

The regular meeting of the Fruitland Planning and Zoning Commission was held at Fruitland City Hall on Monday, August 4, 2014 at 7:00 p.m. Commissioners Dickinson, Leonard, Heitz, Deardorff, Carlman, Grant and Percy were present.

Guests included Michelle Upton, Shirley Bittick, Kirk Redlin, Steve Cockerum, Angie Barlow, Stephen Goertz, Kevin Shoemaker, Ed and Jana Mehlhorn, Scott Stanfield, Dwayne Holloway and Rick Watkins.

**Commissioner Carlman made the motion to approve the July 7, 2014 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 was opened at 7:02 p.m.

**Kirk Redlin – Zone Change and Comprehensive Plan Change from Single Family Residential to Light Industrial, Development Agreement for 400 NE 16<sup>th</sup> Street:** Kirk Redlin testified he's been operating a photography studio and growing dahlias on his property for thirty years. Mr. Redlin testified he started selling dahlias from a roadside stand on the honor system ten years ago and has built two large greenhouses in order to protect the dahlias and increase the growing season. Mr. Redlin stated he was then made aware of the conflict of commercial greenhouses in a residential zone. Mr. Redlin is requesting a zone change to Light Industrial in order to preserve the ranch and current uses of the property for future owners rather than have the property possibly demolished and turned into a subdivision. Mr. Redlin explained the property has a park like setting and is suitable for a small business entity and residence. Mr. Redlin testified he has expanded into growing tomato plants.

Commissioner Dickinson inquired of future expansion and parking availability. Mr. Redlin stated he has a horseshoe driveway going through his property with parking in the front and rear of his property. Mr. Redlin further stated he did not want a large scale farm operation.

Commissioner Carlman asked what the traffic volume was in a day and Mr. Redlin stated maybe six vehicles a day. Commissioner Carlman asked if twelve vehicles a day was manageable and if there would be employees. Mr. Redlin testified the property could accommodate the increase in vehicles and there would be no employees.

Commissioner Dickinson asked if Mr. Redlin would buy product from other companies to sell and Mr. Redlin stated no, he would only sell what he grows.

Mr. Redlin testified he felt a development agreement would protect future property owners who may want to use the property in a similar manner. Mr. Redlin further stated he wanted the property to fit within the parameters of the planning and zoning's desires and maintain the integrity of the property and neighborhood.

Rick Watkins read into the record written testimony from Jerry Campbell, Idaho Transportation Department, Farmers Co-operative Irrigation, HDR Engineering and Tesoro Logistics NW Pipeline. There were no objections.

With no further testimony, the hearing was closed at 7:16 p.m.

**Little Scholars Learning Center – Conditional Use Permit for Daycare Center at 1011 NW 16<sup>th</sup> Street:** Michelle Upton testified she has two small children and recently went back to work. Ms. Upton introduced Shirley Bittick, her mother who has been a preschool teacher for twenty years. Ms. Upton testified for several years they have discussed providing child care and had checked other commercial locations and found them too small or without a play area. Ms. Upton testified she found the location at 1011 NW 16<sup>th</sup> Street to fit her needs.

Commissioner Deardorff inquired to the number of children, number of employees and the hours of operation. Ms. Upton testified she was licensed for twenty-six plus children with four employees and operating Monday through Friday from 5:30 a.m. to 6:30 p.m.

Commissioner Carlman asked the number of children committed and Ms. Upton testified she didn't want to advertise until she was done with the permit process, but had provided information to twenty.

Commissioner Deardorff asked if the rear yard play area would be fenced and Ms. Upton testified it is part of eleven acres enclosed within a six foot fence. Ms. Upton stated she will use a portion of the rear yard which she has enclosed with a four foot fence.

Commissioner Heitz asked if the real estate office within the building would be staying and Ms. Upton testified she was unclear of their lease and stated they are receptive to the daycare center, but she is unsure how the noise will affect them. Commissioner Heitz asked if the daycare center will be sharing restrooms with the real estate office and Ms. Upton replied it was up to the health inspector, if necessary a temporary wall will be erected.

Commissioner Dickinson asked if playground equipment will be installed and Ms. Upton stated she is purchasing small Little Tykes items as there are rules and regulations regarding playgrounds. Ms. Upton further testified she would like to get a grant for park style equipment. Commissioner Dickinson asked the ages of the children and Ms. Upton testified six weeks old to twelve years old, adding they would have an after school program. Commissioner Dickinson asked if they would be providing transportation and Ms. Upton stated no, they would ask the school to include them on the bus route.

Commissioner Carlman asked the dimensions of the outside play area and Ms. Upton stated approximately 50' x 100'.

Commissioner Grant asked if there were locks on the front door and Ms. Upton explained there were two sets of doors and wants to put a keypad in place.

Commissioner Carlman asked about signage and Ms. Upton stated she would be placing a sign over the existing entrance sign on the building.

Commissioner Dickinson asked if there were any plans for beautification and Ms. Upton explained they have planted grass and will be placing rock along the front fence area with pea gravel and grass in the back.

No written testimony was received. With no further testimony, the hearing was closed at 7:31 p.m.

**Continuance Hearing of Seven Oaks Development, LLC – Preliminary Plat, Development Agreement, Variances for Syringa Springs Subdivision #2:** Kevin Shoemaker representing Seven Oaks Development testified their desire to develop Syringa Springs II by extending the existing streets out as far as the sewer will reach and to include nineteen lots. Mr. Shoemaker explained the irrigation and telephone lines are in place with the need to place electrical, water and sewer utilities. Mr. Shoemaker requested a variance to allow the street extensions to be the same size as existing streets, and a variance of the lot depth requirement for Lots 1 and 2 of Block 3. Mr. Shoemaker testified most of the items in the previous development agreement have since been included in city code and could be deleted.

Scott Stanfield testified Lot 2 of Block 3 meets the minimum depth requirement on one side and meets the intent of the code. Mr. Stanfield testified there was no justification for a variance for Lot 1 of Block 3, explaining a hardship needs to be shown and felt the developers had created the issue.

Commissioner Carlman asked the dimension of Lot 1 of Block 3. Mr. Stanfield explained the lot is six feet short of the requirement and the lot line between Lots 2 and 5 of Block 3 could be adjusted to bring the lot into compliance. Commissioner Carlman asked when fencing would be installed. There was confusion the previous development agreement may infer a fence be constructed as each lot was developed. Rick Watkins explained code requires construction of a fence on the perimeter of each phase before building permits are issued. Mr. Shoemaker stated it was their intent to construct a fence on the perimeter.

Mr. Watkins stated that item #12 from the development agreement regarding the construction of a sewer lift station could be deleted as it is no longer applicable.

Commissioner Percy asked about paving the temporary cul-de-sacs. Mr. Shoemaker proposed not to require pavement as they have to be torn out later. Mr. Stanfield testified the code does not require paving, but cities have inherited temporary cul-de-sacs and their problems. Mr. Stanfield suggested the city require paving. Commissioner Deardorff stated he would like to see the cul-de-sacs paved, otherwise they are difficult for emergency vehicles to maneuver. Mr. Stanfield explained developers are concerned with throwaway costs and could work with the developer on a cost efficient design. Mr. Shoemaker reminded the commission there were three cul-de-sacs to develop.

Rick Watkins stated items #11-14 of the development agreement were no longer applicable and could be deleted.

Rick Watkins read into the record written testimony received from:

Jerry Campbell who expressed the following concerns: the road section detail shown on the cover sheet of the preliminary plat should show 16.5' from the center line to match streets constructed in Syringa Springs I; easements for temporary drainage swales and temporary cul-de-sacs need to be described and granted to the city.

Idaho Transportation Department expressing no concerns.

Tesoro Logistics advising respect of their easement.

HDR expressing concern regarding paved width of the interior streets be 37' to match existing streets; recommends paved turn-around space at intersection of Zinnia Street and Honeysuckle Avenue for emergency vehicles; recommends city require developers to pave temporary cul-de-sacs.

Farmers Co-operative Irrigation Company expressing no concerns.

Mason and Stanfield, with Scott Stanfield present to testify on concerns.

With no further testimony, the public hearing was closed at 8:07 p.m.

Regular Meeting:

**Little Scholars Learning Center – Conditional Use Permit for Daycare Center at 1011 NW 16<sup>th</sup> Street: Commissioner Grant made the motion to approve a conditional use permit for a daycare center at 1011 NW 16<sup>th</sup> Street. Commissioner Percy seconded the motion. Motion carried.**

**Kirk Redlin – Zone Change and Comprehensive Plan Change from Single Family Residential to Light Industrial, Development Agreement for 400 NE 16<sup>th</sup> Street: The commission discussed items to include in the development agreement. Commissioner Carlman made the motion to send a favorable recommendation to the city council for a zone change and comprehensive plan change from Single Family Residential to Light Industrial and for a development agreement to include the following items: to allow one residence; items sold shall be unprocessed and grown on-site; acknowledge current use of photography studio granted with conditional use permit; future light industrial uses shall require a conditional use permit or modification to development agreement approved by the city. Commissioner Leonard seconded the motion. Motion passed.**

**Seven Oaks Development, LLC – Preliminary Plat, Development Agreement, Variances for Syringa Springs Subdivision #2: The commission discussed the items to include in a new development agreement. Commissioner Percy made the motion to send an unfavorable**

**recommendation to the city council for the variances requested. Commissioner Carlman seconded the motion. Motion passed.**

**Commissioner Grant made the motion to send a favorable recommendation for a development agreement to include: the extension of streets shall conform with city code and match existing streets; pave temporary cul-de-sacs and work with Mason & Stanfield on design to comply with fire code; delete items #2-8 and #11-14 and #16, combine items #9 and #10 from previous development agreement template. Commissioner Carlman seconded the motion. Motion passed.**

**Commissioner Carlman made the motion to send a favorable recommendation to the city council for the preliminary plat. Commisisoner Percy seconded the motion. Motion passed.**

**Impact Area: Transfer of Development Right – David & Nancy Richey: Commissioner Percy made the motion to send an unfavorable recommendation to the city council as the receiving property does not meet the two acre requirement. Commissioner Heitz seconded the motion. Motion passed.**

**September 1, 2014 Meeting: Commissioner Grant made the motion to change the September 1<sup>st</sup> meeting to Tuesday, September 2, 2014. Commissioner Carlman seconded the motion. Motion passed.**

Commissioner Deardorff adjourned the meeting at 8:50 p.m.

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Doug Deardorff, Chairman

ATTEST:

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Beth Earles, Secretary