

BEFORE THE DESIGN REVIEW COMMITTEE
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	CPAFY2020-0005
)	
Specific Area Plan)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION
Development Code Text Amendment)	
Garden City, Ada County, Idaho)	
)	

THIS MATTER came before the Garden City, Design Review Committee for consideration on August 17, 2020. The Design Review Committee reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Design Review Committee makes the following Findings of Fact, Conclusions of Law and Recommendation:

FINDINGS OF FACT

1. The applicant is the Robert Taunton.
2. The application is to amend the current Specific Area Plan provisions to be a base zone.
3. The following section of the Garden City Development Code are amended by this proposal:
 - a. TABLE 8-2A-1 Base Zoning Districts Established
 - b. 8-2B-1 Purpose
 - c. 8-2B-2 Allowed Uses
 - d. 8-6A-4, Table 8-6A-2 Required Application Information
 - e. 8-6A-7, Table 8-6A-3 Public Noticing Requirements
 - f. 8-6B-6 Specific Area Plan
 - g. 8-7A-2 Definition of Terms
4. The following application information was provided:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	NA	
X			Compliance Statement

5. The following application information was provided in addition to the materials required by GCC Table 8-6A-2:
 - a. Application

- b. Proposed ordinance language
 - c. Redline of proposed changes to current ordinance
 - d. Neighborhood meeting documents
 - e. Work Session with Design Review Committee, June 15, 2020
 - f. Work Session with Planning and Zoning Commission, June 17, 2020
6. The application was considered complete, letter of acceptance was issued to the applicant, and hearing dates were set on June 2, 2020 in accordance with GCC 8-6A-3.
7. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Required	Required Date	Completion Date
Neighborhood Meeting	Not more than 3 months or less than 1 day prior to the submittal of the application between 5:30pm and 8:00pm.	July 21, 2020 at 7:00 pm
Radius Notice	N/A- When notice is required for more than 200 or more people alternative notice may be applied.	N/A
Legal Notice	Published 15 days prior to the hearing	July 24, 2020
Agency Notice	15 days prior to the hearing	July 23, 2020
Public Service Announcement	15 days prior to the hearing	July 23, 2020

- a. As part of the alternative posting allowance, notice was posted at the Garden City Hall, Garden City Police Department, and Garden City Library on July 23, 2020
 - b. As part of the alternative posting allowance, a legal notice of 2"X4" was provided.
8. Additional noticing was provided:
- a. To interested parties
 - b. On the Garden City website
 - c. Garden City Next Door (Neighborhood Meeting Notice)
9. The agenda was posted in the Garden City lobby and on the Garden City website in accordance with Idaho Code 74-204.
10. Comments were received by the following agencies:
- a. None

11. Comments were received by the following members of the public:
 - a. Wendy Carver Herbert on July 31, 2020
 - b. Fogelman on August 14, 2020
 - c. Hollar on August 17, 2020

12. On August 17, 2020, a public hearing before the Garden City Design Review Committee was held:
 - a. Bob Taunton and JoAnn Butler presented the proposal
 - b. Jenah Thornborrow provided a staff report
 - c. The public hearing was opened
 - i. Wendy Carver- Herbert testified neutrally
 - d. The hearing was closed
 - e. The discussion centered on
 - i. Complexities related to reversion if something is not addressed in the plan
 - f. Committee Member Gresham moved to RECOMMEND APPROVAL of the proposal subject to conditions
 - i. Add a condition #4 components a shall read “shall” rather than “should”
 - ii. Amend draft condition #2 to require that design criteria shall repeat standards of Garden City Code 8-4 into the Specific Area Plan if there is no proposal that would contradict that regulation.
 - g. Committee Member Labrie made a second on the motion.
 - h. The motion carried on a 3/0 vote.

13. The record contains:
 - a. Application and application materials
 - b. Noticing Documents
 - c. Agency Comments
 - d. Public Comments
 - e. Staff Report
 - f. Design Review Committee Recommendation
 - g. August 17, 2020 Design Review Committee Minutes and Audio

14. In consideration of a development code amendment the following findings are required:

GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	

X			<p>Finding: The text amendment complies with the applicable provisions of the comprehensive plan.</p>
			<p>Explanation:</p> <p>The text amendment is in compliance with the Garden City Comprehensive Plan's objectives:</p> <ul style="list-style-type: none"> 2.1.4 Explore the opportunities to create distinctive neighborhoods 2.3.6 Promote good design 2.4.5 Improve the City 's gateways 3.1.1 Develop a vision for a city center or multiple centers including the Expo Idaho site 3.1.2 Partner with Ada County to implement the vision for the Expo Idaho site 3.1.4 Transform the Expo Idaho site to an urban center for the city 5.4.1 Evaluate creating a more urban setting along portions of the Boise River 10.3.1 Develop master plans 10.3.2 Focus on neighborhoods of rapid change and regeneration 10.4.1 Amend the Development Code for TOD's 10.4.5 Amend the Development Code for destination and neighborhood centers 10.4.6 Transition development to be compatible with the existing surroundings.
X			<p>Finding: The text amendment shall not be materially detrimental to the public health, safety, and welfare;</p>
			<p>Explanation:</p> <p>There is no evidence text amendment will be detrimental to the public health, safety, and welfare of the community.</p>

			The proposed amendments provide assurances for the investors, public, and public infrastructure, and service planning.
X			<p>Finding: The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city;</p> <p>Explanation:</p> <p>There is no identified adverse effect upon the ability to provide public services within the city as a result of this code amendment. The proposed amendments increase probability that development will occur in a certain manner making infrastructure and service planning more predictable.</p>

15. The record was reviewed by the Design Review Committee in its entirety to make a recommendation to the City Council.

CONCLUSIONS OF LAW

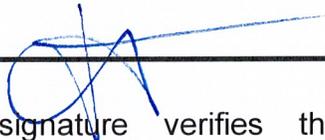
The Design Review Committee reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application meets the standards of approval under GCC 8-6B-5 Development Code Amendment.

RECOMMENDATION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Design Review Committee hereby does **RECOMMEND APPROVAL** of the application, subject to the following conditions:

CONDITIONS FOR APPROVAL

1. Additional language shall be added identifying mandatory requirement of an SAP to include:
 - a. Setbacks, setback exceptions, lot coverage, and height;
 - b. Density, both minimum and maximums;
 - c. Uses that are permitted, conditionally permitted, and prohibited. If any uses are different than GCC 8-7A-1 defined uses, the definition of such uses shall be provided.
2. Additional language shall be added to include a statement that the following components may be different than in code, but need to be addressed, Design criteria shall repeat the standards of Garden City Code 8-4 into the Specific Area Plan if there is no proposal that would contradict that regulation.
 - a. Parking and off-street loading provisions required number and allowable sizes; and
 - b. Design criteria including but not limited to:
 - i. Architectural guidelines;
 - ii. Transportation and connectivity;
 - iii. Sign provisions;
 - iv. Landscaping and tree protection; and
 - v. Open space
3. Additional language shall be added to clarify that an omission of criteria found elsewhere in code is not considered a conflict.
4. Proposed procedure # 6 shall be amended to read "Development applications shall be administered as required by Garden City Code 8-6A-2, Table 8-6A-1 Authorities and Processes."
5. Specific Area Plan Components #4 a shall read "shall" rather than "should", thus: "The SAP shall be comprehensive enough to adequately guide the development or redevelopment of a property to achieve the vision of the SAP"
6. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.



8.17.2020

This signature verifies that this decision document has been reviewed and approved by the Design Review Committee

Date