

CITY OF GARDEN CITY

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~ Minutes ~

Planning & Zoning Commission

6:30 PM

Wednesday, June 17, 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; Chuck Kennedy; James Page
Commissioners Absent: Tom Jensen
Staff Present: Jeff Lowe; Jenah Thornborrow, Charles Wadams

III. CHANGES TO AGENDA

IV. CONSENT AGENDA

- A. **April 15, 2015, Minutes**
B. **CUP2015-00008:** Heather Dennis with Anser Charter School is requesting Conditional Use Permit approval to add a portable (modular) school classroom at Anser Charter School. The 2.75-acre site is located at 202 E. 42nd Street, is within the C-2 General Commercial Zoning District, and is in the Transit Oriented Development and Mixed Use Commercial areas of the Comprehensive Plan.

Commissioner Butler moved to approve the consent agenda as amended; Commissioner Brown seconded. Approved 3/0

V. NEW BUSINESS: NONE

VI. PUBLIC HEARING:

- A. **CUP2015-00008:** Heather Dennis with Anser Charter School is requesting Conditional Use Permit approval to add a portable (modular) school classroom at Anser Charter School. The 2.75-acre site is located at 202 E. 42nd Street, is within the C-2 General Commercial Zoning District, and is in the Transit Oriented Development and Mixed Use Commercial areas of the Comprehensive Plan. **Staff Recommendation – APPROVAL - MOVED TO CONSENT AGENDA**
- B. **CUP2015-00009:** BR Rule LLC, represented by Mark L. Butler, is requesting Conditional Use Permit approval to utilize an existing building for Vehicle Service. The site is proposed for the repair of vehicles, a retail area, and a showroom for vehicles. The .91-acre site is located at 8633 State Street, and is within the C-2 General Commercial Zoning District, and is in the Transit Oriented Development and Residential Low Density areas of the Comprehensive Plan. **Staff Recommendation – UNDETERMINED**

City staff member Lowe presented the staff report.

Mark Butler, representing the applicant, spoke to the operation of the applicant's business currently in Eagle, Idaho; concerns raised by a neighbor and the Eagle Police Department actions on the concerns (provides letter from Eagle Police Department); proposed revisions to the conditions (provides strike-through and underline document); he has spoke with neighbors near the subject site; the dynamometer as a diagnostic tool; quantity of noise generated by various sources and examples of decibel measurements.

General questions and comments from the Commission regarding the dynamometer and mitigation of noise, that some vehicles generate more horsepower and noise than others and thus the noise is tolerable in some instances and others not. Mark Butler responds that the applicant is willing to comply and will install insulation to provide sound proofing and will direct fumes away from residences.

Chairman Kennedy asked about access onto SH44. Mark Butler responded that the applicant does not want to remove any approaches and that right-in/right-out is satisfactory.

Chairman Kennedy opened the Public Hearing.

Testimony was received by:

Sharon Wilson: the applicant has been repairing her vehicles for a number of years and the repair shop is kept tidy. She agrees with Butler's statements. In favor of the application.

Al Hohback: the applicant surpasses other shops in quality of work. The shop is tidy (no tools lying around) and grounds are well groomed. In favor of the application.

Rick Phillips: has been a friend of the applicant for a number of years. The applicant is experienced with Dynamometers and there are acoustical treatments available to install that diminish (mitigate) noise – there are similar pieces of equipment in Garden City and they are not heard. In favor of the application.

Cathy Robb: she lives on Arney Lane and hears the noise from State Street, the Maverick gas station, and the dogs barking at the veterinary office. The dogs make more noise than the applicant would make. She is in favor of the application.

Tom Robb: the applicant keeps a clean shop and is a good business man. A successful business would be good for the City.

Gil Veine: he lives one-mile from the subject building. The applicant is conscientious and loyal. He knows the Dynamometers are kept as quiet as possible.

Shirl Veine: she knows the applicant and he does not gouge people. She agrees with previous testimony. In favor of the application.

Brent Rule: (applicant) he purchased the property so he could move the business out of his residence. Speaks to complaints received at his business in Eagle – he and the complainant do not get along. Speaks to his business operation and that air compressors will be within the building. He would like to install a gate across the eastern approach on State Street.

Commissioner Page asks about the location of any air compressors. Rule responds that the units will be located inside the building.

Commissioner Butler asks about the proposed gate on the eastern boundary and when it would be open or closed. Rule would like to have it closed most of the time to prevent cut-through traffic but remain available to maneuver vehicles and trailers on the site.

Rose Rule: (applicant) she stands for questions.

Craig Day: he mentions the operation of his own shop and that the noise is kept inside the building – his neighbors don't complain. He has no concerns about noise with the applicant's shop and he does not expect there to be more noise than the Maverick creates. In favor of the application.

Rod Bradley: he has lived next to the applicant and had no idea he operated a business in his residence. The applicant is not a grease monkey and he hears no noise from the residence. In favor of the application.

Tom Blair: he is a close neighbor of the applicant and states that neighbors have lawn mowers and weed eaters that make more noise than the shop. In favor of the application.

Ted Calixtro: he is an insurance agent and insures the applicant. They have a beautiful residence and he has no concerns with their business operation. In favor of the application.

John Wolf: he has been a customer of the applicant and it is hard to find his shop – one does not know the applicant is operating in his current site. In favor of the application.

Nick McAllister: he does not know the applicant. Feels the business will have no negative impact and is a benefit to the City. He wants to get rid of the ghettos in Garden City. In favor of the application.

Low addresses the site specific conditions of approval proposed by the applicant.

Mark Butler and Rule rebut testimony and comments. They do not want the present roadway noise to affect their approval and would prefer that no decibel level be attached to the conditions. They do not want to install a short sidewalk on the eastern property line. Concerns about momentary storage of items. Necessity of keeping both approaches to SH44.

Chairman Kennedy closed the Public Hearing.

Discussion of the Commissioners:

Commissioner Butler: in reference to the site specific conditions of approval, Commissioner Butler comments that she is fine with deleting #3; okay with #4; likes applicant's proposed #5 with striking parenthetical; strike #6 and #7; #9 she is fine with leaving both approaches and having a gate being open infrequently on the eastern approach; #11 she is okay with two trees instead of three; #21 is okay with applicant's proposed changes; #23 is okay with staff's language.

Commissioner Page: agrees with Commissioner Butler's comments and adds that he is not in favor of placing a specific decibel level and notes that testimony does not indicate there is a concern about noise; #9 he is not in favor of closing a driveway as it is not a City role and it was not mandated by ITD.

Commissioner Brown: agrees with Commissioners' comments. He notes that if this were a perfect world than Transit Oriented Development would occur, but it will take quite awhile for that to occur. He is in favor of the Use for the present. Speaking to decibels and as they relate to roadways and sound walls, he feels the language proposed by the applicant is appropriate. #5 leave as originally written; #9 ITD has it right as noticed in their letter – it is not City's position to do something ITD did not do – applicant can place a gate on eastern approach, but applicant should put in a sign for right-in/right-out only. There is no need for a pedestrian ramp on the eastern property line but a flat, square concrete pad would help to delineate continuation of sidewalk; #s 17, 21, and 23 he agrees with applicant's proposed language; #33 change to 10 day appeal period.

Chairman Kennedy stepped down from the dais momentarily. Vice Chairman Brown continued with the meeting. Chairman Kennedy returned.

Chairman Kennedy summarized the discussion as follows:

- Eliminate #3
- #4 as modified by applicant
- #5 as originally written
- Eliminate #s 6 and 7
- #8 no addition to language
- #9 eliminate the condition except for the 3rd sentence (concrete sidewalk on the eastern property line to transition when property to east is required to install sidewalk).
- #10 clarify to identify striping between sidewalks and across approaches
- #11 as written except that two trees instead of three trees with caliper and placement to be reviewed by staff and subject to approval by Idaho Power
- #17 as written except strike the word vehicle
- #23 as modified by applicant
- #33 modify to 10-day appeal period

Decision:

Commissioner Butler moved to approve as summarized by Chairman Kennedy. Brown seconded. The motion passed 3/0

- C. **CUP2015-00010:** Rebecca Johnston and Kelly Martin are requesting Conditional Use Permit approval to build a 42-foot by 60-foot Accessory Structure for a horse barn; located on the parcel consisting of an existing single-family dwelling. The 3.04-acre site is located at 9296 Chelan Avenue, is within the R-1/A Rural Density Residential/Agricultural Zoning District, and is in the Residential Medium Density area of the Comprehensive Plan and within a quarter mile of a Transit Oriented Development node. The proposed use will be subject to the approval of the Design Review Committee. **Staff Recommendation – APPROVAL**

Staff member Lowe presented the staff report. Requests that, pursuant to discussion with City Attorney, site specific condition number 6 be removed as a condition of approval.

Kelly Martin, the applicant, spoke to the application and agrees with the conditions of approval including the removal of site specific condition number 6.

Chairman Kennedy opened the Public Hearing. No one signed up and no one from the audience chose to testify.

Chairman Kennedy closed the Public Hearing.

Discussion of the Commissioners:

No discussion

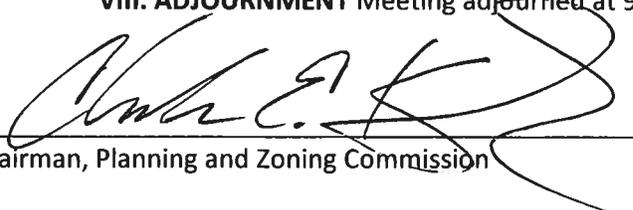
Decision:

Commissioner Page moved to approve the application as presented with the conditions of approval and the draft FOFCOL with the revision to delete site specific condition number 6 (installation of sidewalk on Chelan Avenue). Commissioner Brown seconded. Approved 3/0

VII. DISCUSSION:

- A. Informational Memorandum: Follow-up on April 15, 2015 discussions: Manufactured Home Park Inventory and Special Parking Districts. The Commission would like to see more data.

VIII. ADJOURNMENT Meeting adjourned at 9:12 p.m.



Chairman, Planning and Zoning Commission

15 July 2015

Date