



## CITY OF GARDEN CITY

6015 Glenwood Street ☐ Garden City, Idaho 83714  
Phone 208/472-2900 ☐ Fax 208/472-2998

~ Minutes ~

### Planning & Zoning Commission

6:30 PM

Wednesday, April 17, 2019

City Hall – Council Chambers

6015 Glenwood Street, Garden City, Idaho

**I. CALL TO ORDER** The meeting was called to order at 6:30 pm.

#### II. ROLL CALL

Commissioners Present: Chuck Kennedy, James Page, L. Kent Brown

Absent: L. Joe Nunley

Staff Present: Jenah Thornborrow, Chris Samples

#### III. CHANGES TO AGENDA - ACTION ITEM

**A. MPUDFY2019-1** was moved to the consent agenda after the applicant did not object to the draft findings of fact, conclusions of law and decision, no one from the public wished to testify on the matter, and no commissioner had an objection to the proposal.

- i. Commissioner Page moved to approve
- ii. Commissioner Brown seconded.
- iii. The motion was approved unanimously.

#### IV. CONSENT AGENDA – ACTION ITEM

A. March 20, 2019 Minutes

**B. MPUDFY2019-1:** Pam Gaines with neUdesign Architecture is requesting Planning and Zoning Commission approval for a Minor Planned Unit Development to be located at 322 E. 44th Street; Ada County Parcel R2734500512, S 170' Lot 16, Block 2, Fairview Acres Sub #1. The property is zoned R-3 and located in the Mixed Use Residential designation of the Comprehensive Plan.

- i. Commissioner Page moved to approve
- ii. Commissioner Brown seconded.
- iii. The motion was approved unanimously.

#### V. OLD BUSINESS – ACTION ITEM

A. None

#### VI. PUBLIC HEARINGS – ACTION ITEM

**A. CUPFY2019-4:** Hannah Ball with Urban Land Development is requesting Conditional Use Permit approval of a seasonal outdoor farmer's market at several addresses including 303 E. 34th St., 3342 Carr St., 215 E. 34th St., among others. The properties are located in the general commercial (C-2) zoning district, the Boise River Greenbelt Overlay District, and the Work-Live-Create designation of the Comprehensive Plan.

- i. The applicant Hannah Ball and the applicant's representative Jeffery Bower presented the application.
- ii. Staff Chris Samples presented the staff report.
  1. Noted late exhibits to be entered into record.

- iii. Public testimony was received from:
- In Favor:
1. Mona Worchol- Executive Director Capital City Market. Knows how to run market from experience downtown. This would be a mini market. Estimates a successful night could be 100 people. Because there is a fence, there is a way to restrict the number of people.
  2. Matt Williams- President of the board of the Capital City Market.
  3. Sondra Skinner- Markets are essential to vendors. Desires markets on days other than Saturday and in other locals.
  4. Katie Painter- The market is small. The issues brought up might not be an issue. Disappointed in the car centric planning that has gone on. The requirement of large parking reduces viability of transit. A sidewalk is an expensive ask for a farmer's market.
  5. Margaret Temple- The area have very little traffic. There are no sidewalks except on 36<sup>th</sup> Street.
  6. Carl Whayle- Selected home for availability of places to walk and bike. This is an additional location to walk and bike. Parking is overrated.
  7. Ben Murray-This area is designated Live-Work-Create is the most lively place in Garden City. The amount of positive feedback that this area gets.
  8. Lea Rainey- Garden City is on the National Registry as a food desert. A market solidifies a community. The Roots has bike and vehicle parking available for the market. Garden City is fighting a stigma and this is a positive event that changes negative opinions.
  9. Will Howard- Most of the traffic came from the greenbelt last year. Read a letter from Mike Slavin operator of the previous market.
  10. Susan Bauter- The market is well run and family friendly.
- Opposed
11. Victor Meyer- the Market was the only use addressed. The temporary use was a temporary bar last year.
- iv. The applicant's representative Jeffery Bower and Hannah Ball provided rebuttal testimony addressing the parking. Indicated that they feel that frontage on right-of-way in front of property owned by Ms. Ball is adequate. The project will have two to five portable restrooms on site. There are no permanent structures. Beer and wine are to be served through a catering permit. The events are less than 200 people.
- v. Staff noted that they have not reviewed the data provided in the parking study provided to the Commission during the meeting. Drinking establishment is a permitted use. There is nothing in code that prohibits an outdoor drinking establishment in code.
- vi. The Commission closed public testimony.
- vii. During discussion
1. Commissioner Brown noted in favor of approving this use. There are three issues: 1) Sidewalks: is in concurrence with ACHD recommendation to place a sidewalk on Carr Street only can't expect this applicant to fix sidewalk issue. 2) Parking: 60% of the people who attended the market last year walked or biked. The parking is public. There is enough information for determination. 3) Port-a-potties are adequate.
  2. Commissioner Page noted he echoed Commissioner Brown's comments. He further noted if sidewalks are not built with changes of use there won't be sidewalks. The Commission is not supposed to consider expense, however, tearing out sidewalks immediately is not good stewardship. Cannot pre-assume approval of future projects.
  3. Kennedy- Noted that the applicant volunteered to sunset the use fall of 2021. With the use being 30 months or less no reason to put full load of sidewalks on this application.

- viii. Commissioner Page moved to approved the application with the following amendment to the draft findings of fact, conclusions of law, and decision:
  - 1. Additional condition sunset clause of November of 2021.  
The motion was withdrawn.
- ix. Commissioner Brown- moved to approved the application with the following amendment to the draft findings of fact, conclusions of law, and decision:
  - 1. Additional condition sunset clause of November of 2021.
  - 2. Adhere to the Ada County Highway District's sidewalk requirements.
- x. Commissioner Page seconded the motion.
- xi. The motion passed unanimously.

**B. CUPFY2019-5:** Teri Aslett and d'Andra Cahill with Pooch Professionals Idaho, LLC are requesting Conditional Use Permit approval of a dog training school at 4601 W. Chinden Blvd; Ada County Parcel R2734510020, Fairview Acres Sub. #2. The 0.550 acre site is located in the highway commercial (C-1) zoning district and the Light Industrial designation of the Comprehensive Plan.

- i. Applicants Teri Aslett and d'Andra Cahill presented the application. The applicants discussed how they will control noise and smell. They requested an attached sidewalk and alternative interpretation of code related to required distance buffer pursuant to GCC 8-2C-5.
- ii. Staff Chris Samples presented the staff report.
  - 1. Noted late exhibits to be entered into record including the site design and public comment from Jerry Phillips.
  - 2. Focused on the buffer issue.
- iii. Public testimony was received from
  - 1. Robert Shoenhoff- owner of the property. There is a light at the back of the building that has been there for 10-15 years. It was a body shop which is a noisy operation. There is not a sidewalk from Glenwood east to VMP. It is not right to ask the applicant to put in a sidewalk.
  - 2. Grant Walden neutral- concerns with parking, hours of dogs outside, lighting required to be down shielded, wildlife on ditches, contained sanitation so that it doesn't go into the ditch.
  - 3. Richard Riemann-opposed due to noise
- iv. Applicant Teri Aslett and d'Andra Cahill provided rebuttal testimony.
- v. Staff, Christian Samples noted that Garden City Code requires down shielding of lights, parking could be addressed by the Commission or administratively, and operational hours can be conditioned.
- vi. The Commission closed public testimony.
- vii. Commissioner Brown noted that the buffer would be adequate for noise abatement. They will have to conform to Idaho Transportation Department sidewalk and access requirements.
- viii. Commissioner Page also noted that he was in favor but thought that the condition for the sidewalk should remain.
- ix. Chairman Kennedy, the 300 requirement should be relevant to the use not the site. For the purposes of this approval the site use goes to the border of the use. Limiting the
- x. Commissioner Page moved to approved the application with the following amendment to the draft findings of fact, conclusions of law, and decision adding conditions:
  - 1. To limit the hours of socialization and curriculum to 9am-7pm training hours.
  - 2. Parking administratively with staff, ITD, and the applicant.
- xi. Commissioner Brown Page seconded the motion.
- xii. The motion passed unanimously.

- C. **CPAFY2018-7:** City of Garden City is requesting an amendment of the Garden City 2006 adopted Comprehensive Plan in order to identify significant changes in the community since the Plan was adopted, amend the plan to reflect the completion of implementation actions, amend and add to the Goals, Policies and Strategic Actions to reflect changing priorities, ensure compliance with state statutes, and amend the land use map.
- i. Staff Jenah Thornborrow introduced the application.
  - ii. Diane Kushlan, consultant for Garden City, presented the application and the staff report. Centered on:
    1. 1.5.4 shouldn't be more general
    2. 4.1 keep parks district
    3. Future Planning Areas
    4. Definition of existing and green spaces- take out where feasible
  - iii. Public testimony was received from:
    - a. Jeanne Jackson-Heim- Greenbelt- 5.7.3, 5.7.4 taken out language priority for recreational uses and setbacks is important. The re-designation of the area north of Marigold Street is appropriate.
    - b. Wendy Carver-Herbert- Requested additions to respect existing neighborhoods in infill development; 5.1 neighborhoods bordering the river should be included in 5.1.2.; 5.4.1 systematic look at stormwater management; 5.7.4 licensure of bicycles would unduly tax Garden City residents.
    - c. Mike Jones- Maintain Plantation as open space.
    - d. Craig Quintana-asks that Plantation Golf Course be designated as open space to consider historic, wildlife, etc. The Future Planning Area is premature and would tip the scale to development.
    - e. Mike Nero-Concurs with Mr. Quintana.
    - f. Joanne Butler- Appreciates discussion from Ms. Kushlan that the Comprehensive Plan is an aspiration and a goal. Does not prevent a property owner from going through a master plan as identified in code. Reviewed written comments.
    - g. Don and Becky Petersen- Letters submitted.
    - h. Liz Paul- requests an amendment to text a "water trail" instead of a "safe rafting route". Should think long and hard before considering a tubing stretch. Take out for boating at Westmoreland Park. Agrees with 5.3 including the opening of water systems and including BREN as specifically noted. 5.6.5 agrees with addressing wildlife.
    - i. Mary Jo Nyblad- Concurs with Mr. Quintana.
    - j. Tom Donahoe- Requests to maintain Plantation Country Club as is for future generations.
    - k. Bob Schmellick- Concurs with Mr. Quintana
    - l. Will Scott Moore- Concurs with Mr. Quintana and how the plan is written now. Asked how
    - m. Ken and Harriet Crist- agree
    - n. Bob Taunton, representing Glass Creek LLC- Explore opportunities for open space through master planning process; doesn't care what the designation is, but want to make sure that they can do a master plan for the golf course; State Street will cause some redevelopment of the property. Future Planning Areas include open space; it also includes a higher scrutiny by the City; the Land Use Designation is not open space on the proposal it is residential low density; could the public hearing be continued.
    - o. John Paulson- difference between the words modify and preservation. Do not rezone.
  - iv. The Commission closed public testimony.
  - v. Commissioner Page thinks that it is an improvement. Would prefer to move forward.
  - vi. Commissioner Brown would also prefer to move forward. Some items are more specific than what is desired for example the request for a drainage plan is

extremely expensive. Using the words open space/ parks. Make the change on page 35 where feasible.

- vii. Chairman Kennedy is not comfortable knowing that everything has been incorporated into the plan per new documentation
- viii. Commissioner Brown moved to recommend approval of the amended comprehensive plan including recommended changes identified by Design with the following amendment to the draft findings of fact, conclusions of law, and decision:
  - 1. Recommended wording “where feasible” on page 35 delete.
- ix. Commissioner Brown Page seconded the motion.
- x. The motion passed 2/0.

D. **CPAFY2019-2:** City of Garden City is requesting an amendment of Title 8 [Development Code] Chapter 6 [Administration] Article A [General Provisions] and Title 2 [Boards and Commissions]. The intent of the proposed code amendment is to repeal certain general administrative processes and provisions related to the creation of boards and adopt those provisions by resolution.

- i. Staff Jenah Thornborrow presented the application and the staff report.
- ii. Public testimony was received from Wendy Carver-Herbert concerns removing reference to all meetings shall be open to the public.
- iii. Staff Jenah Thornborrow provided rebuttal testimony.
- iv. The Commission closed public testimony.
- v. Commissioner Brown moved to approved the application with the following amendment to the draft findings of fact, conclusions of law, and decision:
- vi. Commissioner Page seconded the motion.
- vii. The motion passed unanimously.

## VII. WORK SESSION

A. **CPAFY2019-3:** City of Garden City is requesting an amendment of Garden City Code Title 8 [Development Code], Chapter 3 [Overlay Zoning District Regulations, Article E [Boise River and Greenbelt] related to changes to the Boise River Overlay.

- i. Staff Jenah Thornborrow presented the proposal.
- ii. The Commission noted that they do not see an issue with the proposal and noted that there should be some mechanism to prevent evasion of the code.

B. **CPAFY2019-4:** Mark Estess is requesting an amendment to Garden City Code Title 8 [Development Code], Chapter 2 [Base Zoning District Regulations], Article B [Base Zoning District Provisions] and C [Land Use Provisions] in order to update existing land use zoning regulations for the deployment of wireless infrastructure.

- i. Staff Jenah Thornborrow provided clarification.
- ii. John Paulson noted that it is his understanding that the small cells are caps to add on light poles.
- iii. It was determined that the application can be brought forward to amend the Garden City Code.

## VIII. DISCUSSION

- A. None

## IX. ADJOURNMENT – ACTION ITEM

- A. The meeting was adjourned at 10:52 pm on a 2/0 vote.