

The regular meeting of the Fruitland Planning and Zoning Commission was held at the Fruitland City Hall on Tuesday, November 15, 2016 at 7:00 p.m. Commissioners Helen Dickinson, Tracy Leonard, Doug Deardorff, Barry Carlman, Suzanne Percy, Carrie Grant, Mike Smith and Kent Stampfli were present. Commissioner Terry Heitz was absent.

Guests included LeeRoy and Lorrie Tracy, Dan Fleisher, Ryan Baxter, Grant Baxter, Rick Watkins and Stephanie Bonney.

Commissioner Deardorff made the motion to approve the October 11, 2016 meeting minutes. Commissioner Smith seconded the motion. Motion carried.

Public Hearings:

Rick Watkins explained public hearing procedures and asked for the commission to disclose any conflicts. No conflicts were disclosed. The first hearing opened at 7:02 p.m.

Ryan Baxter - Variance of paving requirement in NW corner, sidewalk width requirement, landscaping requirement between curb and sidewalk at 1225 S. Pennsylvania Avenue: Ryan Baxter testified the code now requires a 5' buffer between the highway and the sidewalk. The change has increased the buffer amount needed for landscaping and sidewalk from 20' to 25'. Mr. Baxter presented printed material to the commission showing his lots with the current requirements and his proposal if granted the variances.

Mr. Baxter stated he is no longer requesting a variance of the paving requirement for the NW corner of the northern lot.

Commissioner Deardorff asked if Mr. Baxter was wanting to have narrower sidewalks along Hwy. 95. Mr. Baxter requested a variance of the landscape buffer requirement and the sidewalk width requirement, proposing 8' sidewalks on the northern lot and 5' sidewalks on the southern lot.

Commissioner Deardorff asked what would be done with the southern lot until development and Mr. Baxter stated the lot would be kept clean and free of weeds.

Commissioner Smith asked what was special about the northern lot to require a variance of the 5' landscape buffer. Mr. Baxter testified there was ample landscaping and swales in the northwest corner and in order to make the building fit and accommodate parking on the north side, it has made the southwest corner very tight.

Commissioner Dickinson asked if he wanted to be able to drive around the entire building and Mr. Ryan stated it was paved and had fire lanes.

Commissioner Carlman asked if the original plan reflected the landscape buffer between the highway and the sidewalk. Mr. Baxter stated it did not, the code requirement went into effect days before he submitted his building permit application.

Commissioner Percy asked if there were future plans for the southern lot. Mr. Baxter stated the lot was small and not sure what it would accommodate.

Mr. Baxter testified there are three swales on the north providing plenty of water capacity and landscaping.

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

Lorrie Tracy - Zone Change from Single Family Residential to Multi-Family Residential; Comprehensive Plan Change from Neighborhood Commercial to General Commercial for 504 S. Whitley Drive: Lorrie Tracy (8144 Estates Boulevard) testified she is requesting the proposed changes because General Commercial zone is the highest and best use for the property. Ms. Tracy testified there are two curb cuts to accommodate a business, adding Hwy. 95 is changing with new business developments.

Commissioner Dickinson asked if there were any plans for the property and Ms. Tracy stated there were none.

Commissioner Carlman asked if she had thought about a Neighborhood Commercial zone designation and Ms. Tracy testified the property was suitable for commercial development explaining the lot was deep and would accommodate parking.

Commissioner Smith asked if Ms. Tracy had consulted the comprehensive plan in regards to the zoning surrounding the property. Ms. Tracy stated she had and the city's plan reflects commercial uses along Hwy. 95. Ms. Tracy stated the traffic count is high on the highway and the property is not suitable for children or pets.

Rick Watkins read written testimony received from Leah Tracy, Mason Tracy and Jacob Souders in favor of the proposal.

Dan Fleisher (845 Ayers) testified his street is across the highway and there are seven homes on the street. He and his neighbors fear they will be surrounded by commercial properties and the street will be isolated. Two homes nearby are owned by the Tracy's and he foresees them asking for commercial zoning in the future.

With no further testimony, the hearing was closed at 7:25 p.m.

Regular Meeting:

Recommendations:

Ryan Baxter - Variance of sidewalk width requirement; landscaping requirement between curb and sidewalk at 1225 S. Pennsylvania Avenue: Commissioner Percy expressed the importance of uniformity with a buffer and 8' sidewalks along Hwy. 95, adding she didn't think the criteria was met for a variance.

Commissioner Smith felt the landowners split the lots at their own discretion and didn't meet the criteria for a variance.

Commissioner Deardorff felt it was important to have 8' sidewalks with the proximity of the schools nearby.

Commissioner Stampfli stressed the importance of beautification as you drive into Fruitland.

Commissioner Dickinson felt the development needed to follow through with code requirements.

Commissioner Smith made the motion to send an unfavorable recommendation to the city council for a variance of the sidewalk width requirement and landscaping requirement between the curb and sidewalk. Commissioner Percy seconded the motion. Motion carried.

Lorrie Tracy - Zone Change from Single Family Residential to Multi-Family Residential; Comprehensive Plan Change from Neighborhood Commercial to General Commercial for 504 S. Whitley Drive: There was discussion regarding the surrounding residential properties and when to allow the city's vision to begin. Commissioner Percy stated if the code is followed, it will protect the neighbors and the city.

Commissioner Deardorff made the motion to send a favorable recommendation to the city council for zone change from Single Family Residential to Multi-Family Residential and a comprehensive plan change from Neighborhood Commercial to General Commercial at 504 S. Whitley Drive. Commissioner Percy seconded the motion. Motion carried.

Sign Code Discussion: Stephanie Bonney introduced herself as the city attorney and told the commission of a U.S. Supreme Court decision in Reed vs. Town of Gilbert. Ms. Bonney explained the decision resulted with sign codes having to be content neutral. Signs can no longer be categorized as yard sale, political, real estate, etc. Ms. Bonney explained code amendments she would like to make initially and asked the commission to consider the number of signs, the sizes and the duration of signs to allow. Ms. Bonney encouraged the commission to look over the code and get some direction before having her back.

Legal Overview of Idaho Laws: Ms. Bonney discussed with the commission their roles and the role the law plays in their procedures, open meetings and communications.

Chairman Carlman adjourned the meeting at 9:10 p.m.

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Barry Carlman, Chairman

ATTEST:

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Beth Earles, Secretary