

6015 Glenwood Street ☐ Garden City, Idaho 83714
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MINUTES Design Committee

3:00 PM

Monday, August 19, 2019

Mayor's Conference Room – City Hall
6015 Glenwood Street, Garden City, Idaho

I. CALL TO ORDER

- A. The meeting was called to order at 3:00 pm.

II. ROLL CALL

- A. Appointed Members: Derek Hurd, Maureen Gresham, Brett Labrie
- B. Planning Official: Jenah Thornborrow
- C. Planner: Chris Samples
- D. Absent: None

III. ACTION ITEM - CHANGES TO AGENDA

- A. DSRFY2019 – 17: The applicant has requested a continuance to a date certain of September 3, 2019 to have the matter heard along with minor planned unit development application MPUDFY2019 – 3.

I. CONSENT AGENDA- ACTION ITEM

- A. Minutes of August 5, 2019 Hearing
- B. Continuance of DSRFY2019-17 to a date certain of September 3, 2019.
 - i. Committee member Gresham moved to approve the consent agenda.
 - ii. Committee member Hurd seconded the motion.
 - iii. The motion carried unanimously.

II. OLD BUSINESS-ACTION ITEM

- A. SUBFY2017-1/PUD2013-2: Todd Weltner is requesting a recommendation of approval of design changes and of landscaping and wall improvements along the Greenbelt. The project is located at E. 35th St. and N. Prospect Ln., Garden City, ID, 83714.
 - i. Todd Weltner presented the proposed amendments.
 - ii. Staff Chris Samples presented the staff report.
 - i. Late exhibits: Written comments from Nancy and Tom Baskin, Gary Asin, Nathen Fox, and Troy Little; Applicant's PPT
 - ii. Clarification of two decisions on this matter
 - iii. Public testimony was received from:
 - a. Victor Meyers in opposition. Issue of cutting off part of overhang, more of a physical issue. Alleged physical trespass from water draining from the roof. Still having water issues on site. Lawsuit

- filed by applicant. Setback encroachments alleged and alleged that drainage is affected to his property.
- b. Jason Jones in favor (written), does not wish to testify. Comments read into record.
 - c. Tom Baskin in opposition. Testifying on behalf of himself and his wife Nancy Baskin. Noted written comments in record. Noted four points.
 - i. Sees fence posts that are not noted in conditions of approval. Fence posts located along wall. 6.5' setback from paved edge of green belt.
 - ii. Height of wall within setback. Conditions set forth clearly in May 2017 required a 3.5' tall wall. Proposal exceeds height. City's directive is unambiguous. Intent was clear applicant was to return to have wall reviewed.
 - iii. Setback requirement not ambiguous, as noted in May 2017 decision. Setback was specified. Some places wall is closer than 2' or at 2'. Setback must be honored or actions of city council are denigrated.
 - iv. Curious of the role of the green belt easement in discussion. Not mentioned in May 2017 decision. No provision in green belt easement to have fences and walls. Paved surface can be placed in 6.5' buffer required by easement.
 - v. Additional point: Wall inconsistent with other walls along Greenbelt. No existing wall is over 3.5'.
 - d. Meagan Griffin in opposition, written comment provided. Comments read into record.
 - e. Andy Haws, attorney for Victor Meyers Investments, in opposition. Referenced exhibit on page 8.1.6 (applicant's page #). Measurement on lot 18 inconsistent between original plans and actual placement. Lot 18 allegedly built a foot into the adjoining property. Cites ongoing litigation of alleged physical trespass. Drainage system is different than what was approved because lot 18 is not placed correctly.
 - f. Hannah Ball provided testimony in support of the proposed modifications. Supports wall height, placement, and design. Does not feel there is a hazard to public. Supports applicant's project.
 - g. Bryant Forester in support of project. Pleased with project development, with accommodating neighbor's needs, and with his ability to work through problems.
- i. Todd Weltner provided rebuttal testimony:
 1. Notes ongoing litigation.
 2. Previous pre-app noted solution to lot 18 encroachment. No encroachment or drainage problems noted.
 3. Read attorney's comments into record. Disputes Tom Baskin's comments. Encroachment into Greenbelt not correct.
 4. Feels wall is upgrade to area, landscaping helps mitigate look of wall.
 5. Baskin's letter mentions that we are the developer that cut trees down. We are not that developer.
 - ii. Chairperson Thornborrow read written comments from Gary Asin, Tom and Nancy Baskin, Nathen Fox, and Troy Little into record.
 - iii. Public testimony was closed.
 - iv. Committee member Hurd moved to approve the Design Review amendments except fence related.
 - v. Committee member Labrie second the motion.
 - vi. The motion carried unanimously.
 - vii. Committee member Gresham noted in previous meeting that rock wall was not what was in line with what was previously approved. Causes problems along Greenbelt, such as eyes on street, ability to maneuver, and within setback.

- Problem with 6' wrought iron fence. Don't agree with fence and wall location. Recognizes work put into wall, but rules have not changed. Suggests alternative such as terracing rock wall. Placement as installed not appropriate.
- viii. Committee member Hurd agreed with need for terracing of wall. Objection to wrought iron fence encroaching further into Greenbelt. Rock wall terraced back has natural look, but wrought iron fence does not. See 6' wrought iron placed at appropriate distance given height.
 - ix. Committee member Labrie agreed with committee member Hurd. 6' wrought iron not appropriate. Landscaping elements for rock wall previously discussed to help soften wall and to make it more natural looking. Landscaping mitigation would be appropriate and needed to make it look more natural. More information on Greenbelt landscaping may be needed. Would recommend approval of wall with additional landscaping to soften it.
 - x. Committee member Gresham clarified her opposition, indicated that the wall does not make for a safe Greenbelt, removes eyes from street, potential safety hazard. The 3.5' height and associated setback is for those reasons. Indicated opposition to wrought iron fence if 3' setback not met.
 - xi. Committee member Labrie moved to recommend the wrought iron fence along Greenbelt be approved if it meets the setback and height restrictions, side yard setback.
 - xii. Committee member Hurd Seconded.
 - xiii. The motion carried unanimously.
 - xiv. Committee member Gresham moved to recommend denial of the requests related to the rock wall. of the PUD amendments, consisting of the wall height, wall setback, and the substitution of trees for shrubs along the Greenbelt.
 - xv. No one seconded the motion. Motion dies
 - xvi. Committee member Hurd indicated he was comfortable with landscape features as shown, if the rock wall steps back from the Greenbelt. The landscaping along there will further soften it.
 - xvii. Committee member Hurd moved to recommend approval of the rock wall height and setback and the landscaping changes as presented.
 - xviii. Committee member Labrie seconded.
 - xix. The motion carried with two votes in favor from Hurd and Labrie and one in opposition Gresham.

G. NEW BUSINESS – ACTION ITEM

- a. DSRFY2019-16: Mark Butler with Land Consultants Inc. is requesting Design Review approval of a new 12 foot high privacy fence at 520 E. 47th Street, Ada County Parcel R2734522991. The fence would be placed on the front property line and along a portion of the southwest side of the 2.33 acre site.
 - i. Mark Butler presented the proposal.
 - ii. Committee member Labrie: Is what is in the PPT not what is being proposed?
 - iii. Mark Butler defers to architect.
 - iv. Rebecca Kent: The fence is proposed to be gunmetal grey. Clarifies elevation in PPT. Verticals to face street. Pole side will not be visible to public. Trim along bottom of fence.
 - v. Staff Chris Samples presented the staff report.
 1. Late Exhibit: Public comment from Mystic Cove HOA; Applicant PPT
 - vi. Public testimony was received from:
 1. Laurie Allison in opposition. Question concerning corner of fence. Corner comes down City property to 48th Street to existing gate. From the gate to City Park, does that remain wood?
 - a. Written comment read into record.
 2. Jason Jones in favor. Applicant cited on shielding code. 8' fence height is max allowed. How can applicant get cited on 8' fence? I reported GCPD to GCPD for the same issue, no resolution provided.
 3. Debbie Jo Pelton in opposition. Question concerning placement. Going down from park south past the gate to SW corner, there is a large

- difference, 2' in height. Will this height difference be addressed? Erosion has significantly impacted the height of the fence, inside property.
- vii. Mark Butler provided rebuttal testimony.
 - 1. Scope limited to area from gate to City Property.
 - 2. Was not aware of erosion issues.
 - 3. Feels metal looks better than wood.
 - 4. Comprehensive plan should be set up to improve things in City.
 - 5. No plan to replace entire stretch with metal.
 - 6. Erosion from flooding a year ago possible, but not aware of specific locations. Owner amenable to maintenance concerns.
 - viii. Public testimony was closed.
 - ix. Committee member Labrie felt there were some issues with material. Overall aesthetic of something that is industrial, it's something the Design guidelines have moved away from industrial metal look. Material along sidewalk is very cold and gives industrial feel. Material needs to be more in line with design review guidelines. Transition from this material back to wood could impact streetscape. Something to soften the look of the fence is needed, regardless of material. Landscaping buffer could soften look, so a required LS buffer is more of a reason to not have that material.
 - x. Committee member Gresham indicated material could look better than wood fence, but creates disparity in material transition. Gresham felt that if codes were complied with, it would look even better. Gresham indicated that there was no reason to approve it.
 - xi. Committee member Hurd indicated he does not mind industrial look as an aesthetic. Half wood and half metal doesn't appear to work. Sheet metal is prohibited unless it is adorned and make it a feature. He indicated he couldn't support as presented.
 - xii. Committee member Labrie felt there is other opportunities and ways to achieve what they want to achieve.
 - xiii. Committee member Gresham indicated that a metal fence with a decorative element may have garnered more consideration from her.
 - xiv. Committee member Gresham moved to deny the proposed fence material.
 - xv. Committee member Hurd second the motion.
 - xvi. The motion carried unanimously.
- b. DSRFY2019-17: Pam Gaines with neUdesign Architecture is requested Design Review approval of a pre-application request for an eight unit single family housing development

located at 404 E. 49th Street, Ada County Parcel # R7334160441. The property is within the R-3 Medium Density Residential zoning district.

- i. The matter was continued to a date certain of September 3, 2019 at the request of the applicant.
- c. BLD FY2019-0132 and BLD FY2019-0149 - Appeal: Kim Spears is appealing an administrative decision to require a de-attached sidewalk for two single family detached homes located at 306 and 308 E. 35th Street (Ada County Parcel Number R2734540401).
- i. Kim Spears presented the appeal.
 - ii. Maureen Gresham recused herself due to personally knowing the applicant.
 1. Additional exhibits presented: Photos; These exhibits were not provided during original application or in appeal application.
 - iii. Staff Chris Samples presented the staff report.
 - iv. Kim Spears provided rebuttal testimony.
 - v. Committee discussion:
 - vi. Chairperson Thornborrow clarified the role of the Committee in an appeal. The Committee is reviewing staff's decision to deny a sidewalk waiver. Thornborrow further clarified that the Sidewalk Policy lists requirements.
 - vii. Committee member Hurd requested clarification of where the beginning of the requirement improvements was measured from. Measurements were from property line out.
 - viii. Appellant Spears noted the location in photos she provided to Hurd.
 - ix. Committee member Hurd requested clarification on whether sidewalks can be on subject property.
 - x. Chairperson Thornborrow indicated sidewalks could.
 - xi. Committee member Labrie felt there was nothing in the record that would constitute a waiver.
 - xii. Committee member Hurd indicated that ACHD requires a road width and back from that rather than the property line for a landscape strip.
 - xiii. Committee member Labrie indicated that there is always a first property to develop a sidewalk.
 - xiv. Committee member Hurd requested clarification on whether the original decision was made prior to the adoption of the 34th Street Streetscape Plan.
 - xv. Chairperson Thornborrow indicated that it was approved prior to the Plan's adoption.
 - xvi. Committee member Labrie requested clarification on how the next property would be affected by the Plan's adoption.
 - xvii. Chairperson Thornborrow indicated that the next properties would deviate from the appellant's requirements due to the Plan's new requirements.
 - xviii. Committee member Hurd moved to deny the appeal.
 - xix. Committee member Labrie second the motion.
 - xx. The motion carried unanimously.

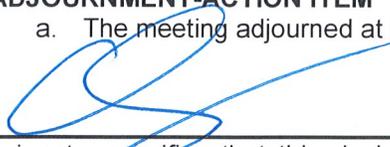
H. PRE-APPLICATION CONFERENCE

I. DISCUSSION

J. ADJOURNMENT-ACTION ITEM

- a. The meeting adjourned at 5:10 pm.

This signature verifies that this decision document has been reviewed and approved by the Design Review Committee.

 9/20/19