

**MINTUES
PAYETTE PLANNING & ZONING
Public Hearing & Regular Meeting
February 27, 2014**

6:00 PM – Regular Meeting

ROLL CALL: Cassandra McElravy, Kevin Hanigan (late 6:05pm), Gary Youngberg, Randy Choate, Tom Ladley & Jody Henderson
Members Absent: Jim Franklin was excused.
Staff Present: Mary Cordova, P & Z Admin; Tiffany Howell, Assistant City Clerk

I. APPROVAL OF MINUTES

A. 01-27-2014 Regular Meeting Minutes

A motion was made by Ladley and seconded by Youngberg to approve the regular meeting minutes 01-27-2014 as written.

After a unanimous voice vote by the Commission, the motion CARRIED.

II. COMMUNICATIONS

A. Geophysical Operations – Cordova stated that they have been asked to enter into a contract with Alta Mesa to permit seismic testing on City owned property, and the City Council will hear public input on March 3rd.

III. PUBLIC HEARINGS

A. An application by Gary & Sidni Mordhorst dba Meechan's Diner for a Conditional Use Permit to serve beer and wine at 116 No Main St, In Gorrie Addition to Payette, as per Plat in Book 1, Page 19, Plat Records, Payette County, Idaho. The property is zoned C-1 Commercial Downtown.

Gary Mordhorst – 10225 Payette Heights Rd; Payette, Idaho

Gary stated that they are not changing anything from what has been happening there over the last 60 years. Gary stated that we just want to continue to serve beer and wine.

Carol Bruce – 10550 Hwy 95; Payette, Idaho –

Mrs. Bruce stated that it has been one of the longest businesses in Payette and has been owned by this family for at least 20 years. Mrs. Bruce stated that this is a good business and is a meeting place for prior mayors and city council members.

Cordova stated that since we had no one opposing item A, we have no issues with this application.

B. An application by Jennifer & Dean Berryman dba DCS Technologies LLC for a Conditional Use Permit to operate a home occupation at 2090 Center Ave, Lots 1, 2, 3 and 4 in Block 2 of Patch's First Subdivision, as per Plat in Book 2, Page 20, Plat Records, Payette County, Idaho. The property is zoned A-Residential.

Nial Brandshaw – 2365 Center Avenue; Payette, Idaho

Mr. Bradshaw stated that he would like to leave this as a residence and would like you to not approve this conditional use permit. He does not want to turn into his own neighborhood and see this sort of a business going on in a residential area. Mr. Bradshaw stated that he understands why they want to do it in their home, but he does not want to see it in his neighborhood. Commissioner Ladley asked where the neon open sign was. Mr. Bradshaw stated the sign is in the window. Commissioner Youngberg asked Mr. Bradshaw if there was no signage would Mr. Bradshaw see a problem. Mr. Bradshaw stated yes, there are a lot of vehicles and it is an eyesore for the neighborhood.

Dean Berryman – 2090 Center Ave; Payette, Idaho

Mr. Berryman stated that he wants to have a home occupation out of his home, they do have an office in Weiser, but our main office is our home. Commissioner Henderson asked if there is a lot of traffic to the property. Mr. Berryman stated that there are usually 3-4 cars a day. Commissioner Hanigan stated that there are some issues with the sign. Mr. Berryman stated that they do have a neon sign in the window and a sign on the mailbox. Mr. Berryman stated that he wants to have it on his mailbox. Mr. Berryman stated that he would like to have some sort of a sign on his property but if it is a deal breaker then he can remove it. Commissioner Hanigan asked how Mr. Berryman felt about seeing ten of his neighbors with signs. Mr. Berryman stated that he would not mind it if there was some sort of sign requirement. If we have to remove the sign we will.

Cordova stated that item B is a hard one because they lost sight of the requirements of the conditional use permit. Cordova stated that we started to receive complaints from other businesses and neighbors and that is why we are here tonight. Cordova stated that A-Residential is the most restrictive zone and there is a reason for that. There are no signs allowed in A-Residential.

C. An application by Chad Dwyer to allow a duplex with residential use at 716 3rd Ave So, In Assessor's Prestel Tract, as per Plat in Book 1, Page 6, Plate Records of Payette County, Idaho: The North 107 feet of Block 5 Expecting Therefrom the West 85 Feet. The property is zoned C-1 Commercial Downtown.

Chad Dwyer – 3562 W Batel; Meridian Idaho

Mr. Dwyer stated that it is a home and has been used as a residence. The home was empty when I purchased it and we are getting ready to convert that back into a residence. Mr. Dwyer stated that it is zoned commercial, but has been used as a residence. Mr. Dwyer stated that there is a home on each side of the residence. Commissioner Hanigan asked if the home was vacant when he purchased it. Mr. Dwyer stated yes.

Peggy Zurcher – 623 20th Ave So; Nampa, Idaho

Ms. Zurcher stated that she owns the home next to this property and she has no issues with it being a duplex.

Cordova stated that item C. We had an error on the application in that in the application, the applicant states that he wants to convert it into a duplex, but the only thing we are in front of you tonight is the residential use.

- D. An application by Brian and Lorie Adams for a Conditional Use Permit to construct a 30'x45' shop with a roof height not to exceed 16' at 2000 7th Ave No, Lot 9 in Block 3 of the Replat of Block 3 of Uehlin's 3rd Addition to the City of Payette, as per Plat in Book 6, Page 66, Plat Records, Payette County, Idaho. The property is zoned A-Residential.

Brian Adams – 2000 7th Ave No; Payette, Idaho

Mr. Adams stated that he would like to build this to store 3 or 4 trailers, snowmobiles and 4-wheelers. Commissioner Choate asked if the drawing was the same or if it had changed. Mr. Adams stated that it is square now instead of the l-shape. Mr. Adams stated that there is a 4 foot barrier that needs to be kept from building to building. Commissioner Youngberg asked if he wants to connect the buildings if he didn't have the requirements. Mr. Adams stated he would like to connect them. Commissioner Youngberg stated that the neighbor last time was concerned about the appearances of the existing building. Mr. Adams stated yes, he has not re-sided that side of the building. Commissioner Choate asked what the issue was with the retaining wall. Mr. Adams stated that he got a letter in the mail stating that he needed to have it engineered.

Wayne Garrian – 2121 Uehlin Drive; Payette, Idaho

Mr. Garrian stated that he does not know the neighbor and has no axe to grind, but his existing building is four inches away from his fence. Mr. Garrian stated that his concern is that he thinks the neighbor is going to build three sides of the building and leave the rest of it open. Mr. Garrian stated that last time if I remember correctly he had to be eight feet from the property line and now I am hearing four feet. Commissioner McElravy stated that it needs to be eight foot away. Mr. Garrian stated that if he is allowed to build one foot away from the property line, I would like to make sure that he is insured and bonded to make sure any damage to my property is taken care of and I do respect that people should be able to do what they want with their property. Commissioner Youngberg asked if there was room between the existing building and his fence. Mr. Garrian stated he doesn't think a cat could walk through there. Commissioner Ladley asked what Mr. Garrian could live with. Mr. Garrian stated that he would only want to see the back side of that existing building sided and to make it look nice. Cordova stated that the current use is allowed unless a building permit is pulled then they need to bring the existing building to code. Commissioner Youngberg asked if he applies for a variance could he keep the building. Cordova stated yes, with a variance he could have it, if it was granted.

Cordova read the following letters for the record:

Janet A. Janke
7177 Chris Lane
Cottonwood Heights, UT 84121
801-943-5582

February 25, 2014

Payette City Planning and Zoning Commission
City of Payette
700 Center Street
Payette, ID 83661

RE: Notice of Public Hearing, February 27, 2014,
Agenda Item #D
Request for Conditional Use Permit to construct a 30X45 ft. shop 16 ft. high
currently zoned for A-Residential use.

Dear Commissioners:

As owners of the Willard and Blanche Ashton property located at 1844 NE 7th Avenue, unfortunately, we are not able to attend this meeting tonight in person. We would, however, appreciate your consideration of the following ideas:

We are against the proposed Conditional Use Permit to build this shop. We perceive 7th Avenue to be a major corridor to access schools, homes, farms, a cemetery, golf course, airport etc. Recent improvements to this street have noticeably affected the area for good. The sidewalks have been a great addition, as well as the subdivision to the north of the proposed "Shop" site and the Church to the south. We understand there is a new residential subdivision planned for the area across the street further north. We would hope there is or will be a Master Plan in place for this part of the City to continue its beautification in the future.

The request for this huge shop is somewhat curious. The dimensions suggest it would be a very large and high building, (much larger than a regular shop or shed), and we feel it would not be a positive enhancement to the street or the residential properties surrounding it. Although we have not seen the plans for the structure, we would ask you to deny this request or any others similarly, if they have an "industrial-like" appearance. Accessory buildings on the property should be customary and complimentary to the single-family dwelling.

If the applicant wishes to pursue this request, we would appreciate receiving a floor plan with elevations of the proposed project for our further review. We are mindful that the proposed building is within the City limits zoned A-Residential. We would hope you would be diligent in seeing that all criteria is met according to code and to the master plan of the 7th Avenue North corridor.

Thank you for your consideration.

Sincerely,

Janet A. Janke
Representative, Willard and Blanche Family Trust

Ralph And Lillian Ashton
1575 S. 600 W.
Oakley, Idaho 83346
208-862-7837

February 25, 2014

Payette City Planning and Zoning Commission
City of Payette
700 Center Street
Payette, Idaho 83661

RE: Notice of Public Hearing, February 27, 2014
Agenda Item #D
Request for Conditional Use Permit to construct a 30X45 ft.
shop 16 ft. high currently zoned for A-Residential use.

Dear Commissioners:

We own property at 1835 7th Ave. N. in Payette. We are unable to attend the Public Hearing, but would like our voice heard concerning the matter of the new structure proposal.

We oppose the proposed structure. It is inconsistent with the present zoning and we believe that its appearance would detract from the intended land use for the future. We would hope that the commission would not deviate from the future master plans for this area.

Thank You,

Ralph and Lillian Ashton

Brian Adams; 2000 7th Ave No; Payette, Idaho-

Commissioner Choate stated that the design you just told us was the I-shape design. Mr. Adams stated that he was confused, that it would be the rectangle building. Commissioner Youngberg asked if the building was for storage purposes or a business. Mr. Adams stated that he does have a business, but he is just using it for storage purposes. Commissioner Hanigan asked if he would need to have a building permit. Mr. Adams stated yes. Commissioner Ladley asked if he could live with a shorter roof height. Mr. Adams stated yes, he could live with it.

Cordova stated that the city has some serious concerns on this issue. Cordova stated the applicant has received a stop work order for the retaining wall that he started on the property. Cordova stated that he was given 30 days to rectify the issues and to date nothing has been done. Cordova stated that there is also a concrete pad that has been poured and is within the setback. Commissioner Hanigan asked if the concrete was poured and the retaining wall that had been started. Cordova stated that yes, it is a misdemeanor violation.

Public Hearing closed at 7:02 p.m.

V. OLD BUSINESS
None heard.

VI. NEW BUSINESS

A. Gary & Sidni Mordhorst dba Meechan's – 116 No Main St - CUP

A motion was made by Hanigan and seconded by Ladley to approve the conditional use permit for Gary & Sidni Mordhorst dba Meechan's at 116 No Main St with the following stipulations: permit can be revisited upon complaints.

After a unanimous voice vote by the Commission, the motion CARRIED.

B. Jennifer & Dean Berryman – 2090 Center Ave – CUP

Commissioner McElravy stated that she lives not far from this residence and she has concerns with the permit.

Commissioner Henderson stated that this area is zoned A-residential for a reason. She also stated that she doesn't want to deny the application but it needs to look like a residence and all signs need to be removed. Commissioner Youngberg stated that having numerous logoed vehicles on the property does cause an issue in a residential neighborhood. Commissioner McElravy stated that we have zoning regulations for a reason and we need to keep A-residential zones A-residential zones.

A motion was made by Hanigan and seconded by Youngberg to approve the conditional use permit to have a home occupation at 2090 Center Avenue with the following stipulations: must comply with all city, state, and federal codes and regulations, can be re-visited upon complains, all off street parking requirements are met and no signs are allowed on the property.

Ayes: Ladley, Hanigan, Youngberg
Nays: Henderson and McElravy

After a roll call vote the motion CARRIED.

C. Chad Dwyer – 713 3rd Ave So – CUP

A motion was made by McElravy and seconded by Henderson to approve the conditional use permit to allow residential use in a commercial zone and that the permit can be re-visited upon complaints.

After a unanimous voice vote by the

Commission, the motion CARRIED.

D. Brian & Lorie Adams – 2000 7th Ave No - CUP

A motion was made by Youngberg and seconded by McElravy to approve the conditional use permit to build a 30'x45' shop at 2000 7th Avenue North with the following stipulations: structure shall be used exclusively now, and in the future, as a pole barn shop, incidental and accessory to the primary single family building on the lot; structure shall not exceed 1,350 square feet, nor exceed 16 feet in height; structure shall not be used at any time for any residential purposes; structure must be in compliance with all applicable setbacks; all federal, state or local rules and regulations must be met; and no building permit is issued until the violation with the retaining wall is corrected.

Ayes: Youngberg, McElravy, and Henderson
Nays: Hanigan and Ladley

After a roll call vote by the
Commission, the motion CARRIED.

VII. PUBLIC COMMENT – None

VIII. ADJOURNMENT

A motion was made by Hanigan and seconded by Ladley to adjourn the meeting at 8:02 p.m.

After a unanimous voice vote by the Commission, the motion CARRIED.

Recording Secretary
Tiffany Howell