



CITY OF GARDEN CITY

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~ Minutes ~

Planning & Zoning Commission

6:30 PM

Wednesday, April 15, 2015

City Hall – Council Chamber

6015 Glenwood Street, Garden City, Idaho

I. CALL TO ORDER The meeting was called to order at 6:30 pm.

II. ROLL CALL

- A. L. Kent Brown; Stephanie Butler; Tom Jensen; Chuck Kennedy; James Page
Commissioners Absent: None
Staff Present: Jeff Lowe; Jenah Thornborrow; Sergeant Goodman

III. CHANGES TO AGENDA

IV. CONSENT AGENDA

- A. **March 18, 2015, Minutes**
B. **CUP2015-00004: Public Works Facility Expansion:** The City of Garden City is requesting Conditional Use Permit approval to expand the existing Garden City Public Works Operation Center. The expansion consists of extending the shop located in the rear yard with a 52-foot by 32-foot addition, and future phases of a well with supporting structures and additional storage/ shop facilities. The 1.9-acre site at 207 E. 38th Street is located in the C-2 General Commercial Zoning District and the Mixed Use Commercial area of the Comprehensive Plan.

Commissioner Butler made a motion to approve the consent agenda as amended; Commissioner Brown seconded. Approved 4/0

V. NEW BUSINESS: NONE

VI. PUBLIC HEARING:

- A. **CUP2015-00004: Public Works Facility Expansion:** The City of Garden City is requesting Conditional Use Permit approval to expand the existing Garden City Public Works Operation Center. The expansion consists of extending the shop located in the rear yard with a 52-foot by 32-foot addition, and future phases of a well with supporting structures and additional storage/ shop facilities. The 1.9-acre site at 207 E. 38th Street is located in the C-2 General Commercial Zoning District and the Mixed Use Commercial area of the Comprehensive Plan. **Staff Recommendation – Approval with Conditions**

MOVED TO CONSENT AGENDA

- B. **CUP2015-00005 Parking Facility for Public Use:** The City of Garden City is requesting Conditional Use Permit approval to construct a public parking facility. The facility is proposed to be located at 301 E. 36th Street on the northeast corner of 36th Street and Carr Street. The .266-acre site is located in the C-2 General Commercial Zoning District and the Live/Work/Create and Transit Oriented Development (buffer) areas of the Comprehensive Plan. **Staff Recommendation – Approval with Conditions**

Director Thornborrow, representing the City (applicant), presented the staff report.

Chairman Kennedy asks to clarify that it will be a public parking lot and anyone can use it and it will not be restricted; Thornborrow confirms.

Chairman Kennedy asks if the City is in agreement with the conditions of approval; Thornborrow confirms and adds that other City Departments and the URA are in agreement.

Chairman Kennedy opened the Public Hearing.

Testimony was received by:

Jim Niell stated his concerns are not with the parking lot itself and that it is good the City stepped up to remove a dilapidated structure. But a parking lot takes the “wind out of the sails” for developing business activity in the area and the use should only be temporary. There does not appear to be a great need for parking as there is some available on 36th Street.

Dick Kyle and Steve Predrha testified about the encroachment of the building existing on the property to the north and want to work with the City on a Lot Line Adjustment.

David Eberle (representing the Waterfront District HOA) complimented staff and appreciates the inclusion of his conditions of approval in the staff report, although he is opposed to the parking lot. While there is not a compelling need for the Lot, he agrees with the conditions of approval. He stated parking lots are dead space; there are other places to park, and hopes it does not become a gathering place. He stated the Waterfront District HOA is thrilled that people access the greenbelt and appreciates the vibrancy in the area.

Commissioner Butler asks staff to describe the catalyst behind proposing the parking lot and the need. Thornborrow explained the City has received several requests for additional parking in the subject area.

Kennedy asks to clarify that the building encroachment issue is a separate matter from the CUP; Thornborrow confirms.

Brown asks about the potential to condition the parking lot to be temporary. Thornborrow states it is not explicit but the Commission could place a time limit on the use. Brown asks that if the City approves the use there is nothing to limit the use from changing to another use; Thornborrow confirms.

Page asks about the characteristic of the request for the parking lot – recreation or resident. Thornborrow states it is for accommodating users of the white water park and for residents.

Chairman Kennedy states he is not comfortable with the City being both the applicant and staff.

Kennedy asked if a property owner can change the use of the property. A property owner could pursuant to the requirements of Garden City Code.

Chairman Kennedy closed the Public Hearing.

Kennedy states when a CUP is approved the applicant has the right to use the property pursuant to the conditions of approval until such time the conditions are violated or the applicant seeks to change the use. He has not heard of a CUP having a time limit.

Discussion of the Commissioners:

Commissioner Page: hard to be excited about a project that does not have an advocate and is concerned that the project is not needed. Secondly, temporary things become permanent if it is not recognized as temporary, once it is physically seen then it will be accepted as permanent.

Commissioner Jensen: he is a property owner in Waterfront and agrees with Page's comments.

Commissioner Butler: does not agree with placing temporary language in the conditions but is concerned that there is more evidence of a need. Yet a lot of people drive and she does want people to access the park through the City and parking is a necessity, the lot is not killing activity and is in favor of something happening in the area.

Commissioner Brown: he is in favor and does understand the testimony provided in that a higher use of the property could occur but not right now. He mentions that there have been complaints from the Waterfront District about lack of parking when presented with proposed development; this is a logical place for parking and will help the area. It is good use of an empty lot.

Chairman Kennedy mentions that there is no logic in not allowing something now in hopes that something better will happen. There have been issues of lack of parking presented to the Commission before.

Decision:

Commissioner Brown made a motion to approve the application as presented with the conditions of approval and the draft FOFCOL.

Commissioner Butler Seconded

There was no discussion and a roll call vote was taken. The motion passed 4/0

- C. **CUP2015-00006 Fuel Sales Expansion:** Fred Meyer Stores, Inc., represented by Barghausen Consulting Engineers, Inc., is requesting Conditional Use Permit approval to expand an existing fuel sales center to add 4 fueling positions. The fuel sales center is located within the parking lot at 5425 Chinden Boulevard. The 16.9-acre site is located in the C-2 General Commercial Zoning District and the Transit Oriented Development and Green Boulevard Corridor areas of the Comprehensive Plan. ***Staff Recommendation – Approval with Conditions***

Staff member Lowe presented the staff report.

Bob McNeil and James Coombes, the applicant, spoke to the application and the addition of the pumps is to relieve congestion. They mentioned that the requested improvements, and particularly the sidewalk along Chinden Boulevard, have added costs that are more than the scope of work (adding pumps). It is a matter of proportionality and reasonableness of the requested improvements versus the actual site additions. They ask to have site specific conditions 2 and 5 clarified.

Butler asked the applicant if they are fine with installing the sidewalk in ITD right-of-way and maintenance. The applicant responds that the maintenance is not an issue.

Chairman Kennedy opened the Public Hearing.

Testimony was received by: No one from the public chose to testify.

Chairman Kennedy closed the Public Hearing.

Discussion of the Commissioners:

Commissioner Butler: is a big fan of sidewalks and sees people walking on Chinden and notes the bus stop across the street from the Fred Meyer store. But it is a big onus to place on the applicant to construct sidewalk on Chinden given the proportionality of the proposed facility expansion.

Commissioner Brown: agrees with Butler and is sympathetic to the proportionality. The proposed expansion is a good improvement but it is minor in comparison to requiring the sidewalk. Maintenance responsibility of the sidewalk is an issue as the drainage along Chinden is of a rural design (barrow ditch) and ITD has no provision to install a different system. ACHD will not maintain it.

Commissioner Page: this is trying to solve a problem that is not the City's (ACHD and ITD maintenance agreement concerns). He appreciates the steep burden of the cost of the improvements but he is not persuaded; it is a simple business matter. The Commission in the past has taken a stance on sidewalks and the City needs to start somewhere on installing sidewalks.

Commissioner Jensen: in all fairness the proportionality and the cost of the improvements does not persuade him, but does agree that throwing the applicant into the quagmire of the agencies determining who is responsible for maintenance is a burden.

Chairman Kennedy: commends Fred Meyer Stores for proposing to put in sidewalk along Chinden Boulevard. This is the largest commitment to putting in sidewalk in the City.

Decision:

Commissioner Brown made a motion to approve the application as presented with the conditions of approval and the draft FOFCOL with the revision to delete site specific condition number 2 (installation of sidewalk on Chinden Boulevard and substitute that the applicant install and maintain landscaping along Chinden Boulevard with the design to be reviewed and approved by staff.

Commissioner Butler Seconded

Commissioner Page commented that he does not like the motion as this is an opportunity to put in sidewalk and the applicant agreed to it.

Commissioner Jensen commented that he is satisfied with the conditions of approval as recommended.

Commissioner Butler commented that she does not want to discourage growth, change, and enhancement and she wants sidewalk but does not want to hinder their business.

Commissioner Brown commented that he likes sidewalks but the proportionality is a problem and they cannot resolve the situation present between agencies.

Chairman Kennedy asked for a roll call vote:

Commissioner Jensen: no

Commissioner Butler: aye

Commissioner Page: no

Commissioner Brown: aye

Chairman Kennedy voted aye to break the tie

The motion passed 3/2

- D. **SUB2015-00003/PUD2015-00003/ZON2015-00003: Coffey Street Subdivision – Brett G. Labrie:** Brett G. Labrie, with BGL Architecture is requesting a Rezone from R-2 (Low

Density Residential District – 6 du/a maximum) to R-3 (Medium Density Residential District – 10 du/a maximum), Preliminary Plat, and Planned Unit Development approval for Coffey Street Subdivision. The proposed development consists of 9-lots (8-buildable for single-family units, 1-common including open space and garages). The .91-acre site is located on the west side of Coffey Street at 5811 Coffey Street and is within the Residential Medium Density Comprehensive Plan designation. **Staff Recommendation – Approval with Conditions**

Staff member Lowe presented the staff report.

Brett Labrie, the applicant, spoke to the Commission and agrees with the conditions of approval but would like clarification on site specific conditions number 7 and 12.

Chairman Kennedy opened the Public Hearing.

Testimony was received by:

Jerome Bailey stated he encourages development and is complimentary of the design of the subdivision. He asked about the safety and security at the site and for neighbors, particularly if emergency services had to stage operations on Coffee Street.

Ray Stone stated Mr. Labrie made an effort work with neighbors to design the development to be compatible with the existing dwellings adjacent to the site and he feels the subdivision is a good concept. He asked about the perimeter fence on the south and west ends of the site, the landscape easement on the southern property line, and if Garden City can prevent parking on Coffey Street.

Ann Lewis stated she likes the concept and thinks it is creative. She is opposed to the rezoning of the property because there are too many buildings. She asks about lighting on the site and does not want it to have an impact on the neighbors.

Brett Labrie rebuts testimony.

Chairman Kennedy as if the applicant would entertain not doing a back to back fence with the property to the south; the applicant would agree if the property owners did as well.

Chairman Kennedy closed the Public Hearing

Discussion of the Commissioners:

Commissioner Jensen: huge fan of transitional development and this is a terrific project and addition to the City. He has no problem with the proposed density.

Commissioner Page: Noted no comment

Commissioner Butler: likes the transition of the development and agrees the rezone is consistent with the comprehensive plan. The design is appropriate and feels the issues have been addressed.

Commissioner Brown: is in favor of the project and supports the rezone as it is consistent with the comprehensive plan.

Chairman Kennedy: commented that there will not be a project if the sewer system is not addressed pursuant to the City's requirements.

Decision:

Commissioner Butler made a motion to approve the application as presented with the conditions of approval and the draft FOFCOL and the following revisions: modify site specific condition of approval number 12 under garages to strike the reference to the front setback, and strike the reference to 0-feet between units for the side setback.
Commissioner Jensen Seconded
The motion passed 4/0

VII. DISCUSSION: Due to a lack of any applications having been submitted by the prescribed cut-off date, it does not appear that a Planning and Zoning Commission meeting regularly scheduled for May 20, 2015, will be held.

VIII. ADJOURNMENT Meeting adjourned at 8:53 p.m.



Chairman, Planning and Zoning Commission

17 JUNE 2015

Date