

MINUTES
PAYETTE PLANNING & ZONING
Regular Meeting
April 28, 2016

6:00 PM – Regular Meeting

- I. ROLL CALL: Jim Franklin, Peggy Childers Jody Henderson, Gary Youngberg, Nial Bradshaw and Ron Wallace.
Members Absent: Chairman Randy Choate
Staff Present: Mary Cordova & Matea Gabiola

- II. APPROVAL OF MINUTES
None.

- III. COMMUNITCATIONS

- IV. PUBLIC HEARING
 - A. A re-zone application by Frank & Kimmie Serrano for property located at 307 N. 9th Street, from Commercial to C1-Commercial Downtown. Chase Addition, Block 2, Lots 1 thru 5, Payette County Records.

No one was in attendance for this item, due to no receipt of site plan by requested date.

 - B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9th Street, to allow residential use in a C1-Commercial Downtown, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial.

No one was in attendance for this item, due to no receipt of site plan by requested date.

 - C. An application by Frank & Kimmie Serrano for a Conditional Use Permit to sell beer & wine at 307 N. 9th Street, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial.

No one was in attendance for this item, due to no receipt of site plan by requested date.

 - D. An application by Juan Lopez for a Conditional Use Permit to have the second story of the warehouse as a living space for the owner of the store. As well as storage units to store citizens' personal property at 653 North 7th Street Payette, ID 83661. Lots 1&2, BLK 3, Browns Addition. Property is Zoned C-2 Commercial. Juan Lopez, 934 3th Ave North

addressed the Commission. Mr. Lopez stated that he didn't understand as to the reason he was here due to thinking that in the original meeting everything was taking care of. On the first meeting on October 22, 2015 he thought he stated that there was to be residential use, storage units as well as a warehouse. He was upset at the last Planning & Zoning meeting because he was not allowed to talk. Ms. Gabiola stated that Mr. Lopez is here due the storage units and residential use. In the original meeting October 22, 2015 the agenda item for the rezone only. Mr. Lopez is having to come before the Planning & Zoning Commission tonight in regards to the storage units and residential use. In a commercial zone the storage of citizens' personal property and residential use are Conditional Uses, meaning they are separate from the rezone and he would have to apply for them separately. Mr. Lopez stated that he was under the impression due to them wanting to do that in the future that it was taken care of, even though the future has come to pass earlier than expected. Mr. Franklin stated that what the Commission is addressing tonight is the storage units for citizens' personal property as well as the second story being used as residential. Ms. Childers asked if the Commission approved this permit and he moves out of the second story of the building. Do we have to reapprove another applicant? Mr. Franklin stated yes, Conditional Use Permits are meant to be personal. Mr. Lopez stated he understand this permit is only for the owner of the warehouse, and it will only be him residing in the 24'x 24' studio apartment. Mr. Youngberg stated that he reviewed the meeting minutes from the October 22, 2015 meeting and we specifically talked about it not being a residence. Mr. Lopez asked the Commission was that something that he talked about or the Commission. Mr. Youngberg stated that was part of what the Commission approved, and they had asked if that was to ever be used as a residence on a commercial lot. Mr. Lopez stated that when the Commission was talking amongst themselves he and Mr. King raised their hands, to state in the future there was to be a residence. There was to be an office in the beginning, then remodel in the future for a studio apartment, but they were not allowed to explain what was being said. There were things that he wanted to clarify, but they were not allowed. Mr. Franklin addressed the way the Planning & Zoning meetings are structured. First there is a public hearing where the applicant as well as any citizen is allowed to give testimony regarding the item, then public hearing is closed. After the public hearing is closed then the decision is made and the Commission cannot take any more public testimony. Mr. Lopez stated he understands that. Mr. Franklin stated that this time let's make sure all questions or concerns get answered. Mr. Franklin asked Mr. Lopez if he is aware that there are different building standards for the residential use. Mr. Youngberg asked if fire suppression was to be required. Mr. Lopez stated he is aware, he is not a builder, but will be remodeling this himself and will take advice from someone who knows how to build it.

Ms. Gabiola stated that the City wanted the Commission to know that a Certificate of Occupancy wasn't issued for the original building yet, a drainage plan, landscaping, and sidewalk issue hasn't been addressed, and that is required. Mr. Lopez stated he thought that was addressed in the warehouse plans. Ms. Gabiola stated as far as she is aware that it was not, but due to its change in use it is now required. Mr. Lopez wanted to know why the building inspector, Steve Pierson, signed off on something if it wasn't completed. Ms. Gabiola stated that she was just relaying what she was told. Mr. Lopez stated if that is something that needs to be done it will be done, but the building inspector failed to make sure it was there in the first place. Ms. Gabiola stated to just visit with the building inspector to get on the same page. Mr. Youngberg stated to also address that there are landscaping and sidewalk requirements on a commercial lot, that is required by the code. Mr. Lopez stated that he spoke to the City about the sidewalks and has no problem improving them, but he can't afford to do them all at one time. Mr. Lopez stated since it was talked about, he believed that was already out of the way. Mr. Franklin stated that the Commission is to only approve or deny the two items that they have in front of them. Mr. Lopez stated he will address the other issues in front of him. Mr. Youngberg wanted to state that all the Commission is doing is authorizing these items requested, but the other issues needed to be addressed.

- E. An application by Eric Saenz for a Conditional Use Permit to exceed height fence regulations from 36" to 72" at 1836 1st Avenue South Payette, ID 83661. Lot 6- E1/2 Lot 5, BLK 4. Property is zoned A-Residential. Eric Saenz 1836 1st Ave South addressed the Commission. Mr. Saenz presented a PowerPoint presentation on his property, on what he is wanting to accomplish as well as other houses in the city with the six-foot fencing much like what he is wanting to do. Mr. Saenz stated actual size is under six foot, it a solid wood panel from Home Depot. Mr. Saenz stated prior to beginning to construct the fence, he was unaware of the City codes as well as him learning where he lives on a corner lot he actually has two front yards. What his ultimate goal is to fence off part of his yard to park his travel trailer, jet skis and snowmobile to hide them and improve the look of the property. Mr. Franklin stated that Mr. Saenz hit the nail on top of the head that the main points of concerns are the line of visibility and the site triangle. Mr. Franklin asked Mr. Saenz if he knows if his fence would impose the line of site. Mr. Saenz stated that it will not, which he will show in his PowerPoint presentation. Mr. Franklin asked if he would be ok with having our Police Chief come and review the fence and property for public safety. Mr. Saenz doesn't see any problem. Mr. Saenz presented his PowerPoint. Ms. Henderson asked if he wants side access. Mr. Saenz stated no just to create some privacy. Mr. Youngberg stated that current code stated that if a fence stands at three feet within the setback it is fine correct? Mr. Franklin stated yes we

are addressing the setback too. Mr. Saenz stated that all he is wanting to do is bring the fence to the curb from the side of his house to create privacy and to build is six feet high. Mr. Saenz stated from the corner of the proposed fence on 19th Street to 1st Ave South is 62 feet and from the corner down 1st Ave South is 67 feet. Mr. Bradshaw asked if there was to be any fencing up 19th Street to the corner of the curb. Mr. Saenz said no there will not, and all utilities are accessible. If for some reason that something needs to be accessed within his fence he has no problem taking it down. Mr. Youngberg asked Mr. Saenz if a 3-foot fence would suffice. Mr., Saenz stated no it defeats the purpose because it doesn't hide what is parked there or create privacy into his bathroom and bed room windows.

Darlene Shelly, 170 South 19th Street addressed the Commission. Ms. Skelly is in favor of this fence and will add value to the house and make it look nice.

Phil Skelly, 170 South 19th Street addressed the Commission. Mr. Skelly is in favor of this fence and has no problem.

Marion Selover, 1905 1st Ave South addressed the Commission and he is in favor of the fence, and it makes the house look better.

The Public Hearing for Items A, B & C will continue due to receipt of the site plan not being collected on requested date.

The Public Hearing for Item D & E is closed.

V. AGENDA ITEMS

- A. A re-zone application by Frank & Kimmie Serrano for property located at 307 N. 9th Street, from Commercial to C1-Commercial Downtown.

No action was taken on this item. Public Hearing will continue on the next Planning & Zoning Meeting contingent upon receipt of the Site Plan from the applicant.

- B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9th Street, to allow residential use in a C1-Commercial Downtown.

No action was taken on this item. Public Hearing will continue on the next Planning & Zoning Meeting contingent upon receipt of the Site Plan from the applicant.

- C. An application by Frank & Kimmie Serrano for a Conditional Use Permit to sell beer & wine at 307 N. 9th Street.

No action was taken on this item. Public Hearing will continue on the next Planning & Zoning Meeting contingent upon receipt of the Site Plan from the applicant.

- D. An application by Juan Lopez for a Conditional Use Permit to have the second story of the warehouse as a living space for the owner of the store. As well as storage units to store citizens' personal property at 653 North 7th Street Payette, ID 83661.

Mr. Bradshaw stated that he doesn't really like having the residential use, due to the fact that right in the Planning & Zoning minutes and City Council minutes stating that it wasn't going to ever be a residential use. Also the fact that it wasn't clear on the application. However, if it was on the original application, the residential request he can't guarantee that there would have been a positive vote to the Planning & Zoning part. Mr. Bradshaw feels like it's asking for forgiveness rather than permission. Mr. Franklin stated that in speaking with Mr. Lopez, he does understand that there is difference between residential construction and commercial construction, also that there is other rules and possible complications. It would have been better if everything was handled up front in the beginning, rather than chopping it up. Mr. Franklin stated he doesn't see any issues with these uses, it just didn't go down like it should have. Mr. Bradshaw stated he agrees, but that in the motion we should consider and add the staff recommendations which are re-enforcing the drainage plan, landscaping, and sidewalks. Mr. Youngberg stated that is simply just complying with City code so it has to be enforced. Ms. Henderson stated the part that bothers her the most, is it says in two different meetings minutes that there wasn't ever going to be residential use. As far as she understood from the original meeting, there was to not be living quarters, but an office with a bathroom, a ware house for the grocery store and the storage units.

A motion was made by Bradshaw and seconded by Childers to approve the Conditional Use Permit by Juan Lopez for the storage of citizens' personal property and the second story to be used as residential with the stipulations listed below for the the property located at 653 7th Ave No.

1. Drainage plan completed
2. Landscape plan completed
3. Sidewalk repair or install

The motion CARRIED by unanimous voice vote.

Daniel Lopez, Payette, ID, addressed the Commission and asked a question regarding the sidewalks. Who granted the new building on HWY 95 to use blacktop as a sidewalk. Ms. Gabiola stated that HWY 95 is State highway, they probably had something to do with it, not the building inspector or the Planning & Zoning.

Juan Lopez 934 3rd Ave North Payette, ID had a question also.

Mr. Franklin stated the public hearing is closed and the Commission isn't supposed to take testimony, but ask the question.

Mr. Lopez stated from his understanding he will have to fix the sidewalks before he can use the building as storage units and residential.

Mr. Franklin stated that is a stipulation of the permit, sidewalk repair or install.

Mr. Lopez stated he did talk to the City about the sidewalks, and they knew when the sidewalks were being destroyed and they did nothing about it. He stated that they were ok with just fixing them as I go, in the original meeting about the warehouse. Mr. Lopez stated that to fix the sidewalks he has no other money to get his business running and finish the apartment. The City knew exactly what was going on with the sidewalks and did nothing about it. If the Planning & Zoning Commission puts that stipulation in the permit, it cuts his legs out from underneath him.

Mr. Bradshaw stated this has to be done, it is in the City code. Mr. Bradshaw gave the example that if he bought a new house that had no sidewalks, he as the owner has the responsibility to build them it is part of the development. Damaged or not, its repair or install.

- E. An application by Eric Saenz for a Conditional Use Permit to exceed height fence regulations from 36" to 72" at 1836 1st Avenue South Payette, ID 83661.

Mr. Franklin stated his only concern is the site triangle which was addressed, and will be reviewed by the police department for its visibility.

A motion was made by Mr. Youngberg and seconded by Ms. Henderson to approve the Conditional Use Permit for Eric Saenz to exceed height fence regulations from 36" to 72," and built to the property line located at 1836 1st Ave South, provided site triangle maintained and public safety verifies.

The motion CARRIED by unanimous voice vote.

VI. PUBLIC COMMENT
None

VII. ADJOURNMENT

A motion was made by Henderson and seconded by Youngberg to adjourn the meeting at 7:21pm.

After unanimous voice vote, motion CARRIED.

Matea Gabiola
Recording Secretary