

The regular meeting of the Fruitland Planning and Zoning Commission was held at the Fruitland City Hall at 7:00 p.m. on Tuesday, September 10, 2019. Commissioners present were Helen Dickinson, Terry Heitz, Barry Carlman, Tami DeCroo, Mike Smith, and Suzanne Percy. Commissioners Cathy Yasuda, Jim Ashley, and Carrie Grant were absent.

Guests included Pat Ann, Michael & Shelley Duncan, Tony Hathhorn, Carl & Charlotte Bowman, Craig Smith, Andrew Kimmel, Clinton & Annie Marshall, Jeff Rice, Tony Klein, Jackie Frazier, Amanda Trombley, Tasha Brown, Shanna Sallee, Gary & Robin Dreyer, Norm Collinsworth, Ernest & Betty Gentry, Lorrie Tracy, Jacob & Leah Souders, Jennifer Cox, Jeff Presher, Francine Matsubu, Samantha Smith, Brian Howell, Danny Little, and Rick Watkins.

Commissioner Smith made the motion to approve the August 13, 2019 minutes. Commissioner DeCroo seconded the motion. Motion carried.

Public Hearings:

Opening the first hearing at 7:00 p.m., Rick Watkins explained public hearing procedures and asked the commissioners to disclose any conflicts. Commissioner Smith declared a conflict with the APEX Land Group, LLC proposal and would refrain from any discussion.

Jackie Frazier - Conditional Use Permit to Operate a Daycare Center & Preschool at 1718 N. Whitley Drive: Jackie Frazier (1501 N 9<sup>th</sup> St, Payette) testified she operates a dance center at 1718 N. Whitley Drive and desires to operate a preschool with the possibility of a daycare center. Operations would be from 8 a.m. to 6:00 p.m., Monday through Friday with a maximum of five staff members. Expecting a maximum of twelve students in daycare and twelve children in preschool. Drop off and pick up will take place on the south side of the building. Parking is available in front of the masonry shop to the east and on the west side of the building. The school bus will drop children off at the center on Hwy. 95. They are discussing the option of the bus dropping children off at the business to the north. Ms. Frazier submitted additional information to the commission.

Rick Watkins stated written testimony was received from Jeff Rice, Jackie Frazier, and Michael Duncan.

Carrie Draper (2044 NE 16<sup>th</sup> Ave, Payette), Jennifer Cox (6380 Hwy. 95), Tasha Brown (307 N. Johnson Road), Shanna Shallee (1019 Ehrgood Avenue, Nyssa), and Amanda Trombley (726 N 7<sup>th</sup> Street, Payette) testified in favor of the proposal as it fills a need in the community for daycare and preschool services.

Pat Ann (1705 N. Whitley Drive) testified she was opposed to the proposal due to the heavy traffic at the location.

Jeff Rice (8052 N. Pennsylvania Avenue) testified he is the owner of the adjoining property as well as the ingress and egress. The parking spaces are reserved for tenants and visitors and the driveway may only be used for ingress and egress. There have been no problems in the past and questions the change in the use of the property. There is no written agreement for use of the ingress and egress.

Michael Duncan (720 Syringa Springs) testified his chiropractor business is located on the adjoining property and is concerned with the limited parking available. There are ten parking spaces and one handicapped stall. The building he occupies will soon be shared with a real estate office. There is no written parking agreement. His staff parks in the gravel area to the east, reserving the paved portion for patients. Winter presents difficulty with snow removal piling snow in stalls. There is room to turn around with the exception of large vehicles. The masonry shop beside the dance center has daily visits. Has concerns with parking as he can't afford to give up parking spaces.

With no further testimony, the hearing was closed at 8:08 p.m.

Tony Hathhorn - Conditional Use Permit to Allow Accessory Structure to Exceed Height of Principal Structure; Variance to Allow 1' Rear Yard Setback at 203 N. Kansas Avenue: Tony Hathhorn testified he is requesting a conditional use permit and variance to allow him to build an rv carport in front of an existing garage. The conditional use permit would allow the carport to exceed the height of the house by 3' in order to accommodate a pickup with mounted camper that includes an A/C unit. The variance would allow the carport to sit 1' from the property line and in line with the existing garage. The carport would have no sides and would be no wider than the existing garage. If he were to abide by the 5' setback requirement it would not be uniform with the garage.

With no further testimony, the hearing was closed at 8:13 p.m.

Lorrie Tracy & Leah Souders - Variance to Allow Zero Side Setback North & South of Proposed Common Side Lot Line at 1203 N. Oregon Avenue: Lorrie Tracy (8144 Estates Boulevard) testified she owns the property with her daughter Leah Souders, and presented the history of the property. A home was built by Joanne Hopper and a time came when she needed care. Ms. Hopper purchased 25' of the property next door and built an adjoining home in which her children lived and cared for her. The homes were with a walkway through the adjoining garages. The property is zoned multi-family residential allowing for a townhome and has been a duplex rental since 2006. Feels the best use of the property is two separate single family homes. Ms. Tracy is requesting a variance to allow a zero side setback north and south of a proposed common side lot line that allows for a property line to be established between the adjoining homes. If approved, a firewall would be completed, utilities would be separated, an existing fence moved to the proposed property line and CC&R's would apply.

Tony Klein (1301 N Oregon Avenue) testified to concerns regarding setbacks and validity of a townhome with utilities under one service meter.

Rick Watkins stated written testimony was received from Kenyon Butler in opposition to the proposal.

With no further testimony, the hearing was closed at 8:37 p.m.

Ernest Gentry Sr. - Conditional Use Permit to Allow Accessory Structure to Exceed Height of Principal Structure; Variance of East Side Yard Setback at 705 NW 3<sup>rd</sup> Drive: Ernest and Betty

Gentry testified they have an rv carport that has been in place for twenty years. The carport with a height of 14' was installed to cover a fifth wheel rv and sits on the east side of their home towards the back of the property. The carport exceeds the 12'6" height of their house and sits 1.5' from the east side yard setback. They were told at the time they didn't need a permit.

Rick Watkins stated written testimony was received from Tom & Arlene Morrison in support of the proposal.

With no further testimony, the hearing was closed at 8:49 p.m.

Gary & Robin Dreyer - Conditional Use Permit to Allow a Bed & Breakfast at 411 SW 2<sup>nd</sup> Street: Gary Dreyer testified they are requesting a conditional use permit to allow them to rent a private room and bathroom in their home to overnight guests. Ample parking is available and a back door entrance. The neighbors have a hedge and trees that ensure their privacy and guests are limited to two at a time and often one vehicle. There is no impact on the neighboring properties.

With no further testimony, the hearing was closed at 9:00 p.m.

APEX Land Group, LLC - Annexation, Zone Designation of Single Family Residential, Preliminary Plat of Zeller's Crossing Subdivision - Three Parcels in the South 100-700 Blocks of E. 1<sup>st</sup> Street: Andrew Kimmel (3050 N. Lakeharbor Lane, Ste. 201, Boise) representing Great West Engineering, Inc. testified they are proposing the annexation and zone designation of single family residential of property off E. 1<sup>st</sup> Street in order to develop the Zeller's Crossing Subdivision. Mr. Kimmel presented to the commission an updated preliminary plat addressing review comments from the city engineers. Items that remained to be addressed with the city engineers were bends in the road that are not in compliance with the radius required, and lots with irregular shapes. The development may occur in four phases resulting in 107 buildable lots, with a large common area of grass over the 75' gas pipeline easement. The perimeter will be fenced with 6' vinyl fencing.

Rick Watkins stated written testimony was received from Idaho Transportation Department, Will Mason of Mason & Associates, County Assessor's Office, and William Russell of T-O Engineers.

Clinton & Annie Marshall (2130 E. 1<sup>st</sup> Street) testified they were concerned with the expansion of city limits and the impact on traffic. Traffic interruptions from construction, increase in traffic and congestion were among their concerns.

Jeff Presher & Francine Matsubu (2005 E. 1<sup>st</sup> Street) testified they would like to see a fence around the development to protect their property and assurance they would not be annexed as they desire to remain in the county. There is an irrigation issue that needs to be repaired as water leaks before it reaches their property and limits the amount of water they receive. They feel E. 1<sup>st</sup> Street is not wide enough to accommodate a hundred new homes.

Andrew Kimmel testified the irrigation issue will be fixed and a traffic impact study has confirmed the streets can handle the traffic. They will widen E. 1<sup>st</sup> Street as it applies to their development and include sidewalk.

With no further testimony, the hearing was closed at 9:32 p.m.

### Regular Meeting

#### Decisions:

Jackie Frazier - Conditional Use Permit to Operate a Daycare Center and Preschool at 1718 N. Whitley Drive: Commissioner Smith made the motion to approve a conditional use permit to operate a daycare center and preschool at 1718 N. Whitley Drive. Commissioner DeCroo seconded the motion. Motion carried.

Tony Hathhorn - Conditional Use Permit to Allow Accessory Structure to Exceed Height of Principal Structure at 203 N. Kansas Avenue: Commissioner Percy made the motion to approve a conditional use permit to allow a carport not to exceed the height of 16.5' with the condition the carport is removed once Mr. Hathhorn no longer resides at 203 N. Kansas Avenue. Commissioner Smith seconded the motion. Motion carried.

Ernest Gentry Sr. - Conditional Use Permit to Allow Accessory Structure to Exceed Height of Principal Structure at 705 NW 3<sup>rd</sup> Drive: Commissioner Percy made the motion to approve a conditional use permit to allow a carport to exceed the height of the home with the condition the carport is removed once Mr. Gentry no longer resides at 705 NW 3<sup>rd</sup> Drive. Commissioner Heitz seconded the motion. Motion carried.

Gary & Robin Dreyer - Conditional Use Permit to Allow a Bed & Breakfast at 411 SW 2<sup>nd</sup> Street: Commissioner Smith made the motion to approve a conditional use permit to allow a bed and breakfast at 411 SW 2<sup>nd</sup> Street. Commissioner Heitz seconded the motion. Motion carried.

#### Recommendations:

Tony Hathhorn - Variance to Allow 1' Rear Yard Setback at 203 N. Kansas Avenue - Commissioner Dickinson made the motion to send an unfavorable recommendation to the city council for a variance of the rear yard setback at 203 N. Kansas Avenue. Commissioner Smith seconded the motion. Motion carried.

Lorrie Tracy & Leah Souders - Variance to Allow Zero Side Setbacks North & South of Proposed Common Side Lot Line at 1203 N. Oregon Avenue: Commissioner Smith made the motion to send a favorable recommendation to city council for a variance to allow a zero side setback north and south of a proposed common side lot line at 1203 N. Oregon Avenue. Commissioner DeCroo seconded the motion. Motion carried.

Ernest Gentry Sr. - Variance of East Side Yard Setback at 705 NW 3<sup>rd</sup> Drive: Commissioner Percy made the motion to send an unfavorable recommendation to city council for a variance of the east side yard setback at 705 NW 3<sup>rd</sup> Drive. Commissioner Smith seconded the motion. Motion carried.

APEX Land Group, LLC - Annexation, Zone Designation of Single Family Residential - Three Parcels in the South 100 -700 Blocks of E. 1<sup>st</sup> Street: Commissioner Heitz made the motion to send a favorable recommendation to city council for the annexation and zone designation of Single Family Residential as proposed. Commissioner Dickinson seconded the motion. Motion carried.

APEX Land Group, LLC - Preliminary Plat of Zeller's Crossing Subdivision - Three Parcels in the South 100 - 700 Blocks of E. 1<sup>st</sup> Street: Commissioner Heitz made the motion to send a favorable recommendation to city council for the preliminary plat of Zeller's Crossing Subdivision upon satisfying city engineer's concerns. Commissioner DeCroo seconded the motion. Motion carried.

Impact Area Recommendations:

Transfer of Development Right - From The Cornell 1994 Revocable Trust at SW 2<sup>nd</sup> Avenue & Elmore Road - To Russell & Hollie Watson at Brooks Drive & Elmore Road: Commissioner Smith made the motion to send a favorable recommendation to the city council for a transfer of development right as proposed. Commissioner DeCroo seconded the motion. Motion carried.

Appeal of Decision for Conditional Use Permit Allowing Concrete Batch Plant & Improvements on Agri-Service Way: Commissioner Pearcy made the motion to send a favorable recommendation to the city council in support of the appeal as presented. Commissioner DeCroo seconded the motion. Motion failed. Commissioner Smith made the motion to send a unfavorable recommendation to the city council. Commissioner Heitz seconded the motion. Motion carried.

Chairman Carlman adjourned the meeting at 10:20 p.m.

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Barry Carlman, Chairman

ATTEST:

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Beth Earles, Secretary