



## 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, June 17, 2020

Meeting held via video conference due to Covid-19

<https://zoom.us/j/8188588340>

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

#### II. ROLL CALL

Commissioners Present: L. Kent Brown, Debbie Jo Pelton, Lance Pounds, Kent Rasmussen, Matt Wilde

Commissioners Absent: None

Staff Present: Jenah Thornborrow, Charles Wadams, Hanna Veal

Staff Absent: None

#### III. PLEDGE OF ALLEGIANCE

A. The pledge of allegiance was not completed due to Commissioners and the public attending by video conferencing and phone.

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

A. **VARFY2020 – 1** was moved to the last item on the agenda so that Chairman Brown could recuse himself.

B. **SUBFY2020 – 6** Due to the six requests for continuance, the request for continuance was considered.

a. Discloser of conflict, and *ex parte* discussions

i. Chairman disclosed nature of discussions and that he is a member of the executive board for the Plantation Master Association which has interest in the development. The Chairman stated that he has had conversations with about nine or ten of his neighbors who live in the plantation. Discussions included the topics of applicability of the development, bylaws and floodway. In his opinion he does not have real or potential interest in the application. He believes he can be fair and impartial have could fairly hear and consider the application

ii. Commissioner Wilde disclosed that he lives in the Plantation Subdivision and participated briefly with homeowners and members of the golf course vis Save the Plantation Golf Course

who have interest in thoughtful development of the golf course. Commissioner Wilde believes he can remain impartial.

- iii. Pelton noted no discussions.
  - iv. Pounds noted that he indicated that the Commission was going to discuss the application, but nothing more.
  - v. Rasmussen noted no discussion.
- b. The applicant was asked if there was any concern with any of the Commissioners hearing the application.
- i. JoAnn Butler asked both Chairman Brown and Commissioner Wilde if they could provide a fair and impartial review of the application.
  - ii. Both Commissioner Wilde and Chairman Brown indicated that they feel that they can be fair and impartial.
  - iii. Bob Taunton indicated that he appreciated their disclosures and was comfortable with them considering the application.
- c. The Public was asked if there was anyone in favor of continuing the hearing
- i. The following members of the public indicated that they were in favor of continuing the application:
    1. Dan Hollar
    2. Jake Heusinkveld
    3. Valerie Heusinkveld
    4. Ron Wilper
    5. Philip Gordon
    6. Barbar and Don Briant
    7. Karen Hauser
    8. Peter Snowden
    9. Tina Ellis
    10. Jim McEnaney
    11. George Lake
    12. Lindsey and Matthew Stenshoel
- d. The applicant was given the opportunity to respond.
- i. Bob Taunton noted that there were two neighborhood meetings which is more than what is required by code. The applicant has been working aggressively to address issues brought up, and they feel that they are prepared. He noted that he is not in favor of 60-day continuance.
  - ii. JoAnn Butler noted that she appreciated the letters from the community. They have all said that they want to understand detailed engineered studies. Two neighbors have indicated that they intend on hiring independent engineers. Preliminary Plat is the first step, gives a green light to spend a lot of money to generate the studies that they have indicated they want to review. Only after approval of a preliminary plat will those be generated.

- e. The Commission discussed the item.
- f. Debbie Jo Pelton moved to continue to a date certain of July 15, 2020
- g. Commissioner Wilde- seconded.
- h. The motion passed on a 3/1 vote with Commissioner Pounds dissenting.

## V. CONSENT AGENDA – ACTION ITEM

- A. April 15, 2020 Minutes
- B. CUPFY2020-12

- a. Commissioner Wilde moved to approve the consent agenda.
- b. Commissioner Rasmussen seconded the motion.
- c. The motion carried unanimously.

## VI. OLD BUSINESS – ACTION ITEM

## VII. PUBLIC HEARINGS – ACTION ITEM

- A: **CUPFY2020 – 12**: Chad Weltzin with Erstad Architects is requesting a conditional use permit for the use Lodging. The applicant is proposing to operate a 148 room hotel. The property is located at 510 E. 41<sup>st</sup> St.; Ada County Parcel # R2734520933.
  - a. During changes to the agenda the Chairman asked if the applicant was in attendance, agreed with the draft findings of fact, conclusion of law and recommended decision in the affirmative, if there was any member of the public who wished to testify in opposition to the application, or if the staff or any member of the Commission have any reason that the application should be heard.
  - b. There was no one from the public who wished to testify.
  - c. The applicant Chad Weltzin noted that he was in attendance and that he agreed with the decision and conditions as drafted in the affirmative.
  - d. The staff nor any member of the Commission noted a reason why this item needed to be heard.
  - e. The application was moved to the consent agenda and approved.
  
- B. **VARFY2020 – 1**: William and Susan Mansfield are requesting a variance to Garden City Code 8-2C-3 to allow encroachment of a structure in the rear setback and within the common area of the 52<sup>nd</sup> Street Condominiums. The property is located at 550 E. 52<sup>nd</sup> St and the 52<sup>nd</sup> Street Condominiums Common Area.; Ada County Parcel # R2816890050 and R2816890010, respectively.
  - a. Brown recused himself because the applicants are friends of his.
  - b. Vice Chair Rasmussen introduced the application.
  - c. Dennis Mansfield presented the application.
  - d. Staff Jenah Thornborrow presented the staff report.
  - e. Dennis Mansfield and Susan Mansfield provided rebuttal.
  - f. No testimony was provided.

- g. Public testimony was closed.
- h. Discussion:
  - i. Commission Pelton feels that the patio cover is the best option.
  - ii. Commissioner Wilde variance is defined as an undue hardship related to unique size, shape, topography, or location of the subject property. Does not feel that variance is the correct tool to move this forward.
  - iii. Commissioner Pounds noted concerns that the applicant does not have standing to request standing on a property that is not owned by the HOA. He also noted concerns related to the utility easement. Does not believe that this is a hardship. The indicated that he did not feel that the applicant has not exhausted the alternatives.
- i. Commissioner Pelton moved to request the applicant to return with revised materials for additional review.
- j. Commissioner Wilde seconded the motion.
  - i. During discussion Commissioner Wilde noted that there would need to be additional information to convince him that there was standing and undue hardship.
- k. The motion carried unanimously.

**C: SUBFY2020 – 6:** Bob Taunton with Glass Creek is proposing a four lot (three residential lots, one common lot) subdivision within a portion of the Plantation Golf Course. The property is located at 6515 W. State Street, Garden City, ID 83714; Ada County Parcel #R7100480125.

**Continued to a date certain of July 15, 2020 at 6:30 pm.**

## **VIII. DISCUSSION –**

- A. **CPAFY2020-00005: WORK SESSION** Bob Taunton with Glass Creek LLC is requesting a potential code amendment to amend Garden City Code 8-6B-6 Specific Area Plan (SAP) to modify the existing code to correct deficiencies in the existing code section and to establish SAP as a base zoning district. Code sections 8-7A-2 Definitions of Terms; 8-2B-2 Allowed Uses; 8-2B-1 Purpose; and 8-2A-1 Base Zoning Districts Established are proposed to be updated accordingly.
  - a. Staff, Thornborrow gave an overview of the work session. It was explained that the meeting was a work session and the more appropriate venue for public comment would be during a neighborhood meeting or directly to the applicant, so that the information could be incorporated in a draft for the City to review during the hearing process. The public was provided email address of [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) both visually and verbally so that any public that would like to provide the applicant with comments or be notified of the neighborhood meeting can be passed along to the applicant. During the meeting sever people utilized Zoom's chat function indicating that they would like to speak or be notified. Staff reiterated that in order to make sure that no one is missed if they

could utilize the [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) email for their requests and comments.

- b. Bob Taunton and JoAnn Butler provided a presentation that followed the presentation that was submitted.
- c. Chairman Brown noted requested staff to send the redlines to the Commission and any comments that the Commission may have can be passed along to the applicants.

B. Introduction of Hanna Veal

**IX. ADJOURNMENT – ACTION ITEM**

- A. The meeting was adjourned at 8:37 pm.

*L. Kent Brown*

*07/15/2020*

**Chairman, Planning and Zoning Commission**

**Date**