

## NOTICE OF PUBLIC HEARING

Notice is hereby given of a public hearing to be held before the Fruitland City Council at Fruitland City Hall, 200 S. Whitley Drive, Fruitland, ID on November 25, 2024 at 7:00 P.M. or as soon thereafter as may be heard, to consider a request by JKB Properties for a zone change and comprehensive plan change from General Commercial to Light Industrial and Development Agreement for 1227 S. Pennsylvania Avenue, more specifically described as:

Land in Payette County, Idaho, as follows:

All that portion of Blocks 18 and 19 in Recorders' Plat of Section 27, in Township 8 North, Range 5 West of the Boise Meridian, County of Payette, State of Idaho, lying North and East of Highway #95 as it now exists.

Excepting therefrom the above-described land the following:

Beginning at the Northeast corner of said Block 18;

Thence, West 330 feet;

Thence, South 132 feet;

Thence, East 330 feet;

Thence, North 132 feet to the Point of Beginning.

And further excepting therefrom that portion of the above-described parcel granted to the City of Fruitland in Correction Deed recorded February 28, 2006 as Instrument No. 333269, Official Records.

SUBJECT to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

Together with all water and water rights, ditches and ditch rights, minerals and mineral leases, tenements and hereditaments, appurtenances and fixtures, easements, rights, privileges, permits and licenses thereunto belonging, in anywise appertaining or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof.

Citizens are encouraged to provide oral and written testimony. The applications and supporting documentation may be reviewed at the office of the City Clerk during regular office hours 8AM - 5PM, Monday-Friday or on our website at [www.fruitland.org](http://www.fruitland.org).

Suzanne Pearcy- City Clerk



# Annexation, Comprehensive Plan Change, Zone Change Application

200 S. Whitley Drive/P.O. Box 324 Fruitland, Idaho 83619 Phone: 208-452-4946

Danny Little, Zoning Administrator  
[dlittle@fruitland.org](mailto:dlittle@fruitland.org)

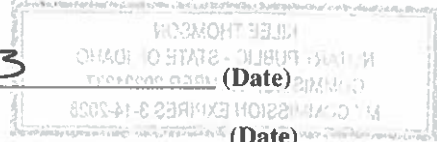
[www.fruitland.org](http://www.fruitland.org)

Beth Earles, Secretary  
[bearles@fruitland.org](mailto:bearles@fruitland.org)

APPLICANT: JKB Properties  
Address: 1227 S. Pennsylvania Ave Fruitland, ID  
Mailing Address: 7077 S. Whitley Dr. Fruitland, ID  
Telephone: 208 739-3496 Fax: \_\_\_\_\_ E-mail: Ryan@ModernAutoService.net

### FILING CAPACITY:

- Recorded property owner as of Jan 2023 (Date)
- Purchasing as of \_\_\_\_\_ (Date)
- Leasing property as of \_\_\_\_\_ (Date)
- Authorized agent of any of the foregoing, duly authorized in writing.  
(Written authorization must be attached.)



### ENGINEER/ARCHITECT:

Name: KM Engineering (Joe Pachner)  
Address: 5725 N. Discovery Wy, Boise  
Telephone: (208)639-6939 Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY AND PLOT PLAN: *Submit a drawing of property stamped by an Idaho Engineer and a legal description with metes and bounds. The drawing and legal description shall be submitted in such form as to be acceptable to the Idaho State Tax Commission, Payette County Clerk, Payette County Treasurer and the Payette County Assessor.*

Size of Area: .3 acres, and/or \_\_\_\_\_ sq. ft.

Description of Existing Use: Overflow Parking for Modern Auto Service

### ZONING:

Present: Commercial Proposed: Light Industrial

### COMPREHENSIVE PLAN:

Present: General Commercial Proposed: Light Industrial

JUSTIFICATION:

State reason for requested action. Response to Demand letter

APPLICANT CERTIFICATION:

Juane Baxter, being first duly sworn, deposes and says that he/she is the applicant and knows the contents thereof to be true to his/her knowledge.

Juane Baxter  
Applicant's Signature

Subscribed and sworn to before me this 3 day of July 2024.



Kilee Thomson  
Notary Public for Idaho

Residing at: Payette

My Commission Expires: 3-14-2028

OWNER CERTIFICATION:

I have read and consent to the filing of this application as the owner of record of the property being considered in this application.

Name: Juane

Address: 7077 Whitley Dr. Fruitland, ID

Telephone: (208) 739-2334 Fax: \_\_\_\_\_ E-mail: JuaneBaxter@gmail.com

Owner's Signature: Juane Baxter Date: 7/3/24

FILING FEES:

- Annexation \$500.00
- Comprehensive Plan Change \$500.00
- Zone Change \$500.00

TOTAL FEES: 500

If any combination of the above are requested together, application fee will be a total of \$500.00  
All costs for engineer reviews will be billed to the applicant.

S PENNSYLVANIA AVE

1155



1177



FRUITLAND EI



1225



1227



1200



5

**Juane & Ryan Baxter**

**JKB Properties**

**8/13/24**

Dear Planning and Zoning Commission,

I apologize that I had a conflicting commitment tonight, I will be unable to attend the hearing this evening regarding our request to change the zoning of our property.

On April 30th, we received a demand letter from MSBT Law notifying us that our business (Modern Auto Service) was out of compliance with the zoning code due to parking vehicles on the lot south of our shop. To rectify this, we have requested a zoning change from commercial to light industrial.

If you have any questions or require additional information, please feel free to contact me directly.

Sincerely,

**Juane and Ryan Baxter**

**JKB Properties**



July 9, 2024

Beth Earles, Secretary  
Planning and Zoning Commission  
City of Fruitland  
P.O. Box 324  
Fruitland, ID 83619

**SUBJECT:** JKB Properties Comprehensive Plan Amendment and Zone Change Application

Dear Ms. Earles:

Ardurra has reviewed the application for a comprehensive plan amendment and rezone from General Commercial to Light Industrial for 1227 S Pennsylvania Avenue. Ardurra has reviewed the described change to assure it meets the transportation requirements of the City. As such, we offer the following comments:

1. We have no objection to the Comprehensive Plan Amendment and rezone request.
2. The applicant should be advised that they will need to coordinate with the City if they plan to make any proposed changes to the access onto Pennsylvania Avenue. Any proposed access along US-95 will require coordination with the Idaho Transportation Department.

Thank you for giving Ardurra the opportunity to review this comprehensive plan amendment and rezone application.

Sincerely,



for:

William H. Russell, PE  
Ardurra  
Enclosures  
WHR/ps

## Beth Earles

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**From:** Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>  
**Sent:** Tuesday, July 23, 2024 7:47 AM  
**To:** Beth Earles  
**Subject:** RE: Fruitland Land Proposal - JBK Properties

Good Morning, Beth –

Is there an intended use change? In the application the reason for change is stated as "response to demand letter."

If there is no intended change in traffic generation, ITD will have no comment. However, if they are intending to add trips that may impact US-95, I will need a better look.

Thank you!



*Niki Benyakhlef*  
Development Services Coordinator

**District 3 Development Services**  
O: 208.334.8337 | C: 208.296.9750  
Email: [niki.benyakhlef@itd.idaho.gov](mailto:niki.benyakhlef@itd.idaho.gov)  
Website: [itd.idaho.gov](http://itd.idaho.gov)

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**From:** Beth Earles <BEarles@fruitland.org>  
**Sent:** Monday, July 22, 2024 2:33 PM  
**To:** D3 Development Services <D3Development.Services@itd.idaho.gov>  
**Cc:** Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>  
**Subject:** Fruitland Land Proposal - JBK Properties

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

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Hello,

The Fruitland Planning and Zoning Commission will hold a public hearing on August 13, 2024 to consider a request by JKB Properties for a zone change and comprehensive plan change from General Commercial to Light Industrial for 1227 S. Pennsylvania Avenue.

Attached is the public hearing notice and application submitted. Please submit any comments you may have in regards to this matter.

Thank you,

*Beth Earles*  
Building/Zoning Clerk  
City of Fruitland

The regular meeting of the Fruitland Planning and Zoning Commission was held at the Fruitland City Hall on Tuesday, August 13, 2024 at 7:00 p.m. Commissioners present were Helen Dickinson, Jim Ashley, Terry Heitz, Tami DeCruo, Mike Smith, Gwen Crow, and Tanya Lopez. Commissioners Barry Carlman and Sharon Blacketter were absent. Staff present were Danny Little and Beth Earles. Guests included Stuart Grimes, Brandon Tarvin, and Craig Smith.

Commissioner Dickinson made a motion to approve the July 9, 2024 meeting minutes. Commissioner Ashley seconded the motion. Motion carried.

### Public Hearings

Zoning Administrator, Danny Little, opened the first hearing at 7:02 p.m. and explained public hearing procedures. Mr. Little asked for the commission to disclose any conflicts. No conflicts were declared.

JKB Properties – Zone Change and Comprehensive Plan Change from General Commercial to Light Industrial for 1227 S. Pennsylvania Avenue: The applicant was unable to attend due to a prior commitment. Mr. Little explained the current use of the property is noncompliant with the General Commercial zoning. Written testimony was received from Idaho Transportation Department and Ardurra. With no further testimony received, Mr. Little continued the hearing until the next regular meeting scheduled for September 10, 2024.

The second hearing was opened at 7:15 p.m.

Alicia Ewing – Conditional Use Permit to Allow an Off-Premise Sign at 401 N. Whitley Drive: Craig Smith (306 S. Poplar Bluff Ave., Eagle) testified he had been retained by Alicia Ewing to construct a sign for the new Snake River Veterinary Clinic. In applying for a permit it was determined the sign would be considered an off-premise sign as the clinic is situated at 405 N. Whitley Drive and the sign would be on a separate parcel at 401 N. Whitley Drive. Ms. Ewing owns both parcels. A conditional use permit is requested to allow the off-premise sign.

No written testimony or public testimony was received. The hearing was closed at 7:20 p.m.

### Decision

Alicia Ewing – Conditional Use Permit to Allow an Off-Premise Sign at 401 N. Whitley Drive: Commissioner Ashley made a motion to approve an off-premise sign for the Snake River Veterinary Clinic to be erected at 401 N. Whitley Drive with the condition if the property is sold separately, the sign must relate to the property and the activities being conducted thereon. Commissioner Dickinson seconded the motion. Motion carried.

### Recommendations



JKB Properties – Zone Change and Comprehensive Plan Change from General Commercial to Light Industrial for 1227 S. Pennsylvania Avenue: The commission discussed the desire for a development agreement due to the property being situated at the entrance to the city. A recommendation was deferred due to the hearing being continued.

Vice Chairman Terry Heitz adjourned the meeting at 7:23 p.m.

\_\_\_\_\_  
Terry Heitz, Vice Chairman

ATTEST:

\_\_\_\_\_  
Beth Earles, Secretary

The regular meeting of the Fruitland Planning and Zoning Commission was held at the Fruitland City Hall on Tuesday, September 10, 2024 at 7:00 p.m. Commissioners present were Tanya Lopez, Helen Dickinson, Jim Ashley, Terry Heitz, and Sharon Blacketter. Commissioners Barry Carlman, Mike Smith, Tami DeCroo, and Gwen Crow were absent. Staff present were Danny Little and Beth Earles. Guests included Ryan Baxter.

Commissioner Ashley made the motion to approve the August 13, 2024 meeting minutes. Commissioner Dickinson seconded the motion. Motion carried.

Public Hearing

JKB Properties – Zone Change and Comprehensive Plan Change from General Commercial to Light Industrial for 1227 S. Pennsylvania Avenue (Cont'd from August 13, 2024): Ryan Baxter testified he is currently using the property for overflow parking from his neighboring auto repair business. Mr. Baxter requested a zone change and comprehensive plan change to Light Industrial to bring the use of the property into compliance. Mr. Baxter testified he would like a development agreement to include screening, a timeline up to 90 days for abandoned vehicles, and an alternative to paving the lot. Mr. Baxter testified he received a variance for the adjoining lot and will be requesting a variance to the landscape buffer along Hwy. 95 for conformity.

With no written or public testimony received, the hearing was closed at 7:26 p.m.

Recommendation

JKB Properties – Zone Change and Comprehensive Plan Change from General Commercial to Light Industrial for 1227 S. Pennsylvania Avenue: Commissioner Dickinson made the motion to send a favorable recommendation to the city council for a zone change and comprehensive plan change from General Commercial to Light Industrial for 1227 S. Pennsylvania Avenue contingent upon a favorable development agreement. Commissioner Blacketter seconded the motion. Motion carried.

Adjournment

Commissioner Lopez made the motion to adjourn the meeting at 7:32 p.m. Commissioner Blacketter seconded the motion. Motion carried.

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Terry Heitz, Vice Chairman

ATTEST:

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Beth Earles, Secretary

**CITY OF FRUITLAND  
FINDINGS OF THE PLANNING & ZONING COMMISSION**

**INTRODUCTION**

JKB Properties submitted an application for a zone change and comprehensive plan change from General Commercial to Light Industrial for property at 1227 S. Pennsylvania Avenue in order to bring the property into compliance with the use of overflow parking.

The Fruitland Planning & Zoning Commission held a public hearing on August 13, 2024 and due to the absence of the applicant or representative, the hearing was continued to September 10, 2024. After hearing testimony from the applicant, the commission approved a motion to send a favorable recommendation to the city council upon a favorable development agreement.

**STANDARDS APPLIED**

The standards applied by the Commission in making its decision are set forth in the Fruitland City Code, in particular Title 10, Chapter 4, the Fruitland Comprehensive Plan, and Title 67, Chapter 65 of Idaho Code.

**FINDINGS OF FACT**

At the time the application was filed the subject property was being used for overflow parking from an auto repair business on the adjoining property.

The publication requirements for the hearing have been met as required by Fruitland City Code and the laws of the State of Idaho. Publication for the August 13, 2024 hearing occurred on July 27, 2024. The subject property was properly posted with notice pursuant to Idaho Code 67-6512.

The subject property is owned by the applicant as of January 2023.

Testimony was presented as follows:

Ryan Baxter testified he is currently using the property for overflow parking from his neighboring auto repair business. Mr. Baxter requested a zone change and comprehensive plan change to Light Industrial to bring the use of the property into compliance. Mr. Baxter testified he would like a development agreement to include screening, a timeline up to 90 days for abandoned vehicles, and an alternative to paving the lot. Mr. Baxter testified he received a variance for the adjoining lot and will be requesting a variance to the landscape buffer along Hwy. 95 for conformity.

Written testimony was received from Ardurra and the Idaho Transportation Department.

**CONCLUSIONS**

Title 10, Chapter 4 of the Fruitland City Code sets forth the standards for Zone Changes. In order for a zone change to be approved particular factors must be taken into consideration.

10-4A-6 (A) *The compatibility of the proposed zone with surrounding uses and zones.* The subject property is bordered on the north by property zoned Light Industrial with an auto repair business; on the west and south by Hwy. 95; the east by S Pennsylvania Avenue.

10-4A-6 (B) *Availability of power, water, sewer, fire protection, police protection and school facilities.* The subject property has the availability and access to utility services, fire protection, police protection and school facilities.

10-4A-6 (C) *Access to highways.* The subject property is bordered on the west and south by US Highway 95.

10-4A-6 (D) *Burdens imposed upon taxing entities for services which will have to be provided.* There will be no burden imposed for services to be provided to the subject property.

10-4A-6 (E) *Location in relation to floodplain and airport approaches.* The subject property is not in a floodplain, airport approach, or within the heliport zone.

10-4A-6 (F) *Easements, encumbrances, adverse interests.* No encroachments on easements, encumbrances, or adverse interests appear to exist.

10-4A-6 (G) *The opinions of surrounding landowners entitled to notice.* Hearing notices were sent to surrounding property owners as required by Fruitland City Code and Idaho Code. No testimony was received from surrounding property owners.

10-4A-6 (H) *Availability of drainage structures and refuse disposal.* Drainage will be provided through the required landscape buffer and permeable surface of the lot. Refuse disposal is accessible.

10-4A-6 (I) *Opinions of other local or state agencies required to provide services or issue permits.* Notices were sent to local and state agencies as required by the Fruitland City Code and Idaho Code. Written testimony was received from Idaho Transportation Department and Ardurra advising any changes to accesses will need to be coordinated with the Idaho Transportation Department and city.

10-4A-6 (J) *Zone change will not set a precedence for future uses incompatible with existing uses.* A zone change to Light Industrial will not set a precedence for future uses incompatible with existing use of overflow parking.

10-4A-6 (K) *Compatibility or conflict with the comprehensive plan.* The proposed zone change to Light Industrial is compatible with objectives of the comprehensive plan.

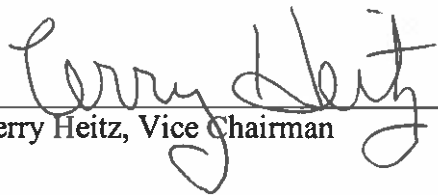
10-4A-6 (L) *Any other factors relevant to the suitability of rezoning the property.* The subject property is a gateway corridor to the city. The zone change and development of the property meets Objective 2.3.3.c of the Fruitland Comprehensive Plan for gateway corridor improvements and/or modifications to occur with new development.

**RECOMMENDATION**

The Fruitland Planning & Zoning Commission, pursuant to the aforementioned, enters the following recommendation in the matter of the application for a zone change and comprehensive plan change as submitted by JKB Properties:

FAVORABLE recommendation for the zone change and comprehensive plan change from General Commercial to Light Industrial for 1227 S. Pennsylvania Avenue upon a favorable Development Agreement.

DATED this 10<sup>th</sup> of September, 2024.

  
Terry Heitz, Vice Chairman

**ATTEST:**

  
Beth Earles, Secretary



## Development Agreement Application

200 S. Whitley Drive/P.O. Box 324 Fruitland, Idaho 83619 Phone: 208-452-4946

Danny Little, Zoning Administrator  
[dlittle@fruitland.org](mailto:dlittle@fruitland.org)

[www.fruitland.org](http://www.fruitland.org)

Beth Earles, Secretary  
[bearies@fruitland.org](mailto:bearies@fruitland.org)

APPLICANT: JKB Properties LLC  
Address: 1227 S. Pennsylvania Ave  
Mailing Address: 7077 Whitley Dr.  
Telephone: 208 739-3496 cell: 208 739-2334 Fax: \_\_\_\_\_  
E-mail: Ryan@ModernAutoService.net

### FILING CAPACITY:

- Recorded property owner as of 12/13/23 (Date)  
 Purchasing as of \_\_\_\_\_ (Date)  
 Leasing property as of \_\_\_\_\_ (Date)  
 Authorized agent of any of the foregoing, duly authorized in writing.  
(Written authorization must be attached.)

### LEGAL DESCRIPTION OF PROPERTY: (Attach if necessary)

Attached

STATEMENT: Specify the present and future proposed use or uses of the property upon which the development agreement is sought.

The property is currently being used for overflow parking but is not compliant with city code. We are bringing property into compliance

DEVELOPMENT: Explain the time period for which the agreement is requested to be valid, including the time period with which the development or use must commence and the time period within which the development and the terms of the agreement are to be completed. Include the phasing plan and proposed phasing schedule.

I'm requesting to commence the project in April 2025 and have them completed in one year. I believe this time frame will be adequate to secure financing and complete the project.

CONCEPT PLAN: Submit three sets of site plan drawn to scale. Submit one 11" x 17" copy. Include the following:

- Existing structures which will remain, labeled as to existing and proposed uses.
- Building footprint, height, number of stories, proposed uses (office, retail, restaurant, etc.) and square footage of proposed structures. If residential, overall density and number of dwelling units per building. (If single family residential, information of proposed structures is not necessary).
- North arrow.
- The scale of the drawing.
- Property boundary.
- Names of applicant, owner(s) (if different than applicant), plan preparer, project.
- Size of project.
- Existing vegetation, labeled as to remain or be removed.
- Existing and generalized proposed grades for hillside developments.
- Parking areas with total number of parking spaces shown.
- Locations and widths of rights of way, easements, canals, ditches and property lines.
- Drainage features.
- Conceptual landscape plan.

AMENDMENTS:

Instrument Number: \_\_\_\_\_ Record Date: \_\_\_\_\_

1<sup>st</sup> Amendment       2<sup>nd</sup> Amendment       3<sup>rd</sup> Amendment       \_\_\_\_\_ Amendment

Submit a detailed statement addressing the reason for the request and proposed amendments.

FILING FEE:                      \$500.00

AFFIDAVIT OF OWNER:

I understand that failure to comply with all commitments in the approved development agreement shall be deemed consent to rezone the property to the pre-existing zone, or in the case of an initial zone at annexation, a zone deemed appropriate by the Council or de-annexation. I further understand that with the submission of this application, all time limits pertaining to or required by city code are waived. As property owner, I agree to submission of the use and property for a development agreement.

Property Owner's Signature \_\_\_\_\_  
(if different than applicant)

Applicant's Signature \_\_\_\_\_

STATE OF Idaho \_\_\_\_\_ )

) S.S.

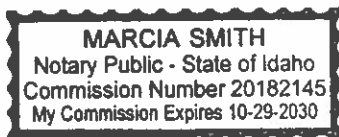
COUNTY OF Payette \_\_\_\_\_ )

On this 12 day of September, in the year of 2024, before me

\_\_\_\_\_, Notary Public, personally appeared

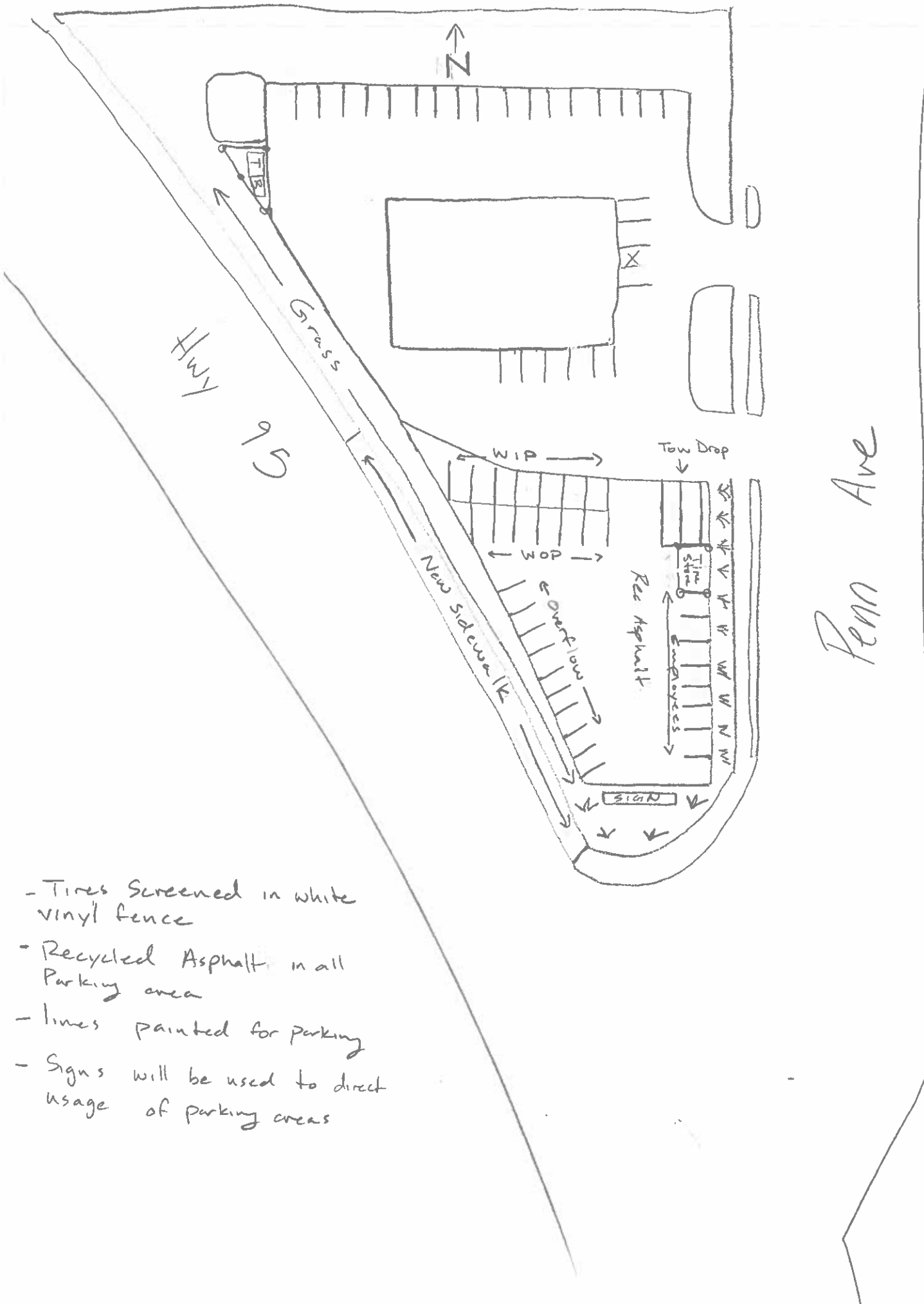
Ryan Baxter, known or identified by me to be the

person (s) whose name (s) is/are subscribed to the within instrument, and acknowledged to me that he/they executed the same.



Marcia Smith  
Notary Public

My Commission Expires: 10-29-2030



- Times Screened in white vinyl fence
- Recycled Asphalt in all Parking area
- lines painted for parking
- Signs will be used to direct usage of parking areas

PENN Ave



**Tow  
Truck  
Drop**





# **Customer Parking**

**No  
Parking  
Keep Clear**



**CITY OF FRUITLAND  
FINDINGS OF THE PLANNING & ZONING COMMISSION**

**INTRODUCTION**

JKB Properties submitted an application for a development agreement for the development of 1227 S. Pennsylvania Avenue following a favorable recommendation from the Fruitland Planning and Zoning Commission for a zone and comprehensive plan change from General Commercial to Light Industrial subject to a favorable development agreement.

The Fruitland Planning & Zoning Commission held a public hearing on October 8, 2024. After hearing testimony from the applicant, the commission approved a motion to send a favorable recommendation to the city council.

**STANDARDS APPLIED**

The standards applied by the Commission in making its decision are set forth in the Fruitland City Code, in particular Title 10, Chapter 8, the Fruitland Comprehensive Plan, and Title 67, Chapter 65 of Idaho Code.

**FINDINGS OF FACT**

At the time the application was filed the subject property was being used for overflow parking from an auto repair business on the adjoining property.

The publication requirements for the hearing have been met as required by Fruitland City Code and the laws of the State of Idaho. Publication for the October 8, 2024 hearing occurred on September 21, 2024. The subject property was properly posted with notice pursuant to Idaho Code 67-6512.

The subject property is owned by the applicant as of January 2023.

Testimony was presented as follows:

Ryan Baxter testified he agreed with the draft development agreement with clarification he would like to install a 6' tall white vinyl fence to enclose two parking stalls to screen used tires.

No written or public testimony was received.

**CONCLUSIONS**

The proposed agreement conforms to the general objectives of the city as objectives relate to public health, safety and welfare.

The development agreement will not hamper the proposed zoning designation, will be compatible with surrounding uses, will not set precedence for future incompatibility.

**RECOMMENDATION**

The Fruitland Planning & Zoning Commission, pursuant to the aforementioned, enters the following recommendation in the matter of the application for a development agreement as submitted by JKB Properties:

FAVORABLE recommendation for a development agreement as it relates to the development of 1227 S. Pennsylvania Avenue.

DATED this 8<sup>th</sup> of October, 2024.

  
\_\_\_\_\_  
Barry Carlman, Chairman

**ATTEST:**

\_\_\_\_\_  
Beth Earles, Secretary