

7:00 pm

October 12, 2016

**613th MEETING OF THE
HORSESHOE BEND CITY COUNCIL**

Mayor Hanson called the meeting to order with Councilpersons Cooper, Green and Riley present. Also present, City Clerk Gina Elmer and Attorney Lyndon Nguyen.

Pledge of Allegiance

Councilwoman Cooper **moved** to approve the agenda Councilwoman Green **seconded**. All ayes.
Motion carried.

Council decided to carry over the approval of minutes until the meeting on October 19, 2016.

Public Hearing:

Open Hearing 7:01 p.m.

Vickey Davis has requested a Planned Unit Development (PUD 02-16) with a residential Conditional Use Permit (CUP 03-16).

Vickey Davis, 105 Payette River Ave., Horseshoe Bend, Idaho: Vickey purchased this commercial property with the intent of relocating her hair salon onto the property and a living space within the building. She plans to remodel the building creating more space for her business to grow and make the building look more professional. She wants to create a salon with two hair cutting stations, a tanning bed, and nail tech station. Vickey wants to live in a portion of the building and put a fence in the back to enclose the current yard area and resident parking. The fence will allow her to have privacy in the back of the building and her own personal space.

Mayor Hanson read the Staff Report and it was entered into the record as Exhibit 1. She drew Councils attention to the staffs' findings of fact for the PUD on pages 6-10 of Exhibit 1 and the findings of fact for the CUP on pages 10 and 11. She also went over the conditions staff recommends for the CUP on page 11 of Exhibit 1.

Testimony

Oral:

Doug Bergey, PO Box 247, Horseshoe Bend, Idaho: Doug at one time owned this piece of property. While he owned the property he applied for and received a lot split. He also obtained a permit from Idaho Transportation Department for a shared access to Highway 55 with the Historical Society, who now owns the second half of the original lot. Doug is in favor of Vickey Davis having her salon in Horseshoe Bend, as it provides a service to the community instead of driving to Boise.

Written:

Idaho Department of Transportation: Their letter was read by Lyndon Nguyen, attorney, and entered into the record as Exhibit 2.

Rebuttal

Vickey Davis, 105 Payette River Ave., Horseshoe Bend, Idaho: Vickey asks if the Council has any questions for her. Councilwoman Cooper asks Vickey if she would have any objections to the five conditions that Staff recommended on pg.11 of Exhibit 1. Vickey does not have any problems with conditions 1 and 2, since she plans on living in the residential space herself. She would like to be able to store personal items outside if necessary which condition 3 states would be prohibited. Condition 4 prohibits BBQs and personal recreation which could also be a problem for her. She feels that the privacy fencing she plans to put in would ensure that the public would not be disturbed by these activities and storage of personal items. She does not have a problem with condition 5 since there is ample parking and she plans on using the existing sign on the property. She will just have to change the business name. Mayor Hanson asked if the parking lot was lined for parking spaces. Vickey states that the parking lot has been lined but she will have it redone to make it look better and designate a handicapped space. Councilwoman Cooper agreed that there is adequate parking to meet the off street parking requirements. Lyndon Nguyen, attorney, asked Vickey if she knew the square footage of the building and the square footage she planned for residential use as this was not reflected in her application. She says the building is 1640 sq. ft. with the residential portion being 360 sq. ft. The ten percent of open space requirements set forth in Section 9-16-03 will be met. Lyndon also asked if there were any plans for landscaping. Vickey plans to put weed barrier down to prevent weeds in the ITD right of way and add rock to make it look nice. The Historical Society would like to continue this in front of their property also. Both parties will have to contact ITD before making these changes in the right of way. Lyndon asked Vickey if she had a time frame in mind for finishing this remodel and opening for business. Vickey would like to be finished by January 1, 2017. She feels that there will be no problem having the project completed within the required year.

Public Hearing closed: 7:52pm.

Deliberations:

Lyndon Nguyen, attorney, explains that once the Council approves the PUD and CUP with the conditions set forth by Council then a development agreement will be drawn up. The agreement will have to be approved by Council and the developer then signed by the Mayor. Councilwoman Cooper says she thinks the PUD is generally supported by the Comprehensive Plan. Lyndon adds that the ten percent requirement for open space has been met, since it has been established that the residential space will only be 360 sq. ft. within the building. Councilman Riley would like the open space specified in the final site plan. This would include the residential space inside and the yard space outside of the building. Council then deliberated on the conditions of the CUP. Councilwoman Cooper would like condition 3 and 4 to be allowed once the privacy fence has been constructed within the constraints of the City Ordinances. Condition 5 should be changed to

include that the existing sign would be used with only the name being changed. Councilman Riley would also like the sign included in the final site plan. Councilwoman Cooper is accepting of staffs findings on conditions 1 and 2. **Councilman Riley** made a **motion** to approve PUD 02-16 and CUP 03-16 with the followings conditions 1) The residential use area of the structure should be specifically defined. The area of use cannot be expanded and the residential use is not transferable to a new owner. 2) The residential area is for use by the owner. The space is not a rental unit for income. 3) Storage of bikes, kayaks, equipment or other personal items is allowed outside the building or on the premises if enclosed by a privacy fence. The fence must meet the standards set forth by the City ordinances and be included in the final site plan. 4) Outdoor cooking, barbeques, or personal recreation activity is allowed if held within the area enclosed by the privacy fence. 5) Applicant will use the existing sign by changing the business name and include the sign in the final site plan. **Councilwoman Cooper seconded. Roll call: Councilman Riley-aye, Councilwoman Cooper-aye, Councilwoman Green-aye. Motion carried.** Tony Pantera will draw up a Planned Unit Development agreement to be presented at the October 19, 2016 City Council meeting.

Meeting Adjourned at 8:30 pm.

ATTEST:

City Clerk

Mayor