



CITY OF GARDEN CITY

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~ MINUTES ~

Planning & Zoning Commission

6:30 PM

Wednesday, October 17, 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: L. Kent Brown, L. Joe Nunley, Laurie Barrera

Absent: Chuck Kennedy, James Page

Staff Present: Jenah Thornborrow, Chris Samples

II. **CHANGES TO AGENDA - ACTION ITEM**

A. **CUPFY2018 – 16** – The Committee placed the item on the consent agenda after the applicant stated there was no opposition to the staff report and draft conditions of approval and no one in the audience wished to testify in opposition to the matter.

B. **CUPFY2018 – 14** was moved to item A on the Public Hearings section.
CUPFY2018 – 17 was moved to item B on the Public Hearings section.

III. **CONSENT AGENDA – ACTION ITEM**

A. September 19, 2018 Minutes

B. **CUPFY2018-16** - Laura Lefkowitz of Gentle Goodbyes is requesting a conditional use permit approval of an Animal Cremation Facility in an existing structure. The 0.46 acre site is located on 219 W. 40th Street, Garden City, 83714; Ada County parcel S1005233820; PAR # 3820 of SW4NW4 Sec 5 3N 2E #233810-B. The property is within C-2 zoning district and the Mixed Use Commercial Land Use Designation of the Comprehensive Plan.

- i. Commissioner Page made a motion to approve the consent agenda.
- ii. Commissioner Nunley seconded. The motion carried unanimously.

V. **OLD BUSINESS – ACTION ITEM**

VI. **PUBLIC HEARINGS – ACTION ITEM:**

A. **CUPFY2018-14** - Rusty Snow with Whitewater Station, LP is requesting approval of a 56 unit multi-family apartment development to be located at 4665 W. Chinden Blvd., Garden City, ID 83714; Block A Randall Acres Sub. No. 3. The 5.195 acre property is located in the C-1 Highway Commercial zoning district and the Mixed Use Commercial Comprehensive Plan Land Use Designation.

- i. Staff Chris Samples presented the staff report.
- ii. Applicant Rusty Snow presented the application.

- iii.** Public testimony was received in neutral from:
 - a. Lt. Abe Blount, Garden City Police Department
 - i. Blount raised concerns about left turns out of W 47th Street and pedestrian/vehicle conflicts
- iv.** Public testimony was received in opposition from:
 - a. Ben Mockwitz
 - i. Mockwitz raised concerns about traffic levels on W. 47th Street, left turns from W. 47th Street, and impacts to his business
 - b. Kristin Micali
 - i. Micali raised concerns about traffic congestion, pedestrian safety, lack of sidewalks along W. Chinden Blvd., amount of parking, and use of required garages as storage
 - c. Ted W. Netz
 - i. Netz testified business access would be negatively impacted, safety concerns related to the canal, pedestrian safety, and noise and lighting concerns
 - d. Grant Walden
 - i. Walden was concerned with pedestrian crossing of W. Chinden Blvd., lack of sidewalks and bike lanes, the affect of the existing ditch easement on landscaping and trees, disputed proximity of schools near the development, and the lack of safe access to schools
 - e. Betty Reimann
 - i. Reimann was concerned with lack of pedestrian safety and the commercial nature of surrounding uses creates additional safety concerns
 - f. Bonnie L. Layton
 - i. Layton testified concerning pedestrian safety, that the development was not a true mixed use development, agency comments were not addressed by the applicant, low income users do not have enough transit options to support their needs, geographic segregation by W. Chinden Blvd. cutting off children from schools, no information provided of the change of grade and site drainage and enforceability of the conditions of approval
 - g. Susan Buxton
 - i. Buxton testified concerning the conditions of approval not being enforceable and the Commission not having enough information to make a complete decision
- v.** Applicant Rusty Snow presented rebuttal testimony.
- vi.** The Commission closed public testimony.
- vii.** Commissioner Nunley commented on the need for affordable housing and pedestrian safety concerns. Nunley supported a pedestrian crossing at W. 47th Street and adding sidewalks along the streets.
- viii.** Commissioner Page agreed with Commissioner Nunley. Page was concerned with the lack of sidewalks in the area, but felt that the property was a place to start. Page felt there was a need for affordable housing, as supported by the Comprehensive Plan. Page was concerned with the effects of potentially revoking a conditional use permit and concerned a design review had not been concurrently completed.
- ix.** Commissioner Barrera agreed with Nunley and Page and was concerned with the lack of information stemming from not completing a design review.
- x.** Commissioner Brown felt there was enough information to approve the application. Brown felt the development fit within the Comprehensive Plan. Brown indicated a lack of sidewalks does not preclude development and that a principal arterial was a good location for the use. Brown indicated the ITD and

ACHD conditions of approval would adequately cover transportation concerns. Brown opposed barring left turns from W. 47th Street.

- xi.** Commissioner Page noted Ben Mockwitz concerns about left turns from W. 47th Street. Page indicated that the Commission cannot require the applicant to mitigate potential danger from the entire canal. Page reiterated he would like to see a design review completed prior to approval.
- xii.** Chairman Kennedy noted that pedestrian access concerns are real. Kennedy indicated the project could improve the area, but can't fix all problems in the area. Kennedy felt the design review, ITD, and ACHD approval processes would address any remaining issues, but indicated there is a lot not known about the project.
- xiii.** Commissioner Nunley indicated that development's location adjacent to the canal does not preclude development, as development is located adjacent to the Boise River.
- xiv.** Commissioner Brown agreed with Nunley.
- xv.** Commissioner Barrera supported the project, but felt a design review was necessary prior to the approval of the conditional use permit.
- xvi.** Commissioner Page indicated opposition to the request, but wanted to postpone approval until the design review is completed.
- xvii.** Commissioner Page moved to continue the application to a date certain of January 16, 2019 to allow the completion of the design review.
- xviii.** Commissioner Barrera seconded.
- xix.** Commissioner Brown indicated he did not support the motion.
- xx.** Commissioner Nunley indicated he agreed with Brown.
- xxi.** The motion failed on a 3-2 vote.
- xxii.** Susan Buxton requested to testify. Chairman Kennedy denied the request. Buxton continued to testify. Chairman Kennedy indicated Buxton was out of order.
- xxiii.** Commissioner Brown moved to approve the application in accordance with the findings of fact, conclusions of law, and order, as shown in the draft labeled "CUPFY2018-14 – FOFOLD – DRAFT – Police Department Requests".
- xxiv.** Commissioner Barrera seconded. The motion passed on a 3 – 1 vote, with Commissioner Page in opposition.

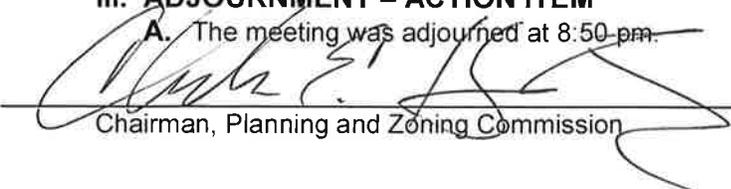
B. CUPFY2018-17 - Jeff Hatch with Hatch Design Architecture is proposing an approximately 4,320 s.f. new commercial construction for a multi-tenant flex building. The 0.689 acre site is located at at 501 E. 47th St., Garden City, ID 83714; Ada County Parcel R2734522843; Lot 30, Block 21, Fairview Acres Sub. No 3. The property is within the C-2 zoning district and in the Mixed Use Residential Designation of the Comprehensive Plan

- i. Staff Chris Samples presented the staff report.
- ii. Applicant Jeff Hatch presented the application.
- iii. No one wished to testify on the matter.
- iv. Public testimony was closed.
- v. Commissioner Page moved to approve the application as presented in the draft findings of fact, conclusions of law, and decision.
- vi. Commissioner Nunley seconded. The motion was approved unanimously.

VIII. DISCUSSION

III. ADJOURNMENT – ACTION ITEM

- A.** The meeting was adjourned at 8:50 pm.


Chairman, Planning and Zoning Commission

21 Nov. 2018
Date