



CITY OF GARDEN CITY

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~ Minutes ~

Planning & Zoning Commission

6:30 PM

Wednesday, October 21, 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; Tom Jensen
Commissioners Absent: None
Staff Present: Jeff Lowe; Jenah Thornborrow, Mike Broussard

III. CHANGES TO AGENDA: None

IV. CONSENT AGENDA

- A. **July 15, 2015, Minutes**
B. **CUP2015-00014:** Timbre Wolfe, represented by Litzinger Construction, is requesting Conditional Use Permit approval to build a 3,900 square-foot Accessory Structure addition to an existing accessory structure. The addition, to be used for personal use (no commercial), is located in the rear yard of an existing single-family dwelling. The 1.96-acre site is located at 9601 Riverside Lane and is within the R-2 Low Density Residential Zoning District, and is in the Residential Low Density area of the Comprehensive Plan. The proposed addition is subject to the approval of the Design Review Committee. **Staff Recommendation – Approve with conditions**

E. **ZON2015-00005:** United Parcel Service, represented by Ricardo Zavala with Quadrant Consulting, Inc. is requesting approval of a Rezone application to rezone two adjoining parcels from R-3 Medium Density Residential to C-2 General Commercial. The subject .68-acre site (Parcel numbers R2734501312 and R2734501316) is located approximately 600-feet north of the intersection of Chinden Boulevard and 43rd Street. The property is within the Transit Orientated Development Node (Quarter Mile Walkable Area) and Mixed Use Commercial Comprehensive Plan Land Use Designations. **Staff Recommendation – Approve with conditions**

Commissioner Brown made a motion to move items VII B and E to the consent agenda and to approve the consent agenda as amended with the findings of fact and conclusions of law and conditions of approval for said items; Commissioner Butler seconded. Approved 4/0

V. OLD BUSINESS: NONE

VI. NEW BUSINESS: NONE

VII. PUBLIC HEARING:

- A. **SUB2015-00004/PUD2015-00004: Remington Container Homes Subdivision – Pleasanton Trust/David Herman:** Pleasanton Trust/David Herman, represented by David Hertel, is requesting preliminary plat and Planned Unit Development approval for Remington Container Homes Subdivision. The proposed development consists of 19-lots (17-buildable for single-family units, 2-common). The 1.22-acre site is located on the east side of Remington Street at 517 Remington Street and is within the Mixed Use Residential Comprehensive Plan designation. This development is

subject to Design Review and is included in this application. **Staff Recommendation – Approve with conditions**

Staff member Lowe presented the staff report.

Derritt Kerner, representing the applicant, presented the application to the Commission. He addressed items including the water and sewer infrastructure, roadway improvements, and the requirement for a fire hydrant to serve the development.

Chairman Kennedy opened the Public Hearing.

Testimony was received by:

Joseph Brown – opposed to the development and feels the proposed units are ugly, unpractical, and do not have big enough garages or enough parking. Remington Street already is congested and has a lot of parked cars because of the roofing company business employees parking on the street. The homes will turn into rental properties for low-income people.

Ed Vetter – the City should work more with ACHD to create a timetable to have curb, gutter, and sidewalk installed on 52nd Street. 50 new homes have been built on 52nd Street and 300 people per day use the greenbelt and travel along 52nd Street which is congested. There needs to be a greenbelt connection made through undeveloped properties in order that people do not need to travel to Alworth Street and return on Remington Street.

Shawn McFadden – there is a lot of automotive traffic on 52nd Street and not enough parking on the roadways – it is not safe. How will the school buses pick up children – on Alworth Street?

Gary Johnson – representing Ada County states that there should be a fence along the northern property line of the subject site adjacent to Ada County property. The asphalt on the county property is not a greenbelt but overfill from digging the racetrack infield pond and it is presumptuous for the City to think that the greenbelt would be connected to the subject property. The applicant and future residents need to be put on notice that there is noise and activity occurring at the fairgrounds.

Chairman Kennedy asks Mr. Johnson if he could provide a copy of his comments for the record. Johnson responds that the city could copy his notes.

Lowe addressed the questions about the school district busing and contact with the County regarding pathway connectivity. Commissioner Brown asks if the Ada County Highway District approved the project and the street improvements on Remington Street. Lowe responds affirmative. Did the highway district comment on the traffic Level of Service near the intersection of Remington and Alworth? Lowe responds the highway district estimates Alworth to be at better than LOS “D”.

Commissioner Jensen asks to review the slide on the PowerPoint regarding agency feedback and to please summarize the comments. Lowe states all of the agencies have approved the project with conditions.

David Hertel, representing the applicant, rebuts testimony and comments. He mentions that the homes are single-family, affordable, and have never been planned to be rentals. He states that there are plenty of containers in supply and that they have been used all over the country for buildings. The containers are durable and sustainable. He does not see the need for a fence along the northern property line and they want to provide greenbelt connectivity but they do not have control of how other properties develop to further the connectivity.

Commissioner Butler asks to clarify parking regarding the number and location. Hertel describes the parking configuration.

Commissioner Page asks about cart service trash pick-up relative to the narrow street and cars parking on the street. Lowe responds that the representative from Republic Services did not indicate this would be a problem and that garbage trucks could use the same turn-around as the fire trucks. Page remains concerned about the availability of guest parking.

Chairman Kennedy closed the Public Hearing.

Discussion of the Commissioners:

Commissioner Jensen: his general impression is that the project has passed muster with key agencies and lengthy list of conditions. The project is well designed and has no concern with the two requested deviations (allowed through PUD).

Commissioner Page: no comment

Commissioner Brown: agrees with Commissioner Jensen's comments. His particular areas of concern that he previously alluded to including congestion and ACHD's comment on impact of LOS have been addressed. He notes the legal issue with the lack of right-of-way and providing for a turnaround at the end of Remington Street; and the problem in the past with not being able to secure right-of-way to connect to the greenbelt in this particular area. His questions that he had have been answered

Commissioner Butler: Agrees it is a different style and may be characterized by some as ugly and impracticable, but variety is the key for Garden City and tremendous diversity is what we have going for us. Fully supports the development and it is well planned and adds that uniqueness that the City is looking for, and yes it is in an odd location next to the river as well as close to the fairgrounds which can be a draw and a negative. She has listened fully to the opposing statements and appreciates the testimony.

Decision:

Commissioner Butler moved to approve SUB2015-00004/PUD2015-00004: Remington Container Homes Subdivision with the Findings of Fact and Conclusions of Law and conditions of approval. Jensen seconded. The motion passed 4/0

B. CUP2015-00014: Timbre Wolfe, represented by Litzinger Construction, is requesting Conditional Use Permit approval to build a 3,900 square-foot Accessory Structure addition to an existing accessory structure. The addition, to be used for personal use (no commercial), is located in the rear yard of an existing single-family dwelling. The 1.96-acre site is located at 9601 Riverside Lane and is within the R-2 Low Density Residential Zoning District, and is in the Residential Low Density area of the Comprehensive Plan. The proposed addition is subject to the approval of the Design Review Committee. ***Staff Recommendation – Approve with conditions- MOVED TO CONSENT AGENDA***

C. CUP2015-00015: John Harry, represented by Briggs Engineering, Inc., is requesting conditional use permit approval for "Industry, Flex" to expand the types of uses that may be allowed within the existing structure located on the site. The .45-acre site is located at 94 E. 49th Street and is zoned C-2 General Commercial District and is in the Light Industrial Comprehensive Plan designation. ***Staff Recommendation – Approve with conditions***

Staff member Lowe presented the staff report.

Sabrina Durtschi, representing the applicant, presented the application to the Commission. She mentions that there will be no physical changes to the site and that the applicant wants to the right thing by getting the correct approvals for current and future tenants. She notes that ACHD has estimated there will be no additional impact from this project and the applicant believes that there will not be an increase in intensity of the use of the site. Her firm has prepared some cost estimates for placing a sidewalk, both attached and detached, and while they understand that cost cannot be a

consideration for a waiver, requests that the condition (No. 6) requiring the sidewalk along 49th Street be removed from the conditions of approval.

Commissioners Brown and Butler ask questions about the sidewalk configuration (attached and detached), location, sidewalk on adjacent properties, and cost estimates.

Chairman Kennedy opened the Public Hearing.

Testimony was received by:

Although three people signed in to testify, they elected to not testify after being polled by the Chairman.

Chairman asks Lowe to identify how the City has addressed sidewalks on other applications in the past. Lowe states that staff will present the situation that may exist on other properties and asks the Commission to discuss the same.

Durtschi briefly reiterates her comments presented previously

Chairman Kennedy closed the Public Hearing.

Discussion of the Commissioners:

Commissioner Butler: Given the testimony presented she does not see that this proposal intensifies the use of the property. While she would like sidewalk she would not mandate it here.

Commissioner Brown: Have been in this discussion before and been on both sides. The reason there are no sidewalks in this area is because they were not required in the past. So if you don't require sidewalks when you have an opportunity then you are forever stuck without them. In this instance we have an opportunity to put a detached sidewalk in, not expensively, and could meander it to avoid obstacles. It does not have to be straight, just minimum of 5-feet wide. He feels Commission should stick with the condition for the sidewalk, and it can be detached so as to not have to put in curb and gutter.

Commissioner Jensen: We have reviewed these case by case, and intelligently in each case, and we have required sidewalk and others we have not because the logic was not there to do so. Agrees with Commissioner Butler does not see enough change in the property to have the owner carry the responsibility to install sidewalk.

Commissioner Page: We have all said it, this is an area that is controversial and we all have our feelings. While he tends to agree with Commissioner Jensen – in looking at the aerial there is a sidewalk to nowhere (south) but to the north there is a connecting sidewalk. But we have to start somewhere and we have talked about that...if we ever want sidewalks we have to start requiring sidewalks. He does not see that it is an unreasonable cost and does think there is a change in use.

Chairman Kennedy: In terms capital value of investment, does not see sidewalk as a large percentage in terms of the entire project. Cannot make a decision based on cost but could maybe consider scale, scope. If we are going to have sidewalks in this community, does not want to see sidewalk only, but also curb and gutter – we need to do it right or we don't do it. Whether the project is approved or not he is ambivalent, but to compromise on the sidewalk is not right - we need to go all the way or no way. We need to consider having a work session on this subject to establish hard and fast criteria. It is not fair to an applicant to have this thing ad hoc if they purchase a property without knowing there is a sidewalk required then they have missed something.

No further discussion.

Decision:

Commissioner Butler moved to approve CUP2015-00015 with the Findings of Fact and Conclusions of Law and conditions of approval and to remove condition No.6 as a requirement of the proposal. Jensen seconded. Discussion: Commissioner Brown: understands Chairman's comment, but given

that there is not enough change in the use of the property. To put a proper sidewalk it would be expensive and he would support the motion. Commissioner Page: Just a point of order are we or are we not able to consider cost in our decision. Chairman Kennedy responds in his opinion we are not, if it is introduced in testimony, we are not the ones to bring it up. However scale and scope provides a little bit of room there.

No further discussion. Chairman Kennedy called for a roll call vote: Page – Nay; Brown – Aye; Butler – Aye; Jensen – Aye. **The motion passed 3/1**

D. CUP2015-00016: Cutting Edge Landscape Care, represented by Ward Schwider with Architectural Productions, is requesting conditional use permit approval for a Service Provider within a new building to be located on the site. The 2.80-acre site is located at 5373 Alworth Street and is zoned C-2 General Commercial District and is in the Light Industrial Comprehensive Plan designation. The applicant is proposing to develop only the western portion of the site at this time; approval of a Minor Land Division application is required. Design Review is included with this application. **Staff Recommendation – Approve with conditions-**

NOTE: a person signed up to testify on this matter and during the meeting was able to clarify his concerns with the applicant and subsequently chose to not testify. The Chairman asked the applicant if he had any objection to the findings of fact and conclusions of law or the conditions of approval; the applicant had no objection.

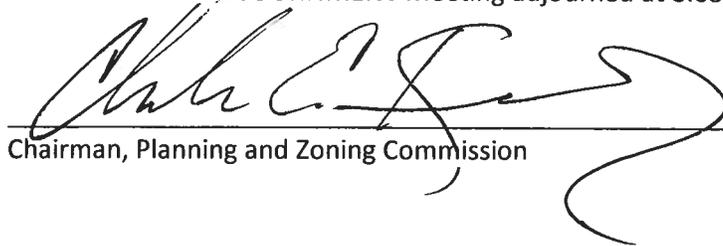
Commissioner Page made a motion to reopen the consent agenda to add item VII D and to approve the item with the findings of fact and conclusions of law and conditions of approval for said items; Commissioner Brown seconded. Approved 4/0

E. ZON2015-00005: United Parcel Service, represented by Ricardo Zavala with Quadrant Consulting, Inc. is requesting approval of a Rezone application to rezone two adjoining parcels from R-3 Medium Density Residential to C-2 General Commercial. The subject .68-acre site (Parcel numbers R2734501312 and R2734501316) is located approximately 600-feet north of the intersection of Chinden Boulevard and 43rd Street. The property is within the Transit Orientated Development Node (Quarter Mile Walkable Area) and Mixed Use Commercial Comprehensive Plan Land Use Designations. **Staff Recommendation – Approve with conditions- MOVED TO CONSENT AGENDA**

VIII. DISCUSSION:

The Commission asked that staff look into finding criteria, quantitative measures, as to when sidewalks should be required on development proposals. A threshold for flexibility should be researched and considered for development into an ordinance.

IX. ADJOURNMENT Meeting adjourned at 8:03 p.m.


Chairman, Planning and Zoning Commission


Date