Public Hearing: **TUESDAY, APRIL 9, 2013**

To: Planning & Zoning Commission

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

AGENDA ITEM IV-5

Request: Request for a Special Use Permit to operate an indoor recreation facility -- which may include charity/fundraiser events, comedy club, theater, music events, art show and private events, and to allow alcohol consumption on site in conjunction with an existing restaurant -- all with extended hours of operation until 1:30 a.m. seven (7) days a week, on property located at 516 Hansen Street South. c/o Edward Sabia (app. 2561)

Time Estimate:

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

Background:

Applicant:	**Status:** Commercial Lease Agreement	**Size:** 12,112 sq. ft building/20,000 sq. ft. lot
Edward M. Sabia 2124 Stadium Blvd Twin Falls, ID 83301 208-280-1932	**Current Zoning:** OT WHO P-3	**Requested Zoning:** SUP
	Comprehensive Plan: Townsite	**Lot Count:** 1 Lot
	Existing Land Use: **vacant**	**Proposed Land Use:** Event Center w/restaurant -- serving alcohol onsite and extended hours of operation
Representative:	**Zoning Designations & Surrounding Land Use(s)**	
	North: OT WHO P-3; 5th Ave S, old Gem State Paper/office building	**East:** OT WHO P-3; vacated Hansen St E, Urban Renewal Agency/public parking lot
	South: OT WHO P-3; Depot Grill, undeveloped, Minidoka Ave, Urban Renewal Agency/public parking lot	**West:** OT WHO P-3; Preservation Twin Falls, Inc., Historic Grain Elevators, park
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-13.2(B), 10-4-22, 10-10-1 thru 4, 10-11-1 thru 9, 10-13-2.2	

Approval Process:

All procedures will follow the process as described in TF City Code: 10-13-2.2 (F), (G), & (J).

Special Use Permits 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 Commission will approve, approve with conditions, or disapprove the application for the Special Use Permit.

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

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to operate an indoor recreation facility with extended hours of operation and to serve alcohol for consumption on premises, as approved.

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

History:

In May 1994 the Planning & Zoning Commission approved Special Use Permit #388 to allow the establishment of a restaurant with a brewery in a vacant warehouse. There were four (4) conditions: *1) Provide off-street parking to meet code requirements; 2) Assure that the project is consistent with Olde Towne planning; 3) Secure City Council approval for the on-street angle parking and/or street right-of-way vacation necessary for the development of the site as presented; 4) Provide a resolution for 5th St. S. development.*

In July 1994 the Council approved the vacation of 2nd Street South (Hansen Street South) lying between Blocks 154 and 155 of the final and amended plat of Twin Falls Townsite, bordered on the north by 5th Avenue South and on the south by Minidoka Avenue by adoption of Ordinance #2450.

In May 1996 the Old Town District was adopted by the City Council and in July 1996 the City Council approved Ordinance #2533 to amend the zoning map to indicate the addition of a P-3 Overlay on this site.

On March 12, 1996 the Commission approved three (3) free standing signs to be placed in front of the building and on the Minidoka Ave frontage. *The OT zone requires that the Commission approve free standing signs in that zone. One sign was 20' high which is not allowed. 15' is the maximum height. The applicant said he would lower the sign to 15'.* On November 12, 1996 the Commission approved two (2) small free standing signs for additional businesses in the building. On April 8, 1997 the Commission approved a painted wall sign for this property. On May 9, 2000 the Commission approved a free standing sign with two (2) parts. On July 8, 1997 the Commission approved a painted 11' x 11' sign on the back corner of the building.

In March 2001 the Commission approved Special Use Permit #721 to allow indoor recreation and alcohol to be consumed on site. There was a condition placed on this special use permit to *assure compliance with all building, electrical and plumbing codes prior to occupancy of the two areas covered by the Special Use Permit.*

In August 2005 the Commission approved Special Use Permit #935 to allow a brew pub, restaurant with alcohol to be consumed on site and extended hours of operation. There were no conditions placed on this special use permit.

In August of 2007 the Commission approved Special Use Permit #1055 to allow for a restaurant operating outside the permitted hours of operation of 7AM to 10PM. There were four (4) conditions:

1) Subject to site plan amendments as required by building, engineering, fire and zoning officials to endure compliance with all applicable City Code requirements and standards;
2) The business, as presented, is permitted to operate from 7:00 a.m. to midnight/ 12:00 a.m. Monday through Saturday;
3) Entertainment and/or music on the patio to close by 10:00 p.m.;
4) Any use which broadcasts amplified music or sound by speakers to the exterior of the building and/or an indoor recreation facility, to include a dance floor, shall also require a special use permit.

Analysis:

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

The applicant would like to operate a restaurant and bar, as well as a Community Event Center which would entail charity/fundraiser events, comedy/theater/music/art shows and private events and shows. The applicant would like the ability to cater alcohol and/or food at these events. The applicant would be required to comply with the City, County and State alcohol licensing regulations to obtain a liquor license for this location. The requested hours of operation for the facility would be 10:00 am to 1:30 am Sunday through Saturday.

The applicant currently contacts the Police Department to determine if a Special Event Permit or Catering Permit is required for each event and has gone through the permit and license requirements if applicable at the 360's Main Event Center since being approved for occupancy July 20, 2010. Part of the Special Event review process is determining if security is required and what type, trash clean-up, and management of nuisances such as noise. The Commission may wish to place a condition on the proposed special use permit that the applicant contact the Police Department to determine if a Special Event Permit and/or Catering Permit is required for each event at this proposed facility also.

The property consists of a 21,360 sq ft lot with a 12,112 +/- sq ft commercial building. The interior consists of four floors. The first floor is to be used as the restaurant and bar. There is a large open area on the north side of the building that will be used for dancing and/or community events. The second floor will be used for community events, as well as the third floor. The basement is where the brewing equipment was. It will be used as storage now.

The P-3 parking overlay does not exempt occupants from providing off street parking spaces. The P-3 overlay does allow special considerations on a case by case basis to the parking requirements if the standard requirements cannot be applied. The special consideration may be a variance on number, on street parking and/or remote parking. Parking required for this facility would be one per four seats in the restaurant and bar area and one per 250 sq ft of total floor area in the community event areas. The required parking spaces will have to be determined at the time of building permit process for the certificate of occupancy. There are public parking lots to the north, east and south of this proposed facility. The size of the facility could accommodate a large number of occupants. The impacts on the available parking spaces in the area and therefore surrounding businesses could potentially be large. The western portion of the property is currently undeveloped. The Commission may wish to place a condition that the undeveloped portion of the property be developed as parking per City Codes 10-11-4, 10-4-13.3(F)2, and 10-4-22.3.

The property was previously landscaped as per an approved landscaping plan when Hansen Street South was vacated. The landscaping will be reviewed at time of building permit process for compliance with this approved plan and current City Code. City Code 10-11-2(B)3 states all landscaping shall be maintained in a manner consistent with the minimum requirements.

Typical concerns and/or complaints regarding these types of facilities are noise, trash and disorderly conduct. The Commission may wish to place conditions on the permit if the request is granted.

The request is in compliance with the Comprehensive Plan which designates this area as Townsite. Upon approval and subject to compliance with the special use permit the operation of this business should cause minimal impacts.

Conclusion:

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

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

Attachments:

1. Letter of Request
2. Vicinity Map
3. Area Zoning Map
4. Site Plan
5. Special Use Permit #388
6. Special Use Permit #721
7. Special Use Permit #935
8. Special Use Permit #1055
9. Site Photos (4)

To whom it may concern: Request for Special Use Permit

T.F. Brickhouse

We would like to request a Special Use Permit for the building located at 516 Hansen Street South Twin Falls Idaho 83301. We would like to use the building as a **Restaurant/Bar** and an **Indoor Recreation Facility** to do such as but not limited to Charity/ Fundraisers Events, Comedy/ Theater/Music/ Art Shows, as well Private Events and Shows. Will not allow outside catering in this facility in regards of food and alcohol. With councils permission we would like to to continue to cater both food and alcohol to our sister building 360's Main Event Center. We would like to request that we be open from 10 am to 1:30 am which will follow (alcohol) city, county and state guidelines. The traffic anticipated would depend on the nature our shows/event and our restaurant. On the property there is no parking. But there is a significant amount of public parking in front of the building, on the north side of the building as well as the south side of the building crossing Mindoka Street. We will employing between 15-25 (including security) people to operate 6-7 days a week.

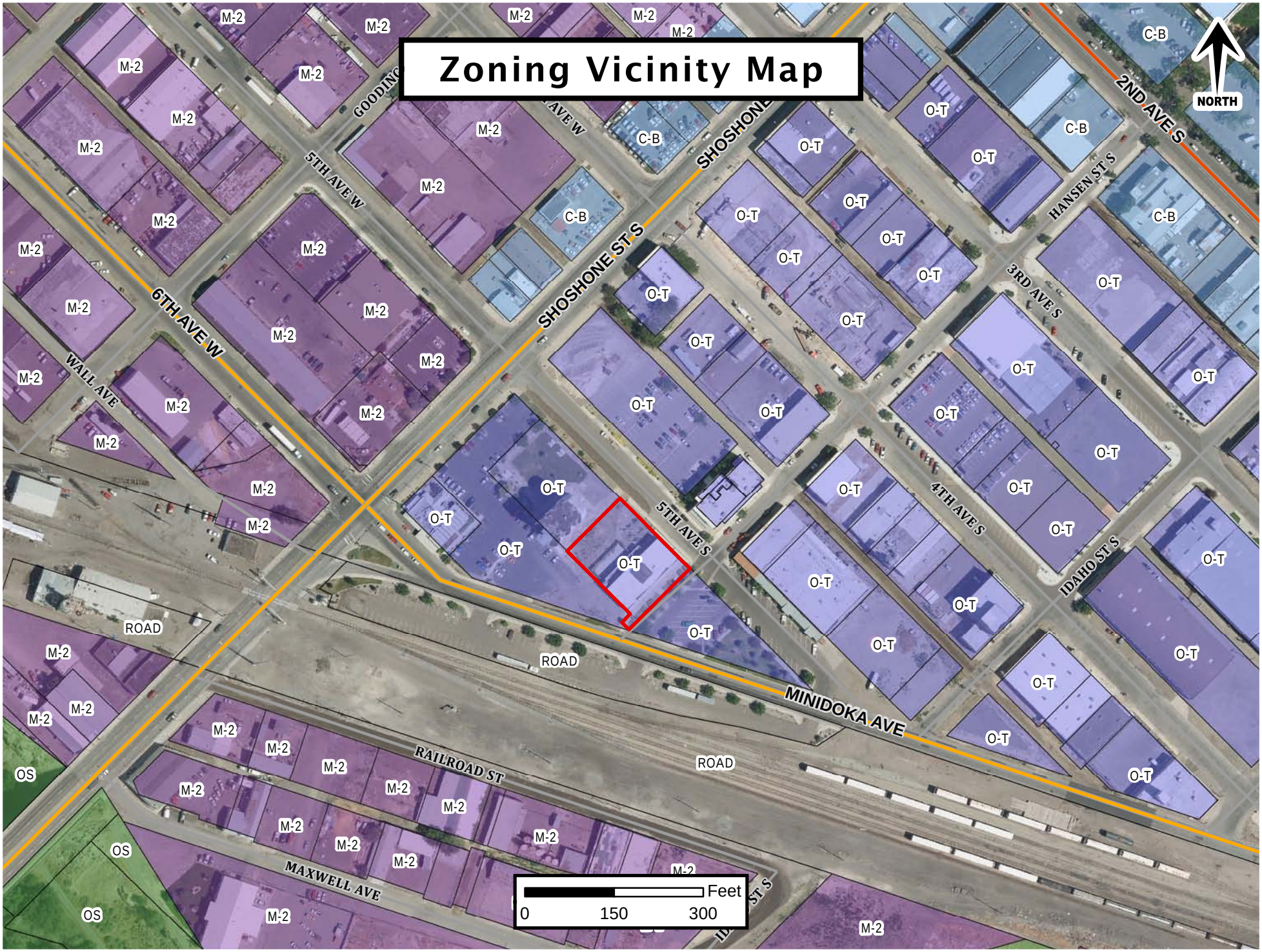
Evaluation of effects; We have Depot Grill, Woody and the Hepworth Offices North of us as neighbors. We feel that we wont interrupt the their business with noise because most of our music part of business will be conducted in the evening, but if there were any conducted in the anytime it would follow city, county, and state guidelines regarding noise compliance. No Glare/Odor. T.F. Brickhouse is a smoke free facility with a smoking area (haven't placed a smoking area yet)

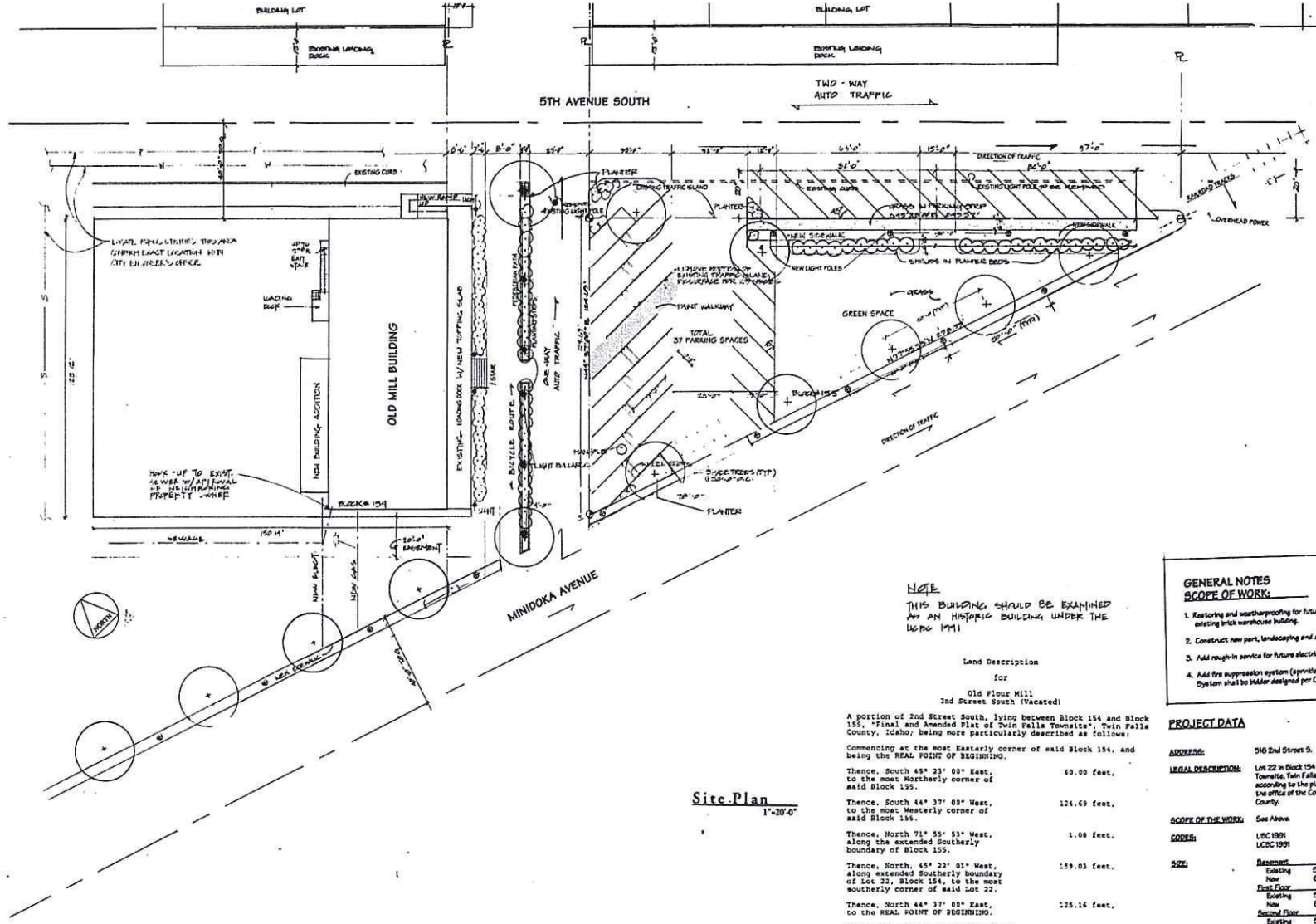
We feel that surrounding areas such as 360 Main Event Center, Depot Grill, Woodys and other are designations for food and entrainment that cater to people in our community. We feel that T.F. Brickhouse will add to the entertainment value in the Old Historic Warehouse District and Downtown Twin Falls.

Site Map

SHOSHONE ST S
NORTH
156 4TH AV
123 6TH AV
161 5TH AV
HANSEN ST S
545 SHOSHO
5TH AVE S
203 5TH AV
516 HANSEN
233 5TH AV
MINIDOKA AVE

Zoning Vicinity Map





Site Plan
1"=20'-0"

NOTE
THIS BUILDING SHOULD BE EXAMINED AS AN HISTORIC BUILDING UNDER THE UCBC 1991

Land Description
for
Old Flour Mill
2nd Street South (Vacated)

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

Commencing at the most Easterly corner of said Block 154, and being the REAL POINT OF BEGINNING.

Thence, South 45° 23' 00" East, to the most Northerly corner of said Block 155.	60.00 feet,
Thence, South 44° 37' 00" West, to the most Westerly corner of said Block 155.	124.69 feet,
Thence, North 71° 55' 53" West, along the extended Southerly boundary of Block 155.	1.08 feet,
Thence, North, 45° 23' 01" West, along extended Southerly boundary of Lot 22, Block 154, to the most southerly corner of said Lot 22.	159.03 feet,
Thence, North 44° 37' 00" East, to the REAL POINT OF BEGINNING.	125.16 feet,

Containing approximately 7510 sq.ft.

REGISTERED LAND SURVEYOR 1000 STATE OF IDAHO ROBERT A. EDWARDS

GENERAL NOTES
SCOPE OF WORK:

1. Restoring and weatherproofing for future use under separate permits existing brick warehouse building.
2. Construct new park, landscaping and auto parking area.
3. Add rough-in service for future electrical and plumbing.
4. Add fire suppression system (sprinklers) throughout building. System shall be bidder designed per City of Twin Falls requirments.

PROJECTED OCCUPANCIES

BASEMENT : B4
GROUND FLOOR: A3 - B2
2ND FLOOR: B2
3RD FLOOR: B2 OR R3

PROJECT DATA

ADDRESS: 516 2nd Street S.

LEGAL DESCRIPTION: Lot 22 in Block 154 of Twin Falls Townsite, Twin Falls County, Idaho according to the plat thereof recorded in the office of the County Recorder of said County.

SCOPE OF THE WORK: See Above.

CODES: UBC 1991
UCBC 1991

SIZE:

Basement		6665
Existing	5929	
New	666	
First Floor		6665
Existing	5929	
New	666	
Second Floor		6665
Existing	5929	
New	666	
Mezzanine		1225
Existing	1225	
TOTAL		21,010

(Allowable for V1HR multi-story 28,000)

ZONE: M2

CONSTRUCTION TYPE: V1HR

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

LICENSED ARCHITECT AR 1462
NEW MEXICO STATE OF IDAHO

NEW MEXICO ARCHITECTS ARCHITECTURE & URBAN DESIGN

OLD FLOUR MILL, TWIN FALLS, IDAHO

SITE PLAN: 1:20

A1
DRAWING NO

Office of
COMMUNITY DEVELOPMENT

CITY OF TWIN FALLS
"PEOPLE SERVING PEOPLE"

P.O. BOX 1907
321 SECOND AVENUE EAST
TWIN FALLS, ID 83303-1907
PHONE 736-2267 Area Code 208

SPECIAL USE PERMIT

Permit No. 0388

Granted by the Twin Falls City Planning and Zoning Commission on May 31, 1994, to Twin Falls Brewing Company by Richard E. Beus, whose address is 516 2nd St. S., Twin Falls, ID, for the purpose of having beer to be consumed on the premises on real property located at 516 2nd St. S. and legally described as Lot 22 Block 154 Twin Falls Original Townsite.

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

1) Provide off-street parking to meet code requirements.

2) Assure that the project is consistent with Olde Towne planning.

3) Secure City Council approval for the on-street angle parking and/or street right-of-way vacation necessary for the development of the site as presented.

4) Provide a resolution for 5th St. S. development.

Chairman

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required.

Please contact the Building Department at 736-2238 for further information.

This permit corresponds to Application No. 0945

cc: Building Inspection

CITY OF TWIN FALLS
"PEOPLE SERVING PEOPLE"

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

SPECIAL USE PERMIT

Permit No. 0721

Granted by the Twin Falls City Planning and Zoning Commission on March 13, 2001, to Robert K. Miller whose address is 438 Forest Vale Circle, for the purpose of operating a dance club and game room serving alcohol to be consumed on premises on real property located at 516 2nd Street South and legally described as Twin Falls Townsite Lots 20 through 22; N 17' adj. vac 2nd St. S. Block 154 (16-10-17 SW).

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

1) Assure compliance with all building, electrical and plumbing codes prior to occupancy of the two areas covered by the Special Use Permit.

CITY OF TWIN FALLS SEAL TWIN FALLS COUNTY IDAHO

Wayne Bohm
Chairman

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

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

This permit corresponds to Application No. 1538

cc: Building Inspection

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

OFFICE OF THE PLANNING AND ZONING DIRECTOR *208-735-7269*

SPECIAL USE PERMIT

Permit No. 0935

Granted by the Twin Falls City Planning and Zoning Commission on August 9, 2005, to Trail Creek Pub. Inc., for the purpose of operating a brewery and a restaurant serving alcohol for consumption on the premises outside the hours of 7 AM to 10 PM and located at 516 Hansen Street South and legally described as Lots 20, 21, and 22, Block 154 Twin Falls Townsite.

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

1) None

Chairman

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

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

This permit corresponds to Application No. 1935

cc: Building Inspection

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

SPECIAL USE PERMIT

Permit No. 1055

Granted by the Twin Falls City Planning and Zoning Commission on August 28, 2007, to Pandora's, LLC whose address 516 Hansen Street South, Twin Falls, ID 83301 for the purpose of operating a restaurant outside the permitted retail hours of operation of 7:00 A.M. to 10:00 P.M. on property located at 516 Hansen Street South, Twin Falls, ID 83301 and legally described as TWIN FALLS TOWNSITE LOTS 20 THRU 22; N 17' ADJ VAC 2ND ST S BLOCK 154 (16-10-17 SW)

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

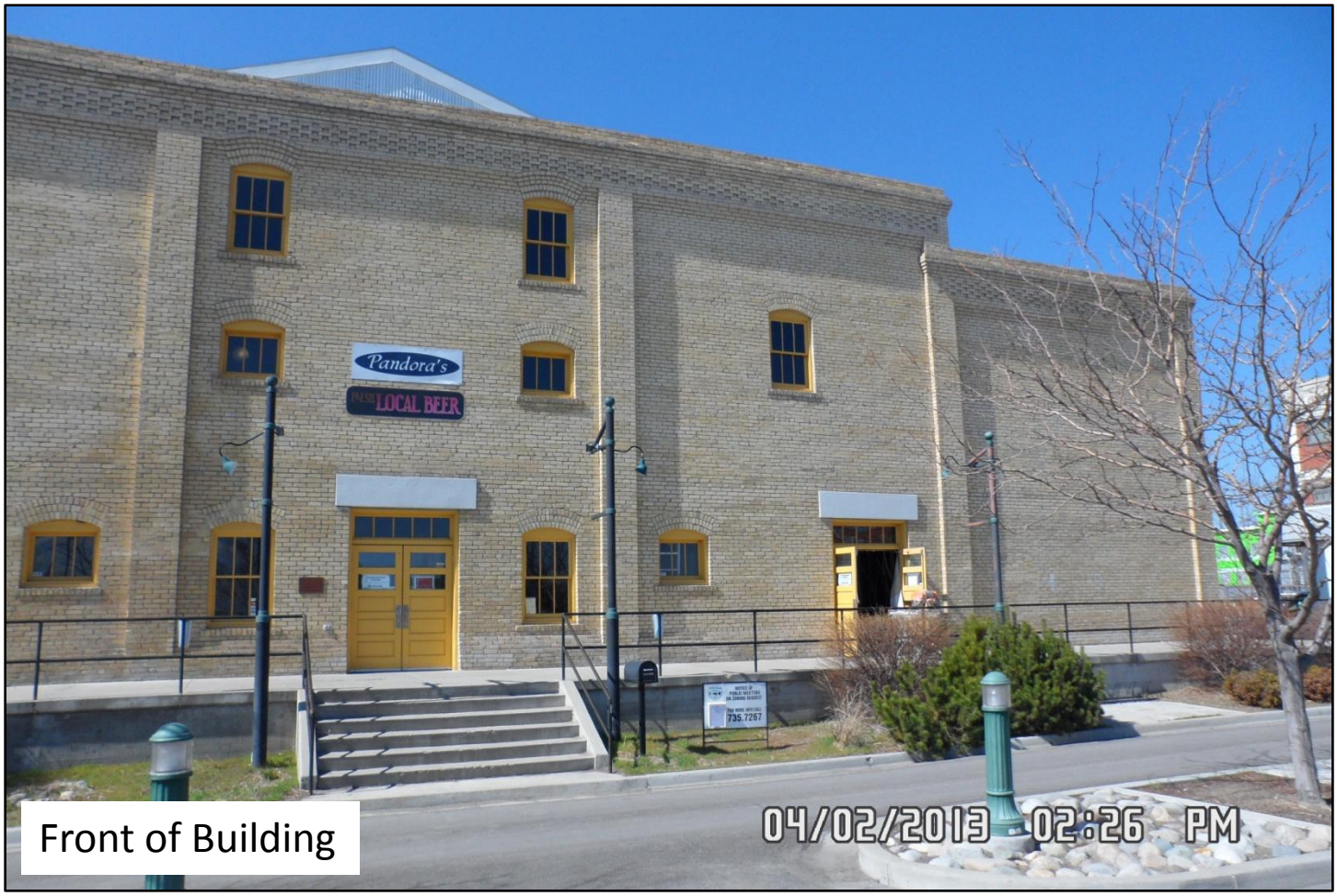
This permit corresponds to Application No. 2162

1. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.
2. The Business, As Presented, Is Permitted To Operate From 7:00 A.M. To Midnight/12:00 A.M. Monday through Saturday.
3. Entertainment and/or Music On The Patio To Close By 10:00 P.M.
4. Any Use Which Broadcasts Amplified Music Or Sound By Speakers To The Exterior Of The Building And/Or An Indoor Recreation Facility, To Include A Dance Floor, Shall Also Require A Special Use Permit.

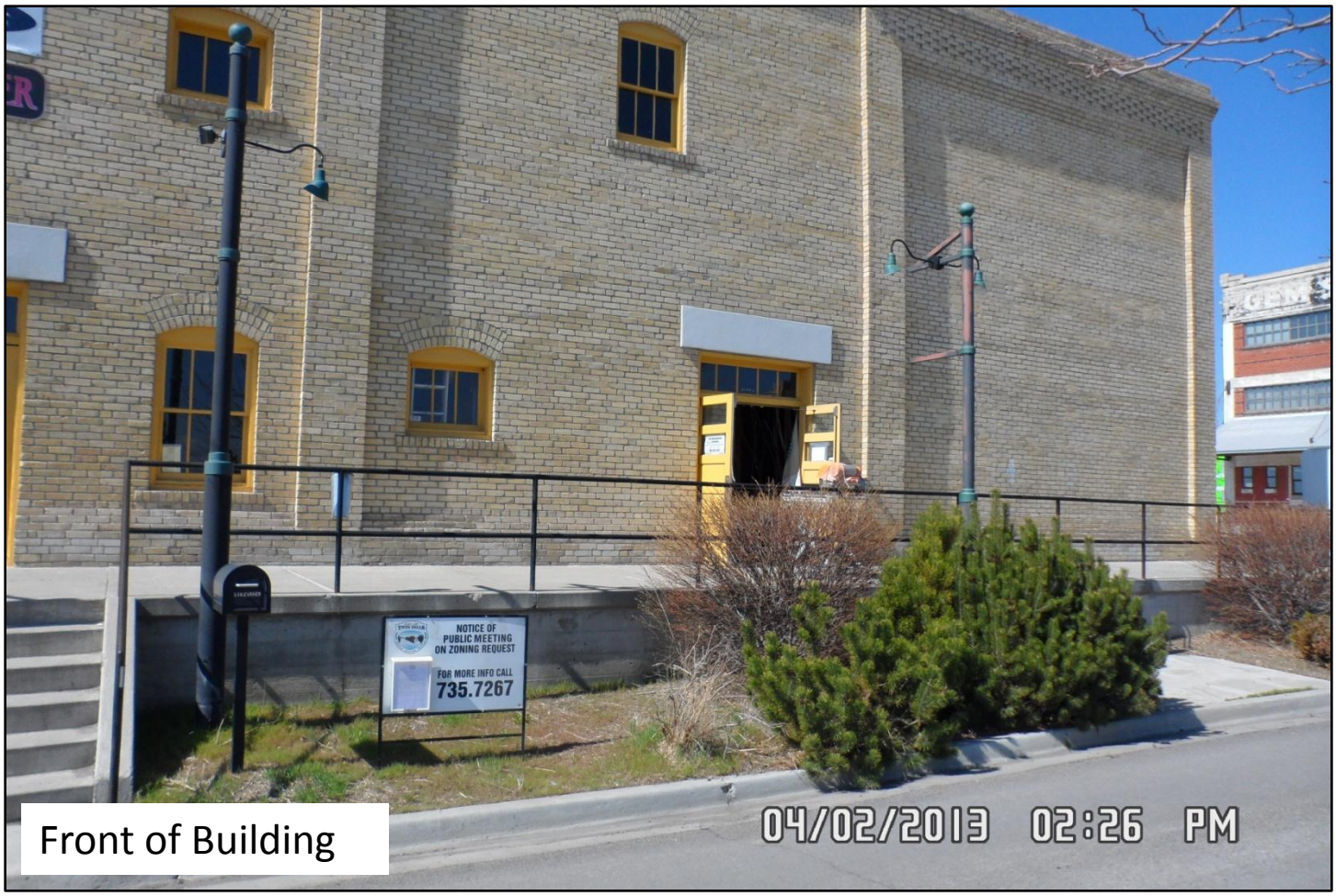
Chairman

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

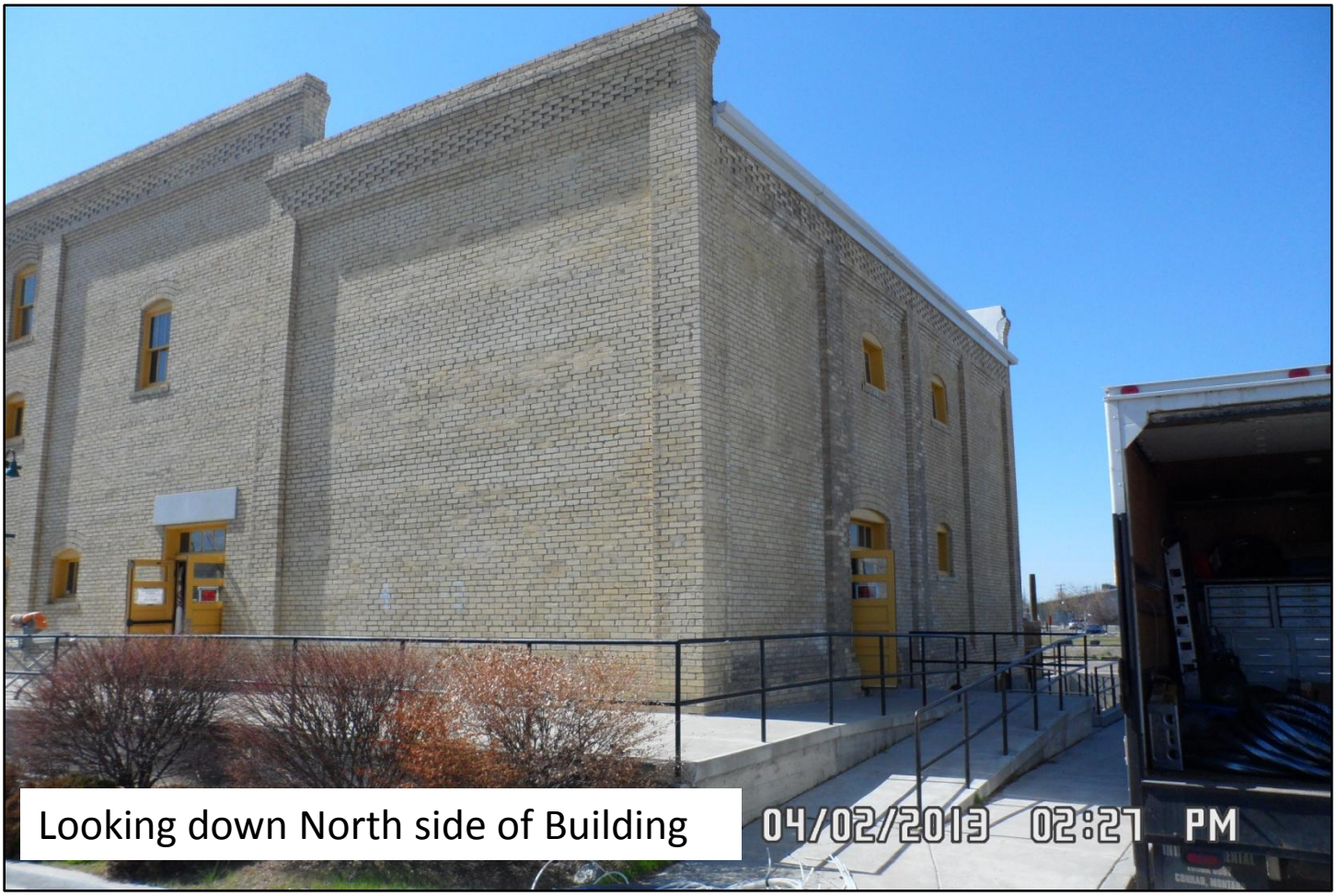
Please contact the Building Department at 735-7238 for further information.



Front of Building



Front of Building

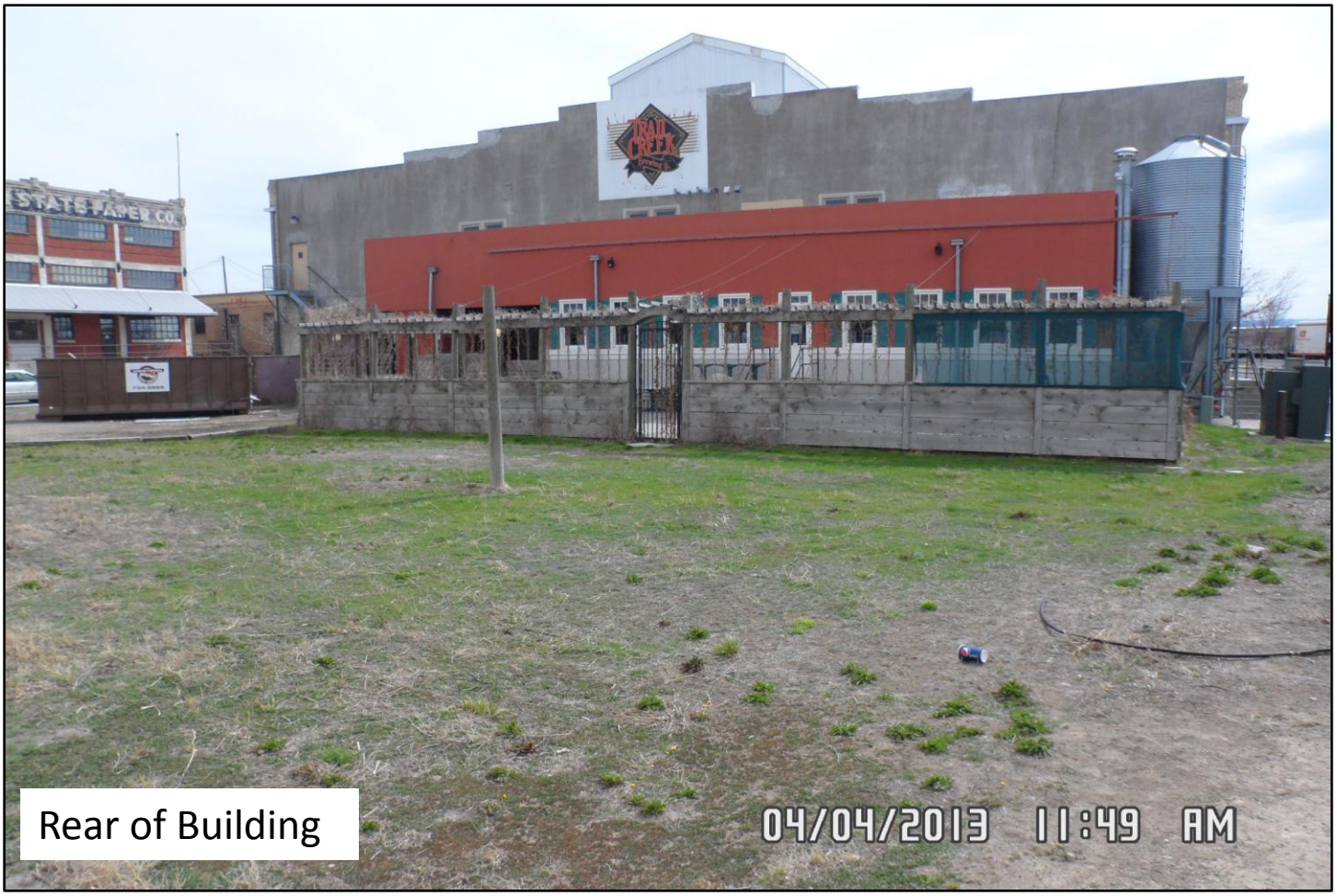


Looking down North side of Building

Rear of Building

Rear of Building on North side

Rear of Building on North Side



Rear of Building

South of Building near Minidoka