

EMMETT CITY ZONING COMMISSION
November 4, 2024

The Emmett City Zoning Commission held a Regular Meeting at 501 E. Main Street, Emmett, Idaho. Commissioner Gregory called the meeting to order at 6:00 p.m. Commissioner Gregory led the Pledge of Allegiance.

Commissioners Present: Brian Gregory, Tracy Howard, Kim Butler
Commissioners Online: none
Commissioners Absent: Gwen Earls, Larry Jenkins

Staff Present: Zoning Administrator, Brian Sullivan; City Attorney, Jake Sweeten; Recording Clerk, Shannon Ferraro
Staff Online: none

Public Present:

Tisha Vanderwiel and Jason Gyer, 203 W 1st Street, Emmett
Spencer and Janet Murphy 908 E 4th Street, Emmett
Montalbo 906 E 4th Street

Review of Agenda: Commissioner Butler made a motion to approve the agenda. Commissioner Howard seconded the motion. Motion Carried.

Approval of Minutes: Commissioner Butler made a motion to approve the minutes from October 7, 2024. Commissioner Howard seconded the motion. Motion Carried. All in favor, minutes approved.

Public Hearing: SUP24-001 Special Use Permit for a nursery for children and a private preschool. Administrator Sullivan comes forward. We have a Special Use Permit application for a private nursery and preschool for children. The SUP number is SUP24-001. Tonight is the Zoning Commission hearing. The owner is Tisha Vanderwiel and Jason Gyer, 203 W 1st Street, Emmett, Idaho 83617. The applicant is also Tisha Vanderwiel. The subject property is 905 E 4th Street, located in Township 06 North, Range 01 West, Section 08, Parcel number RP06N01W085415. The application summary and overview. The applicant Tisha Vanderwiel has applied for a Special Use Permit, to operate a nursery and private preschool facility in a residential zone, in the city of Emmett. The site is approximately .50 acres, which is half an acre located on East 4th St.; the property is currently a residential home. The applicant intends on providing nursery services to children and a private preschool. Business will operate Monday through Friday 8am-6pm. The required findings and staff analysis are read.

a. Will, in fact, constitute a special use as established on the official schedule of district regulations for the zoning district involved;

ECC, 9-5-2 lists Nursery for children and Private Preschool as requiring a SUP in the R-1 zone. A nursery for children and private preschool is permitted with an SUP within a residential zone. Staff determined that an SUP was appropriate for this type of application.

b. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this zoning title;

Staff finds the following applies to this application:

RECREATION AND OPEN SPACE

4. Enhance community walkability.

A. Encourage the development of neighborhood schools and safe routes to school.

The location and characteristics of the defined land uses reflect the overall community vision and opportunities as identified from community discussion throughout the planning process:

--Emphasize residential development within surrounding neighborhoods, but ensure a mix of housing types and sizes, and allow the flexibility for low-impact mixed-uses.

-- Mixed Residential Neighborhoods (MR)
Secondary Uses: civic uses, schools, parks, and open space

According to the land use map, this property is located on the Safe Route to School Corridor of E. 4th St.

c. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

The existing area is primarily residential houses. The existing building to be used as the nursery/private preschool is a residential home and will remain harmonious and appropriate in appearance with the general vicinity.

d. Will not be hazardous or disturbing to existing or future neighboring uses;

The facility will be primarily within the existing building. But there will be outside activity. Staff does not find this to be hazardous but could be disturbing to the neighboring uses.

e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services; Staff finds that all public/private services will need to be provided.

f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
No additional public facilities or services would be required to serve the proposed nursery and preschool.

g. Will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any person, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors;

Staff finds there will be an increase in traffic during drop off and pick up times, and the noise in the area could increase from the children playing in the yard. This noise will be typical of a residential use with children.

h. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Vehicular access is taken directly from E. 4th St. Email from Director of Public Works states parking along E. 4th Street will not be allowed due to cars backing into traffic creating a safety issue.

i. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance. (Ord. 804,11-28-1989)

Staff finds the site is not located in an area encouraged for preservation, or known to be of specific importance as to the natural, scenic or historic features.

6. SITE SPECIFIC CONDITIONS OF APPROVAL

Section 9-8-4: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

In considering any special use, the city may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be grounds for terminating the special use permit. (Ord. 939, 9-13-2001)

If the Commission decides to approve the use, the following conditions are recommended:

- a) Hours and days of operation need to be discussed. Application states M-F 8:00 to 6:00.
- b) If SUP is approved, submit a copy of the State of Idaho Childcare license.
- c) The applicant shall coordinate with Emmett Fire Department and obtain a fire inspection.

7. STAFF RECOMMENDATION

Staff finds the proposed Special Use Permit could meet all the required findings from the Zoning Ordinance and Comprehensive Plan listed in Section 5 of this report. Based on the information presented to date and available to staff, we recommend approval for this application.

Administrator Sullivan opens up for questions from the commission. Commissioner Gregory comments about the location to confirm. Commissioner Howard asks about parking. Commissioner Gregory then calls up the applicant.

Tisha Vanderwiel steps forward states her name and address. Ms. Vanderwiel gives a little bit of a background in being an educator. She owned and operated a preschool in 1996 for 10 years. Children are her passion. She recently moved to Emmett, and would like to be a part of the community through educating children. Commissioner Howard brings up the parking, and the comments made by Clint Seamons the Public Works Director. Vanderwiel comments that they can still do parallel parking, and that there is a lot of room in the back of the property for parking as well. She also mentions a loop style parking lot where people can enter on one end and exit out around a loop. The time frame for hours of operation are brought up. Tisha states that the hours from 8-6 are approximate, they may be a little earlier perhaps 7am. Also, she states that if there was a specific time frame that is needed to stay within, then they are happy to stay within that given time frame. But they would like to make it so parents can drop off their children before work, and pick them up after work. But not at the exact same time parents are dropping off at other school. The Emmett School District times are discussed.

Commissioner Gregory opens the floor to the public.

Spencer and Janet Murphy step forward. Mr. Murphy states that they live across the street, and have big concerns about safety. He then mentions that the sidewalk is on their side of the street, not the schools side. Also that the street does not have street lights. The closest street light is at 4th and DeClark. He is concerned about children walking in the dark to cross the street to get to the sidewalk. Another concern is where parents will park for holiday parties etc., also that their parking spots on the public street may be taken by parents of the students. They also bring up a light-up sign for the school, and they do not want anymore light pollution. The Murphy's are concerned that a sign will impede on the characteristics of a residential neighborhood. Also drop off times are brought up again. Mrs. Murphy inquires about what will hold the school to commit to specific hours of operation. Will the school be able to change their operation times if they want to?

Ms. Montalbo steps up. Her mother owns the residence right across the street, and directly next to the Murphy's. She did not have more to add, but wanted to step forward to validate the Murphy's concerns.

There are no more comments from the public.

Tisha Vanderwiel steps forward again to address the publics concerns. She begins by stating she understands all of their concerns. She then brings up the issue of parking, and states that they have plenty of room in the back of the property to put the parking. She then states that they plan on redoing the sidewalks and ramp when they do the landscaping. As far as hours of operation, once the hours are set, they will stay in place. Ms. Vanderwiel wants the times to be when the parents need to drop off and pick up their children before and after work, in order to meet the needs of these families. With regards to the sign, she would like to do whatever the commission thinks will be most beneficial to the neighborhood. Not lit up, or flashy. She wants to get along with the neighbors, and mentions that there will only be a small number of children on the playground at once, and talks a little bit about pick up times being staggard.

Commissioner Butler brings up the age range of the students, and that none of the students are of age to come and go on their own without a parent. Tisha confirms the age range. Commissioner Butler brings up licensing for the site, and the number of clients that can be served, what would the maximum number of students be? Ms. Vanderwiel states that they have not gone through the licensing yet, but it is usually 1 per every 35 square feet which would make it around 40-60 children at any one time. It could be a little more, it could be a little less depending on what the fire department says.

Attorney Sweeten then advises the commission to make sure that they have all information needed to make this decision before closing the public hearing.

Commissioner Butler asks if the Fire Chief has made any comments. There are none. Commissioner Gregory brings up lighting. Administrator Sullivan answers a few questions about lighting the property.

Commissioner Gregory closes the public hearing. Commissioner Gregory asks Attorney Sweeten if there is anything in the City Code about preschools. To Sweetens knowledge the city does not regulate preschools, and they are only referenced as a type of use in a zone. Administrator Sullivan then states that there will be a business license that will be required as well as a fire department review, and the SUP will be reviewed annually.

Commissioner Gregory inquires about what can be put in the wording of the SUP, since there is not anything in the code in regards to preschools. Attorney Sweeten answers that the number of children can be limited.

Administrator Sullivan then states that the Fire Department will do a walk through and will give a classification based on square footage, which will determine the number of children that can be on site at any one time.

Commissioner Gregory suggests that more information may be needed to make a decision. Commissioner Butler agrees that more must be added to aid the staff report. Discussion about parking, and the other concerns ensues.

Attorney Sweeten addresses the commissioners.

There are a few questions they seem to have. The questions of 1) How many? 2) When? and 3) How? He advises the commission that if they are not ready to approve or to deny SUP24-001, that they may reopen the public hearing, and then direct either staff or the applicant to bring back some additional information, with 1) reasonable numbers 2) reasonable times 3) reasonable solutions to how it's going to work, to better help make a decision. Then the public hearing remains open, take that information into the next meeting, and then go from there.

Commissioner Butler motions to reopen the public hearing on SUP24-001 Special Use Permit for a nursery/private preschool at 905 E 4th St. Commissioner Howard seconds. All in favor, motion carried.

Commissioner Gregory proposes to Administrator Sullivan that they have the following.

- 1) The proper sight lines coming out of the driveway
- 2) The front being muddy, possibly a curb
- 3) A map, layout of property (width of driveway included)
- 4) The fire department do an inspection; get a more accurate number of how many children will be allowed
- 5) Hours of operations. Days of the week etc.
- 6) Clarification on the sign
- 7) Lighting, and an idea of what the lighting will look like, times of day/night the lighting will be on
- 8) Possible conditions for no parking on opposite side of street

Commissioner Gregory moves the public hearing for SUP24-001 to Decembers meeting.

New Business: Accessory Dwelling Workshop to be continued at next meeting.

Unfinished Business: none

Items from the Commission: none

Items from the Building Official/ Zoning Administrator: none

Next Regular Meeting –December 2, 2024

Commissioner Howard made a motion to adjourn. Commissioner Butler seconds the motion. Motion Carried.

Meeting adjourned at 7:10 pm

Gwen Earls

Chairman Gwen Earls

Acting Secretary