

**CITY OF GARDEN CITY
CITY COUNCIL MEETING MINUTES
January 29, 2019
6:00 P.M.**

WORK SESSION - NONE

REGULAR COUNCIL MEETING CALL TO ORDER

A. Mayor Evans called the meeting to order at 6:00 p.m.

CLERK CERTIFIED MEETING NOTICE

The meeting was noticed in accordance with Idaho Code 74-204.

B. ROLL CALL

Council members Beaumont, Higgins, Mitchell and Souza were present.

C. PLEDGE OF ALLEGIANCE

Mayor Evans led the Pledge of Allegiance.

D. CHANGES TO AGENDA

E. CONSENT AGENDA

F. SPECIAL BUSINESS

G. ORDINANCES, RESOLUTIONS, CONTRACTS

1. APPEAL SUMMARY continued from December 10, 2018 and continued from January 14, 2019

CUPFY2018-14 - Bonnie Layton is appealing the 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.

Mayor Evans asked the council members if they had conflicts of interest that would prevent them from participating in this appeal hearing. There were none.

David Arkoosh, appellant representative, requested a continuance of item G1, appeal summary of CUPFY2018-14, based on a possible agreement between the two parties that would resolve the issue outside of the appeal.

Gary Allen, respondent representative, also requested a continuance based on a possible agreement between the two parties.

Action: Councilmember Mitchell moved to continue item G1 – appeal summary of CUPFY2018-14 to a date certain of February 11, 2019 and Councilmember Higgins seconded.

ROLL CALL VOTE:

Councilmember Beaumont	NO
Councilmember Higgins	YES
Councilmember Mitchell	YES
Councilmember Souza	NO

Mayor Evans declared that he has no financial interest in the project and that he had a conversation with one council member regarding the procedural format of the meeting tonight for this agenda item.

Mayor Evans cast the tie-breaking vote of NO.

The motion failed.

The hearing continued and Mayor Evans explained that the city council could still consider a continuance after hearing the arguments on the appeal by both parties. Mayor Evans asked both parties if they had any issues regarding the content of the record as it exists tonight. There were none.

Bonnie Layton, appellant representative, reviewed the 11 items outlined in the appeal point by point.

Gary Allen, respondent representative, responded to each point raised by the appellant.

Bonnie Layton and David Arkoosh both responded to comments made by Gary Allen.

Action: Councilmember Mitchell moved to continue item G1 – appeal summary of CUPFY2018-14, to a date certain of February 11, 2019, the motion dies for the lack of a second.

Mayor Evans led the voting for each item outlined by the appellant based on the Planning and Zoning Commission’s Decision outlined in the Findings of Fact and Conclusion of Law signed and dated 10/22/2018.

Mayor Evans posed the following question for each item “Did the Planning and Zoning Commission (P&Z) meet the standards required for approval in accordance with the Garden City Code”:

1 – Did the Conditional Use Permit application meet the requirements of completion

Souza – YES Higgins – YES Beaumont – YES Mitchell – YES

2 – Was the input from other agencies sufficient

Beaumont – YES Higgins – YES Mitchell – YES Souza – NO

3 – Are the conditions of approval sufficient

Higgins – YES Mitchell – YES Souza – YES Beaumont – YES

4 – Does the scale of the project require more strict Conditions of Approval

Mitchell – YES Souza – NO Beaumont – NO Higgins – YES

Mayor Evans voted YES to break the tie.

5 – Did the site plan address the requirements related to the Garden City comprehensive plan regarding connectivity

Souza – YES Beaumont – YES Higgins – YES Mitchell – YES

6 – Does the application adequately meet the safety concerns addressed in the condition of approval regarding an agreement with the Garden City Police Department assuming the other site specific conditions including an on-site manager and security cameras will take place

Beaumont – YES Higgins – YES Mitchell – YES Souza – YES

7 – Did the P&Z adequately address the concerns of the neighbors

Higgins – YES Mitchell – YES Souza – YES Beaumont – YES

8 – Did the P&Z adequately deal with the issue of the applicant reaching agreements with the neighboring properties

Mitchell – YES Souza – YES Beaumont – YES Higgins – YES

9 – Does the application meet the requirement under Garden City Zoning Code C-1, Mixed Use

Souza – NO Beaumont – NO Higgins – YES Mitchell – YES

Mayor Evans voted NO to break the tie.

10 – Mayor Evans requested a review of the issue regarding the P&Z's consideration of the applicant's material on the impact to property values. Mayor requested a vote by the council to determine whether or not this issue is relevant to the P&Z decision. Mayor posed the question, is this issue relevant:

Beaumont – NO Higgins – NO Mitchell – NO Souza – Abstain

11 – Did the applicant adequately address the safety concerns for the project

Higgins – NO Mitchell – YES Souza – NO Beaumont – NO

Action: Councilmember Beaumont moved to reverse the 10/22/2018 decision of the Planning and Zoning Commission regarding CUPFY2018-14 based on Garden City Code 8-6B-2 item #3 of the Findings of Fact and Councilmember Souza seconded.

ROLL CALL VOTE:

Councilmember Beaumont	YES
Councilmember Higgins	NO
Councilmember Mitchell	NO
Councilmember Souza	YES

Mayor Evans broke the tie with a YES vote.

The motion passed.

The Finds of Fact and Conclusions of Law for this decision will be presented for approval at the February 11, 2019 regular city council meeting.

H. UNFINISHED BUSINESS

I. NEW BUSINESS.

J. EXECUTIVE SESSION for the following purposes:

K. ADJOURNMENT

Councilmember Mitchell moved to adjourn and Councilmember Beaumont seconded. The motion passed with an audible 4-0 vote.
The meeting adjourned at 8:54 p.m.

ATTEST:



Lisa M. Leiby, City Clerk

APPROVED:



John G. Evans, Mayor

