



CITY OF GARDEN CITY

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~ Minutes ~

Planning & Zoning Commission

6:30 PM

Wednesday, September 16, 2020

Garden City Hall, 6015 Glenwood

Meeting held via video conference due to Covid-19

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

I. CALL TO ORDER The meeting was called to order at 6:31 pm.

II. ROLL CALL

Commissioners Present: L. Kent Brown, Kent Rasmussen in person and Debbie Jo Pelton, Lance Pounds, Matt Wilde via Zoom.

Staff Present: Jenah Thornborrow and Hanna Veal in person.

III. PLEDGE OF ALLEGIANCE

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

V. CHANGES TO AGENDA - ACTION ITEM

A. VII E. Should Read:

SUBFY2020-01: David Hale with Hale Development is requesting a combined preliminary and final plat subdivision processed as a planned unit development for a proposed 61 unit townhome development. The property is located at Ada County Parcel # RS0536141980.

VI. CONSENT AGENDA – ACTION ITEM

A. August 19, 2020 Minutes

- B. CUPFY2020 – 14:** Jeff Likes with ALC Architecture is requesting a drive-through establishment for an eating establishment and professional services located at 5219 Chinden Boulevard, Garden City, ID 83714; Ada County tax parcel R7334170125.
- At the beginning of the meeting 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.
 - The applicant Jeff Likes, noted that he was in attendance and that he agreed with the decision and conditions as drafted in the affirmative.

- c. There was no one from the public who wished to testify.
- 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.

C. **CUPFY2020-17**: Kevin Perez with KKP Electrical Contractors LLC dba Mountain Power Electrical Contractors is requesting a conditional use permit for the proposed use of Service Provider. The property is located at 305 E. 41st Street, Garden City, ID 83714; Ada county Parcel #R2734501990. **Moved to a date certain of October 21, 2020 as requested by applicant.**

D. **SUBFY2020-07/ ANNEXFY2020-1**: Josh Beach with Sawtooth Land Survey is requesting to annex a 6.4 acre parcel of land located at 6300 N Ulmer lane with a proposed zoning designation of R-2 Low Density Residential. Concurrently the applicant is proposing a 29 lot including 5 common lot residential subdivision being processed as a planned unit development located at 6300 N Ulmer Lane; R8123254980. **Applicant requested to move to a date certain of October 21, 2020 based on noticing errors.**

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

VII. OLD BUSINESS – ACTION ITEM - NONE

VIII. PUBLIC HEARINGS – ACTION ITEM

A. **CUPFY2020-16**: Regina Phipps and Will Calhoun are requesting a Conditional Use Permit to build an additional detached single-family home and a waiver to density standards at 401 E. 52nd Street, Garden City Idaho, 83714, Ada County Parcel #R7334160670.

1. Applicant, Regina Phipps, presented the application.
2. Staff, Hanna Veal, presented the staff report
3. Public testimony was heard from:
 - a. Shawn McFadden, in opposition, concerning the traffic loads that a higher density proposal would create. In favor of the proposed single family dwelling unit plan.
 - b. George Nesbit, in opposition, the proposed house fits in with the surrounding neighborhood and believes that as the property owner, the home should be built as the applicant desires.
 - c. Dyan Bevins, in opposition, the reduction of density is not the issue. Questions regarding the TOD density requirements of the Comprehensive Plan designation. Subdivision process is a heavy burden for citizens, the proposed home is not possible even if the applicant chooses to subdivide.
4. Regina Phipps provided rebuttal testimony.
 - a. Subdivision process is an undue hardship for a property owner.
 - b. The original single-family home will be demolished once it is not needed anymore.
 - c. Staffs interpretation of the proposal as an accessory dwelling unit is inaccurate. The proposal is not meant to be subordinate.
 - d. No hard definition of a duplex.
 - e. Legal lot of record was questioned. It should not be the applicant's duty to find required documents to prove that the lot was created legally.

- f. It should not be difficult for a homeowner to build what they want on their property.
5. Public testimony was closed.
6. Commissioner Wilde moved to approve the application as amended to include the following conditions:
 - a. The applicant shall apply for a subdivision application prior to issuances of a construction permit.
7. Commissioner Pelton seconded the motion.
8. The motion carried on a 3/1 vote with commissioner Pelton dissenting.

B. [SUBFY2020-01](#): David Hale with Hale Development is requesting a combined preliminary and final plat subdivision processed as a planned unit development for a proposed 61 unit townhome development. The property is located at Ada County Parcel # RS0536141980.

1. Applicant, David Hale, presented the application.
2. Staff, Hanna Veal, presented the staff report
3. There was no public testimony.
4. David Hale provided rebuttal testimony.
 - a. Willing to create a water featured monument sign.
 - b. Subdivision liability for pedestrian pathway from Glenwood to and through proposed subdivision.
 - c. Settlers Canal should be considered and amenity.
5. Public testimony was closed.
6. Commissioner Pounds moved to approve the application as drafted in the draft decision in the affirmative with draft conditions of approval.
7. Commissioner Pelton seconded the motion.
8. The motion carried unanimously.

V. DISCUSSION – WORK SESSION REQUESTED ON SFH CRITERIA

A. [Garden City noticing policy](#)

VI. ADJOURNMENT – ACTION ITEM

- A. The meeting was adjourned at 9:19 pm.

Chairman, Planning and Zoning Commission

Date