

**PAYETTE PLANNING & ZONING COMMISSION  
REGULAR MEETING  
April 26, 2012**

**6:00 PM –Planning & Zoning Meeting**

**ROLL CALL**

Members Present: Larry Hogg, Jim Franklin, Cassandra McElravy, Kevin Hanigan (left at 6:45pm) and Gary Youngberg

Members Absent: Thomas Ladley and Randy Choate were excused.

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

**APPROVAL OF MINUTES**

A motion was made by Hogg and seconded by Hanigan to approve the regular meeting minutes 03-22-012 as written.

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

**COMMUNICATIONS**

None Heard.

**PUBLIC HEARINGS**

- A. An application by Erlinda Kessler for a Conditional Use Permit to operate a childcare center for 30-60 children at 805 2<sup>nd</sup> Avenue South, Masters Original W 71.8' of LTS 8-10 BLK 8 & 11' of VAC ST. The property is zoned C-1 Commercial Downtown.

Erlinda Kessler – 325 N. 20<sup>th</sup> St, Payette

Mrs. Kessler stated that she has had an in-home daycare for 13 years and wants to move it out of their house. They have purchased the building at 805 2<sup>nd</sup> Avenue South and plan on turning it into a daycare center.

Commissioner Youngberg asked if she wanted 60 children. Mrs. Kessler stated yes, about that, depending on what the fire department sets the occupancy level at. Commissioner Youngberg then asked if she had enough outside play area. Mrs. Kessler stated yes it goes around the building, it is bigger than what Hand in Hand had. Commissioner Youngberg asked if she had enough parking to accommodate the occupants. Mrs. Kessler stated they have two directly in front and all of Main Street. Hogg asked if there is any off street parking. Kessler replied no.

Commissioner Franklin asked if her hours would be Monday through Friday 6am to 6pm as stated on her application, as the Commission normally sets hours of operation on CUPs. Mrs. Kessler asked if the Commission sets hours on all businesses on Main Street, why would you limit hours. Kessler stated that as a business owner, she wants the flexibility to stay open later if a parent needs her to, including Saturdays, but yes, to start up, she would be in operation Monday through Friday, 6AM to 6PM. Franklin asked if instead of Monday through Friday 6AM to 6PM, what would she like to have. Kessler replied she would like no stipulations on my business. Commissioner Hanigan pointed out that Kessler had asked for those specific hours on her application, and would she now like to change

those hours. Kessler replied that there are no stipulations. Hogg asked if that is not possible, what would you like the hours to be. Kessler stated that right now, she is closed at 5:30PM, but with more children, she would like the ability to help out parents. Hanigan asked if 6PM to 8PM would be acceptable. Kessler stated yes. Hanigan stated that if she would like to change it in the future, she can come back before the P & Z and ask for a change.

Commissioner McElravy asked if she will be completing all of the requirements as noted in the fire report. Mrs. Kessler stated that she has to before she can get her license. The state will not give her a license before it is completed.

Commissioner Hogg stated that the City Code states the minimum number of parking spaces is available for a child care center. Mrs. Kessler stated she is not aware of that, but there is public parking along Main Street and there are two spots in front of the building that she will ask parents to be loading and unloading only.

Commissioner McElravy asked if the outside play area will be fenced. Mrs. Kessler stated yes. Commissioner Hogg asked if it grass. Mrs. Kessler stated mostly, but we will need to do some work to it.

Darlene Adams – 815 2<sup>nd</sup> Avenue South

Mrs. Adams stated that she owns the house next to the church and she finds it hard to believe that there is enough room for 30 to 60 children to play in the yard, and parking is an issue. I have an upstairs and a downstairs tenant in the house and the fence that is there is my chain link fence and it is 4 feet tall. Commissioner Hanigan asked if she lives there. Mrs. Adams stated no. She is not opposed to anyone making a living, but there is not enough room for 30-60 children. Commissioner Hogg asked why she feels that way. Mrs. Adams stated that she has seen the yard and it is not big enough for 30-60 children to go out and play. With only a chain link fence separating the property, there will be noise. Youngberg asked if any of her tenants work nights, and she replied that yes, the downstairs tenant works nights, and sleeps during the day.

Dave Tompkins – 755 North 4<sup>th</sup> Street; Payette, Idaho 83661

Mr. Tompkins stated that he works at Seneca and he has to work 12 hour shifts and he needs Mrs. Kessler to be flexible because sometimes he runs late and needs Kessler to keep his kids late. Mr. Tompkins stated that he doesn't see the big issue with the parking on Main Street and he is there for no more than 5 minutes. Mr. Tompkins stated that he lived here for 20 some years and that house doesn't get treated very well and he doesn't see what the big deal is.

Laura Tompkins – 755 North 4<sup>th</sup> Street; Payette, Idaho 83661

Mrs. Tompkins stated that her children have been going to Kessler's daycare for over eight years. She has a 16 year old that started there, and they still have a 5 year old there. She has been impressed with Kessler's business sense and that is why she has stayed there and she is a business professional. She is very in tuned to the number of staff she needs per child, and what would accommodate the needs. Mrs. Kessler has a curriculum so she will not have all 60 children out at the same time. She would probably have the younger ones out at a certain time, and the older ones out at a certain time. They are taught respect and courteousness. Tompkins stated Kessler is in a residential area now, and she knows her neighbors, and she serves a lot of the neighbors. Tompkins continued that Kessler is an award winning day care provider and she is proud to take her children

there. She is very impressed with the way she researches and continues her education and the kids she cares for are part of her family and her 16 year old still calls her Aunt Erlinda. She is an ideal candidate to run a day care center. Mrs. Tompkins stated that she lives by Westside Elementary and she is aware of the noise. That is part of a community and having children. It is important to consider that, but we need to consider what is best for the community rather than just the next door neighbors. A day care center run by Erlinda Kessler would benefit the community. Mrs. Tompkins stated that Mrs. Kessler is an award winning daycare center

Erlinda Kessler –

All the kids will not be outside at the same time and the day care center will be set up in class rooms with teachers. Mrs. Kessler stated that there is only one other daycare center in Payette and my system will be a good fit for the community. Commissioner Hogg stated that you thought the area outside is adequate for the children, so how much area outside do you need. Mrs. Kessler stated that nothing is required it is recommended that 75 feet. Mrs. Kessler stated that there will also be an indoor playground as well.

Commissioner Youngberg asked about the neighbor's fence issue. Mrs. Kessler stated that as soon as she sees some money coming in she will replace it with a 6 feet tall wooden fence. Commissioner Hanigan asked how many children Mrs. Kessler thought she would have for the majority of the day. Mrs. Kessler stated that she would like have it at 60. Commissioner McElravy asked if she would have an after school program. Mrs. Kessler stated yes. Commissioner Youngberg asked if they will be using all three levels of the church. Mrs. Kessler stated no, just the main level. Commissioner Hogg asked if there is any other number of children other than 60. Mrs. Kessler stated that she would like it to be for 60 children.

B. An application by Alan Savage for a Conditional Use Permit to allow for one horse at 1336 North 6<sup>th</sup> Street, Riverside Plat Block 41. The property is zoned B-Residential.

Alan Savage – 1336 North 6<sup>th</sup> Street

Mr. Savage stated that he is moving from the Portland area and purchased this property and would like to keep their horse. Mr. Savage stated that he has an acre and a half and he has spoken with the irrigation company and he does have irrigation. Mr. Savage stated that it does currently have a fence but it does need some repair. Commissioner Hogg asked if there is enough room for a horse. Mr. Savage stated yes.

C. An application by The Hideaway Grill for a Conditional Use Permit to serve beer and wine at 1630 3<sup>rd</sup> Avenue South, Tax 6 in Blk 1 & Blk 9 Payette Land & Improvement. The property is zoned C Commercial.

Steve & Melissa Simonsen – 95 North Iowa Avenue; Payette, Idaho 83661

Mrs. Simonsen stated that they want to open up the Hideaway Grill in about a week and need your approval to serve beer and wine. Mrs. Simonsen stated that they do not want rowdiness like Joe's Club, they want something that people can come relax and watch the game. Mrs. Simonson stated that Sunday through Thursday is 7am to 10pm. Friday and Saturday we would like it to be open until 11pm.

- D. An application by Gloria Williams for a Conditional Use Permit to operate family home childcare at 366 4<sup>th</sup> Avenue North, Peters Add Lot 26. The property is zoned A Residential.

Gloria Williams – 366 4<sup>th</sup> Avenue North; Payette, Idaho 83661

Mrs. Williams stated that she is just wanting to provide childcare for her next door neighbor's four children Monday through Friday from 7am through 3pm. Mrs. Williams stated that there is no parking needed, the children just walk over.

- E. An application by Pablo Torres for a Conditional Use permit to allow an existing 1500 square foot carport with a 13 foot roof pitch at 408 South 11<sup>th</sup> Street, Tax 7 in Lot 14, BLK 1, Fairview Addition. The property is zoned B-Residential.

Pablo Torres – 408 South 11<sup>th</sup> Street; Payette, Idaho 83661

Esmerelda Torres was present, and acted as an interpreter for Pablo Torres. She explained that he wants to build a carport to park his cars in so there are no rain or snow issues. It does meet the standards he just needs a permit. He did build the building shortly after he purchased the property, and did not think needed a permit since he owns the property. It does meet the setback requirements. Commissioner Youngberg stated that the issues are, that it was built without a building permit, the roof pitch is over what our code requires and that it is over 200 feet. Mr. Torres stated that he has spoken with the building inspector and everything looks fine according to him. Commissioner Hogg asked if he is willing to make any changes to the building as necessary by the building inspector. Mr. Torres stated that yes he will make changes, but he didn't think he needed a permit.

The public hearing was closed at 6:37pm

### **NEW BUSINESS**

- A. Erlinda Kessler – Conditional Use Permit – 805 2<sup>nd</sup> Avenue South -

Cordova stated that the code states that if the building is built before the effective date of the zoning requirement, they do not need the off street parking spaces. Any new buildings that are constructed now will have to meet those requirements. Commissioner Youngberg asked if we have public lighting. Cordova stated that we just have street lighting. Commissioner Hanigan stated that his opinion is that if all the requirements are met that it be granted and we can certainly put in a fence requirement.

A motion was made by Hanigan and seconded by Hogg to approve the conditional use permit for Erlinda Kessler to operate a childcare center at 805 2<sup>nd</sup> Avenue South with the max number of children to be 60, the hours of operation be Monday – Saturday from 6am to 8pm, and that issuing the CUP will be contingent upon the requirement that it meets all federal, City, State and fire codes, that it be revisited upon complaints, the fence be erected within 90 days of operation, and that all State licenses, and proof of compliance with codes are provided.

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

B. Alan Savage – Conditional Use Permit – 1336 North 6<sup>th</sup> Street -

A motion was made by Hanigan and seconded by McElravy to approve a conditional use permit for Alan Savage to allow one horse on his property at 1336 North 6<sup>th</sup> Street.

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

C. The Hideaway Grill – Conditional Use Permit – 1630 3<sup>rd</sup> Avenue South -

A motion was made by Hogg and seconded by Youngberg to approve a conditional use permit for The Hideaway Grill to serve beer and wine at 1630 3<sup>rd</sup> Avenue South and that all City, County, State and Southwest District Health permits are received and that it be revisited upon complaints.

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

D. Gloria Williams – Conditional Use Permit – 366 4<sup>th</sup> Avenue North -

A motion was made by Youngberg and seconded by Hogg to approve a conditional use permit for Gloria Williams at 366 4<sup>th</sup> Avenue North to operate a family home childcare contingent upon proof of all City and State licensing requirements are met and that it can be revisited upon complaints.

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

E. Pablo Torres – Conditional Use Permit – 408 South 11<sup>th</sup> Street -

A motion was made by Hogg and seconded by Youngberg to grant a conditional use permit to Pablo Torres at 408 South 11<sup>th</sup> Street with the following contingencies: that the applicant obtains a building permit within 14 days and that the building complies with all city codes within 90 days, that the building is not located in setbacks, and that it can be revisited upon complaints.

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

**OLD BUSINESS**

A. Gas & Oil Ordinance –

Cordova stated that we had our public hearing on April 9<sup>th</sup> and that we are still working on moving forward. Cordova stated that it is a challenging process and as soon as we have the ordinance ready we will bring it to the Commission for input.

**PUBLIC COMMENT**

None Heard.

**ADJOURNMENT**

A motion to adjourn was made by Franklin, and seconded by Hogg. The meeting was adjourned by a unanimous vote at 7:04pm.

Recording Secretary  
Tiffany Howell