

The regular meeting of the Fruitland Planning and Zoning Commission was held at the Fruitland City Hall on Tuesday, April 12, 2016 at 7:00 p.m. Commissioners Helen Dickinson, Tracy Leonard, Terry Heitz, Doug Deardorff, Barry Carlman, Suzanne Pearcy were present. Commissioner Grant was absent.

Guests included David Bieker, Ryan Baxter, Grant Baxter, Donna Cowgill, Bruce Cowgill, Teresa Fabricius, Anne Gross, Dan Gross, Philip Wilson, Juanee Baxter, Tim Davis, Danny Little and Rick Watkins.

Commissioner Deardorff made the motion to approve the March 7, 2016 meeting minutes. Commissioner Dickinson seconded the motion. Motion carried.

Public Hearings:

Rick Watkins explained public hearing procedures and asked the commissioners to declare any conflicts. No conflicts were presented.

The first hearing began at 7:02 p.m.

Fruitland School District – Annexation; Zone Designation – Neighborhood Commercial; Comprehensive Plan Change – Single Family Residential to Neighborhood Commercial for property north of Hwy. 95. Between S Kansas Avenue and S Pennsylvania Avenue: Teresa Fabricius representing the Fruitland School District testified to the importance of having all school properties within city limits. Ms. Fabricius testified the school recently created a parking lot and realized the football field was in city limits and the parking lot was in the county and the conflicts that may arise when activities spilled over from one to the other.

Commissioners Deardorff asked about the development of the properties and potential paving of the parking lot. Ms. Fabricius testified playing fields would be developed and at the time there is no plan for paving.

The zoning secretary read testimony received from Jerry Campbell, Public Works Director who had no concerns with the proposal. Testimony was read from Rick York of Farmers Co-operative Irrigation Company stating the proposal would have no ill effects to the canal system.

With no further testimony, the hearing was closed at 7:08 p.m.

Ryan Baxter – Zone Change – Neighborhood Commercial and General Commercial to Light Industrial; Comprehensive Plan Change – Neighborhood Commercial and General Commercial to Light Industrial for property near Highway 95 and S Pennsylvania Avenue: Ryan Baxter testified to his experience in the automotive field and is proposing a zone change and comprehensive plan change to Light Industrial in order to construct a five bay automotive repair shop on the north lot.

Mr. Baxter distributed draft plans and an example of the proposed building to the commission.

Commissioner Deardorff asked if Mr. Baxter owned the property and if there were plans for the south lot. Mr. Baxter stated ownership was pending the approval of the zone change and comprehensive plan change with no plans for the south lot at this time. Commissioner Deardorff asked how soon construction would start if the proposals were approved and Mr. Baxter stated immediately.

Mr. Baxter submitted a letter requesting the south lot remain zoned General Commercial and for the commission to consider a zone change and comprehensive plan change only for the north lot.

The zoning secretary read testimony received from Jerry Campbell, Public Works Director who had no concerns with the proposal. Testimony was read from Rick York of Farmers Co-operative Irrigation Company stating the proposal would have no ill effects to the canal system.

With no further testimony, the hearing was closed at 7:17 p.m.

Bruce and Donna Cowgill – Zone Change – Single Family Residential to Neighborhood Commercial; Comprehensive Plan Change – Single Family Residential to Neighborhood Commercial; Development Agreement for property at 1011 Victoria Avenue: Donna Cowgill (1009 Victoria Avenue) testified a development agreement would provide parameters to their proposal of Neighborhood Commercial zone, allowing them to continue their business. Ms. Cowgill stated there is less traffic in owning the home for a business than having renters.

Ms. Cowgill agrees to the following terms: the business is allowed until she, the owner, no longer is associated with the business; at the time Ms. Cowgill ceases her affiliation with the business, the zoning of the property will revert back to Single Family Residential; a maximum eight employees; no signage; business will remain internet based with no patrons; the business will create no noise, glare, odor, fumes or vibration.

Ms. Cowgill submitted a photo of the driveway of the home to reflect the size of the driveway and the ability to support employee parking.

Commissioner Deardorff asked if Ms. Cowgill was residing in the home and Ms. Cowgill stated no.

Commissioner Carlman asked the business hours of operation. Ms. Cowgill stated eight or nine o'clock in the morning to five or six o'clock in the evening. Commissioner Carlman questioned the availability of parking for employees and Ms. Baxter explained the driveway could support five to six cars, one parking place in front of the home and additional parking along a fence if needed.

The zoning secretary read testimony received from Jerry Campbell, Public Works Director, expressing in this neighborhood with narrow streets and a substandard cul-de-sac a development agreement is prudent. The development agreement covers any concerns he has and without a development agreement, future neighborhood businesses could cause problems. Testimony was read from Rick York of Farmers Co-operative Irrigation Company stating the proposals would have no ill effects to the canal system.

Bruce Cowgill (1009 Victoria Avenue) testified the driveway extends beyond the rear of the house.

With no further testimony, the hearing was closed at 7:30 p.m.

Title Cash of Idaho – Conditional Use Permit to sell vehicles at 1911 N Whitley Drive: Phillip Wilson testified he was requesting a conditional use permit to allow vehicles taken possession of to be situated in front of the facility. These vehicles would be for sale in order to move vehicles in and out without creating clutter.

Commissioner Heitz asked how long vehicles would sit in front and Mr. Wilson stated three days to a week. He stated six months has only happened once. Commissioner Heitz asked if it was possible four vehicles would remain for six months. Mr. Wilson stated only one vehicle, never four.

Commissioner Carlman asked for clarification as the application requested two vehicles placed in the front and two in the back of the facility. Mr. Wilson stated it would be convenient if they have four vehicles, to be allowed to have two vehicles in front of the facility with two vehicles placed in front of them facing the highway. Commissioner Carlman asked how many parking spaces were available and Mr. Wilson stated four, could be five. Mr. Carlman asked the number of employees and Mr. Wilson stated no more than two, currently only himself.

With no further testimony, the hearing was closed at 7:36 p.m.

Regular Meeting:

Title Cash of Idaho – Conditional Use Permit: Commissioner Percy stated the property was not appropriate for vehicle sales with the high traffic from the neighboring business and limited access to the highway. Commissioners Heitz and Dickinson stated they were uncomfortable with the length of time vehicles may sit and Commissioner Dickinson felt there was a safety issue with the location.

Commissioner Deardorff did not want to discourage business on Highway 95 and had no problem with two vehicles at a time, stating there were car lots where cars sat for years.

Commissioner Percy questioned the availability of space with four cars and the safety of backing out.

Commissioner Carlman stated he would like to see stripes designating parking spaces.

Commissioner Dickinson stated she would like to see one car minimum rotated out after 30 days. Commissioner Deardorff questioned who was going to monitor compliance.

Commissioner Heitz stated a business should initially set themselves up to accommodate their business needs.

Commissioner Percy made the motion to deny a conditional use permit for vehicle sales at 1911 N Whitley Drive. Commissioner Heitz seconded the motion. Motion carried.

Fruitland School District – Annexation: Commissioner Deardorff made the motion to send a favorable recommendation to the city council for annexation of school properties as presented. Commissioner Percy seconded the motion. Motion carried.

Fruitland School District – Comprehensive Plan Change: Commissioner Deardorff made the motion to send a favorable recommendation to the city council for a comprehensive plan change from Single Family Residential to Neighborhood Commercial for school properties as presented. Commissioner Percy seconded the motion. Motion carried.

Fruitland School District – Zone Designation: Commissioner Deardorff made the motion to send a favorable recommendation to the city council for a zone designation of Neighborhood Commercial for school properties as presented. Commissioner Percy seconded the motion. Motion carried.

Ryan Baxter – Comprehensive Plan Change: Commissioner Deardorff made the motion to send a favorable recommendation to the city council for a comprehensive plan change from Neighborhood Commercial to Light Industrial for the north lot of the proposal. Commissioner Percy seconded the motion. Motion carried.

Ryan Baxter – Zone Change: Commissioner Deardorff made the motion to send a favorable recommendation to the city council for a zone change from Neighborhood Commercial to Light Industrial for the north lot of the proposal. Commissioner Percy seconded the motion. Motion carried.

Bruce & Donna Cowgill – Development Agreement: Commissioners Leonard and Percy felt the proposal was a good compromise. Commissioner Deardorff and Dickinson liked the stipulation of the property reverting back to Single Family Residential.

Commissioner Heitz felt the location was inappropriate for the business and the process should have been done before operation. Commissioner Carlman was concerned with parking.

Commissioner Deardorff made the motion to send a favorable recommendation to the city council for a development agreement for 1011 Victoria Avenue. Commissioner Leonard seconded the motion. Motion carried.

Bruce & Donna Cowgill – Comprehensive Plan Change: Commissioner Deardorff made the motion to send a favorable recommendation to the city council for a comprehensive plan change from Single Family Residential to Neighborhood Commercial for property at 1011 Victoria Avenue. Commissioner Leonard seconded the motion. Motion carried.

Bruce & Donna Cowgill – Zone Change: Commissioner Deardorff made the motion to send a favorable recommendation to the city council for a zone change from Single Family Residential to Neighborhood Commercial for property at 1011 Victoria Avenue. Commissioner Leonard seconded the motion. Motion carried.

Atlas Land Surveying – Final Plat: Commissioner Percy made the motion to send a favorable recommendation to the city council for the final plat of the Syringa Springs II Subdivision. Commissioner Deardorff seconded the motion. Motion carried.

Chairman Carlman adjourned the meeting at 8:04 p.m.

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Barry Carlman, Chairman

ATTEST:

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Beth Earles, Secretary