

**PAYETTE PLANNING & ZONING COMMISSION
REGULAR MEETING
March 22, 2012**

6:00 PM –Planning & Zoning Meeting

ROLL CALL

Members Present: Larry Hogg, Jim Franklin, Cassandra McElravy, Thomas Ladley, Randy Choate, Kevin Hanigan and Gary Youngberg

Members Absent: None.

Staff Present: Mary Cordova, City Clerk and Tiffany Howell, Assistant City Clerk

APPROVAL OF MINUTES

A motion was made by Franklin and seconded by Ladley to approve the regular meeting minutes 2-23-012 as written.

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

COMMUNICATIONS

None Heard.

PUBLIC HEARINGS

- A. An application by the City of Payette for Rae Subdivision for preliminary subdivision plat, a portion of Block 39 of the Westslope Plat lying within the SE1/4NW1/4 of Section 3, T 8 N, R 5 W, B.M., City of Payette, Payette County, Idaho. The property is zoned C-2 Commercial.

Clerk Cordova stated that the City of Payette would like to withdraw their preliminary plat application.

- B. An application by Jimmy Deng for a Conditional Use Permit to serve beer at 107 N. Main St., Gorrie Lots 19 & 20, Block 5. The property is zoned C-1 Commercial Downtown.

Jimmy Deng – 107 North Main Street; Payette, Idaho 83661

Mr. Deng stated that he is trying to renew his beer license as he forgot to renew it during the renewal period. Commissioner Franklin asked how long he has been out of compliance. Mr. Deng stated that it has only been since December.

- C. An application by the Church of Christ for a Variance of 4 ½ feet to the front setback requirements at 138 S. 9th St., E1/2 Lots 11 & 12, Block 8 Payette, Masters Orig. The property is zoned C-1 Commercial Downtown.

Ed Bryant – 1134 Center Avenue; Payette, Idaho 83661

Mr. Bryant stated that he is the treasurer for the Church of Christ and they want to make the church better by expanding the steps. Mr. Bryant stated that this makes their property end at the steps by adding these streets it puts me in the right of way. Mr. Bryant stated that there is no impediment of foot traffic from the sidewalk. Mr. Bryant stated that the end of the steps is right at the sidewalk and that is the corner of the property as I have been able to determine. Taking 50 feet back from the

center of the road puts us at the steps. Mr. Bryant stated that as you can see we are cramped and that he is wanting to add more height which requires more steps, so that means he has to go further out into the right of way. Mr. Bryant stated that he has watched at different time of the day and people will go buy and short cut through his property, most people never went the direction he wants to add on to. Mr. Bryant stated that he is not impeding any traffic, but he is simply on our property. Mr. Bryant stated that they have room on the side where they currently have a sign for the church, to add an electric wheelchair lift. Mr. Bryant stated that if you have ever pushed anyone up a wheelchair ramp you know how difficult it is, and pushing it up 60 feet would be a lot of work. The easiest solution is by adding the stairs and eventually the ramp.

Commissioner McElravy asked if Mr. Bryant has thought of adding onto the steps to the north. Mr. Bryant stated that is the entrance to the basement that is why it won't work. Commissioner Ladley asked if the landing at the top is big enough for what you want to do. Mr. Bryant stated that the additional space to bring the landing up to the threshold he requires more steps. Mr. Bryant stated that he has to bring it up to the threshold and needs to add 5' and to get the necessary steps he is out 4 ½ feet into the city's property.

- D. An application by Tammy Jacobs for a Variance to allow her parents to live in a 5th wheel at 1150 12th Ave. S., South Park Sub, Lot 16, Block 1. The property is zoned B-Residential.

Tammy Jacobs – 1150 12th Avenue South; Payette, Idaho 83661

Mrs. Jacobs stated that she is requesting to move her parent's in. Her parents are very sick. Her dad is battling cancer and her mom broke her hip last week. Previously when you allowed us to build the house we lived in the fifth wheel with a conditional use permit. Commissioner Franklin asked how she would handle the water and sewer hookup. Mrs. Jacobs stated that she has water and sewer hookups from when they had their 5th wheel back there. Commissioner Hanigan asked how long they plan to keep the 5th wheel on the property. Mrs. Jacobs stated that she does not know as her father has terminal cancer. Commissioner Ladley asked if her father passes away would she continue to have mom in there. Mrs. Jacobs stated that she would not live there by herself.

- E. An application by Wayne Irvin for a Conditional Use Permit to serve beer and wine at 200 N. Main St., as well as install a 6' tall wrought iron and vinyl fence around the front of the property and a 9' tall wrought iron and vinyl fence around the back of the property, Lots 1 & 2, Block 7 Payette, Gorrie. The Property is zoned C-1 Commercial Downtown.

F.
Wayne Irvin- 1267 NE 10th Avenue; Payette, Idaho

Mr. Irvin stated that he had Materials Testing come in and inspect the property and everything came back with flying colors. Mr. Irvin stated that the building to the right is in disrepair and that needs to be removed; the concrete that is falling apart needs to be removed. Mr. Irvin stated that he wants to put a security fence to keep minors out so he can serve beer. Mr. Irvin stated that he also wants to build a stage to have bands. Mr. Irvin stated that he wants to have a gate on Main and cars can drive through the canopy exiting on 2nd allowing him to serve coffee and during the afternoon close the gates to allow the serving of beer and wine. Mr. Irvin stated that if everything goes the way he plans he would like to put in a barbeque grill to grill hamburgers and such to serve to the customers. Mr. Irvin stated that this is going to benefit Payette and he will be hiring 6-7 part time employees.

Commissioner Franklin asked if the Conditional Use Permit is for the fence. Mr. Irvin stated yes. Commissionr Franklin stated that there might be a sight issue. Mr. Irvin stated that this will not be

impeding anymore than the buildings that are already there. Mr. Irvin stated that the crosswalk will be ahead of the fence. Commissioner Hogg asked where the fence will be. Mr. Irvin stated that the fence will be on the inside of the sidewalk. Commissioner Franklin asked Mr. Irvin how cutting the fence back to not impede the sight triangle. Mr. Irvin stated that if he moves it back there are only 3 or 4 feet, and he can maybe angle it. Commissioner McElravy asked if he could do it without the vinyl. Mr. Irvin stated yes, I think the vinyl would be good in the back, and maybe just wrought iron in the front. Commissioner Ladley asked if he will be restoring the main building. Mr. Irvin stated yes, the main building will be restored and the old shop will be torn down. Commissioner Hogg stated that the application says something about 9 feet tall and your narrative will be different. Mr. Irvin stated that the 6 foot will go in the front and the 9 feet will be in the back of the property facing the alley. Commissioner Franklin asked how he feels about angling the fence. Mr. Irvin stated he is willing to work with us but it will not be impeding any more then the buildings that are already there. Commissioner Hanigan asked why he is fencing the whole property. Mr. Irvin stated for security purposes. Mr. Irvin asked if the commissioners would like him to move the fence back 5 feet. Commissioner Hanigan asked if the beer will be served inside. Mr. Irvin stated there will be a bar area inside, but most of the seating will be outside. Commissioner Hanigan stated that he would be more opt to approve this if the fence was put back past the pillars. Commissioner Hogg stated that there is a walkup location to get beer and take it back to you table, what is the traffic pattern. Mr. Irvin stated that there will be parking on Main and 2nd. Commissioner Hogg asked how to get in to the property. Mr. Irvin stated there will be a gate in the drive thru that will open and you can walk in and go back to the fenced area. Mr. Irvin stated that there will only be foot traffic after noon. Commissioner Hogg stated that the reason he asked is if people won't be walking between the fence and the building why do you need a 6 feet fence. Mr. Irvin stated that it is for security and there is a restroom on that side. Commissioner Ladley asked how he will be handling deliveries. Mr. Irvin stated from the street and there will be emergency gates in the back for emergencies and trash. Commissioner Hanigan asked how he feels about moving the fence back. Mr. Irvin stated he will be losing seating. Mr. Irvin stated that it is a liability if he doesn't put the fence up. Commissioner Choate asked how many employees he will be employing. Mr. Irvin stated 7-8 seasonal employees. Commissioner Youngberg stated that nothing has been said about the noise. Mr. Irvin stated that the neighbor is here and that he wants to have vinyl to stop some of the noise. Mr. Irvin stated that for security reasons he wants to see wrought iron for security reasons and you can see right through wrought iron.

Henry Hudgens – 835 2nd Avenue North; Payette, Idaho

Mr. Hudgens stated that this establishment would be on the back side of his property. Mr. Hudgens stated that he would like to have a wrought iron for security because I don't want people running through my property. Mr. Hudgens stated that he has lived there for 15 years and has never had an issue with noise and any time there has been an issue they are willing to walk. Mr. Hudgens stated that he would like to see a wrought iron with vinyl. Commissioner Hogg asked Mr. Hudgens if he ok with why he is proposing. Mr. Hudgens stated yes, he is in support of this.

To whom this may concern,

My name is Melissa Hubbard and I manage the Keystone Pizza in Payette.

As I understand Wayne Lewis is interested in pursuing a conditional use permit to restore the old buildings in north downtown Payette. I honestly believe that this will be a good start to the beautification project for downtown Payette and will also attract a variety of types of consumers to the downtown area which will be beneficial to all the businesses of Payette.

Thank You
Melissa Hubbard, MNR
642-9333

- G. An application by Natural Tree Service for a Conditional Use Permit to store 6 trucks, 3 stump grinders, 2 chippers, 2 trailers and a portable 42' pull behind boom truck at 356 N. 11th St., Block 8 & 9 Payette, Percy Sub. The property is zoned B-Residential.

Carol & Doug Needs – 356 North 11th Street

Mrs. Needs stated that the trucks will be parked on the back of his property as shown in the slide show. Commissioner Hanigan asked how deep the lot is. Mrs. Needs stated 546 feet she believes. Commissioner Hogg asked if he just forgot to renew his license. Mr. Needs stated that he didn't know he need to. Commissioner Ladley asked what was behind their property. Mrs. Needs stated that it is pasture land.

Craig Jensen – 316 15th Avenue North; Payette, Idaho

Mr. Jensen stated that the Needs have had this business for 12 years and from the front of the house you cannot see their equipment. Mr. Jensen stated that this cannot be seen from the road and they take the equipment out at 8am and they are back about 4:30pm. This is not something that would cause disruption to the neighborhood due to hours. Mr. Jensen said he is in favor of this application.

[E]

City of Peapack

I have lived at 1025 4th N since 1990 and the house at 356 N 11th St. has not bothered us and when they started there Natural Tree Service has not bothered us with there trucks going or coming and we work from 12 midnight till 8 a.m.

We thank you ought to give them there permit to keep there trucks & equipment at there location as they bother no one.

Mike & Cathy White
1025 4th N Peapack
208 642-4691



NOTICE OF PUBLIC HEARING

RECEIVED

MAR 15 2012

CITY OF PAYETTE

The Payette City Planning & Zoning Commission will be conducting a Public Hearing during a regular scheduled meeting to receive input concerning the following requests:

- A. An application by the City of Payette for Rae Subdivision for preliminary subdivision plat, a portion of Block 39 of the Westslope Plat lying within the SE1/4NW1/4 of Section 3, T 8 N, R 5 W, B.M., City of Payette, Payette County, Idaho. The property is zoned C-2 Commercial.
- B. An application by Jimmy Deng for a Conditional Use Permit to serve beer at 107 N. Main St., Gorrie Lots 19 & 20, Block 5. The property is zoned C-1 Commercial Downtown.
- C. An application by the Church of Christ for a Variance of 4 1/2 feet to the front setback requirements at 138 S. 9th St., E1/2 Lots 11 & 12, Block 8 Payette, Masters Orig. The property is zoned C-1 Commercial Downtown.
- D. An application by Tammy Jacobs for a Variance to allow her parents to live in a 5th wheel at 1150 12th Ave. S., South Park Sub, Lot 16, Block 1. The property is zoned B-Residential.
- E. An application by Wayne Irvin for a Conditional Use Permit to serve beer and wine at 200 N. Main St., as well as install a 6' tall wrought iron and vinyl fence around the front of the property and a 9' tall wrought iron and vinyl fence around the back of the property, Lots 1 & 2, Block 7 Payette, Gorrie. The Property is zoned C-1 Commercial Downtown.
- F. An application by Natural Tree Service for a Conditional Use Permit to store 6 trucks, 3 stump grinders, 2 chippers, 2 trailers and a portable 42' pull behind boom truck at 356 N. 11th St., Block 8 & 9 Payette, Percy Sub. The property is zoned B-Residential.

The Public Hearing on the above requests will be held March 22, 2012 at 6:00 PM, or shortly thereafter, in the Payette City Council Chambers, 700 Center Avenue, Payette, Idaho. Interested citizens may appear with regard to the foregoing items and will be given the opportunity to be heard in support of, or in opposition to the proposals. The Public is invited and encouraged to attend.

Any person needing special accommodations to participate in the above noticed meeting should contact the City at least 5 days before the meeting at 700 Center Avenue or at 642-6024.

Tiffany Howell, Assistant City Clerk

I VOTE YES FOR THIS
ISSUE

SIGNED - Darlene Sumpter
408 NORTH 11 STREET
PAYETTE IDAHO

Jeannie Farnsworth – 326 North 11th Street; Payette, Idaho

Mrs. Farnsworth stated that they are very considerate of the neighbors unlike the other neighbors and she is in favor of it.

Don Rutkowski -326 North 11th Street; Payette, Idaho

Ms. Rutkowski stated that she gets up earlier than most in the neighborhood because she drives school bus and she doesn't see them until 8 am when she is coming back from school. Ms. Rutkowski stated that she is in favor.

Commissioner Choate asked that the three letters that were received are entered into public records.

The public hearing was closed at 6:53pm

NEW BUSINESS

A. Rae Subdivision – Preliminary Subdivision Plat

B. Jimmy Deng – Conditional Use Permit – 107 North Main Street

A motion was made by Franklin and seconded by Ladley to approve the conditional use permit for Jimmy Deng to serve beer at 107 North Main Street and that the permit can be revisited upon any complaints.

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

C. Church of Christ – Variance Application – 138 South 9th Street

A motion was made by Franklin and seconded by Hanigan to send a favorable recommendation to city council to grant the variance for the Church of Christ at 138 South 9th Street.

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

D. Tammy Jacobs – Variance Application – 1150 12th Avenue South

Clerk Cordova stated that we have been advised by legal counsel that we should not have allowed this application. Clerk Cordova stated that we do not allow hardships within the City. The County has also enacted the same. Clerk Cordova stated that since the notice was sent out to the neighbors you would not believe the amount of phone calls we have received from people wanting to do the same thing. Clerk Cordova stated that unless it is in a trailer park it is not a safe environment. I understand water and sewer are on the property but this poses a problem. Again we have been advised that if someone asks it we wouldn't be allowed per legal counsel to give them a variance application. Commissioner Ladley asked if they could apply for a conditional use permit. Clerk Cordova stated we have been advised that we should not have even accepted this application and we specifically have an ordinance that doesn't allow this kind of a thing.

A motion was made by Hanigan and seconded by McElravy to recommend to City Council that the variance request should not have been accepted based on legal counsel and that the variance fee be returned to the applicant.

Ayes: Youngberg, McElravy, Hogg, Franklin, Hanigan
Nays: Ladley

E. Wayne Irvin – Conditional Use Permit – 200 North Main Street

A motion was made by Franklin and seconded by Hogg to grant the conditional use permit to Wayne Irvin at 200 North Main Street for onsite consumption of beer and wine as well as a 6' tall wrought iron

and a 9' wrought iron and vinyl fence with the stipulations that the fence does not impede site triangle on 2nd Avenue North and North Main, no music to be played after 11:00pm, permit can be revisited upon complaints and that all Federal, State and Local codes must be met.

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

F. Natural Tree – Conditional Use Permit – 356 North 11th Street

A motion was made by Youngberg and seconded by Hanigan to grant the conditional use permit to Gary & Carol Needs at 356 North 11th Street to store 6 trucks, 2 stump grinders, 2 chippers, 2 trailers and a portable 42' pull behind boom truck.

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

OLD BUSINESS

A. Gas & Oil Ordinance –

Clerk Cordova stated that the public hearing for the gas & oil ordinance to April 9th.

PUBLIC COMMENT

None Heard.

ADJOURNMENT

The meeting was adjourned by a unanimous decision at 7:25pm.

Recording Secretary
Tiffany Howell