
**DOVER PLANNING AND ZONING COMMISSION
MINUTES
JULY 22, 2019**

**DOVER CITY PLANNING AND ZONING COMMISSION MEETING
Dover Council Chambers
699 Lakeshore Ave., Dover, ID**

P&Z COMMISSIONERS IN ATTENDANCE:

Marilyn Becker Michael Jones Joe Gibbs Julie Reister-Keaton Susie Kubiak

STAFF/OTHERS IN ATTENDANCE:

Clare Marley, AICP, City Planner Lisa Adair, Assistant Planner

CALL TO ORDER:

Chair Jones called the meeting to order at 6:00 p.m.

CONSENT AGENDA: **Motion:** Commissioner Reister-Keaton moved and Commissioner Kubiak seconded the motion to approve the June 6, 2019 Planning and Zoning Commission minutes. The Chair declared the motion approved unanimously on a voice vote.

PUBLIC COMMENT: Tom Evans, 617 Railroad Avenue, voiced his concerns about speeding in historic Dover. The Commission Chair advised him that the concerns should be addressed to the City Council, since the Planning and Zoning Commission has no control over vehicle violations and road issues. Sue Hewitt, 605 Railroad Avenue, requested to speak about the Kova Enterprises applications. The Chair advised that testimony would be accepted when the hearings are opened.

ANNOUNCEMENTS: Ms. Marley advised the Commission of a pending voluntary annexation application for lands within Cedar Ridge Addition. She also updated the Commission on the fence/structure hearing before the City Council and the proposed revisions to that ordinance.

PUBLIC HEARINGS:

The Chair announced the public hearings for the following: Kova Enterprises LLC, File #AM16-19, Comprehensive Plan map amendment from Compact Suburban and Small-Scale Working Lands to Mixed Use with Conditional overlay; Kova Enterprises LLC, File #ZC01-19, Zone Change from Residential to Commercial; Kova Enterprises, File #SUP001-19, Special Use Permit and Kova Enterprises, File #VAR003-19, variance to allow for a 10-foot rear yard setback, where a 25-foot setback is required by Dover City Code.

Disclosures:

The Chair called for disclosures or conflicts. Commission Member Susie Kubiak advised that she is an owner of property within 300 feet of the project and will recuse herself from the proceedings. Chair Jones advised he is also within 300 feet of the project and had been approached by the developer outside of the hearing process. He also recused himself and stated that he wished to testify regarding the applications. Commissioner Becker took over as Acting Chair.

Staff presentation:

The four files were opened simultaneously for presentation of the project details. Ms. Adair and Ms. Marley presented summaries of the four applications, procedures for consideration, and the standards of review.

Applicant presentation:

Marty Taylor, AICP, Project Planner, James A. Sewell & Associates, summarized how the four applications meet the code. The site plan is survey-accurate, scaled, and dimensioned, he noted. Use of the site for the proposed rental garages will produce little to no glare, with recessed lighting and no mercury vapor lights. He reviewed the details of each of the applications and explained why the variance is needed for site development and separation. Owner Ken Kovalchuk discussed building design and color schemes. He discussed lighting, long-term rental plans, fencing from railroad property, low-traffic rate, added tax values, snow storage plans, and reduction in train noise from building placement. He replied to questions from the Commission about stormwater run-off, prohibitions on commercial storage, and whether he would be willing to accept a condition in the special use permit to restrict or limit types of storage. Mr. Taylor suggested a condition prohibiting commercial use, which the owner said he would accept. The Commission also asked questions about limiting long-term parking in the garage driveways, railroad approval of the rear yard setback, and keeping the units from being converted to commercial uses.

Public testimony:

Public testimony was opened separately for each of the files.

File #AM016-19, comprehensive plan map amendment:

Mark Baillie, 322 Mill Road, said he supported the project because it provided a place for residents to store things.

Don Morris, 108 Indian Meadows Road, testified that he supported the proposal.

Sue Hewitt, 605 Railroad Avenue, requested additional information on the meaning of mixed use.

Marse Shobe, 13874 W. Pine Street, questioned whether her taxes would go up as a result of the comp plan amendment.

Joshua Ziegler, 607 Railroad Avenue, said he opposed changing the map from agriculture to industrial and suggested people store things on their own property. He believes the change would affect Old Dover and result in forcing people out.

Rodney Dotson, 625 Railroad Avenue, said he is a long-time resident who is opposed to the map change.

Lecia Dotson, 625 Railroad Avenue, declined comment.

Randy Becker, 611 Railroad Avenue, opposed the map change and voiced concern about care of the land and the effects the development on his land.

Amy Lizotte, 212 3rd Street, said she opposed storage units in the neighborhood and believes the location is the worst place for the storage units, in front of the existing homes.

Corbin Anderson, 621 Railroad Avenue, said the change to the map to mixed use could open this area to any uses in the future, and he is opposed to the change.

Joe Hughes, 617 Railroad Avenue, expressed concerns about lighting and traffic. He said he believes residential development would be more beneficial to the neighborhood.

Helen Jones, 619 Railroad Avenue, objected to the map amendment. The comp plan is new. The plan did not contemplate the proposed use, but did propose uses such as rails to trails. The city needs to "sit back and wait," and not change a brand new plan, she said.

Michael Jones, 619 Railroad Avenue, said his investment in the residential neighborhood and the work he did on the comprehensive plan are adversely affected by the project. He criticized the staff for not defending the comprehensive plan and its goals and policies. He said the public hearings did not meet the minimum requirements of Idaho Code because staff reports were released to the community less than a week before hearing, there was a flawed due process, limited testimony was afforded four files, a small, single sign was placed on the site, and published notice was inadequate. He also testified that there will be increased residential insurance rates as a result of the project. He said planning staff should have brought the zoning classification for the rental garages to the Planning and Zoning Commission when first made aware of it. He concurred with other testimony in opposition to the map change.

Dan Parkin, 304 3rd Street, said he is opposed to the project because it goes against all of the comprehensive plan goals and is not respectful of Dover's rural character. He raised concerns about noise, traffic, emergency access, lights, proximity to residential uses, and the lack of needed studies. He believes the variance does not warrant a special privilege.

Julie MacDonald, 633 Railroad Avenue, opposes, did not wish to speak.

Susan Ferguson, 627 Railroad Avenue, opposes, did not wish to speak.

Tony Raffo, 623 Railroad Avenue, opposes, did not wish to speak.

Beth Evans, 609 Railroad Avenue, opposes, did not wish to speak.

Marlene Doshier, 609 Railroad Avenue, opposes, did not wish to speak.

Natalie Hulls, 617 Railroad Avenue, opposes, did not wish to speak.

Tom Evans, 615 Railroad Avenue, opposes, did not wish to speak.

Susie Kubiak, 241 Lakeshore Avenue, addressed the comprehensive plan goals and policies and restrictions on large-scale development. She said she believes the proposed use is large scale and will impact the environment and the neighborhood.

Zone Change File #01-19:

Mark Baillie, 322 Mill Road, declined further testimony.

Don Morris, 108 Indian Meadows Road, said he supported the proposal, and noted the rental garages would produce less traffic than residential development.

Greg Tangen, 372 Snug Harbor, did not wish to speak.

Sue Hewitt, 605 Railroad Avenue, questioned the lack of restrictions on what can be stored in the units and said more traffic could be produced by storage of furniture or clothing.

Marse Shobe, 13874 W. Pine Street, said her previous testimony stands for the zone change request.

Joshua Ziegler, 607 Railroad Avenue, said he opposed the zone change and voiced concern about emergency access to the area.

Rodney Dotson, 625 Railroad Avenue, declined further testimony.

Lecia Dotson, 625 Railroad Avenue, opposed the commercial rezoning because of the effects on the residential neighborhood.

Randy Becker, 611 Railroad Avenue, declined to testify.

Amy Lizotte, 212 3rd Street, said she opposes the zone change.

Corbin Anderson, 621 Railroad Avenue, said the commercial zone change would open the door to heavy equipment that could damage roads. Lighting could harm wildlife and adversely affect neighbors. He expressed concerns about traffic backing into the units.

Joe Hughes, 617 Railroad Avenue, expressed concerns about future, different uses if the developer did not continue to operate the units if given approval.

Helen Jones, 619 Railroad Avenue, said she is concerned about enforcement of storage unit uses, proper lighting, snow removal, stormwater run-off, and failure to follow through with promised design plans.

Michael Jones, 619 Railroad Avenue, restated his concerns about due process. He said the commercial uses are not compatible with residential uses, nor with the intended mixed use comp plan designation. He said the proposed zoning request is “implied bias” by putting less desirable uses next to the less affluent neighborhoods.

Dan Parkin, 304 3rd Street, said Railroad Avenue is a frequent walking/running trail and the commercial uses and traffic would create a hazard. He also said the site lacks sufficient studies to ensure stormwater is properly handled.

Julie MacDonald, 633 Railroad Avenue, opposes, did not wish to speak.

Susan Ferguson, 627 Railroad Avenue, opposes, did not wish to speak.

Tony Raffo, 623 Railroad Avenue, opposes, did not wish to speak.

Beth Evans, 609 Railroad Avenue, opposes, did not wish to speak.

Marlene Doshier, 609 Railroad Avenue, opposes, did not wish to speak.

Natalie Hulls, 617 Railroad Avenue, opposes, did not wish to speak.

Tom Evans, 615 Railroad Avenue, opposes, did not wish to speak.

Susie Kubiak, 241 Lakeshore Avenue, said the zone change proposal creates a situation with residential on one side of the street and commercial on the other side and is not wise planning.

Special Use Permit File #SUP001-19:

Mark Baillie, 322 Mill Road, was no longer present.

Don Morris, 108 Indian Meadows Road, said he believes the proposed design is a much nicer facility than other storage units. He also noted that storage units and commercial uses already exist in the general area and these uses are immediately across from residential units.

Greg Tangen, 372 Snug Harbor, asked whether the site would be open to residential uses if the development is denied.

Sue Hewitt, 605 Railroad Avenue, questioned whether the zone change would also change other properties.

Marse Shobe, 13874 W. Pine Street, said she is opposed.

Joshua Ziegler, 607 Railroad Avenue, said he is opposed and asked what would happen to the other side of the street if commercial zoning is granted.

Rodney Dotson, 625 Railroad Avenue, said he would let his previous comments stand.

Lecia Dotson, 625 Railroad Avenue, said she stands by previous comments.

Randy Becker, 611 Railroad Avenue, suggested they put the storage units elsewhere.

Amy Lizotte, 212 3rd Street, said she is opposed.

Corbin Anderson, 621 Railroad Avenue, said he opposes the proposed storage units. The units are wide open, and easily accessible without security. The lighting could pose greater glare than residential uses.

Joe Hughes, 617 Railroad Avenue, asked for additional information on stormwater plans.

Helen Jones, 619 Railroad Avenue, said the use will negatively impact the neighborhood and there is no guarantee the project will be built as promised.

Michael Jones, 619 Railroad Avenue, restated his objections to due process. He said the development would eliminate possible rails to trails objectives and remove vegetation and wetlands that are outlined in the comprehensive plan. He commented on the “implied bias” and potential loss of affordable housing. The staff analysis is flawed, he said.

Dan Parkin, 304 3rd Street, said he is opposed to the special use permit. He believes the developer is being granted a special privilege. He opposes any changes to the Old Dover neighborhood that this project would bring.

Julie MacDonald, 633 Railroad Avenue, opposes, did not wish to speak.

Susan Ferguson, 627 Railroad Avenue, opposes, did not wish to speak.

Tony Raffo, 623 Railroad Avenue, opposes, did not wish to speak.

Beth Evans, 609 Railroad Avenue, opposes, did not wish to speak.

Marlene Doshier, 609 Railroad Avenue, opposes, did not wish to speak.

Natalie Hulls, 617 Railroad Avenue, opposes, did not wish to speak.

Tom Evans, 615 Railroad Avenue, opposes, did not wish to speak.

Susie Kubiak, 241 Lakeshore Avenue, had no further comment.

Variance File #VAR003-19:

Mark Baillie, 322 Mill Road, was no longer present.

Don Morris, 108 Indian Meadows Road, no comment.

Greg Tangen, 372 Snug Harbor, no comment.

Sue Hewitt, 605 Railroad Avenue, no comment.

Marse Shobe, 13874 W. Pine Street, no comment.

Joshua Ziegler, 607 Railroad Avenue, no comment.

Rodney Dotson, 625 Railroad Avenue, no comment.

Lecia Dotson, 625 Railroad Avenue, no comment.

Randy Becker, 611 Railroad Avenue, no comment.

Amy Lizotte, 212 3rd Street, expressed concern about the development of a sensitive area.

Corbin Anderson, 621 Railroad Avenue, said he opposes the 10-foot rear yard setback because of the proximity to the railroad, which would force wildlife into the road and onto the track.

Joe Hughes, 617 Railroad Avenue, no comment.

Helen Jones, 619 Railroad Avenue, voiced concerns about emergency access if the variance is approved.

Michael Jones, 619 Railroad Avenue, addressed the failure of the project to meet the comprehensive plan goals and noted potential hazards and safety concerns in the event of an accident or emergency. He said the staff analysis is flawed, and the variance does not meet the requirements of law.

Dan Parkin, 304 3rd Street, spoke in opposition to the variance.

Julie MacDonald, 633 Railroad Avenue, opposes, did not wish to speak.

Susan Ferguson, 627 Railroad Avenue, opposes, did not wish to speak.

Tony Raffo, 623 Railroad Avenue, opposes, did not wish to speak.

Beth Evans, 609 Railroad Avenue, opposes, did not wish to speak.

Marlene Doshier, 609 Railroad Avenue, opposes, did not wish to speak.

Natalie Hulls, 617 Railroad Avenue, opposes, did not wish to speak.

Tom Evans, 615 Railroad Avenue, opposes, did not wish to speak.

Susie Kubiak, 241 Lakeshore Avenue, did not wish to speak further.

The Acting Chair called for a five-minute recess at 8:07 p.m. The hearing resumed at approximately 8:12 p.m.

Applicant rebuttal:

Mr. Taylor thanked the audience for informed comments. He clarified the zone change request is for commercial; mixed use is the comprehensive plan designation. He also noted that the zoning

request is only for the owner's land, not neighboring lands. He explained that the land was within railroad right-of-way when the comp plan was updated and became private after the plan was adopted. The developer would agree to a condition limiting storage to vehicles only, if the special use permit is approved. The conditional mixed use overlay gives the community a chance to review uses and be heard through the special use permit process. He talked about compliance and enforcement of permits. He advised that the railroad had concurred with the 10-foot rear yard setback. Applicant Ken Kovalchuk requested an exhibit of his proposal be added to the record. Since the hearing is in rebuttal, the exhibit was declined based on the city hearing procedures. Mr. Kovalchuk said the suggestion of "implied bias," for wealthy people to poor people is not valid. He said he would not build something next someone else's home that he would not be willing to have next to him. Mr. Taylor clarified that a conceptual photo of the garages was available in the application and is a part of the record. The Commission confirmed the photo was made available to them in the staff packet.

Commission clarifications and deliberation:

The Commission requested clarifications regarding the deed and its restrictions, railroad right-of-way protection, stormwater plans, and site elevations. The hearing was closed at 8:27 p.m. The Acting Chair called for discussions. Members discussed a continuation of the meeting to complete deliberations.

Motion: Commissioner Gibbs moved to continue the meeting to 6 p.m., August 1st, at Dover City Hall to continue deliberations. The motion was seconded by Commissioner Reister-Keaton. The Acting Chair declared the motion passed on 2-0 voice vote.

MEETING ADJOURNED:

Commissioner Reister-Keaton moved and Commissioner Gibbs seconded the motion to adjourn. The Acting Chair declared the meeting adjourned on a unanimous vote at 8:43 p.m.


Dover Planning and Zoning Commission Chair