERMIT
2. PZ18-0075 SUPREVOC PZFOF
3. 10-09-18 PZ Minutes



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

AMENDED SPECIAL USE PERMIT #1233

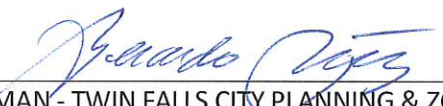
Permit No. PZ18-0075

Granted by the Twin Falls City Planning and Zoning Commission on **October 9, 2018** to **Afrim Hetemi dba Bumpin Bernies** whose address is 718 3rd Avenue East Twin Falls, ID 83301 for the purpose of **operating an indoor recreation facility to include dancing and pool tables operating with extended hours of operation** located at 139 Shoshone Street North and legally described as RPT000108600AA

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 site plan amendments as required by Building, Engineering, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with State, County & City Alcohol licenses and regulations.
3. Subject to the business closing at 1:00 am with all customers out of the building by 1:30 am with no restriction on the days of the week.
4. Subject to operation of an indoor recreation facility including a dance floor and pool table, as presented.
5. Subject to a review of the Special Use Permit in one year. (October 9, 2019)




CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION


DATE

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

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

cc: Building Inspection



(A) Any privilege, permit or license, hereinafter called permit, granted pursuant to this title, including any permit granted prior to the passage of this section, and with the exception of rezone requests, may be revoked for the following reasons:

1. When a significant change in the use which does adversely impact neighboring developments occurs.
2. For violation of supplementary conditions, safeguards and/or restrictions imposed by the city council or the planning and zoning commission at the time the permit was granted.
3. Use of a zoning permit or certificate for a use other than the use for which said permit or certificate was issued.

7. There were four conditions attached to Special Use Permit #1233; 1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards. 2. Subject to compliance with State, County, and City Alcohol licenses and regulations 3. Subject to this facility being allowed to operate until 3:00 am on Wednesdays, Fridays, and Saturdays, as presented 4. Subject to operation of an indoor recreation facility including and (sic) dance floor and pool table, as presented.

8. In September 2017, the Planning and Zoning Commission ("Commission") was made aware of concerns related to patrons of the Property. Including, patrons urinating in the parking-lot adjacent to the property, and multiple calls for police to respond to fights between patrons of the Property. The Commission initiated the process to revoke SUP #1233. The motion to revoke failed by a vote of 1-4.

9. On September 11, 2018, the Commission was informed that the issues had not improved and another revocation process was initiated. Another hearing was held on October 9, 2018. At that hearing the following issues were outlined:

a. The applicant admitted to violating condition three (3) of SUP #1233 by operating the business outside the allowed time periods, specifically, opening the business after hours on Thursdays.

b. Between January and October 2018, there were 66 calls for service attributed to the Property between the hours of 1:00 AM and 4:00 AM. The calls included reports of Battery (3 calls), Fights (12 calls), and four calls asking the police department to clear the adjacent parking-lot. Based on the total number of calls received by dispatch after 1:00AM in the entire City of Twin Falls, during that time period, one in eleven (1/11) were related to this Property.

c. The Police Department played two videos depicting times they responded to the property and informed the Commission that they are often outnumbered by the crowds and have to call in other agencies to assist.

d. City Staff recommended the Commission amend SUP #1233 to alter the hours of operation and include a process whereby the Commission can review the SUP in the future.

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

CONCLUSIONS OF LAW

1. Afrim Hetemi violated condition three (3) of Special Use Permit #1233 by operating the business afterhours on Thursdays.

2. Rather than fully revoking the SUP, Special Use Permit #1233 should be partially revoked with the following conditions: 1. Subject to site plan amendments as required by Building, Engineering, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards. 2. Subject to compliance with State, County & City Alcohol licenses and regulations 3. Subject to the business closing at 1:00 am with all customers out of the building by 1:30 am with no restriction on the days of the week. 4. Subject to operation of an indoor recreation facility including a dance floor and pool table, as presented. 5. Subject to a review of the Special Use Permit in one year. (October 9, 2019)

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

DECISION

1. Special Use Permit #1233 granted to Afrim Hetemi on June 14, 2011 is partially revoked and amended to include the conditions stated above.


Chairman Planning & Zoning Commission

11-14-2018
Date



Twin Falls Planning & Zoning Commission Minutes

Tuesday, October 9, 2018, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Members -

City Limits: Danielle Dawson, Vice-Chair; Craig Hawkins; Gerardo "Tato" Muñoz, Chairman; Ed Musser; Carolyn Bolton; Curtis Hansen; Craig Kelley

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairman Munoz called the meeting to order at 6:00 pm. He then reviewed the procedures for the public hearing with the audience, introduces staff and confirmed a quorum

Members Present: Dawson, Hawkins, Munoz, Musser, Bolton, Hansen, Kelley, Detweiler

Staff Present: Barnhart, Cherry, O'Connor, Kingsbury, Kenworthy, Nope, Spendlove, Strickland, Wright

2) Consent Calendar

a) Approval of the following Findings of Facts and Conclusions of Law:

- Al Gamache-SUP
- Core Cycle-SUP
- Dutch Bros-SUP
- Tayler Chapin-SUP
- Eastland Storage Solutions-SUP

3) Items of Consideration

- #### **a)**
- Request for the consideration of the preliminary plat for Kaitlyn Court Subdivision, approximately 2.01 (+/-) acres consisting of 8 lots located along the 500 Block of Borah Avenue West c/o EHM Engineers, Inc, on behalf of Kaitlyn Courts, LLC (app. PZ18-0068)

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc representing the applicant, he stated they are here tonight to request that the preliminary plat be approved. The property is approximately 2.01 Acres and consists of 8 lots, is zoned R-4 and is located south of Borah Avenue West. All of the parking for the development is interior to the subdivision. A few items discussed at a previous meeting by the neighbors was about an irrigation lateral and traffic flow. The irrigation lateral referred to in the discussion is not located in this

subdivision. As for the traffic conditions, the property meets the traffic flow requirements for an R-4 zone. The development has been designed to be in compliance with the zone and the Comprehensive Plan.

Staff Presentation:

City Planner O'Connor stated this is a request for the consideration of the preliminary plat for Kaitlyn Court Subdivision, approximately 2.01 (+/-) acres consisting of 8 lots located along the 500 Block of Borah Avenue West.

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.

There is minimal history on this property other than it was Farmland since at least the '50's and '60's. This is a request for approval of the Preliminary Plat for Kaitlyn Court, a 2.01-acre subdivision with eight residential lots at the intersection of Rose St and Borah Ave. This 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.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or wastewater services. The plat indicates that each lot will be connected to the City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed

A final plat that is in conformance with the approved preliminary plat and including any conditions the Commission may have required is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Should the Commission approve the preliminary plat, 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.

PZ/Questions & Comments:

- Commissioner Bolton asked how this plat relates to the Special Use Permit request at

the last meeting.

- City Planner O'Connor explained that they are not related, Special Use Permit is for land use, the preliminary plat is for the subdivision of land. They are two separate processes.
- Commissioner Munoz clarified that the property has an R-4 zoning designation, this is just a review for the lot sizes and subdivision of land.
- Commissioner Dawson asked if the street shown on the plat a private drive.
- City Planner O'Connor explained it is a private drive.

Public Hearing: Opened & Closed Without Testimony

Discussions Followed: Without Concerns

Motion:

Commissioner Bolton made a motion to approve the request, as presented, with staff recommendations. Commissioner Musser seconded the motion. All members voted in favor of the motion.

Approved, As Presented, With 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.

4) Public Hearings

- a) Request for the revocation of Special Use Permit #1233 issued for the purpose of operating an indoor recreation facility with extended hours of operation on property located at 139 Shoshone Street North. c/o City of Twin Falls (app. PZ18-0075)

Staff Presentation:

P&Z Director Spendlove stated this is a request for the revocation of Special Use Permit #1233 issued for the purpose of operating an indoor recreation facility with extended hours of operation on property located at 139 Shoshone Street North

Per City Code 10-13-2-3: The commission may initiate revocation by adoption of a motion. The permit holder shall be notified of the motion, the change in circumstances which have been alleged to occur and the adverse impact the changes made, and the conditions alleged to have been violated. A public hearing would then be scheduled and held, where the permit holder will have the opportunity to address the allegations, and the Commission will be tasked with making a decision on revocation.

In Aug 1993, Ordinance 2413 was adopted changing City Code to include the limitation on the Retail Hours of Operation within the CB Zoning District. At that time, the business

located at 139 Shoshone St N was reported to be a music store. This type of use continued until the early 2000's when the music store vacated the space. Our records indicate the space had a time of vacancy, the length of vacancy is not entirely known, but our records indicate from 2001 until late 2005. This period of vacancy is important, as it "reset" the requirement for this location to now conform to the hours of operation (7:00 AM - 10:00 PM).

In 2006 Charlies Food Store requested a liquor license to serve bottled and draft beer for consumption on the premises. This request was granted by the City Council on Feb 27, 2006.

In June 2011 Special Use Permit #1233 was approved. This SUP was granted for Extended Hours of Operation and an Indoor Recreation Facility. This permit granted the right for the retail operation to be open past 10:00 PM on Wednesday, Friday and Saturday nights. It also permitted the "dance floor and live music" (see attachment).

In September 2017, the Planning and Zoning Commission took action to initiate revocation of SUP #1233. A Public Hearing took place on October 24, 2017. The commission voted to table the item until December 12, 2017. An additional Public Hearing took place on December 12, 2017. The motion to revoke the Permit failed by a vote of 1-4.

On September 11, 2018 the Planning and Zoning Commission initiated the revocation process and the public hearing was posted for October 9, 2018. The evidence of the Special Use Permit violation comes in the form of the applicant admitting they have been open on Thursday nights, multiple sources of posted hours of operation (see attachments) and some police activity on those nights. This evidence is only representative of research conducted during this past calendar year. On this information alone, the Commission has reason to revoke the Special Use Permit due to violation of Special Use Permit #1233, Condition 3.

Beyond the violation of the Special Use Permit, Staff is including further information regarding the public safety concerns.

Between January and October 2018 there were 66 calls for service attributed to this location (Business or Parking Lot) between the hours of 1:00 AM and 4:00 AM. The calls of serious note are 3 Battery's, 12 Fights, 4 Parking Lot Clears. Between January and October there have been 35 weekends, this indicates the police are being called to this area on average two (2) times each weekend.

For perspective, Staff tallied the numbers of total calls for service from January thru mid-September between the hours of 1:00 AM and 5:00; and compared that to the calls we responded to this location. Nearly 1 of 11 calls to the police department between these hours (1:00 – 5:00) was to this address. The City of Twin Falls has approximately 20,000

properties within the city limits. This one property has been attributed to every 11th call to the TFPD, for the time-frame they operated after 1:00 am. This is a significant drain on police resources. It is a significant safety issue for the surrounding property owners. Lastly, the applicant has not been able to contain the patrons wishing to frequent this establishment after 1:00 AM.

The Police Department would like to submit 2 videos as evidence of the safety issue they are facing. In these videos, you will see a few things: 1. Our police department is vastly outnumbered on a regular basis when attempting to investigate the numerous fights, disturbances, batteries, etc. It consistently requires every available officer (including calling in resources from the County and the State Departments) to contain the situation and property investigate the crimes. 2. The lack of control shown by the operator to limit the number of patrons inside the building which results in fire code violations for overcrowding and is a significant safety risk to the public and the patrons themselves in the event of a fire or other emergency situation.

{Videos shown here}

PZ/Questions & Comments:

- Commissioner Munoz asked for clarification on the time stamp.
- Officer Wright, explained the time is a Greenwich Mean Time-GMT, Idaho is 6 hours behind GMT, for example 7:54 am was approximately 1:54 am MDT.

Staff Presentation Continued...

Since meeting with the owner on September 7, the building safety portion of the issue has been improved. However, one of the videos shown took place two (2) days after Staff met with the operator. Due to the potentially escalating situation we feel it may be appropriate to elevate the conversation to a higher level of consequence order to create a safer environment for the owner, neighbors, patrons, police and ultimately the residents of the City of Twin Falls.

After conducting multiple internal discussions, City Staff (Police, Fire, Building, and Zoning Staff) do not wish to pursue barring an owner, or operator, from the ability to earn a living. The City strives to provide a consistent commitment to ensuring community residents have access to employment that supports personal and family well-being.

However we have also committed to provide a community where people feel and enjoy a high level of safety through crime and fire prevention, and enforcement of quality of life issues.

In conclusion, City Staff recommends amending the hours of operation for this business to 1:00 AM. As well as an additional condition whereby the commission may review the permit if public safety issues arise at any time in the future, or if circumstances arise which appear to violate the standards listed in City Code 10-13-2-2-(D).

The Commission is tasked with making a decision on this item. The Commission may do one of the following:

1. Take no action on this item - deny the revocation by voting no on the motion. (The business will continue operating as is).
2. Table the item to a future date in order to gather more information.
3. Modify the Special Use Permit by motion; including new conditions on hours of operation and/or other pertinent limitations.
4. Revoke the special use permit by voting yes on the motion. Thus reverting this property to the base zoning code allowances (no extended hours, and no dance floor).

PZ Questions/Comments

- Commissioner Detweiler asked if the wrist band is used to keep a count of people entering or to charge for entry into the building.
- PZ Director Spendlove explained that the Commission will be given the opportunity to speak the business operator however his understanding is that they have 99 wrist bands and they would not give out anymore, he is not sure about charging.
- Commissioner Hansen asked if they have security staff.
- PZ Director Spendlove explained staff has been told that there is security.
- Commissioner Munoz asked if the hours of operation changed on Thursdays.
- PZ Director Spendlove explained since the meeting with the business operator the business has not been operating after 10:00 pm on Thursdays.
- Commissioner Hansen asked for clarification on activity and times of these occurrences.
- Chief Kingsbury explained that as any other City where you have businesses that sell beer, wine and spirits on weekends there will be calls to those businesses on occasion. However, at 1:00 am those business are required to close, at that time people leave those establishments and travel to this location. The majority of the calls occur at this establishment after 1:00 am. The calls for service for this area between 1:00 am – 5:00 am average 1 out of 11 of the call responses on weekends are at this establishment. People are coming to this location to continue partying. The police department do perform a walk-through of the facility the Saturday AM, after meeting with the business operator, and found things were in good order. However, the next morning Sunday around 2:00 AM the occupancy within the building was controlled however the crowd outside in the parking lot increased in size and people were in the parking lot consuming alcohol. The size of the crowd leads to a huge police presence, it takes all of their resources to address problems at this establishment, with assistance from the State and County also.
- Commissioner Hansen clarified, that if all of the officers are at this location addressing problems, does the police department have enough resources to respond to other calls that may be of a serious nature.
- Chief Kingsbury, explained not the resources would not be available if another serious emergency occurred during this time.

- Commissioner Kelley asked if there could be some clarification on officer response.
- Chief Kingsbury, explained that whenever the officers respond to a disturbance at this type of establishment there is a heightened sense of awareness. Over the last year this particular location has become a routine call and if a call comes in at this location more than one office will be sent to respond and most often all available officers will be sent. A normal disturbance at any other location 2-3 officers would respond.
- Commissioner Bolton asked if the officers feel threatened personally when they respond to the calls at this location.
- Chief Kingsbury stated yes, safety for themselves is a concern. He asked Officer Hendrickson if during the night shown on the video if any arrests were made. It was explained to him that because of the lack of manpower and the size of the crowd no arrests were made for fear of a riot. He clearly understood the officers were clearly outnumbered and agreed with the decision. To date there have not be any cases of lethal force.
- Commissioner Munoz explained that he would like to have the business operator or their representative speak to the Commission at the beginning of the public hearing portion, but limit the time to two minutes for other citizens to speak.
- Commissioner Hansen asked if the Special Use Permit is revoked, can the applicant re-apply for the Special Use Permit with corrective actions for addressing these issues.
- PZ Director Spendlove explained that code does not restrict someone from applying for the Special Use Permit again if it is revoked. In the meantime they would have to restrict their operations to normal hours and eliminate the use of the dance floor. The process from the time the Special Use Permit is submitted to the time it can be scheduled is approximately 42 days, due to public notification requirements.
- Commissioner Bolton asked if the Commission chose to amend the conditions on the existing permit, can the hours be changed.
- PZ Director Spendlove explained yes, the Commission can add, remove, or amend any conditions or hours of operation. If amendments are made the business would have to abide by these amended conditions from this point forward.

Business Owner/Operator Testimony

- Berhan Hetemi, the owner/business operator, explained that he is willing to answer any questions the Commission may have, and apologizes for having to be here again. There are things he has attempted to do since the last time he was in front of the Commission but they have not been successful. He is not trying to create problems between him and the City or the police. On the first video that was shown, he called the police because there were too many people in the parking lot. Once they reach their occupancy limit the people outside are told to leave because he doesn't own the parking lot, and his 6 security guards aren't able to manage it by themselves. He has posted a no loitering sign thinking that if tickets were issued for loitering that would help the situation, but tickets have not been issued. He has no control over the

people in the parking lot. He has even closed early to assist in getting the crowd to leave. Twin Falls is growing and there is going to be a need for more officers and more places for people to go out. He has made changes to control the amount of people he allows in his business. The first time he implemented the changes he called the police because there were too many people and he needed help getting them to leave.

- Commissioner Bolton asked how he could improve on providing security for his business without having to use the police.
- Mr. Hetemi stated having the correct no loitering sign would make the difference allowing the police to issue tickets.
- Commissioner Bolton explained that is still involving the police in controlling the people in the parking lot.
- Commissioner Hansen asked if the majority of his business is occurring during the extended hours.
- Mr. Hetemi explained yes, he has estimated about \$54,000 a year just from the two extra hours.
- Commissioner Hansen asked if the parking lot is a shared parking area and if the business shares in taking care of the space.
- PZ Director Spendlove explained the parking lot is a public lot.
- Commissioner Dawson asked for clarification on the wristband.
- Mr. Hetemi explained the customers enter through one door and exit out another. When they enter they are given a wristband and they also keep count with a clicker. They have 99 wristbands and when people leave they have to give back the wristband.
- Commissioner Dawson asked about controlling the people at the doors as shown in the video.
- Mr. Hetemi explained the video was prior to him learning that any business with an occupancy of 100 or more would require a sprinkler system.
- Commissioner Dawson asked how the customers know where to exit.
- Mr. Hetemi explained he has security at each door.
- Commissioner Dawson asked about the hours on Thursday and if they would like to operate with extended hours on Thursday also.
- Mr. Hetemi explained he doesn't need extended hours on Thursday because there is not enough business.
- Commissioner Hansen asked for clarification about being open on Thursdays after 10:00 pm, because this was discussed during the last revocation discussion.
- Mr. Hetemi explained that he has been open past 10:00 pm on Thursdays since the last meeting where revocation was discussed, because he misunderstood the conditions of the permit.
- Commissioner Detweiler asked if they serve alcohol after 1:00 am.
- Mr. Hetemi explained they stop service at 12:50 because that is required by law. After 1:00 am they are serving non-alcoholic beverages, hookah, and people are there dancing.

- Commissioner Detweiler asked about security within the building.
- Mr. Hetemi explained they have security in the building and they have radio communication for them to use.
- Commissioner Munoz asked about the limit of 99 wristbands, why that number was chosen.
- Mr. Hetemi explained they have always started with 100 wristbands.
- Commissioner Dawson asked when they started using the wristband to restrict occupancy.
- Mr. Hetemi explained he has always used the wristbands, originally he thought based on the blue-prints he was allowed 150 people, however after meeting with the Fire Marshall he found that he is limited to 99, and the building would require a sprinkler system to allow for more. Once he found out about this he started restricting the occupancy to 99 and has been abiding by that requirement for approximately a month.
- Commissioner Dawson asked about him using the police to provide security for his business in the parking lot, and was wondering if they have called the police for inside the establishment.
- Mr. Hetemi explained he has never had to call the police for a disturbance inside the establishment, police do enter randomly because they are doing an inspection to make sure all of the liquor is securely put away. They have had to make people leave the establishment if they cause issues inside and they will call the police if they continue to cause problems in the parking lot.
- Commissioner Kelley asked about the hours of operation listed on the multiple websites even after the meeting with the City explaining the allowed hours of operation.
- Mr. Hetemi explained he will have to have that information corrected.
- Commissioner Hansen asked when the occupancy was exceeded in the video why didn't they shut the music off and announce to the customers that if they don't have a wristband they need to leave.
- Mr. Hetemi explained since the video they have changed the way they operate and nobody is allowed in the establishment without a wristband.
- Commissioner Munoz explained that the Commission the discussion is related to the revocation of the permit and reviewed the requirements for approving a Special Use Permit. He explained the Commission cannot give recommendations on how to resolve the security issues.
- Deputy City Attorney Nope clarified that this request has come before the Commission based on City Code Title 10- 13-2.3. In this section of the code it list three criteria under which a revocation can occur.
 1. When a significant change in the use which does adversely impact neighboring developments occurs.
 2. For violation of supplementary conditions, safeguards and/or restrictions imposed by the city council or the planning and zoning commission at the time the permit was granted.

3. Use of a zoning permit or certificate for a use other than the use for which said permit or certificate was issued.

The items listed by Chairman Munoz is the criteria under which a Special Use Permit can be granted. Once the permit is issued City Code 10-13-2.3 A outlines the criteria that can be used for the revocation process.

PZ Director Spendlove read the three criteria for revocation into the record. He explained staff has presented that there has been a violation of the conditions.

Public Hearing: Opened

- Tony Prater explained that he has a business that operated close to this business, there is a lot of waste left in the parking lot, he would agree on an amendment to the hours of operation. The outside activity decreases in the colder months but there are lots of things left behind because of the patrons that visit this establishment.
- Dana Benkula explained that her mother-in-law owns the building, she is here to speak on behalf of her employees, they have had to refrain from dropping off paperwork due to safety issues, the amount of debris left in the parking lot is also significant. She understands that this family that is trying to make a living but amending the hours would help.
- Ryan Verwhy, 140 Ash Street Kimberly, Id has known the Mr. Hetemi for a long time, they have changed the process for the wristbands to control their occupancy. However he feels the biggest issue is that loitering tickets are not being issued, if tickets were issued it would resolve the majority of the problem.

Public Hearing: Closed

Closing Statements: Declined

Discussions Followed:

- Commissioner Hawkins explained the crowd is the problem and that is what is creating the safety issue. However it is the business that is drawing the crowd to this location. He doesn't want to create a hardship for anyone however this is not a good situation.
- Commissioner Bolton explained the reality is that this was an issue a year ago, and there are people that like to drink but because of the decision by the Commission to allow for extended hours at this establishment, these people are funneled to this location creating a problem. She thinks steps need to be considered by the Commission to mitigate a problem.
- Commissioner Munoz explained he sees two options, there is enough information to make a decision, one option is to revoke the Special Use Permit limiting the hours of operation to 10:00 pm, the second option is to amend the conditions on the Special Use Permit to try and mitigate some of the issues.
- Commissioner Hansen agreed an amendment to the conditions could help.

- Commissioner Detweiler agrees that an amendment to the conditions would help but is not in favor of eliminating the dance floor, but he would be in favor of closing the business at 1:00 am.
- Commissioner Bolton explained that keeping the dance floor and cutting the hours back to 1:00 am would be effective. However if this is the only place open after 1:00 am that is where people are going to go after the other establishments close at 1:00 am.
- Commissioner Dawson asked for clarification of the violation.
- PZ Director Spendlove explained the business was operating after 10:00 pm on Thursdays, which is a violation of the conditions listed on the Special Use Permit, which is directly correlated with the revocation criteria listed in the code. Staff however has suggested amending the condition related to hours of operation. This change could potentially alleviate the issue.
- Commissioner Munoz explained that when specific days and hours are listed it is very difficult to track and enforce. He doesn't think the days of the week are the issue. It's the extended hours that are the problem.
- Commissioner Dawson stated she has struggled with this because she thinks there is a need for extended hours, however the testimony from a year ago is not much different from the testimony that was presented tonight. A restriction of hours is a need, because currently it is the only business that operates at this time.
- Commissioner Munoz explained that Twin Falls is growing and things don't close at 10:00 pm anymore. The problem is the owner is dealing with people that have already visited other venues, they are inebriated and hostile when they get to his establishment. The business needs to have a more effective plan for managing these type of customers.
- Commissioner Dawson explained this is a safety concern and she is in favor of limiting the hours of operation. Although the business owner has no control over the people in the parking lot it's the patrons of this business that are causing the safety concern.
- Commissioner Musser explained that it has been a year, the business owner has attempted several things to try and mitigate the issues, unsuccessfully.
- Commissioner Munoz explained there needs to be more thought put into running the business after 1:00 am.
- Commissioner Dawson asked if restricting the hours to 2:00 am would be a good compromise.
- Commissioner Kelley explained if they are still allowed to be open beyond 1:00 am, the same situation is going to occur, because other places have to close at 1:00 am. There should be an even playing field set to see how it works.

Motion 1:

Commissioner Dawson made a motion to amend condition no. 3 to state the business must be closed at 1:00 am with all customers out of the building by 1:30 am with no restriction on the days of the week. Commissioner Musser seconded. All members voted

in favor of the motion.

Amendment Approved As Follows

1. Subject to the business closing at 1:00 am with all customers out of the building by 1:30 am with no restriction on the days of the week.

Commissioner Munoz reviewed the additional condition presented by staff that states the Commission can review the Special Use Permit at any time in the future if public safety issues arise, or if circumstances arise which appear to violate the standards listed in City Code 10-13-2.2 D.

Discussion Followed

- Commissioner Munoz explained that he thinks this adds a burden to staff and the Commission to keep track of issues. He believes condition number one on the permit addresses the Commission's ability to review the permit when violations for zoning, building and fire code are identified.
- PZ Director Spendlove explained that condition no. 1 applies only to site plans that are in violation, which is why staff has suggested adding the other condition. This would allow the Commission to review the Special Use Permit again.
- Commissioner Musser asked about adding a one year review as a condition.
- PZ Director Spendlove explained that is possible or it could be that staff brings back an update to the commission in one year. Normally this would be to allow an applicant the opportunity to comply with a condition they may not fully agree with on the permit.
- Commissioner Bolton explained she is not sure that the people are going to stop coming to the parking lot even with the establishment closing at 1:00 am.
- Commissioner Dawson explained she doesn't think it is prudent for the Commission to just add a review date as a condition so that it can be reviewed again. She feels like if there are issues the item will be brought forward to the Commission again.
- Commissioner Kelley agrees that it may not be fair however this is one of the only permits that he has seen come back to the Commission a second time to discuss revocation.
- Commissioner Munoz stated that the Commission should move past babysitting a business. He also thinks that if this is a large part of their business income they will come up with a solution to address the safety concerns, monitoring the parking lot and will be back to request that the hours be extended again before the year is concluded. The business will most likely initiate the change with a proactive management plan.
- Commissioner Hansen stated he thinks that it should be reviewed again in a year.

Motion 2:

Commissioner Bolton to add a condition no. 5 to review the Special Use Permit in one year. Commissioner Hawkins seconded the motion. Commissioners Hansen, Bolton,

Kelley, Musser, Detweiler and Hawkins voted in favor the motion, with Commissioners Munoz and Dawson voting against the motion.

Amendment Approved As Follows

1. Subject to the Special Use Permit being reviewed again in one year. (October 9, 2019)

Discussion Followed:

Commissioner Hansen asked if the motion also allows the commission to review the permit at any time there are public safety issues.

PZ Director Spendlove stated that the condition is to review the permit in one year.

Commissioner Hansen suggested another condition be added allowing review at any time if public safety issues arise. Staff could bring the permit back up for review but by adding this as a condition it makes it a decision of the Commission to have the permit reviewed.

Commissioner Hansen explained that condition no. 1 only applies to the site plan but to make things easier to address problems staff would like to have a condition added allowing for Commission review.

Deputy City Attorney Nope explained there are two schools of thought occurring. One issue is that the Special Use Permit had to meet 9 criteria listed in the code to be approved along with conditions based on 7 other factors. The Commission has already reviewed the Special Use Permit and approved it based on the 9 criteria. There are some that want to revisit the criteria for approval, however this is a request for revocation. Revocation can only occur based on 3 criteria listed in City Code 10-13-2.3 A.

1. When a significant change in the use which does adversely impact neighboring developments occurs.
2. For violation of supplementary conditions, safeguards and/or restrictions imposed by the city council or the planning and zoning commission at the time the permit was granted.
3. Use of a zoning permit or certificate for a use other than the use for which said permit or certificate was issued.

In this case the business operating after 10pm on Thursday was a direct violation of the permit, this is what allows the Commission to revoke the permit. The problem now is that the Commission wants to amend the conditions but wants to be able to revisit the 9 criteria for approval. In order to consider revocation based on the 9 criteria listed for approving the permit the amendments to the permit should also include the condition proposed by staff.

Discussion Followed:

Commissioner Hansen thinks reconsideration of the conditions for approval is critical when considering revocation.

Motion 3:

Commissioner Hansen made a motion to add a condition no. 6 that a Commission review may occur at any time in the future if public safety issues arise, or if circumstances arise

which appear to violate the standards listed in City Code 10-13-2.2 D. Commissioner Musser seconded the motion.

Discussion Followed:

- Commissioner Munoz explained that he thinks the one year review allows the Commission to revisit permit and compliance with the conditions. He seriously thinks the business will propose something different prior to a year from now.
- Commissioner Hansen stated his understanding is that it allows staff to bring it back to Commission any time there is a public safety concern.
- Commissioner Bolton stated she thought that was already possible.
- Commissioner Dawson clarified that it can only be brought back if the issue meets any of the 3 criteria that would allow for revocation to occur.
- Commissioner Munoz explained that if the hours are amended to 1:00 am and there are problem occurring because they have continued to operate past 1:00 am that would be a violation of the Special Use Permit. This would also be a condition that other bars don't have to abide by.

Roll Call Vote Motion 3:

Commissioners Hansen, Musser and Hawkins voted in favor of the motion. Commissioner Bolton, Munoz, Kelly, Dawson and Detweiler voted against the motion.

Motion 3 failed 3-5

Motion 4:

Commissioner Dawson made a motion to amend Special Use Permit #1233 with the conditions approved by the Commission. Commissioner Bolton seconded the motion. Members Bolton, Dawson, Munoz, Kelly, Detweiler, Musser and Hawkins voted in favor of the motion. Commissioner Hansen voted against the motion. **Motion Passed 7-1**

Approved, With The Following Amended Conditions

1. Subject to site plan amendments as required Building, Engineering, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject compliance with State, County & City Alcohol licenses and regulations
3. Subject to the business closing at 1:00 am with all customers out of the building by 1:30 am with no restriction on the days of the week.
4. Subject to operation of an indoor recreation facility include a dance floor and pool table, as presented.
5. Subject to a review of the Special Use Permit in one year. (October 9, 2019)

Deputy City Attorney Nope explained that questions need to be directed to staff pending an appeal to the decisions.

5) Upcoming Meeting(s)

- a) October 23, 2018

6) Adjournment

Chairman Munoz adjourned the meeting at 8:31 pm

Lisa A Strickland

Lisa A. Strickland, City Planner



Date: Tuesday, October 22, 2019
To: Planning and Zoning Commission
From: Steve O'Connor, City Planner

INFORMATIONAL

Request:

Preliminary Presentation for a Zoning District Change & Zoning Development Agreement from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11 c/o EHM Engineers, Inc. on behalf of Bach Homes. (PZ19-0120)

Time Estimate:

10-15 minutes between staff and the applicant.

Background:

This is a preliminary presentation to allow the commission the chance to ask questions and the applicant to modify the request before the public hearing. The public hearing is scheduled for Tuesday, November 12th, 2019.

Approval Process:

Per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District requires a preliminary presentation to the Planning and Zoning Commission for a review of the proposed changes. The Commission is allowed, and may grant the public the ability, to ask questions and give suggestions to applicant about the proposed project during the preliminary presentation. A public hearing shall be held before the Commission for a recommendation to the Council to amend the zoning district and the zoning map, amend with recommendations or deny the request.

Budget Impact:

NA

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff make no recommendation at this time.

Attachments:

1. 1 - Vicintiy
2. 2 - Narrative
3. 3 - MDP

4. 4 - Elevations
5. 5 - Draft ZDA

WESTPARK COMMERCIAL SUBDIVISION NO. 11
ZDA, APPLICATION NARRATIVE

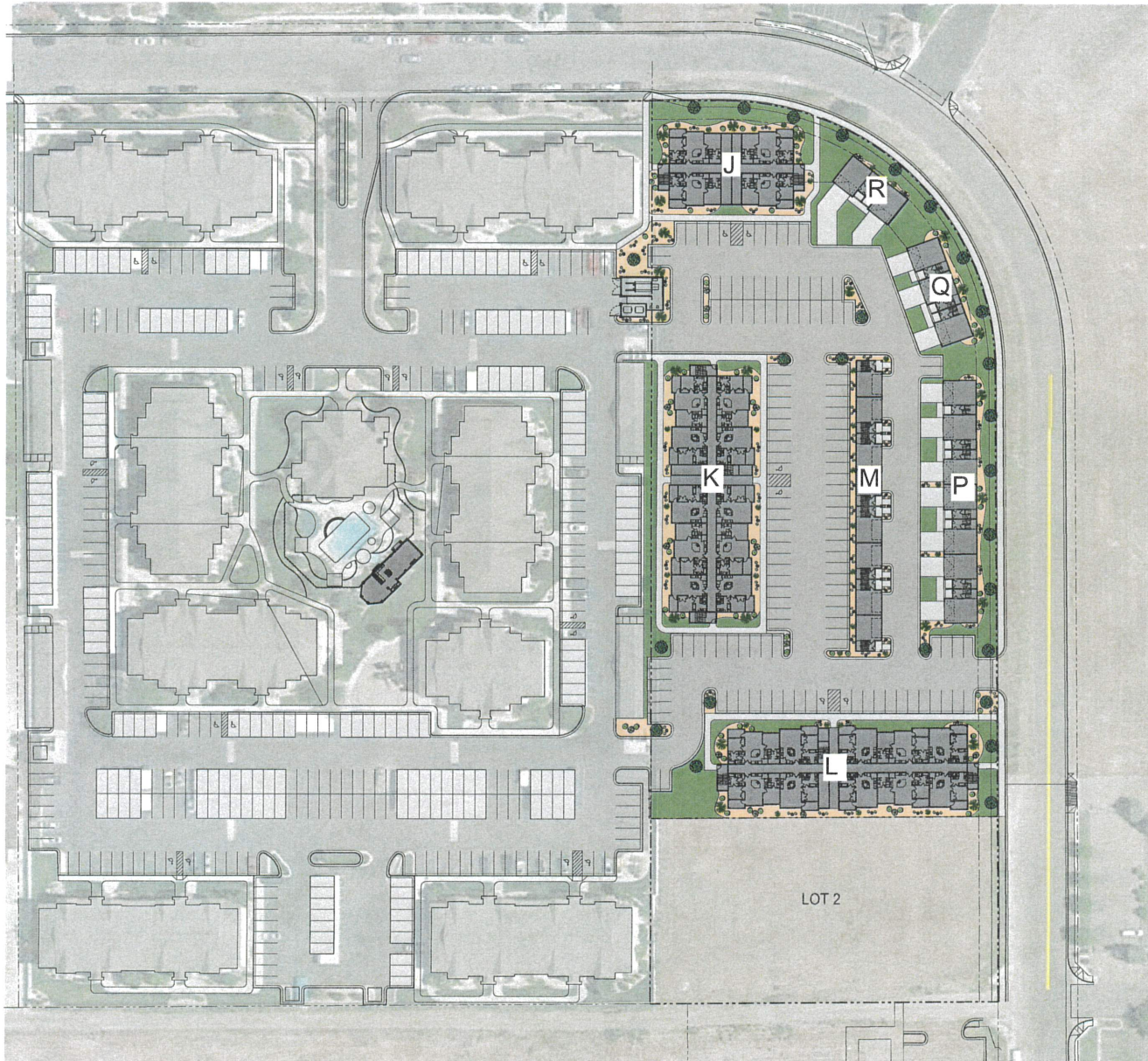
4.a. The reason for the request is to provide clarity to the original PUD agreement governing the property and to allow a multi-family housing development with increased height within the area depicted. The original configuration of roads and uses portrayed in the Northbridge 2 PUD agreement has significantly changed since its recording and a ZDA on the property allows clarification of the uses, particularly in the CRO overlay. The original PUD allowed applicants to request additional height within the Limited Commercial areas although road configurations as currently constructed differ from the original concept making the area of the original zoning designation unclear, therefore requiring this zoning development agreement to address possible discrepancies.

4.b. The proposed change to the development is compatible with the Comprehensive Plan and original PUD both in the mixed use zoning designation of the comprehensive plan and as outlined in the PUD. The proposed buildings are set back adequately from the Canyon Rim and would not negatively impact any site triangles from the canyon floor. In relation to an allowed height directly adjacent to the Canyon Rim and the proposed height at the increased distance this site is from the rim there would be less of an impact from this development with an increased height allowance.

This development would be compatible with the neighboring properties as well, in that an apartment complex exists on the west boundary and commercial uses exist or are planned on the remaining neighboring properties to the north, south and east of mixed use variety.

The intended use of the development is either an expansion of apartments on a portion or all of the property and/or mixed use of residential and commercial development. The apartment owner currently has an option of Lot 2 which could be executed in the future and expand the site to residential in its entirety.

Specific exceptions of uses include a height exception currently not allowed in code or the PUD without approval from the Council. Multi-family buildings with 4 residential units or more per building are being requested as well as the increased height in the Zoning Development Agreement.



RIVERCREST 2

"EXHIBIT B" MASTER DEVELOPMENT PLAN - SCALE: 1"=40'

BACH
HOMES
11450 South River Street
Suite 300
Denver, Utah 84202
(801) 727-9900
www.bachhomes.com

AN APARTMENT COMMUNITY BY
BACH HOMES
THE BACH HOMES GROUP IS A DIVISION OF BACH GROUP, INC.

"EXHIBIT B" MASTER
DEVELOPMENT PLAN

DRAWN: JG 131211
REVIEWED: -

SHEET NO.



BUILDING J - FRONT & BACK ELEVATION

NOT TO SCALE

Rivercrest Apartments - Proposed Addition
Twin Falls, ID

Building J





1
CE-102/ 1/8" = 1'-0"

BUILDING K - FRONT & BACK ELEVATION



2
CE-102/ 1/8" = 1'-0"

BUILDING L - FRONT & BACK ELEVATION

Rivercrest Apartments - Proposed Addition
Twin Falls, ID

Building's K & L



1
1/8" = 1'-0"
BUILDING M - FRONT ELEVATION



2
1/8" = 1'-0"
BUILDING M - BACK ELEVATION



1 BUILDING P - FRONT ELEVATION
CE-104 1/8" = 1'-0"

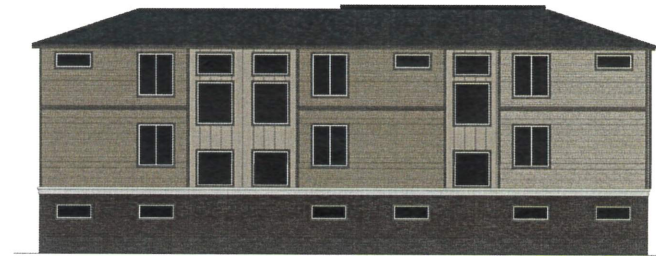


2 BUILDING P - BACK ELEVATION
CE-104 1/8" = 1'-0"



1
CE-105L 1/8" = 1'-0"

BUILDING Q - FRONT ELEVATION



2
CE-105L 1/8" = 1'-0"

BUILDING Q - BACK ELEVATION



3
CE-105L 1/8" = 1'-0"

BUILDING R - FRONT ELEVATION



4
CE-105L 1/8" = 1'-0"

BUILDING R - BACK ELEVATION

Bach Homes ZDA

A C-1 & C-1 CRO Mixed-use Residential & Commercial Zoning Development Agreement

This Zoning Development Agreement (ZDA) is made and entered into this ____ day of _____, 20__, by and between the city of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Bach Homes, an Idaho General Partnership (hereinafter called "Developer") for the purpose of developing a Mixed-use Development of Residential & Commercial uses on property located West of and adjacent to Canyon Crest Drive, North of Pole Line Road, known as Westpark Commercial No. 11 a PUD.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 8; Commercial Highway District or as amended, and City Code Title 10 – Chapter 4 – Section 19; Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:
2. C-1, Commercial Highway District modified as follows; and the CRO, Canyon Rim Overlay modified only where applicable;
 - a. Permitted uses;
 - i. Residential
 1. Dwellings – fourplexes
 - b. Special uses;
 - i. Miscellaneous
 1. Any Permitted or Special non-residential use requesting hours of operation outside the hours of seven o'clock A.M. (7:00 A.M.) to ten o'clock P.M. (10:00 P.M.)
 - c. Prohibited uses;
 - i. Animal Hospital - Large Animal
 - ii. Bulk Fuel Sales
 - iii. In Home Day Care Centers
 - iv. Cemeteries
 - v. Fairgrounds
 - vi. Go Cart Tracks
 - vii. Jails, Detention Centers, Or Work Release Centers
 - viii. Judicial Facilities
 - ix. Outdoor Amplified Sound systems (permanent
 - x. Outdoor Theaters
 - xi. RV And Camping Parks
 - xii. Shelter Homes and/or Facilities
 - xiii. Stand Alone Drug and Alcohol Treatment facilities
 - xiv. Tattoo Parlors
 - xv. Zoos
 - d. Property Development Standards
 - i. Building Height;
 1. No building shall exceed a height of sixty (60) feet unless authorized by the City of Twin Falls through the "Additional Height Process".
 - ii. Landscaping;
 1. A ten-foot (10') landscaping buffer directly behind the sidewalk shall be installed along Canyon Crest Drive. This buffer shall adhere to tree and bush counts as noted in City code Title 10, Chapter 11, Section 2.
 - a. Trees and shrubs may be grouped, with a maximum of seventy-five feet (75') between groupings
 2. A ten-foot (10') landscaping buffer shall be installed between commercial uses and residential uses. This buffer shall adhere to tree and bush counts as noted in City code Title 10, Chapter 11, Section 2.
 - a. Trees and shrubs may be grouped, with a maximum of seventy-five feet (75') between groupings

Bach Homes ZDA

A C-1 & C-1 CRO Mixed-use Residential & Commercial Zoning Development Agreement

b. This buffer shall also include a screening fence.

e. Signs

- i. Each vehicular entrance to the development may have one development sign, not to exceed one hundred (100) square feet. However, the number of development signs shall not exceed three (3) and must be 100 feet (100') or more apart. Development signs shall not be internally illuminated. The maximum height of the development sign shall not exceed ten (10) feet as measured from the adjacent top of curb.

DRAFT



Date: Tuesday, October 22, 2019
To: Planning and Zoning Commission
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Consideration of a Planning and Zoning Resolution validating conformity of the Washington Street South Urban Renewal Plan with the City Comprehensive Plan c/o Urban Renewal Agency of the City of Twin Falls (PZ19-0130)

Time Estimate:

Approximately five (5) minutes for staff presentation.

Background:

Beginning in early 2018 the Urban Renewal Agency of Twin Falls (URA) began contemplating the creation of a new Revenue Allocation Area (RAA). Since that time, they have taken the necessary steps as outlined in State Statutes to gather the required information and create a plan identifying the proposed projects and desired development area.

The attachments included with this report show the area and some of the potential projects associated with the Washington St South Plan.

As this body is aware, some of the project area was recently rezoned from Residential - Medium Density (R4) to Heavy Manufacturing (M2). At that time this body concluded the rezone to be consistent with the currently adopted Comprehensive Plan and Future Land Use Map.

City Staff offers the following comments and recommendation: After reviewing the request, we have concluded the URA Plan is in conformance with the City Comprehensive Plan due to the desired Future Land Use and promoting that area for Industrial Growth and Economic Development.

Approval Process:

Per State Statute, the Planning and Zoning Commission is tasked with making a decision on the resolution (see attachments) validating the conformity of this URA Plan with the City Comprehensive Plan. A majority vote of the Commission will decide the outcome of this request.

Budget Impact:

The decision of this body does not have an inherent impact on the City Budget.

Regulatory Impact:

Approval of this resolution has no regulatory impact on the property, in terms of Zoning Laws and Regulations.

History:

N/A

Analysis:

N/A

Conclusion:

The Planning and Zoning Commission is tasked with making a decision on this request , including the associated resolution.

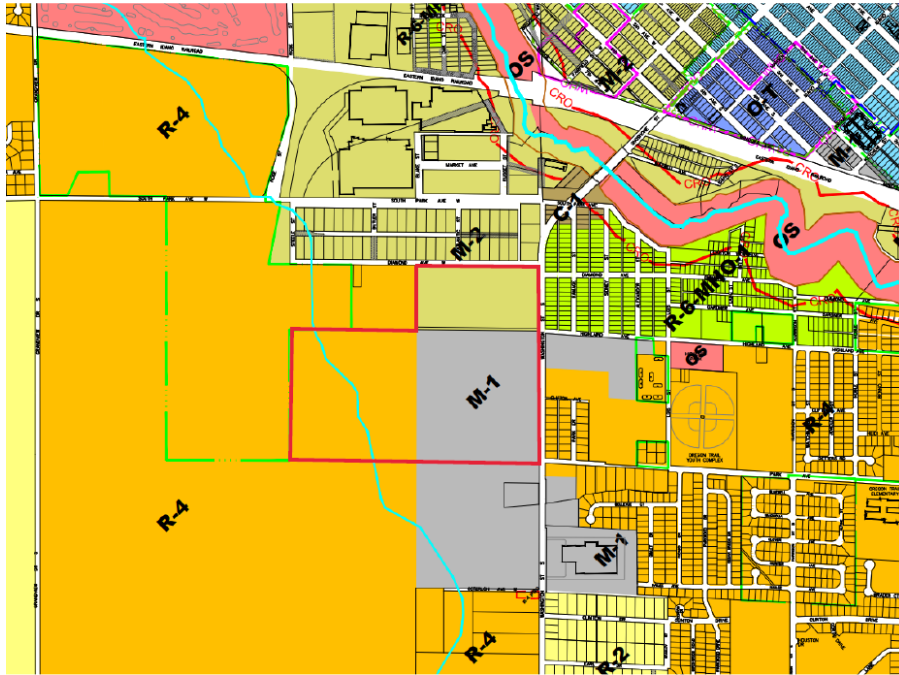
The following options are available: approve the request, deny the request, or table the request for additional information.

Attachments:

1. Wash St S RAA - Area Map and FLU Map
2. Wash St S RAA - Proposed Projects
3. Wash St S RAA - PZ Resolution

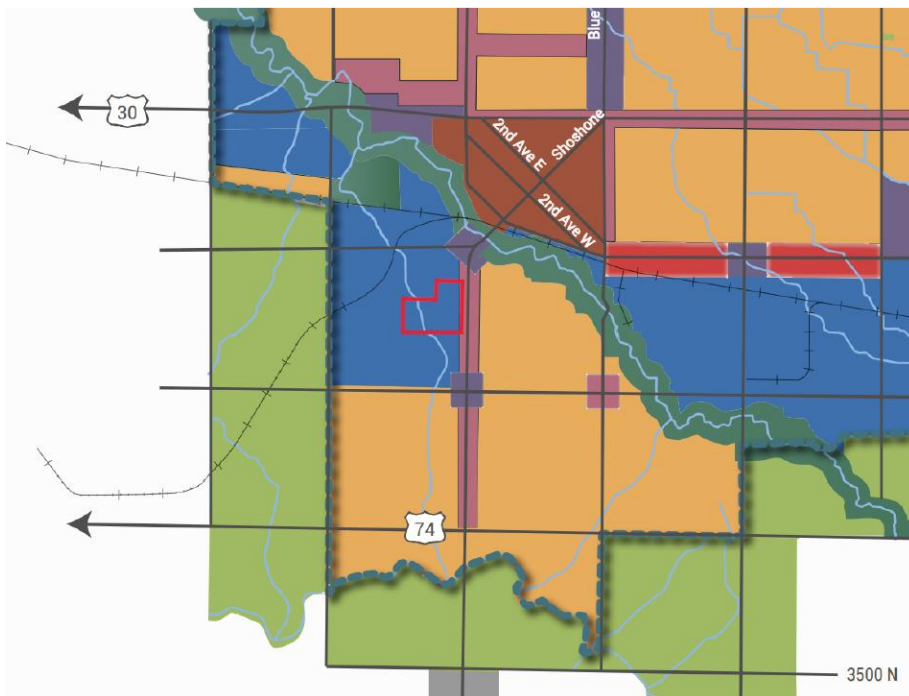
Attachment 4

Map Depicting Expected Land Uses and Current Zoning Within Revenue Allocation Area and Project Area



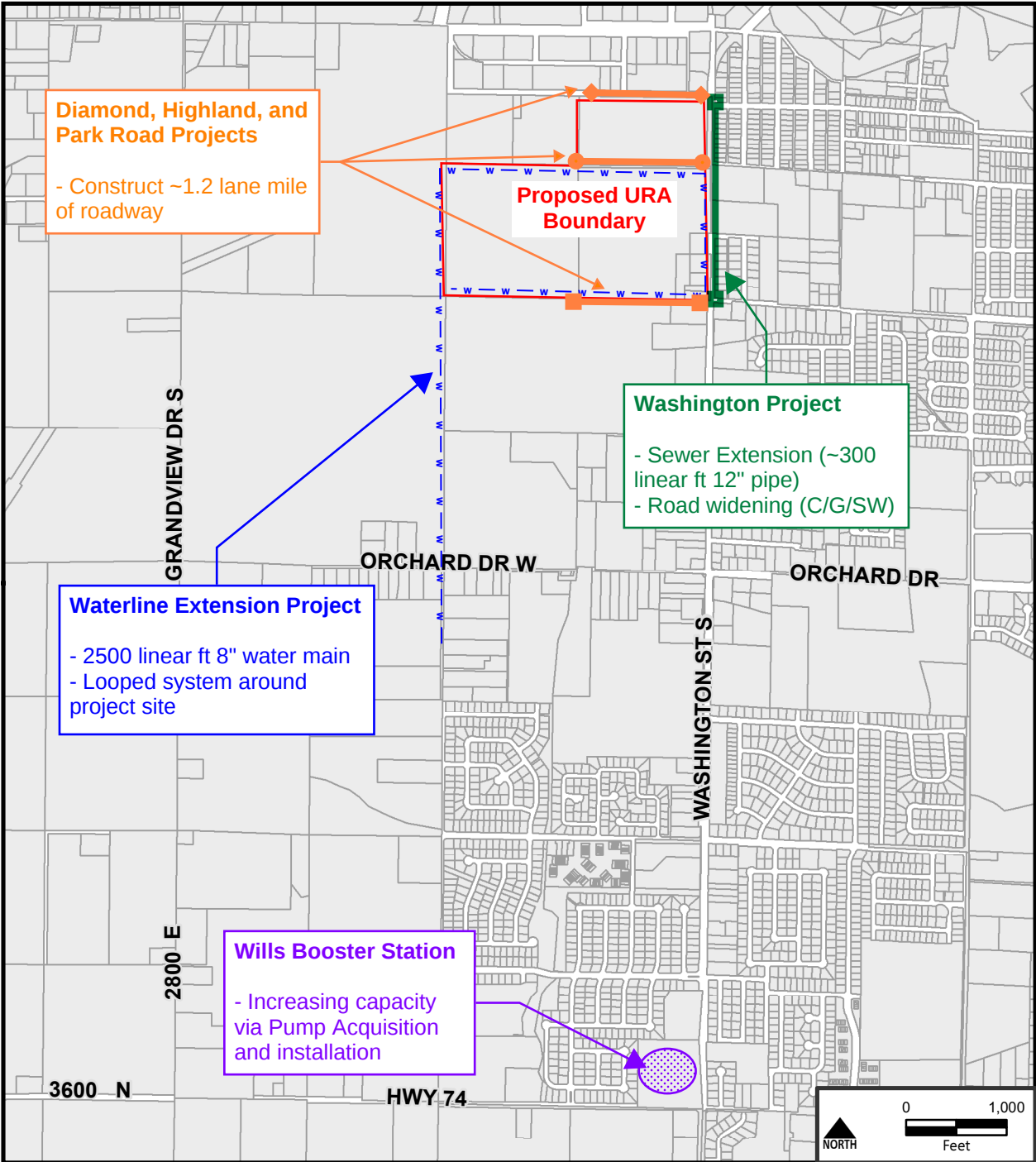
Current Zoning:

- M1- Light Manufacturing
- M2- Heavy Manufacturing
- R4- Medium Density Residential



Comprehensive Plan:

Industrial



A RESOLUTION OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF TWIN FALLS, IDAHO, VALIDATING CONFORMITY OF THE URBAN RENEWAL PLAN FOR THE WASHINGTON STREET SOUTH URBAN RENEWAL PROJECT WITH THE CITY OF TWIN FALLS' COMPREHENSIVE PLAN

WHEREAS, the Urban Renewal Agency of the City of Twin Falls, Idaho (hereinafter "Agency"), the duly constituted and authorized urban renewal agency of the City of Twin Falls (the "City"), has submitted the proposed Urban Renewal Plan for the Washington Street South Urban Renewal Project (the "Washington Street South Plan") to the City; and

WHEREAS, the Mayor and Twin Falls City Council referred the Washington Street South Plan to the City Planning and Zoning Commission for review and recommendations concerning the conformity of said Washington Street South Plan with the City's Comprehensive Plan, *Grow With Us*, as amended ("Comprehensive Plan"); and

WHEREAS, on October 22, 2019, the City Planning and Zoning Commission met to consider whether the Washington Street South Plan conforms with the Comprehensive Plan for the City as required by Idaho Code Section 50-2008(b); and

WHEREAS, the City Planning and Zoning Commission has reviewed said Washington Street South Plan in view of the Comprehensive Plan; and

WHEREAS, the City Planning and Zoning Commission has determined that the Washington Street South Plan is in all respects in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF TWIN FALLS, IDAHO:

Section 1. That the Washington Street South Plan, submitted by the Agency and referred to this Commission by the Mayor and City Council for review, is in all respects in conformity with the City's Comprehensive Plan.

Section 2. That Exhibit A, outlining the findings supporting the determination that the Washington Street South Plan is in conformity with the City's Comprehensive Plan, is hereby adopted and incorporated as part of this Resolution.

Section 3. That the Director of the City's Planning and Zoning Department is hereby authorized and directed to provide the Mayor and Twin Falls City Council with a certified copy of this Resolution relating to said Washington Street South Plan.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the Planning and Zoning Commission of the City of Twin Falls, Idaho, this 22nd day of October 2019.

APPROVED:

Danielle Titus
Chair, Planning and Zoning Commission

ATTEST:

Jonathan Spendlove
Director, Planning and Zoning Department

EXHIBIT A

4818-4696-0804, v. 1



Date: Tuesday, October 22, 2019
To: Planning and Zoning Commission
From: Steve O'Connor

ACTION ITEM

Request:

Request for a Special Use Permit to allow a Gasoline Service Station with extended hours on property located at 890 Washington St. South c/o Oasis Stop N Go, LLC (PZ19-0106)

Time Estimate:

10-15 Minutes between staff and the applicant.

Background:

N/A

Approval Process:

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 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.

Budget Impact:

N/A

Regulatory Impact:

Approval of the SUP will allow the applicant to establish a gasoline service station on the vacant lot surrounding the current station.

History:

Property records indicate there was a neighborhood market on the R-4 property in 1961 it then burned down in 1975. Ord. 2012 likely rezoned the property to the equivalent of R-4 at that time. The property with the Oasis Stop 'N Go was redeveloped in 1978 to include the fuel station. On September 24th this body forwarded a positive recommendation to City Council on the rezone of the property to C-1. City Council approved that request October 21st.

Analysis:

This is a request for a Special Use Permit to operate a gasoline service station on property located at 890 Washington St. S. and the surrounding parcel, Parcel # RPT00107209040.

890 Washington St. S. currently has the Oasis Stop 'N Go located on the property. The proposed expansion is to the property that surrounds 890 Washington St. S. to the North and West. Since the property is a separate parcel and vacant the SUP is required to establish the gasoline service station.

Conclusion:

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 publication and recordation of the Zoning District Change ordinance for Parcel #RPT00107209040.

Attachments:

1. Staff Report PZ19-106 SUP
2. 1 - Vicinity
3. 2 - Narrative
4. 3 - Site Plan
5. 4 - Elevations
6. 5 - Photos



Comprehensive Staff Report

To: Planning & Zoning Commission
Presenter: Steve O'Connor, City Planner
Request: A **Special Use Permit** to allow a gas station with extended hours of operation at 890 Washington Street South & Parcel #RPT00107209040
Application: PZ19-0106
Applicant & Representative:
 Oasis Stop N Go LLC
 c/o Colby Ricks
 935 Shoshone Street North
 Twin Falls, ID 83301
 208-736-8050
 colby@lrallc.com

Public Hearing: October 22nd, 2019

Analysis

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Applicable Regulations or Codes

Per City Code 10-4-8, A SUP is required for a gasoline service station to operate.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Mixed Use." Mixed use is a broad designation from high density residential to light commercial. This request meets this designation or other comprehensive plan guidelines. Therefore, staff has determined this request complies with the 2016 comprehensive plan.

Potential Impacts

The applicant and staff do not anticipate an increase of detrimental impacts from this request on the surrounding properties.

Conclusion

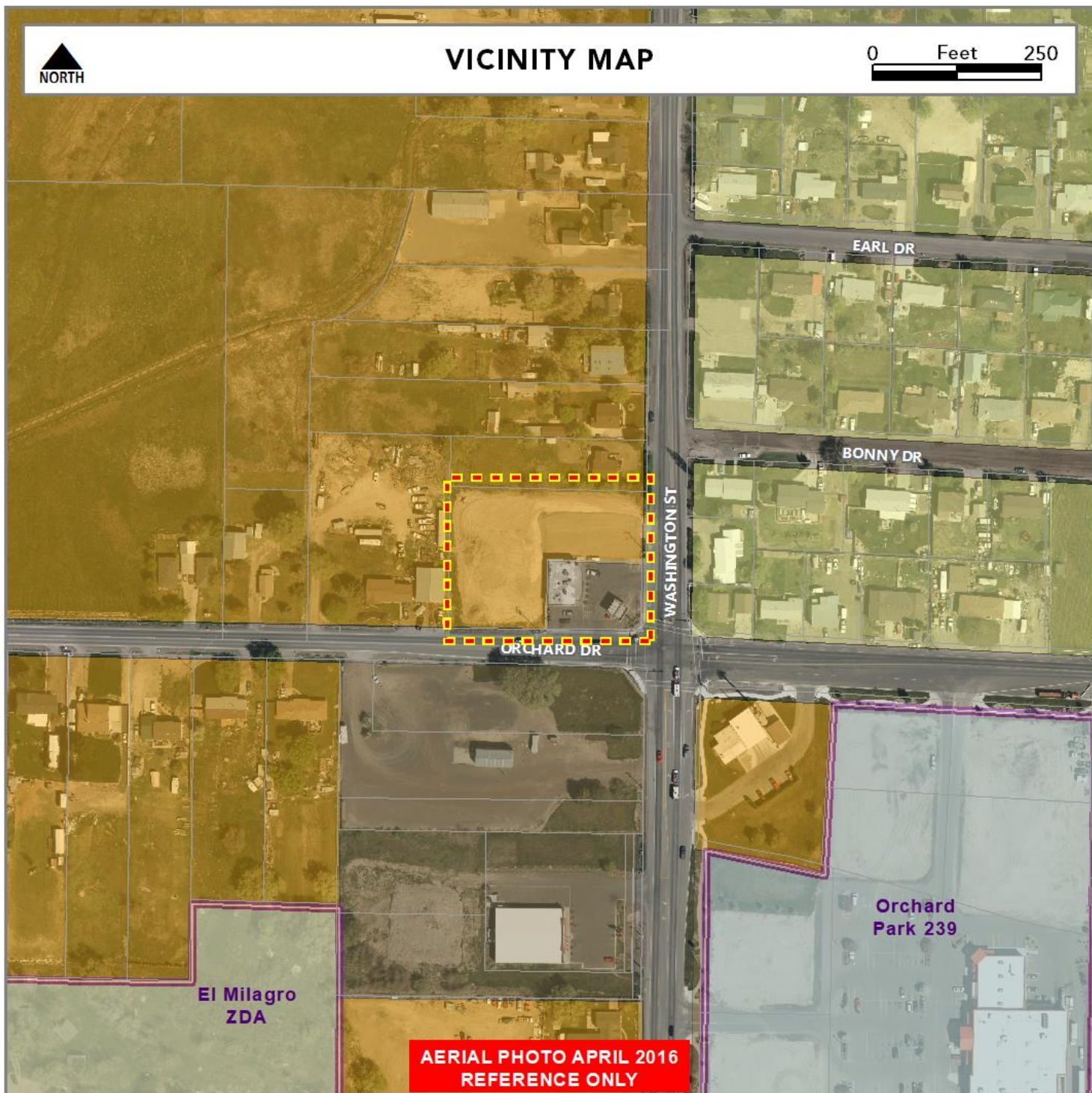
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Attachments

1. Vicinity Map
2. Narrative
3. Site Plan
4. Elevations
5. Photos

Public Hearing: October 22nd, 2019



- | | | | |
|--|-----|--|-----|
| | PUD | | R-2 |
| | C-1 | | R-4 |
| | OS | | |

Current Zoning: R-4

Comprehensive Plan: Mixed Use

Existing Land Use: Vacant

Proposed Land Use: Fuel Station

Surrounding Zoning Designations & Land Use(s)

North: R-4; Residential

East: Washington St. S; R-2; Residential

South: Orchard Dr. W.; C-1; Commercial

West: R-4; Residential

Applicable Regulations

10-4-10, 10-7-20, 10-14



935 Shoshone St. North
Twin Falls, ID 83301
208.736.8050

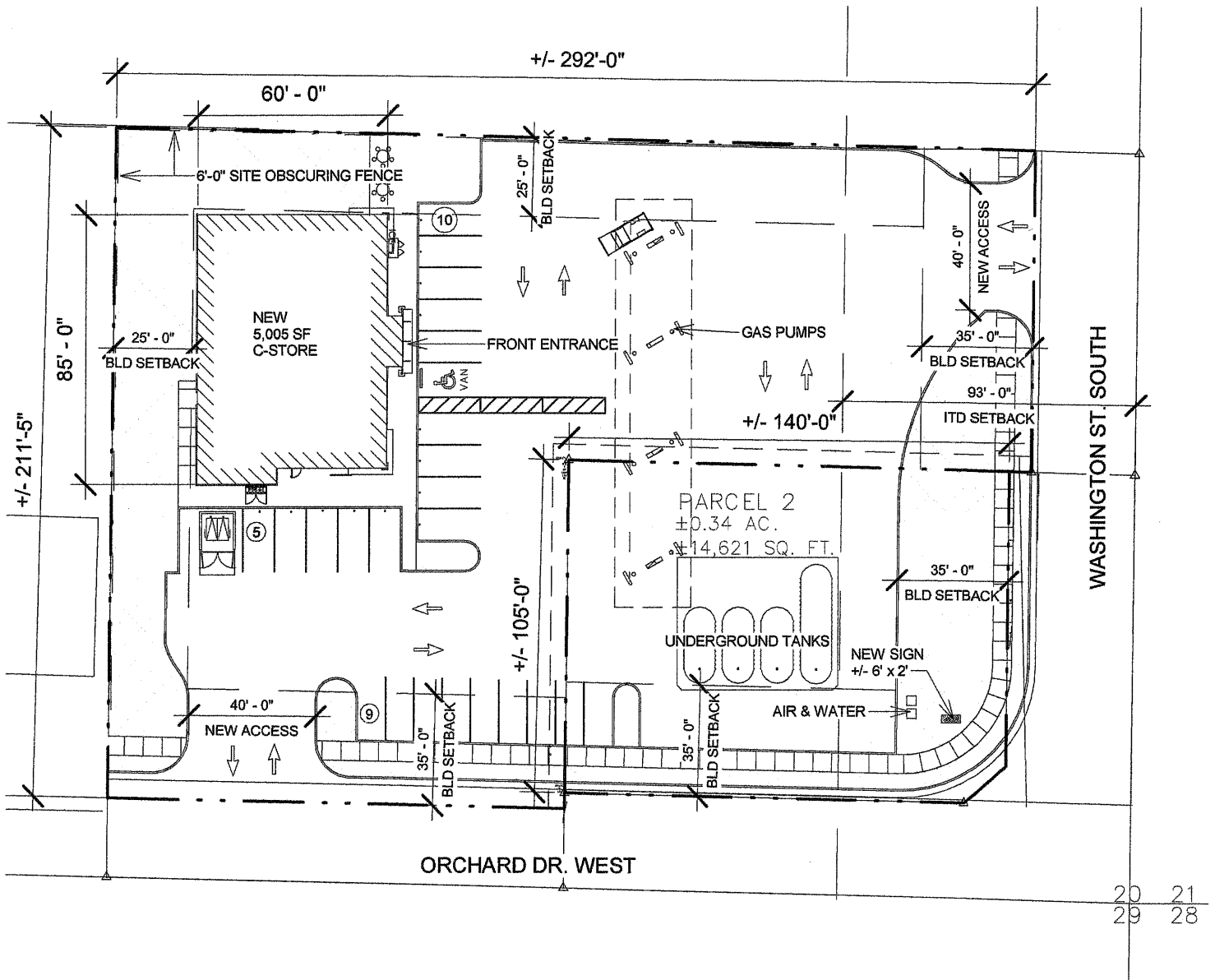
SPECIAL USE PERMIT NARRATIVE

August 2, 2019

PROJECT: Oasis Stop N Go #9

4.
 - a. Oasis Stop N Go is requesting a Special Use Permit to allow a new convenience store and associated site work to be constructed. The intended use is for a convenience store. The existing C-store will be removed and a new store will be constructed on the larger lot. The proposed design will allow a larger store, additional pumps, additional parking, better traffic flow, and new sidewalks and landscaping to be provided.
 - b.
 - i. The stores operation hours will be 24 hours a day, 7 days a week.
 - ii. The traffic anticipated will be the vehicles coming to pump gas and purchase items from the convenience store. It is proposed to have 8 gas pumps and 24 parking spaces.
 - iii. There would be anywhere from 2-3 employees per shift for an approximate total of 10 full time employees.
 - c.
 - i. During construction there will be minor effects from noise, glare, odor, fumes and vibration. After construction there will be minimal effect of noise to the adjoining property. There will be short term noise from construction related activities (6:30 a.m. to approximately 6:30 p.m.). Long term noise will be from vehicles, customers, and delivery trucks coming to and from the site. It will be similar to the noise created now with the current convenience store.
 - ii. There may be some glare from the new windows, but it is not anticipated to have more glare than the existing facility. Dark skylight fixtures will be specified to help reduce glare from the exterior building and parking lot lighting.
 - iii, iv. There will be some odor/fumes from the pumping of gasoline, however it will be than the current gas station, as the new pumps will meet the new Federal Regulations. Emissions from the building will be minimal due to the efficiency of the heating and cooling equipment. Emissions from vehicles traffic will be similar to the adjoining businesses and should not impact the surrounding area.
 - v. The Comprehensive Plan indicates the intersections of Washington Street S. and Orchard St. as mixed use. Mixed use includes retail, restaurants, office space, and others. It recommends an anchor store such as grocery store, civic, or entertainment uses. Wide sidewalks and landscaping are strongly encouraged and will be provided. A convenience store is compatible with the surrounding area and meets the intent of a mixed use zone. The area also includes housing, grocery store, and retail stores.

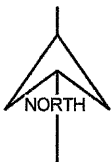
Not a part of PZ19-0105 Approval



ZONING
EXISTING ZONING: C-1 & R-4
PROPOSED ZONING: C-1
ZONING OF ADJACENT PROPERTIES: C-1, R-2, R-4

PARKING
PARKING 1 SPACE PER 250 SQ FT OF GROSS FLOOR AREA
5005/250 = 20
20 SPACES REQUIRED
24 SPACES PROVIDED

LANDSCAPING
10% OF TOTAL PARKING AREA OR 3% TOTAL LAND AREA
WHICHEVER IS GREATER REQUIRED
PARKING AREA = 4,740 SF
4,740 x .10 = 474 SF
TOTAL LAND AREA = 60,186 SF
60,186 x .03 = 1,806 SF
1,806 SF REQUIRED
12,034 SF PROVIDED



Not a part of PZ19-0105 Approval

Laughlin Ricks Architecture
architecture/planning

935 Shoshone Street North * Twin Falls, Idaho 83301
(208) 736-8050 Fax: (208) 733-0950

OWNER DANIEL L WILLIE
1017 S 1150 E
EDEN, ID 83325
PH: (208) 280-4147
EMAIL: dwillie@travelersoasis.com

ADDRESS

890 WASHINGTON ST. S.
TWIN FALLS, ID 83301
&
VACANT LOT

COMMERCIAL SITE PLAN

Drawn by

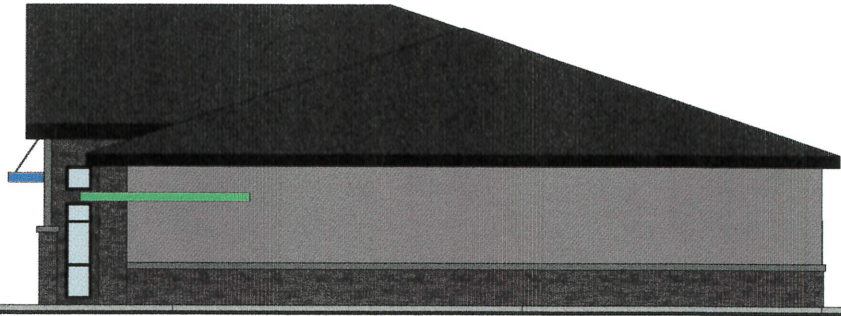
Author

Checked by

Checker

Z0-1

Scale 1" = 50'-0"



② North
1/16" = 1'-0"



① East
1/16" = 1'-0"

Laughlin Ricks Architecture architecture/planning

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ADDRESS

890 WASHINGTON ST. S.
TWIN FALLS, ID 83301
&
VACANT LOT

COLOR ELEVATIONS

Drawn by

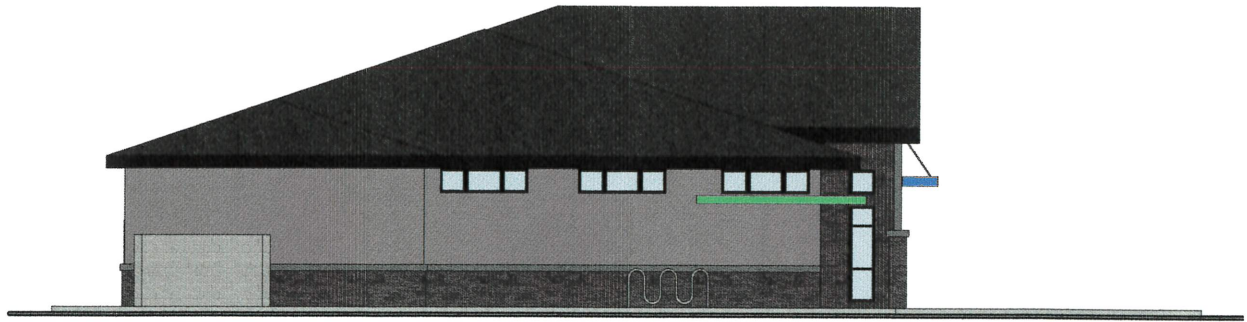
Author

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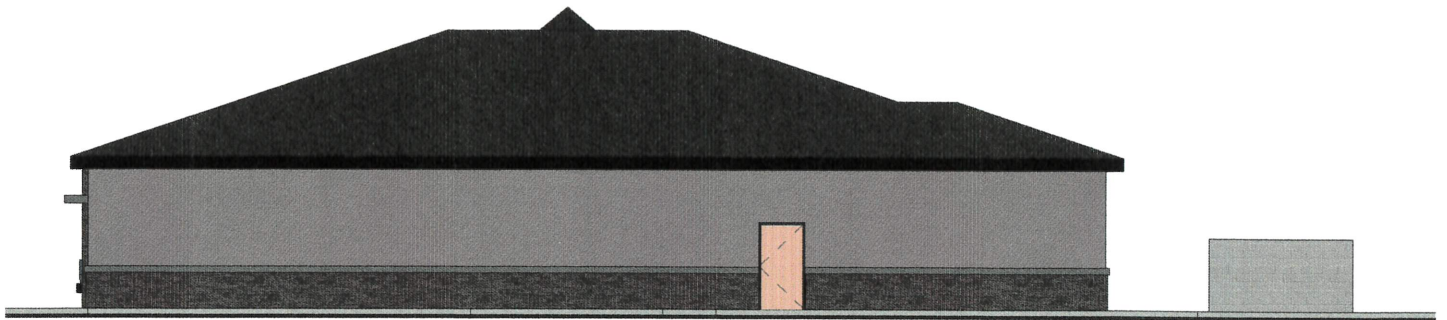
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Z0-2

Scale 1/16" = 1'-0"



① South
1/16" = 1'-0"



② West
1/16" = 1'-0"

Laughlin Ricks Architecture
architecture/planning

935 Shoshone Street North * Twin Falls, Idaho 83301
(208) 736-8050 Fax: (208) 733-0950

OWNER

ADDRESS

COLOR ELEVATIONS

Z0-3

Drawn by

Author

Checked by

Checker

Scale 1/16" = 1'-0"



NE Corner Looking SE



NW Corner Looking SE