

The regular meeting of the Fruitland Planning and Zoning Commission was held at Fruitland City Hall on Monday, June 1, 2015 at 7:00 p.m. Commissioners Dickinson, Leonard, Heitz, Carlman and Percy were present. Commissioner Deardorff was absent.

Guests included Mark and Candy Hardisty, Dave Haidle, Ron Haidle, Paul Butler, Danny Little and Rick Watkins.

Commissioner Grant made the motion to approve the May 4, 2015 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 of interest. No conflicts were declared and the first hearing was opened at 7:03 p.m.

Mark & Candy Hardisty – Variance of side yard setback and distance from intersection curb radius to driveway curb cut at 812 SW 8th Street: Mark Hardisty (812 SW 8th Street) testified he was requesting variances in order to construct a garage on the west end of his home. Mr. Hardisty testified he needed to construct the garage out an additional five feet in order to get vehicles in the garage. Mr. Hardisty explained the garage will be established from the back of the house to the north edge of the front deck and five feet from the west property line. Mr. Hardisty stated the curb cut is to facilitate driveway access.

Commissioner Carlman asked if the property had a garage at one point and Mr. Hardisty testified the garage had been converted into a family room this year.

Commissioner Dickinson asked if there were special circumstances that require putting access on the west side. Mr. Hardisty testified safety was the main reason and explained when they put on their turn signal to turn into the current driveway on the north side, drivers behind them believe they will be turning at the intersection and on many occasions have nearly been rear-ended. Mr. Hardisty stated SW 8th Street is busy with traffic from surrounding subdivisions and feels it is safer to turn into a driveway from Washington Avenue.

Commissioner Dickinson asked the distance from the stop sign the curb cut will be and Mr. Hardisty stated approximately 35 feet, but was unsure.

Commissioner Carlman asked if the proposal was planned when the former garage was enclosed. Mr. Hardisty testified he hadn't thought about it until after going through a winter without a garage.

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

Proposed Medical Heliport Zoning Ordinance – regulate height of structures and objects of natural growth in relation to heliport at 1057 NW 13th Street: Commissioner Heitz expressed concern with the installation, operation and maintenance of markers and lights at the expense of

the city as required in section 10-17-6 (2). Commissioner Heitz questioned the cost of maintenance.

Commissioner Carlman stated 10-17-6 was in relation to nonconforming uses and at this time, there doesn't appear to be any nonconforming uses. Commissioner Carlman asked if the ordinance was prepared with accordance to FAA regulations and Mr. Watkins explained the Transportation Engineers and the Idaho Transportation Department worked with their aeronautic staff in preparing the ordinance.

Rick Watkins read testimony received from Bruce Jensen of St. Luke's in support of the ordinance.

Paul Butler (1503 Allen Avenue) testified he was opposed to the ordinance, for the reason that he has a sycamore tree in his back yard that will grow to 100' and the potential he may be required to cut it down or put a light on it. Mr. Butler testified he was opposed to the helicopter flying over homes and feared the potential of accidents involving aircraft and homes. Mr. Butler stated the flight path should be rerouted and felt it affected personal rights and property rights.

Commissioner Carlman asked where Mr. Butler's home was on the map and Mr. Butler stated he lived at the corner of Allen Avenue and NW 16th Street.

Rick Watkins explained the heights noted on the maps were surface heights above the heliport elevation and the height requirement at Mr. Butler's residence is 150'.

Commissioner Percy stated the ordinance was not determining the flight path, but regulating what can be built in the flight path.

With no further testimony, the hearing was closed at 7:22 p.m.

Regular Meeting:

Mark & Candy Hardisty – Variance of side yard setback and distance from intersection curb radius to driveway curb cut at 812 SW 8th Street: Commissioner Dickinson expressed concern with the requested curb cut's proximity to the stop sign with the potential for growth south of the area.

Commissioner Heitz felt Washington Avenue was not heavily used and the applicant would be giving up a curb cut on SW 8th Street for one on Washington Avenue.

Commissioner Percy expressed the applicant had failed to prove a hardship that would warrant a variance, and no special condition exists that is uncommon to the land or building.

Commissioner Percy stated many citizens have trouble getting out of their driveway due to busy streets and feels granting a variance would be giving special privilege. Commissioner Percy stated the code requires 50' from the intersection for a curb cut and believes there is a good reason for the requirement. Commissioner Percy expressed she is an advocate for allowing

citizens to do what they want with their property, but felt no good comes from allowing construction to the property line.

Commissioner Heitz made the motion to send a favorable recommendation to the city council for a 5' variance of the side yard setback and a variance for the 50' requirement from the intersection curb radius to a driveway curb cut at 812 SW 8th Street. Commissioner Leonard seconded the motion. A roll call vote was requested. Leonard – aye, Heitz – aye, Grant – aye, Dickinson – nay, Percy – nay. Motion carried.

Proposed Medical Heliport Zoning Ordinance – regulate height of structures and objects of natural growth in relation to heliport at 1057 NW 13th Street:

Commissioners discussed the need for the ordinance for future development and to ensure the safety of citizens and those using the services of the heliport.

Commissioner Heitz expressed concern with taxpayers paying to maintain required lights. Danny Little clarified that Section 10-17-6-(2) applies to nonconforming uses whereas Section 10-17-7-(5) applies to permits and allows that owners may be responsible for related costs.

Commissioner Heitz made the motion to send a favorable recommendation to the city council. Commissioner Dickinson seconded the motion. Motion carried.

The meeting adjourned at 7:42 p.m.

Barry Carlman, Chairman

ATTEST:

Beth Earles, Secretary