

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 18th, 2018

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: Laurie Barrera, L. Kent Brown, Chairman Chuck Kennedy, L. Joe Nunley, James Page
Absent: None
Staff Present: Jenah Thornborrow, Chris Samples
 - III. **ACTION ITEM - CHANGES TO AGENDA:**
 - A. None
 - IV. **ACTION ITEM - CONSENT AGENDA:**
 - A. Minutes from the Wednesday, **March 21st, 2018** meeting
 - i. Commissioner Brown moved to approve the consent agenda.
 - ii. Commissioner Barrera seconded. The consent agenda was approved unanimously.
 - V. **ACTION ITEM - OLD BUSINESS:** None
 - VI. **ACTION ITEM - PUBLIC HEARINGS:**
 - A. **ZONFY2018-1** - Donald W. Kemper and Will Kemper are requesting approval for a zoning district change for the property located at 5605 W. State St., Garden City, ID 83703; Ada County Parcels S0630131701 and S0630131700; NE4 Out of Flood District SEC 30 4N 2E. The current zoning district designation for the property is R-2 (Low Density Residential) and is within the Residential Low Density Land Use Designation and TOD Node Buffer of the Comprehensive Plan. The applicant is requesting a zoning district change to an R-3 zoning district (Medium Density Residential).
 - i. Commissioner Brown recused himself due to a conflict of interest and left the meeting.
 - ii. Chairman Kennedy disclosed that he knows the applicant's father, but that it would not create a bias or affect his ability to make a decision.
 - iii. Staff Christian Samples presented the staff report.
 - iv. Applicant Will Kemper presented the application. Mr. Kemper requested the Commission recommend approval of the proposed zoning map amendment without a development agreement due to the limits the agreement would create on the development.
 - v. Public testimony in opposition to the request was heard from Mary Jo Nyblad, Timothy G. Gaskell, Barb Goldstein, Ann H. McQuade, David R. McQuade, Pierce Roan, Christine Simon, Andrea Fogleman, and Dan Hollar. Winnie

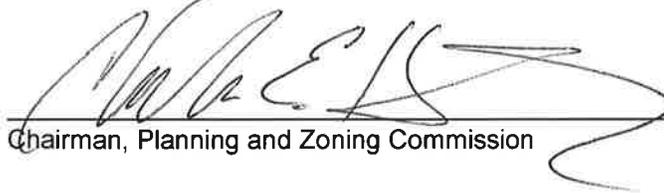
Morton signed up to testify, but did not provide testimony. The testimony reflected opposition due to issues concerning:

1. Traffic safety;
 2. Traffic congestion;
 3. The use of Cobbler Lane to turn around to get to the development;
 4. Residential density too high for the property;
 5. Sole access point on State Street;
 6. Negative effects from the possible right in, right out access point
 7. Public transit interfering with the traffic flow on State Street;
 8. Number of accidents at the intersection of State Street and Plantation River Drive;
 9. The zoning map amendment does not comply with the Comprehensive Plan;
 10. Lack of property maintenance to the existing property;
- vi. Barb Goldstein provided a petition that was entered into the record.
 - vii. Applicant Will Kemper provided rebuttal testimony.
 - viii. Commissioner Nunley asked the applicant about why there was not access to the property from Plantation River Drive.
 - ix. Mr. Kemper testified that a "spite strip" had been created adjacent to the property when the Plantation Development has been created, which prevented access to Plantation River Drive.
 - x. Chairman Kennedy closed public testimony.
 - xi. It was noted that a secondary hearing at the City Council would take place on Monday, May 14, 2018 at 6:00 pm.
 - xii. Commissioner Page felt a development agreement was necessary for the proposed zoning map amendment, as the agreement provides an additional level of oversight. Page felt that the Peach Tree Subdivision and the applicant's property were not similar. Page felt that studies have evidentiary value and should be considered. Page indicated that the only way the City can grow is with more density and by comparison to other cities, the City has a low density.
 - xiii. Commission Nunley stated that land costs drive higher density. Nunley indicated that State Street's traffic is underperforming. Nunley was not in favor of a right in, right out access point, but that there was no other access to the property. Nunley felt that Peach Tree Subdivision residents would see more traffic from the development. Nunley felt a development agreement was necessary and favored recommending approval with the agreement.
 - xiv. Commissioner Barrera felt the right in, right out lane was "odd". Barrerra agreed with Commissioner Page that a development agreement was necessary. Barrera felt that the unit sizes for the applicant's proposed development would be affordable housing, which is necessary.
 - xv. Chairman Kennedy indicated that the traffic issues raised by the residents already existed on State Street and the proposed project would not have a meaningful impact on traffic congestion. Kennedy was concerned that the proposed zoning map amendment would constitute spot zoning, as the proposal would create a "unique zoning" for the area. Kennedy felt that the R-3 zone may not make sense for the site. Kennedy proposed limiting uses on the site.
 - xvi. Commissioner Nunley moved to approve the application as drafted in the findings of fact, conclusions of law, and decision and with the drafted development agreement.
 - xvii. Commission Page amended the motion to clarify that the Commission was recommending approval and not making a final decision.
 - xviii. Commissioner Barrera seconded the motion.

- xix. The Commission voted unanimously to recommend approval of the proposed zoning map amendment with a development agreement to the City Council. Chairman Kennedy did not participate in the vote.

VII. DISCUSSION: None

VIII. ACTION ITEM - ADJOURNMENT: Meeting adjourned at 7:49 p.m.



Chairman, Planning and Zoning Commission

16 May 2018
Date