



**NOTICE OF AGENDA
PUBLIC MEETING**
Twin Falls City Planning & Zoning Commission
September 24, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods
Vice-Chairman

CITY COUNCIL LIAISONS:

Suzanne Hawkins Rebecca Mills Sojka

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s):
May 2, 2013 Work Session
July 3, 2013 Work Session
August 27, 2013 Public Hearing
September 10, 2013
2. Approval of Findings of Fact and Conclusions of Law:
 - Desmond Estates (Pre-plat 09-10-13)
 - Forrest LeBaron (SUP 09-10-13)
 - D.L. Evans (SUP 09-10-13)

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for Special Use Permit to operate a retail hookah lounge with extended hours of operation to be open until 1 AM seven (7) days a week, on property located at 677#C Filer Avenue c/o Artem Petrosyan, on behalf of the Hookah Paradise (app. 2589)
2. Requests for an amendment to Special Use Permit #1257, granted on December 28, 2011, to allow the operation of an aerial tour business on the Canyon Springs Golf Course limited to operation during daylight hours. The request is to allow operation of the zip line tours at night for a maximum of ten (10) nights per calendar year in which the business may operate until one-o'clock (1:00)A.M. on those operating nights. c/o Jolinda Tatum on behalf of Magic Valley Flight Simulation, LLC (app.2600)

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Work Session – **Thursday, October 3, 2013** 12:00 pm – 1:00 pm
2. Public Hearing – **Tuesday, October 8, 2013** 6:00 pm

VII. ADJOURN MEETING:

Si desea esta información en español, llame Leila Sanches al (208) 735-7287
Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name and address, then commence with their comments. Following their statements, they shall write their name and address on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's presentation should include the following:**
 - **A complete explanation and description of the request.**
 - **Why the request is being made.**
 - **Location of the Property.**
 - **Impacts on the surrounding properties and efforts to mitigate those impacts.**The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.
4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
 - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
 - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
 - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed-**No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

**** Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.**



Public Hearing: **Tuesday September 24, 2013**

To: Planning & Zoning Commission

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

AGENDA ITEM IV-1

Request: Request for a Special Use Permit to operate a hookah lounge with extended hours of operation to 1:00 A.M. seven (7) days a week, on property located at 677#C Filer Avenue. c/o Artem Petrosyan on behalf of the Hookah Paradise (app. 2589)

Time Estimate:

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

Background:

Applicant:	Status: Lease Agreement	Size: +/- 5000 sf Building
Artem Petrosyan 427 2 nd Ave E #41 Twin Falls, ID 83301 208-948-0703	Current Zoning: C-1	Requested Zoning: Special Use Permit to allow extended hours
	Comprehensive Plan: Neighborhood Center	Lot Count: 1 Lot
	Existing Land Use: Retail	Proposed Land Use: Hookah Lounge operating with extended hours
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: R-2; Residence	East: C-1; Europe Bar in adjacent space East Of Campus Commons Is Fillmore Street & residential neighborhoods
	South: C-1; Campus Commons Parking Lot; Filer Ave South Of Campus Commons Is Filer Ave & residential neighborhoods	West: C-1; Office, Doctors Office in adjacent space West of Campus Commons Is a Restaurant, a Drive-Thru Pharmacy & retail store.
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8.2(B)10j, 10-10, 10-11-1 thru 8, 10-13-2-2.	

Approval Process:

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

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to operate a business until 1:00 AM seven (7) days a week, which is outside regular hours of operation of 7:00 am to 10:00 pm as outlined in City Code.

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

History:

Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed. Campus Commons as a whole has seen multiple tenants in its various spaces over the years. More recently it has seen some redevelopment on the East end of the area with the Europe Bar, Hair Salon, and other service and retail establishments. This building and surrounding area are currently zoned C-1.

Analysis:

The applicant has supplied a narrative outlining the detail of the proposed operation and use of the property. Currently the applicant is operating an outright permitted retail establishment. They submitted a request for an SUP to extend business hours at the established Hookah Paradise Lounge Café at 677 #C Filer Avenue. The extended hours requested are that they be permitted to be open until 1:00 AM seven (7) days a week. The applicant claims current traffic patterns/customer numbers are 10-20 people on weekdays and 20-50 people on weekends. The applicant states 2-3 employees will be on-site during weekday hours, and 5 on the weekends. Generally the applicant would like to have 1 employee for every 10 customers. The applicant does not anticipate any significant impacts to neighboring businesses.

Per City Code 10-4-8.2: Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) AM to ten o'clock (10:00) PM require a special use permit in the Commercial Highway District (C-1). The C-1 Zone is intended to provide commercial activities of various sizes from large retail stores to small specialty shops with residential opportunities for persons wishing to work and live in a unified environment.

Per City Code 10-4-8.3: There are no rear and side yard setbacks, and landscaping requirements are equal to five percent (5%) of the total parking area. Consequently this shopping center was established and developed prior to current landscaping requirements being established.

Per City Code 10-10: Off Street Parking is required for this business at a rate of one space for each two hundred fifty (1:250) square feet of floor area. This results in a parking requirement of twenty (20) parking spaces. The shopping center has a cross use agreement for all tenants and parking has been satisfied with that agreement.

Possible Impacts: The neighboring uses within the Campus Commons shopping center are commercial/retail/office in nature. These various restaurants, specialty shops, offices and other businesses may not be greatly impacted by these proposed extended hours.

However, the areas surrounding the Campus Commons shopping center are existing residential neighborhoods. The operation of a retail establishment open until 1:00 am is a cause for concern. Due to the late hour which customers will be allowed to enter the establishment, it is reasonable to believe that customers will not leave the general area at the appointed 1:00 AM. This could lead to an increase in disturbances to neighboring residences.

A possible increase in disturbances and calls for police service could be hazardous or disturbing to existing or future neighboring uses, this correlates directly with City Code 10-13-2-2(D): Standards Applicable to Special Uses - #4: Will not be hazardous or disturbing to existing or future neighboring uses.

The possible increase in disturbances to the neighborhood was confirmed by an inquiry to the Twin Falls Police Department. Multiple calls for service have already been placed to our Police Department regarding this particular location. For further details about those calls please refer to the memorandum furnished by the Police Department in the staff report attachments. City Staff as a whole feels that extending the operating hours of this business is not a good fit for the neighborhood in general, and we have a legitimate concern for the safety of patrons and the quality of life for the surrounding residents.

If the Commission grants this request, a condition that it may be subject to expiration in one (1) year may be appropriate due to the concerns previously expressed. This would allow the Commission, neighbors and the police department to better determine the impacts to the surrounding neighborhoods.

Conclusion:

Should the Commission grant this request as presented; city staff would recommend approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the noise level remaining at an acceptable level with respect to the surrounding residential neighborhoods.
3. Subject to hours of operation not exceeding 1:00 AM.
4. Subject to all activity taking place indoors at all times.
5. Subject to this Special Use Permit expiring on September 24, 2014.

Attachments:

1. Letter of Request
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. TF Police Department Memo (2)
6. Site Photos (2)
7. Public Comment Letter

RECEIVED
AUG 16 2013
CITY OF TWIN FALLS
BUILDING DEPT.

Artem Petrosyan
427 2nd Ave East Apt #41
Twin Falls, Idaho, 83301
208-948-0703

The Hookah Paradise LLC

I would like to request an extension of the business hours at 677 #D Filer Ave in Twin Falls Idaho 83301.

I would like to get the permission from the City of Twin Falls and the neighboring businesses to operate a Hookah Lounge Café for the business hour of 1am 7 days a week. The reason is most of the customers are college students that have classes in the morning and part time jobs during the day.

Weekdays traffic is about 10-20 customers. Weekends is anywhere from 20-50.

There will be 2-3 employees on the weekdays and 5 on the weekends. Eventually I would like to have 1 employee for every 10 customers I get.

An evaluation of the effects such as noise glare and odor,

Noise: There would be some effect on noise due to cars coming in and out of the parking lot.

Glare: None. Odor: None

Most neighboring business in the area operated during the business hours of 10am and 6pm. The Euro Café is open all day and night until 1am. Parking will not interfere with neighboring businesses.

All business shares a parking lot that can park up to 100 cars. There are 3 main entrances to the parking lot. 1 Entrance from Fillmore St and 2 from Filer Ave. Parking lot has lights and parking lines and parking barriers. The front of the building is also lighted automatically as it gets darker at night.

Trash and parking clean up. There is a person that takes care of the trash few times a week. We sweep the front twice a week and pick up large trash such as fast food bags and cigarette packs. The guy takes care of weeds and replacing the trash bags.

Security: There are no security guards. If there is any sort of a conflict we ask the parties to leave the property immediately, if they don't leave with-in few minutes. Police is called by the owner or employee.

The cameras will be installed outside on the parking lot and inside the suite if we feel that we need to surveillance the property 24/7

If you have any questions please feel free to email me at PetrosyanArtem@gmail.com or call me at 208-948-0703.

RECEIVED

AUG 16 2013

CITY OF TWIN FALLS
BUILDING DEPT.

To whom it may concern:

Please note that I might be out of the country for the month of September for family related event.

Kevin Sabien (Adel Marwan) will be representing the Hookah Paradise LLC if I am not available.

His phone number is 208-320-4095.

If I do go out of the country my phone will not work there. The best way to get in touch with me is by email. petrosyanartem@gmail.com.

Thanks

Artem Petrosyan

Zoning Vicinity Map

Reference Only



Approx Location

POLK ST

FILLMORE ST

FILER AVE

R-2 617 WIRSCH R-2 629 WIRSCH R-2 639 WIRSCH

R-2 608 FILLMO R-2 607 PIERCE

WIRSCHING AVE

R-2 604 WIRSCH R-2 618 WIRSCH R-2 630 WIRSCH R-2 648 WIRSCH R-2 656 WIRSCH R-2 593 FILLMO R-2 583 FILLMO

R-2 602 FILLMO R-2 599 PIERCE R-2 586 FILLMO R-2 587 PIERCE R-2 580 FILLMO R-2 567 PIERCE

C-1 564 POLK S C-1 C-1

R-2 566 FILLMO R-2 563 PIERCE

C-1 550 POLK S C-1 641 FILER

R-2 554 FILLMO R-2 551 PIERCE

C-1 615 FILER C-1 647 FILER C-1

R-2 548 FILLMO R-2 541 PIERCE

C-1 645 FILER C-1

R-2 524 FILLMO R-2 527 PIERCE

C-1 703 FILER R-2 717 FILER R-2 727 FILER R-2

R-2 703 FILER R-2 717 FILER R-2 727 FILER R-2

Aerial Site Map

Reference Only



Approx Location



618 WIRSCH

630 WIRSCH

648 WIRSCH

FILLMO

586 FILLMO

580 FILLMO

564 POLK S

566 FILLMO

550 POLK S

554 FILLMO

647 FILER

641 FILER

FILLMORE ST

548 FILLMO

645 FILER

524 FILLMO

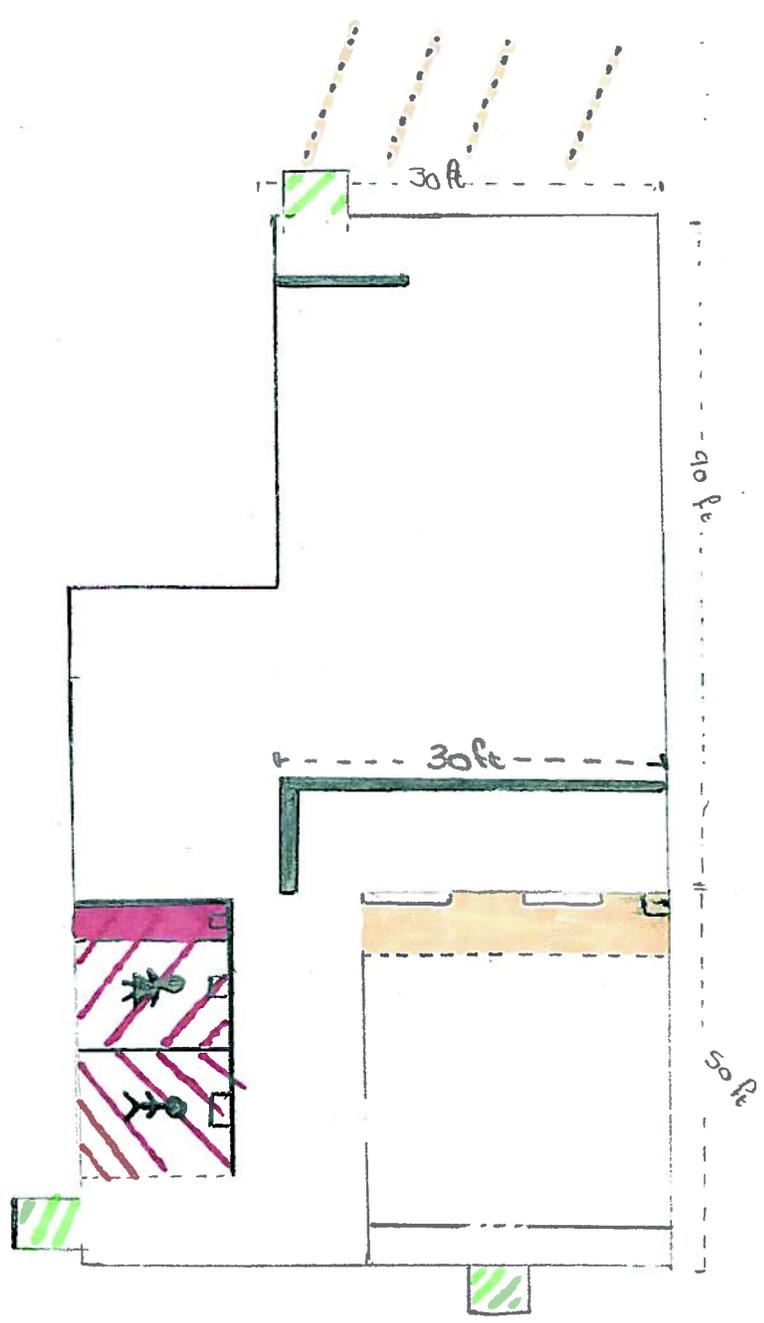
615 FILER

703 FILER

717 FILER

GARIBALDI

-  Parking Space
-  Exit Doors
-  Pantry / closet
-  Sink Location
-  Bathrooms





TWIN FALLS POLICE DEPARTMENT

356 3RD AVENUE EAST
P.O. BOX 3027
TWIN FALLS, ID 83303-3027

TELEPHONE: (208) 735-4357
FAX: (208) 733-0876
www.tfid.org

MEMORANDUM

BRIAN PIKE
CHIEF OF POLICE
(208) 735-7210

MATT HICKS
CAPTAIN
ADMIN. SERVICES
(208) 735-7204

BRYAN KREAR
CAPTAIN
INVESTIGATIONS
(208) 735-7243

ANTHONY BARNHART
CAPTAIN
PATROL
(208) 735-7242

CRAIG STOTTS
LIEUTENANT
COMMUNICATIONS
(208) 735-7263

TO: Planning and Zoning
FROM: Staff Sergeant Chuck Garner
SUBJECT: Hookah Paradise LLC – Special Use Permit Application
DATE: September 16, 2013

Artem Petrosyan has requested a Special Use Permit (SUP) to extend the operating hours of his business, the Hookah Paradise, located at 677 Filer Avenue, Suite D.

The Hookah Paradise is at the eastern edge of the Campus Commons retail development. The establishment is across the street from private residences on Fillmore Street. The back of the business borders private residences on Taylor Street and Fillmore Street. If the Special Use Permit is granted, we anticipate neighborhood quality of life issues and an increase in requests for police services.

It can reasonably be inferred that businesses that stay open to 1:00 a.m. on weekdays and 3:00 a.m. on weekends have the potential to be disruptive to people that live near them. Past calls for service at the Hookah Paradise's former and current location supports this. These calls include disturbances, noise complaints, fights, reckless driving, leaving the scene accidents, a stabbing, and a rape.

The Police Department has received reports that the establishment is operating past its 10:00 p.m. closing time. Mr. Petrosyan called the City of Twin Falls Communications Center at 10:03 p.m. on August 11, 2013. He wanted to know why there were two Twin Falls Police cars parked in front of his business. Our records indicate that we had no calls for service in the area. Sergeant Ryan Howe, Officer Justin Cyr, and Officer Harbans Thiara confirmed these reports on August 16, 2013, when they conducted a business check after the 10:00 p.m. closing time. They observed three people enter the establishment and pay a \$5 cover charge 17 minutes after closing time (TFPD Case 13004865). Mr. Petrosyan told Sergeant Howe that he had been denied a Special Use Permit to extend his hours and that he had a hearing in the future. Department staff has legitimate concerns that Mr. Petrosyan flagrantly violated his current business license and will continue to do so.

"People Serving People"

Memorandum to Planning and Zoning
RE: Hookah Paradise – Special Use Permit Application
Page Two
September 16, 2013

The Twin Falls Police Department feels that Mr. Petrosyan's request to extend his operating hours is not a good fit for the neighborhood, and we have legitimate concern for the safety of patrons and the quality of life for the surrounding residents.

Respectfully submitted,



CHUCK GARNER
Staff Sergeant, Patrol Division

CG:aed



Front of Business in Campus Commons

07/23/2013 10:56 AM



07/23/2013 10:56 AM



Adjacent Businesses to the East

07/23/2013 10:57 AM



Adjacent Businesses to the West

07/23/2013 10:57 AM

Lisa Strickland

From: JEFF MEYER <jeffmeyer007@hotmail.com>
Sent: Tuesday, August 13, 2013 11:56 AM
To: Lisa Strickland

RECEIVED

AUG 13 2013

**CITY OF TWIN FALLS
PLANNING & ZONING**

I am Jeff Meyer and live at 483 Fillmore and received notification on a planning and zoning hearing regarding a special use permit to operate a hookah lounge. I am unable to attend the meeting tonight but would like to voice my opinion regarding this application. For starters, I feel the hours of operation extending into the early morning hours will do nothing but create an after -"bar closure"- gathering spot which normally stresses not only the local authorities but in this case the surrounding residences. This particular area has seen considerable growth of late to young families with children and seems to me that this particular business invites a nature that many believe to have a "drug" culture behind it. Whether this opinion falls true or not, it certainly exists, not only to the to the young, but certainly to the more mature. It seems to me that this particular business along with a neighboring bar and a tattoo shop are "inviting an element" to this residential area that may not be in the best interest of the families that will be directly affected by the potential undesirable behavior that may come as a result of late night activity. As a business person I'm sure I would want to keep my tattoo shop open as late as possible, and I'm sure owning a bar, I would look forward to added business traffic good and bad. ;... and there have been numerous police calls of recent to the existing bar, which is to be expected, right?? Seem's to me, rather than continue to grow the "late night business" in an area that might not be in the best interest of surrounding residences, we should try and place these type of businesses back in area's where they have already failed., and maybe businesses that might be more "family friendly" can have a second chance in these areas that are seeing a resurgence. I'm sure the City has had it's fair share of "smoke related" problems that they would like to forget, but they take a long time to recover from and in some cases have given the City a black eye which is unfortunate. I believe in giving everyone a fair chance, and in this case it will be your decisions that will affect the nature of this commercial property and it's future. I'm running out of time, thank you for your consideration.



Public Hearing: **Tuesday September 24, 2013**

To: Planning & Zoning Commission

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

AGENDA ITEM IV-2

Request: Requests an amendment to Special Use Permit #1257, granted on December 28, 2011, to allow the operation of an aerial tour business on the Canyon Springs Golf Course limited to operation during daylight hours. The request is to allow operation of the zip line tours at night for a maximum of ten (10) nights per calendar year in which the business may operate until one-o'clock (1:00) A.M. on those operating nights. c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC. (app. 2600)

Time Estimate:

The applicant's presentation may take up to fifteen (50) minutes. Staff presentation will be approximately ten (10) minutes.

Background:

Applicant:	Status: Commercial Lease Agreement	Size: The zip line area is about 10 acres and the trail length from the clubhouse to the site is about 2/3 mile
Magic Valley Flight Simulation, LLC c/o Jolinda (Jody) Tatum 452 Woodland Ct Twin Falls, ID 83301 208-329-4149 cell Jolinda_tatum@yahoo.com	Current Zoning: OS Area of Impact (Aol)	Requested Zoning: SUP Amendment
	Comprehensive Plan: Open Space	Lot Count: Multiple Lots
	Existing Land Use: golf course/country club/zip-line aerial tours	Proposed Land Use: zip line aerial tours on a portion of the existing golf course property with extended hours of operation
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: OS Aol; Centennial Park	East: OS Aol; Centennial Park
	South: OS Aol; Canyon Springs Road	West: OS Aol; Canyon Springs Golf Course
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-11.2(B)8.i., 10-10, 10-11-1 thru 9, 10-13-2.2	

Approval Process:

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

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit,

the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to proceed with special after daylight operating hours no more than ten (10) days in a calendar year.

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:

On December 13, 2010, the City Council approved a Zoning Title amendment with Ordinance 2997 which added a definition to §10-2-1 for a zip line and added that “Zip Lines operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board” may be allowed by Special Use Permit in the Open Space (OS) zone. The definition of zip line was approved as follows:

ZIP LINE: An aerial trail system providing recreation and education activity that preserves and protects the natural environment and habitat by enabling people to transverse terrain by means of cable and trolley.”

The Planning and Zoning Commission denied a request of the applicant for a Special Use Permit for a zipline on February 8, 2011, with a tied vote of three (3) for and three (3) against. The action was appealed to the City Council by the applicant and was scheduled for March 14, 2011. The application was withdrawn as the City worked with the Twin Falls County Commissioners on an amendment to the Area of Impact agreement regarding code changes. That matter was resolved as the County now accepts all zoning decisions made by the City in the Area of Impact.

The Planning and Zoning Commission approved Special Use Permit #1257 for the installation and operation of an aerial tour business on the southeast portion of the Canyon Springs Golf Course on December 28, 2011 subject to seven (7) conditions. The conditions are as follows:

- 1) Subject to a review by the building Department to determine if a Certificate of Occupancy is required for the use of the Clubhouse facility for the zip-line staging area;
- 2) Subject to a review of parking requirements for the clubhouse and zip-line use to determine if additional parking is required;
- 3) Subject to the launch site having a security fence or suitable enclosure to provide security to the site;
- 4) Subject to signage on Canyon Springs Road being placed by operator indicating that no parking or stopping is allowed on the road way in the vicinity of the launch area at any time;
- 5) Subject to the zip-line(s) being operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board. Documentation provided to City prior to operation;

6) *Upon abandonment or discontinuation of use, the property owner/business owner shall physically remove all structures associated with the zip-line(s) facility within ninety (90) days of the date of abandonment and/or discontinuation of use, and restore the site to its original condition. The property owner/business owner shall provide to the City, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified contractor to guarantee that the facility will be removed when no longer in use and site restored. The City shall be named as an obligee in the bond and must approve the bonding company;*

7) *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.*

Approval was appealed to the City Council on January 23, 2012. The City Council tabled the issue. On February 6, 2012 the Council voted to uphold the Planning and Zoning Commission's decision to approve the special use permit. The County Commissioners approved the request for the special use permit for the installation and operation of an aerial tour business on February 24th, 2012.

There is no further zoning or complaint history associated with this use after that February date.

Analysis:

This property is located in the OS, Open Space District, adjacent to the Canyon Springs Golf Course and Centennial Park. The zip line area is about 10 acres and the trail length from the Canyon Springs clubhouse to the launch site is about 2/3 mile. The applicant would like to amend the approved Special Use Permit #1257, which allowed operation of a zip line-based recreation and education program and facility during seasonal daylight hours, to allow limited night-time operation of the zip line facilities.

The applicant has included a description of the after-hours zip line operations. The applicant will limit the night-time operations to a total of ten (10) calendar days. The night hours described in the narrative would extend to 12:00 AM during the months of October – April and to 1:00 AM June - September. The number of participants will be limited to fourteen (14) per tour, with a limit of two (2) tours per night. All participants will be required to pre-purchase/reserve tickets for tours. The applicant does not foresee the noise after dark being any more of an impact than that which is currently present with other businesses on the canyon rim which hold night time events.

The amendment being asked for is a change in hours of operation that the applicant had placed on themselves during the original SUP presentation in 2011. During the original hearing process, the business was portrayed as operating during daylight hours only. Since that time, the business has operated fully within compliance of the approved Special Use Permit. City Staff has not received complaints regarding the business operations in terms of increased traffic, noise, or any other miscellaneous complaints.

Recently Staff received a concern from a resident, generated by the publication of this public notice, about an increase in night time traffic that would occur on Canyon Springs Road in conjunction with this proposed amendment. The resident is concerned this will provide a greater opportunity for inebriated individuals to drive up and down this dangerous narrow roadway, which could lead to safety issues on the road as well as on the zip line course.

Possible Impacts: Possible impacts to neighboring land owners include light intrusion, and noise. The applicant has outlined a plan in their narrative to operate the business at night with two (2) plant lights that will illuminate the general vicinity of the zip lines. It is a concern that the proposed lighting could become intrusive to neighboring land owners, particularly the residents above the canyon rim. The other issue with the plan to use plant lights, as described by the applicant, is that they are powered by generators, which may produce an unacceptable level of noise associated with the lighting plan.

The other possible impact to neighbors is noise that may be generated by the groups of customers. The applicant has expressed that the time of year these night-time excursions could potentially occur will be around Halloween, New Years, and the 4th of July. General activities during these times typically extend beyond normal daylight hours, and include some outdoor activities that generate noise. It is not believed that the noise generated by the customers would be beyond reasonable noise levels already prevalent in the area during the time of year the applicant wishes to have these extended hours.

It is not anticipated that there will be any additional odor, fumes, vibration, or glare to the area should this request be implemented.

Conclusion:

Should the Commission approve the request to amend SUP #1257, as presented, staff recommends the following conditions be placed on this permit:

1. Subject to the original conditions of SUP#1257 remaining in place, and in full force.
2. Subject to generators being prohibited during night-time operations and large area lighting to be downward facing.
3. Subject to the applicant/Zip Line Representative informing P&Z Staff a minimum of ten (10) days prior to any night time event.

Attachments:

1. Letter of Request (3)
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Lighting Plan Map
5. Site Photos (3)
6. Public Comment Letters (3)
7. Original Narrative with Hours of Operation
8. SUP #1257

Magic Valley Flight Simulation, LLC

Special Use Permit Amendment Application:

We have been in operation now for just over one year. 2012 saw over 2,550 riders and so far in 2013 we have had 2,400 riders. Several local businesses are using us for their company events and are sending their guests our way when they are in town for business. We have seen hundreds of local families and are developing programs and opportunities to serve our community.

In that regard, we have had several requests from local patrons for special night-time events coinciding with popular recognized days on the calendar. For example, a Halloween Tour and a 4th of July Tour.

We would like the option to offer our community limited night-time zip line tours. Currently, our Special Use Permit allows for operations during daylight hours only. In order to offer tours after dark, we need approval to operate at night. We understand that there are home owners who may be affected by the night time noise of a zip line tour after dark. Because of this, we will limit our night time activities to no more than 10 nights per year and all activities on the zip line aerial trail course will be concluded by midnight October through April and by 1:00 a.m. June through September.

We will also limit the number of nights per year that we will operate to no more than 10 and the number of patrons per tour at night to no more than 14. Currently, the two restaurants on the canyon rim offer music that can be heard in the canyon at night and the Canyon Springs Golf Course Club House is open at night for special events as well. We do not foresee the noise from a zip line tour after dark being any more so of an interruption than what is currently present with the other businesses on the canyon rim when they have special events.

We understand that this may impact the homeowners on the canyon rim on those evenings that we schedule night time tours. Because of this, we welcome input and assistance in helping us to balance that impact to an agreeable level.

What prompted this request for an amendment is the idea of offering Halloween Tours the week of Halloween. We want to decorate the zip line aerial trail walking paths and make something like a "haunted desert". We have also been asked to offer a 4th of July night time Tour and a New Year's Eve night time tour.

Our safety concerns will be addressed with light plants (two of them placed between the lines on the aerial trail course) positioned to illuminate the landings, glow sticks, and solar lights along the trail and sufficient staff to ensure all people stay on the trails and within the tour groups.

Thank you for your consideration and we value your input and the input of our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Jolinda Tatum". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jolinda (Jody) Tatum

Magic Valley Flight Simulation, LLC

452 Woodland Ct.

Twin Falls, ID 83301

208-329-4149

Halloween Special – the haunted zip line

- Dates: October 25th, Friday through Thursday, October 31st (7 nights)
- Times: Evenings from 7:30 p.m. – 9:30 p.m. & 10:00 p.m. – 12:00 a.m.
- Ages: 16 years and older (with consent of parent or guardian if under 18)
- # Riders: 14 guests per tour, maximum of 28 per night with week maximum of 196
- Safety: 2 illumination light plants set per drawing so that take-offs and landings are lit

Riders will be issued glow sticks for arms, legs, & torso to be worn/taped to body

Riders will be encouraged to wear glow-in-the-dark body paint & glow-in-dark costumes

“Twilight” illuminated short spook-trails between lines

- Clean Up: Garbage will be picked up every morning by 11:00 a.m.

Nothing will be used in the decorating of the zip line course that will harm the natural habitat or the animals.

- Contest: Best Costume wins t-shirt

- Advertised: Posters in gas stations, at CSI, on Fox News, Possibly Times News
Facebook, website.

- Tickets: Pre-sold, non-refundable (\$45 per rider)

Aerial Map

Reference Only



Finish

Start

CANYON SPRINGS RD

CANYON SPRINGS RD

OS

OS

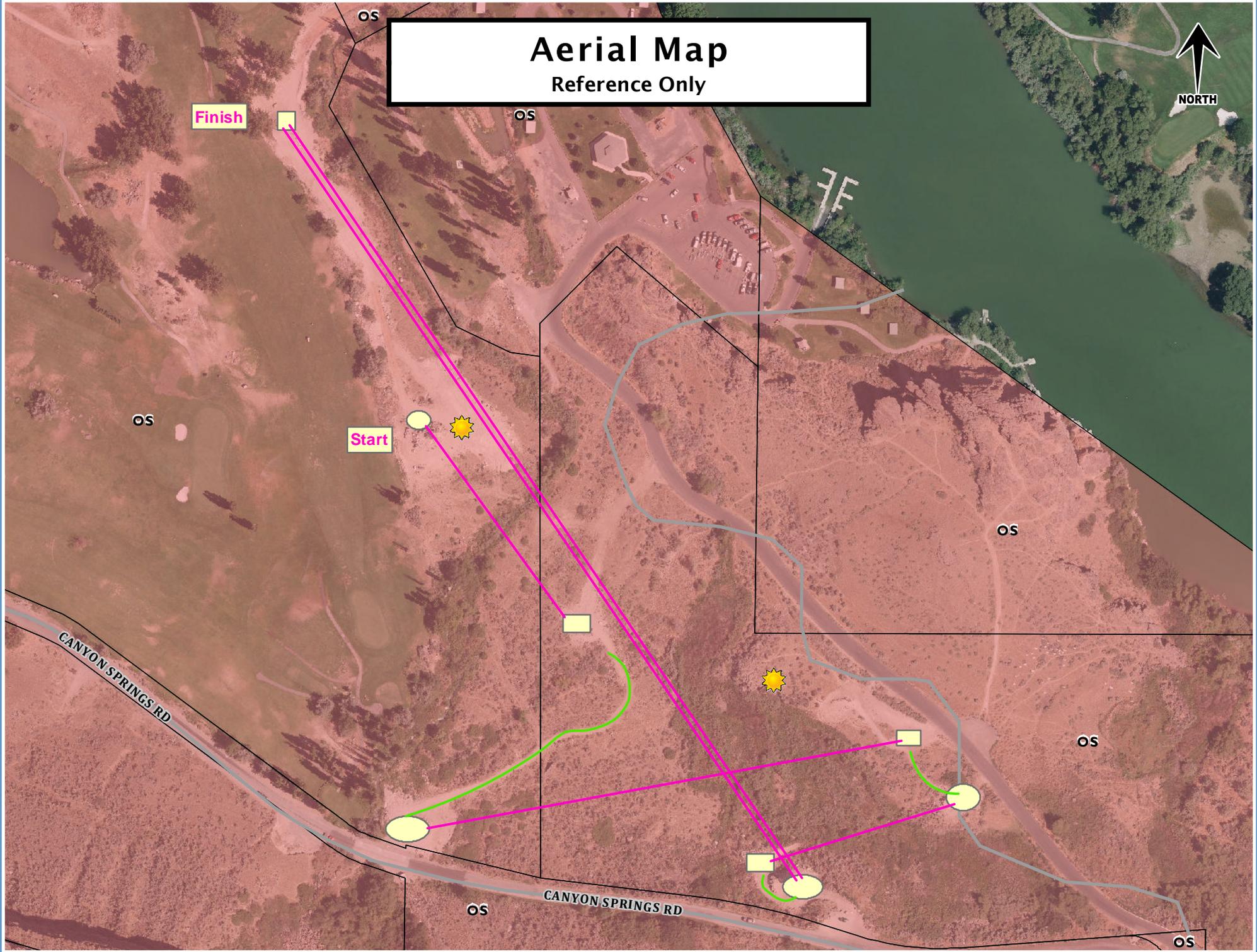
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Canyon Springs Rd

Canyon Springs Rd

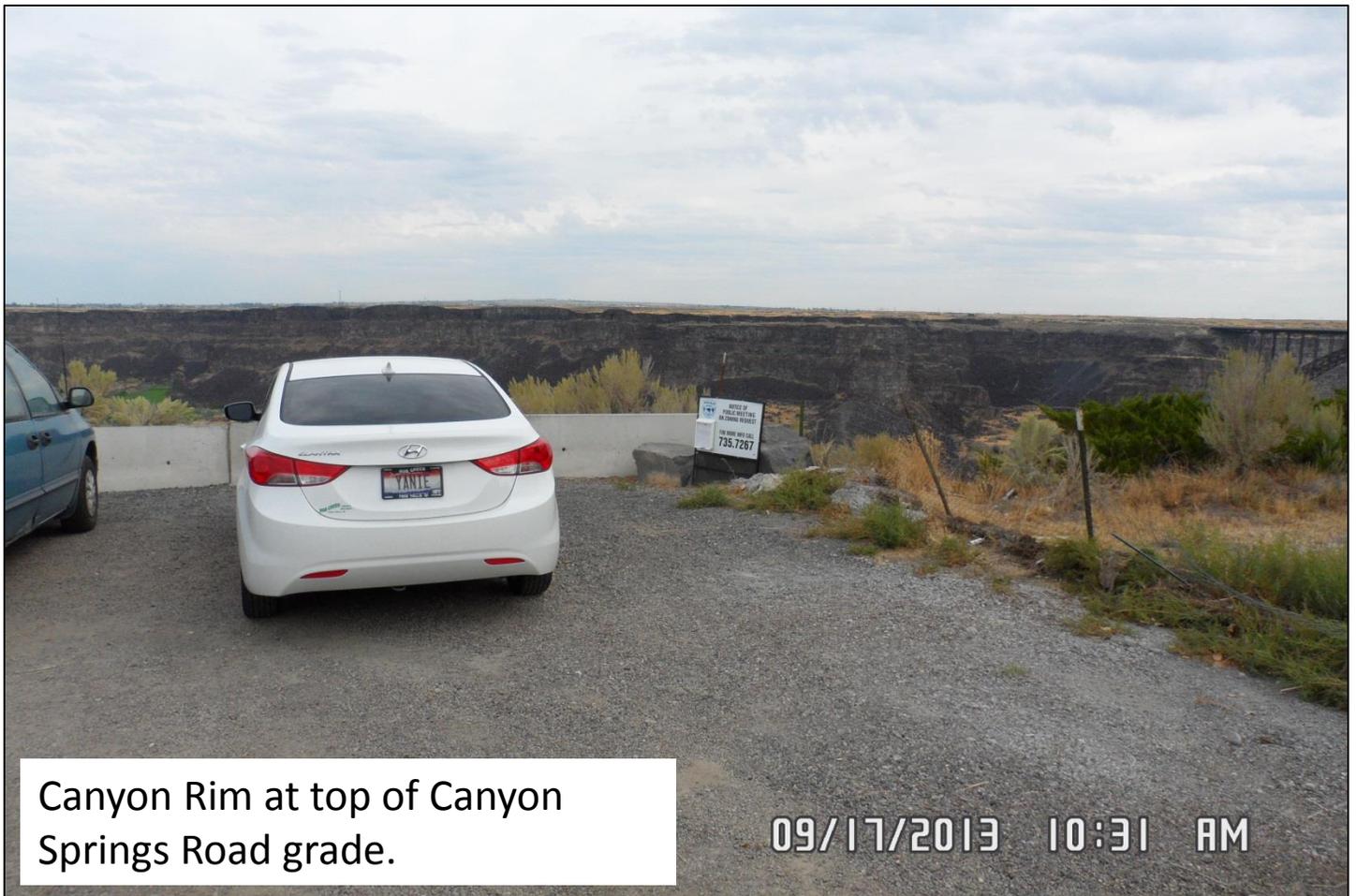
Centennial Waterfront Park

P. de la Coulee





09/17/2013 10:31 AM



Canyon Rim at top of Canyon Springs Road grade.

09/17/2013 10:31 AM



Zip Line Tower at Bottom of Canyon

09/17/2013 10:34 AM



Zip Line Landings and Platforms

09/17/2013 10:35 AM



Landings and Platforms in Canyon

09/17/2013 10:35 AM



Zip Line Landings and Platforms

09/17/2013 10:35 AM

Jonathan Spendlove

From: Renee Carraway
Sent: Monday, September 16, 2013 11:18 AM
To: BILL GEHRKE Owner
Cc: Lisa Strickland; Jonathan Spendlove; Weeks, Kelly
Subject: RE: upcoming Magic Valley Flight Public Hearing

Good morning and thank you for your comments. We will include this email in the P&Z packets. The Sept 24th Agenda/staff reports will be available online at www.tfid.org Agendas & Minutes on Friday, Sept 20th. Please do not hesitate to contact me if you have further questions or comments. Have a great Monday. Rene'e

Thank you;

*Rene'e V. Carraway
Zoning & Development Manager
(208) 735-7267
City of Twin Falls
P.O. Box 1907
Twin Falls, Idaho 83303-1907*

From: BILL GEHRKE Owner [<mailto:billgehrke@q.com>]
Sent: Monday, September 16, 2013 10:10 AM
To: Renee Carraway
Subject: Fwd: upcoming Magic Valley Flight Public Hearing

From: "BILL GEHRKE Owner" <billgehrke@q.com>
To: rcarraway@tfid.org
Sent: Monday, September 16, 2013 10:00:56 AM
Subject: upcoming Magic Valley Flight Public Hearing

Good Morning Renee and all Council Members; I'm not sure if my wife and I will be able to attend the scheduled September 24th meeting regarding this request for a special use permit #1257. After attending all the previous meetings regarding this applicants quest to put in a zip line down in the canyon on the Canyon Springs Golf Course, it was made very clear to all that attended that this would be a daylight operation only, with a specified number of days of operation. The park gate closes at 10:00 pm and we think that is plenty late enough to operate their business. Being the closest neighbor to the zip line @ 711 Canyon Springs Road, the lights and noise will be obtrusive. As you know the noise made in the canyon below travels well. We already have inadequate police patrols on Canyon Springs Road and recently have had a bike stolen from our garage, 10:00 am on a Sunday morning and just last night had a vehicle take out our fence along the road. What the residents on Canyon Springs Road don't need is more usually intoxicated people traveling up and down our already well

traveled and very dangerous road in and out of the canyon after dark. We are vehemently opposed to this request and hope the council will abide by the conditions they set forth when they approved this application on December 28, 2011. Thank you, Bill & Barbara Gehrke

September 17, 2013

Twin Falls Planning and Zoning Commission

P.O. Box 1907

Twin Falls, Idaho 83303

RECEIVED
SEP 18 2013
CITY OF TWIN FALLS
PLANNING & ZONING

Re: Request from Magic Valley Flight Simulation LLC for extended hours

I would like to go on record as being opposed to the approval of extended hours for the zip line.

The lighting required and the automobile traffic at night would be very disruptive for the people who live on or in the canyon.

Thank You,



Donna R. Clark

643 River View Drive

Twin Falls, Idaho 83301

a. Hours of operation

We anticipate operation during daylight hours only, between 7:00 a.m. – 8:30 p.m., depending on the season and the weather.

b. Number of employees

Summer operations should employ between 8-12 people, off-peak season (October – March) will employ between 3-6 people.



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

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

SPECIAL USE PERMIT

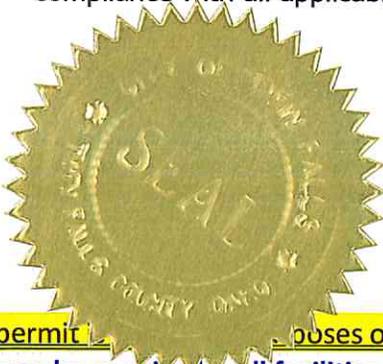
Permit No.1257

Granted by the Twin Falls City Planning and Zoning Commission on December 28, 2011 to Magic Valley Flight Simulation, LLC c/o Jody Tatum whose address is 452 Woodland Court Twin Falls, ID 83301 for the purpose of installing and operating an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon and legally described as SEC 33 T 9 R 17 Tax #1187 of Lots 2 & 5, Exc SW 2.5A & Exc NE .54A; Lot 4 Exc Tax #991 & ADJ 15' Strip, 982, 1065, 1124, 1214 & Exc E 2.44A & Exc S 6.539A M or L (RP09S17E332414)

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

This permit corresponds to Zoning Application No.2496

1. Subject to a review by the Building Department to determine if a Certificate of Occupancy is required for the use of the clubhouse facility for the zip-line staging area.
2. Subject to a review of parking requirements for the clubhouse and zip-line use to determine if additional parking is required.
3. Subject to the launch site having a security fence or suitable enclosure to provide security to the site.
4. Subject to signage on Canyon Springs Road being placed by operator indicating that no parking or stopping is allowed on the road way in the vicinity of the launch area at any time.
5. Subject to the zip-line(s) being operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board. Documentation provided to City prior to operation.
6. Upon abandonment or discontinuation of use, the property owner/business owner shall physically remove all structures associated with the zip-line(s) facility within ninety (90) days of the date of abandonment and/or discontinuation of use, and restore the site to its original condition. The property owner/business owner shall provide to the City, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified contractor to guarantee that the facility will be removed when no longer in use & site restored. The City shall be named as an obligee in the bond and must approve the bonding company.
7. 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.




CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION


DATE

This permit is for the 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