

**PAYETTE PLANNING & ZONING COMMISSION
REGULAR MEETING
August 25, 2011**

6:00 PM – Planning & Zoning Meeting

ROLL CALL

Members Present: Randy Choate, Tom Ladley, Kevin Hanigan, Brent King, Gary Youngberg

Members Absent: Jim Franklin, Larry Hogg

Staff Present: Tiffany Howell, Assistant City Clerk

APPROVAL OF MINUTES

A motion was made by Ladley and seconded by Hanigan to approve the regular meeting minutes of 07/25/2011 as written.

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

COMMUNICATIONS

None Heard.

PUBLIC HEARINGS

A. An application by Yvette Allen for a Conditional Use Permit to operate an in-home preschool at 535 North 18th Street, BOOK 5 OF PLATS AT PAGE 49, REPLAT OF THE REPLAT OF BLK 1 OF UEHLIN'S 3RD ADDITION TO THE CITY OF PAYETTE, A PORTION OF N ½ N ¼ OF SEC. 34, T9N, R5W, BM. The property is zoned A-Residential.

Yvette Allen – 535 North 18th Street

Mrs. Allen stated that she would like to open up a little in-home preschool at her home that operates two days a week from 12:30 pm to 2:30 pm. Mrs. Allen stated that she is CPR certified. She has been doing this for some time now; she used to work for Sheri Schuster, but has decided to branch out on her own. Mrs. Allen stated that she knows there has been some concern with the neighbors about parking and she has a big drive way and they will just be dropping off and picking up. I can make sure they do not park in anyone else's driveway and not bother any of the neighbors. I have a fenced backyard for the children. Commissioner King asked how many kids she's expecting. Mrs. Allen stated that she is only taking 6-10 kids. Commissioner Ladley asked if there has been a daycare here before. Mrs. Allen stated she is not a daycare. Mrs. Allen stated there will be no cars in my driveway, so they can use my driveway. Commissioner Youngberg asked Mrs. Allen is she plans to expand her business. Mrs. Allen stated that it just depends on the demand of people wanting to put their kids in preschool. I would like to do in the future to do a class Monday and Wednesday but that all depends. I am really busy with the preschool and dance team so it will just depend. Commissioner Youngberg asked if she would like the permit to as she stated on her application or to include the possibility of the additional days. Mrs. Allen stated that she's not sure because if she does expand it wouldn't be until next year. Mrs. Allen would also like the Commissioner's to know that she is planning on doing this year round, she would like to do pre-school during the school year and summer camp during the summer time. Mrs. Allen stated it would be the same number of kids, just year round. Mrs. Allen stated that her business name is "Smarty Pants Preschool". Commissioner Hanigan asked if Mrs.

Allen has any intention to buy the house. Mrs. Allen stated that within the next few months they will be talking with the owner's about possibly buying the house because we just love it. Commissioner Hanigan stated that the Commissioners have a letter from one of your neighbors that has concerns about parking and so on, but one of the issues is the covenants that lie within your subdivision. Commissioner Hanigan asked Mrs. Allen if she is aware that there are CC&R's in her neighborhood, so that might be an issue for you. Mrs. Allen stated that she doesn't foresee any problems. Mrs. Allen stated that I know you guys do not know me personally but it will be very structured. They will be in the backyard, if they have time to play while waiting for their parents. Mrs. Allen stated that it is a very nice neighborhood and she would not want to disrupt that. Commissioner Ladley asked Mrs. Allen if she thinks there is any way she could control the vehicles coming and going and where they turn around? Mrs. Allen stated that yes, definitely. Mrs. Allen stated that she would make sure that the parents know they cannot do that and she does not see a problem. Commissioner Youngberg stated that Mrs. Allen needs to comply with her covenants, and that is why they are in place to keep the business out of there. Mrs. Allen stated that she will get a copy of them.

James Crow – 520 North 18th Street –

Mr. Crow handed out a picture of the area. Mr. Crow stated that he has a concern about the traffic that will be created. I live at the last house on the right in this picture and it is kiddie corner from Mrs. Allen's and I continually have traffic that turns around in my driveway and knocks my mailbox down. I know they will be dropping off kids and they will be in a hurry, there is room for about 4 or 5 cars including their driveway. The other thing is that there is a drainage ditch behind at the end of the road by my house and I have had cars run off there and get hung up. Mr. Crow stated that he helps people get out depending on their attitude. I have people daily pulling in my driveway and it is concrete and I don't want my driveway tore up and I don't want to get more traffic. Mr. Crow stated that when the people before Mrs. Allen wanted to put in a nursery I put in a complaint because there is a covenant. Commissioner Ladley asked Mr. Crow if he followed through with the covenants that are in place when the nursery went in. Mr. Crow stated yes. Commissioner Ladley asked Mr. Crow what the outcome was through the CC&R's. Mr. Crow stated that they never opened up the nursery and the CC&R's were against it. Commissioner Ladley asked Mr. Crow if there is a way he and Mrs. Allen could reach an agreement if she could address the traffic and turning around. Mr. Crow stated yes, but human nature says no. Mr. Crow stated that there used to be a barricade across their and it was knocked down so many times it has been taken away. The only thing that is up there is a sign that says "no dumping".

Yvette Allen – 535 North 18th Street –

Mrs. Allen stated that I think this is something that we could work out. I will have a meeting with all the parents and let them know that they cannot go to the end of the street and turn around in his driveway and I don't see a problem. Mrs. Allen stated that she can stand out their every morning and afternoon and watch to make sure they do not go down there and turn around. Commissioner Hanigan stated that when we issue permits like this we normally put a stipulation that it can be revisited upon complaints so just be aware if any of them complain we will have to revisit this again. Mrs. Allen stated that is fine and she was going to ask the Commission to give her a chance to prove herself.

Commissioner Choate asked that the letter from Mr. Crow be entered into the record.

Public Hearing Closed at 6:28 PM.

OLD BUSINESS

A. Design review guidelines –

Clerk Cordova stated that she has met with Attorney Osborn to figure out how they could integrate the design review guidelines into the code and his suggestion was that we keep it as a separate section. So upon the attorney’s advice we will be bringing you a more simplified version to the next meeting.

A motion was made by Hanigan and seconded by Ladley to move this item to the next agenda.

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

B. Gas & Oil Ordinance –

Clerk Cordova stated that this Ordinance has went in front of the public works committee and they reviewed it and have questions. It is very comprehensive and we are asking you guys to review and think about if one was going in your back yard and what you would like to see. We cannot tell them “no you cannot do it”, but we can regulate how and where. Federal Law prohibits us from telling them they can’t do it but we can put regulations on dust mitigation and so on. We would like you to really put some thought into this because it is coming and there are several leases around town. The public works recommendation was to put a moratorium on the drilling until we have further regulations in place. Commissioner Ladley asked if the Commissioners could get a copy of the public work’s concerns. Clerk Cordova stated yes.

A motion was made by Hanigan and seconded by King to recommend to the City Council a moratorium on any development within the City of Payette until such time an ordinance is completed.

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

NEW BUSINESS

A. Conditional Use Permit – Yvette Allen – 535 North 15th Street -

A motion was made by Hanigan and seconded by Youngberg to approve the conditional use permit for Yvette Allen to operate a home preschool at 535 North 15th Street Tuesday and Thursday from 12:30 pm to 2:30 pm, that it meets all safety and insurance requirements and that careful use of neighbors driveways, there be no more than 10 children, and that the permit can be revisited upon complaints.

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

B. County Conditional Use Permit Recommendation – Hardin Sanitation –

Jeff Williams – 1438 2nd Avenue South –

Mr. Williams stated that he is representing Mr. Hardin. Mr. Williams stated that Hardin Sanitation would like to move their business from North 20th Street to NE 10th Avenue. Mr. Williams stated that Mr. Hardin wants to purchase this property from the Galligar's. Mr. Williams stated that Mr. Hardin wants to put in an access, office, shops etc. Mr. Williams stated that this is probably more property than they need, but they would like to have room for expansion. Mr. Williams stated that this is in the impact area and that is why we are here tonight. Mr. Williams stated that they have gone and spoke to all entities involved and resolved any issues. Mr. Hardin will be putting in a 70' long culvert so they can cross the irrigation canal.

Commissioner Choate asked what kind of fencing will be placed. Mr. Hardin stated that he can't put in a wooden fence because the fence would be burned, so we would like to berm up the land so when they burn the ditches it doesn't burn my fence.

Commissioner Hanigan asked if he is closing his Fruitland location. Mr. Hardin stated that when St. Luke's bought the land he rented for a while since his mother passed away it is time to expand and get rid of the house. We have looked at what is good for Hardin Sanitation and this piece of property is perfect. We travel NE 10th Avenue all day and on Mondays and Wednesdays we travel HWY 52 so it will be a great site for us. Commissioner Youngberg asked if NE 10th was the main route of travel already or will there be additional use. Mr. Hardin stated that no, it will not increase the traffic on the road. Commissioner Ladley asked what they are planning to do with the extra land. Mr. Hardin stated that it is for additional expansion in the future. Mr. Hardin stated that for right now we are going to ask the neighbor across the street if he wants to continue to grow hay on it and we will just let him keep it. Mr. Hardin stated that they want to put in a drive up window for customers as well as parking for them to park and come inside. Mr. Williams stated that they are going to elevate the buildings just in case there is a fluke flood they will be protected.

A motion was made by Hanigan and seconded by Ladley to Recommend to the City Council to approve the rezone for Hardin Sanitation to be rezoned from AG to Industrial.

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

C. Proposed Lot Line Adjustment Ordinance Discussion –

Clerk Cordova stated that it has been proposed that we do require a record of survey regarding a lot line adjustment. Right now our code states you have to have a record of survey, some places allow you to just do a meets and bounds description and it is recorded by the county recorder's office. More discussion followed. The consensus of the Commissioner's was to draft an ordinance and bring it back for review.

ADJOURNMENT

A motion was made by Hanigan and seconded by Ladley to adjourn to at 7:59 PM.
The motion CARRIED.

Recording Secretary
Tiffany Howell