



## CITY OF GARDEN CITY

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~ Minutes ~

### Planning & Zoning Commission

6:30 PM

Wednesday, July 15, 2015

City Hall – Council Chamber

6015 Glenwood Street, Garden City, Idaho

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**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; Tom Jensen  
Commissioners Absent: None  
Staff Present: Jeff Lowe; Jenah Thornborrow

**III. CHANGES TO AGENDA: None**

**IV. CONSENT AGENDA**

- A. **June 17, 2015, Minutes**  
B. **CUP2015-00011:** Production Services International Inc., is requesting Conditional Use Permit approval to operate a warehouse with office in an existing building for an audio/visual service. The 1.46-acre site is located at 5100 Sawyer Avenue, is within the C-2 General Commercial Zoning District, and is in the Light Industrial area of the Comprehensive Plan. **Staff Recommendation – Approval with conditions.**

**Commissioner Page moved to approve the consent agenda as amended; Commissioner Butler seconded. Approved 4/0**

**V. OLD BUSINESS:**

**A. Clarification of Action from meeting of June 17, 2015**

**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.

Development Services Director Thornborrow addressed the Commission and noted there was a significant amount of discussion related to the conditions of approval on June 17, 2015. Staff and the applicant are requesting clarification on four conditions of approval. She asks that the Commission consider the four proposed conditions and if the Commission agrees that the intent of the original motion included the conditions as presented tonight to then clarify; if there is a change to the motion or conditions then an additional hearing would need to take place.

Chairman Kennedy asks to clarify the intent of the items before them; Thornborrow responds that staff listened to the audio recording of the meeting and prepared the draft findings as interpreted by Staff. The applicant felt that the intent of the motion and conditions were different from the draft findings as prepared. If the Commission agrees with the clarifications as presented by the applicant, staff will revise the findings accordingly.

Mark Butler, representing the applicant, asks that the Commission consider the clarifications to the conditions of approval as presented to the Commission.

Chairman Kennedy states that this is not a public hearing but the Commission is only discussing what the Commission said and did at the last meeting and may ask questions of the applicant.

Commissioner Page asks about the diagnostic work and service and his understanding that the work will occur indoors. Butler felt that the noise would be taken care of with the condition that no noise would be audible to adjacent properties with the windows and doors closed.

Chairman Kennedy closes the opportunity for questions.

**Discussion of the Commissioners:**

Commissioner Page recalls from the last meeting that while the applicant cannot control what a customer does, the diagnosis element can be controlled.

Commissioner Brown supports the language as presented representing what was said at the meeting. Kennedy and Brown discuss the language about vehicles parked longer than three days.

Commissioner Butler agrees that language as presented is representative of the discussion at the hearing.

**Commissioner Butler moved to clarify the motion made on June 17, 2015, and referring to the "June 17, 2015, suggested changes" document to include number 4 underlined, striking number 12, number 21 with stricken and inserted, and 23 with stricken and inserted. Commissioner Brown seconded. Approved 3/0 (Jensen abstained)**

**VI. NEW BUSINESS: NONE**

**VII. PUBLIC HEARING:**

A. **CUP2015-00011:** Production Services International Inc., is requesting Conditional Use Permit approval to operate a warehouse with office in an existing building for an audio/visual service. The 1.46-acre site is located at 5100 Sawyer Avenue, is within the C-2 General Commercial Zoning District, and is in the Light Industrial area of the Comprehensive Plan. **Staff Recommendation – Approval with conditions - MOVED TO CONSENT AGENDA**

C. **CUP2015-00012:** John Biss is requesting Conditional Use Permit approval to construct a building with site improvements for Vehicle Service. The 1.008-acre site is located at 10330 W. Carlton Bay Drive and is within the M Mixed Use Zoning District, and the Green Boulevard Corridor, Transit Oriented Development, and Residential Low Density areas of the Comprehensive Plan. **Staff Recommendation – Denial**

Commissioner Page recused himself from the hearing as his residence is proximate to the subject property.

City staff member Lowe presented the staff report.

Mark Butler, representing the applicant, spoke to the proposed project and the applicant's willingness to work with the Commission and residents. John Biss, the applicant, speaks to his plans for the site.

Commissioner Jensen asks if the applicant is willing to work with neighbors could he defer this application for more time to work out details. Biss would like to develop over time but needs to move forward for funding purposes.

Chairman Kennedy opened the Public Hearing.

**Testimony was received by:**

Tessie Page – opposed. Concerns about noise and while the business can be limited with conditions of approval, it is hard to control the actions of other people; vehicle service is not a desired

convenience in the neighborhood; there is a need for other uses such as retail; the use would deter future residents and investment by other businesses.

Gary Bowman – in favor. Vehicle service in most small towns is a part of the landscape; the Carlton Bay development is not following the original vision; there are not many businesses coming to Carlton Bay and there is a need to support those that do; noise will not be a problem for his adjacent business (mortuary).

Kathy Sauer – opposed. Safety is a concern because of burglaries that occur at vehicle service facilities; a car garage is not fitting for the area – office space would be better; unnecessary traffic congestion will occur; the residents enjoy the current peace and quiet.

Craig Peterson – opposed. While people need vehicle service, there is no shortage in Garden City; hiding vehicles/materials is not good; the area could use more restaurants; need to construct the building for re-use.

Ken Mutch – asks if new access could be created on State Highway 44 to accommodate traffic to deter traffic from using Carlton Bay Drive.

Tim Wilson – opposed. The applicant needs to enter into an irrigation/maintenance agreement with the Carlton Bay HOA; there are already eight vehicle service businesses within a two-mile radius of the site; the noise pollution created would be harmful to the neighborhood. Mr. Wilson submitted a chart depicting the decibel levels of various devices and sounds for the record.

Leslie Harned – opposed. Property values will be decreased; there will be an increase in noise and traffic.

Jeff MacDonald – opposed. Mentions that the new coffee drive-through in the neighborhood is pedestrian friendly and he walks from his home to the business; concerned the new use/building will detract from the neighborhood; people dropping cars off will be in a hurry and speed on the streets.

Julie Johnson – opposed. Bought into a neighborhood and would not have if she had known there would be a vehicle service located there; the vision of the gateway into the City needs to be reached.

Randy Miskimon – opposed. Mr. Miskimon submitted a summary of his testimony for the record. The proposed use does not fit in with the other uses and design of the structures; there are other uses that could go into the TOD; Carlton Bay is a destination gateway.

Teresa Jorgensen – opposed. There is a family aspect to this, particularly with young children mobile on their bikes around the neighborhood. She likes the description of a Bown Crossing type of development occurring on the site. She is concerned that business owners do not live in Garden City.

Lowe addresses the question about access to SH 44 from the site.

Mark Butler rebuts testimony and comments regarding the conditions of approval, traffic, noise, irrigation, and compatibility.

Chairman Kennedy closed the Public Hearing.

**Discussion of the Commissioners:**

Commissioner Brown: While he has sympathy for the property owner, he agrees with staff for reasons that were cited. He was a member of the P&Z Commission during extensive discussion for

the Carlton Bay Development and states the proposed use does not fit in with what was discussed, envisioned, and approved. The reasons then are still valid today, especially since they are being enforced by what is envisioned in the comprehensive plan, which he was also a participant in. He mentions that the Tate's Equipment Rental CUP was denied for similar reasons in not being consistent with what the City would want to have their and what has been previously approved. He would support Option "A" as presented in the draft findings and the reasons cited in the same.

Commissioner Jensen: He agrees with Commissioner Brown and that this is a Gateway property to the City and is an opportunity to do something non-traditional for Garden City. This is a fabulous space on the front of a wonderful development and the proposed use does not fit in with the mixed use intent for the space.

Commissioner Butler: The design of the building is great and thoughtfully done. Traffic is going to happen with growth and is not one of her concerns with this application. But she has great hopes for the site and to create something idyllic. In looking at the comprehensive plan and Carlton Bay plan the use does not fit the mixed use intent. She would recommend denial.

Chairman Kennedy mentions that the applicant and public may appreciate what the Commission has to say on what they would like to see happen in the area.

Commissioner Jensen: Bown Crossing is a fabulous example for a development – it screams walk-up business, it is a modern Mayberry. He does not have a particular use in mind but certainly the feel and style that is brought into the neighborhood is what he is looking to see.

Commissioner Brown: in addition to the comments previously provided regarding the approvals for Carlton Bay, Bown Crossing is a good example (does not have to be exactly like Bown) but the things the City is looking for are small businesses, offices, restaurant, walkable, and while you can design vehicle service well, it does not meet the intent of a TOD, multi-use area directly across the street from single-family and multi-family. While people may need vehicle service, this is not the location.

Commissioner Butler: She thinks something "softer" than vehicle service such as a restaurant, professional office would be better.

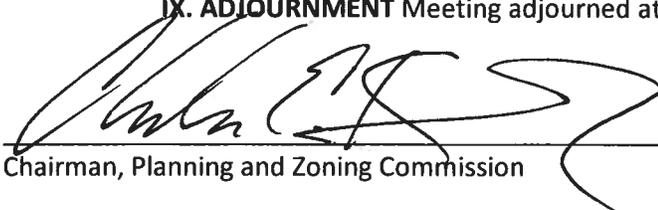
Chairman Kennedy states that the plan describes very well what the community would like to see in that location as well as other locations. And challenge is turning a plan into an implementable project and convincing community and commission that the project meets the comprehensive plan goals and objectives.

**Decision:**

**Commissioner Brown moved to deny CUP2015-00012 for the reasons discussed and based on the Findings of Fact and Conclusions of Law as outlined in Option "A" and the staff memorandum. Butler seconded. The motion passed 3/0**

**VIII. DISCUSSION: NONE**

**IX. ADJOURNMENT Meeting adjourned at 8:16 p.m.**

  
Chairman, Planning and Zoning Commission

21 Oct. 2015  
Date