

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 Requirement	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

This section will be completed after the hearing to reflect the proceedings.

12. On August 19, 2020, a public hearing before the Garden City Planning and Zoning Commission was held:
 - a. APPLICANT presented the proposal
 - b. Staff NAME provided a staff report
 - c. The public hearing was opened
 - i. Testified in favor
 - ii. Testified neutrally

- iii. Testified in opposition
- d. The hearing was closed
- e. The discussion centered on
 - i. Point A
 - ii. Point B
 - iii. Point C
- f. Commissioner NAME moved to RECOMMEND APPROVAL/ DENIAL of the proposal subject to conditions
 - i. Condition A
 - ii. Condition B
- g. Commissioner NAME made a second on the motion. / The motion failed for a lack of second.
- h. The motion carried on a X/X vote with Commissioner NAME dissenting

13. The record contains:

- a. Application and application materials
- b. Noticing Documents
- c. Agency Comments
- d. Public Comments
- e. Staff Report
- f. Planning and Zoning Commission Recommendation
- g. August 19, 2020 Planning and Zoning Commission Minutes and Audio

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

The draft findings are written both in approval and in denial. The Planning and Zoning Commission will select the corresponding findings in their motion for a decision.			
GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X	X		<p>Finding: The text amendment complies with the applicable provisions of the comprehensive plan.</p> <p>Explanation:</p> <p>in Approval: 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

			<p>Idaho site</p> <p>3.1.2 Partner with Ada County to implement the vision for the Expo Idaho site</p> <p>3.1.4 Transform the Expo Idaho site to an urban center for the city</p> <p>5.4.1 Evaluate creating a more urban setting along portions of the Boise River</p> <p>10.3.1 Develop master plans</p> <p>10.3.2 Focus on neighborhoods of rapid change and regeneration</p> <p>10.4.1 Amend the Development Code for TOD's</p> <p>10.4.5 Amend the Development Code for destination and neighborhood centers</p> <p>10.4.6 Transition development to be compatible with the existing surroundings.</p> <p>In Denial: The text amendment is not in compliance with the Garden City Comprehensive Plan's Goals and Objectives: List</p>
X	X		<p>Finding: The text amendment shall not be materially detrimental to the public health, safety, and welfare;</p> <p>Explanation:</p> <p>In Approval: There is no evidence text amendment will be detrimental to the public health, safety, and welfare of the community. The proposed amendments provide assurances for the investors, public, and public infrastructure, and service planning.</p> <p>In Denial: This text amendment will be detrimental to the public health, safety, and welfare of the community because the required components are not thorough enough to provide future developments with adequate guidance.</p>
X	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>In Approval: 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> <p>In Denial: The text amendment adversely affects the ability to provide public services within the city, because: LIST REASONS IDENTIFIED.</p>
--	--	--	--

15. The record was reviewed by the Planning and Zoning Commission in its entirety to make a recommendation to the City Council.

CONCLUSIONS OF LAW

The Planning and Zoning Commission 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 Planning and Zoning Commission hereby does **RECOMMEND APPROVAL/ DENIAL** of the application, subject to the following conditions:

Below are potential conditions for both approval and denial of the application.

POTENTIAL 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 or they will otherwise default to Garden City Code:
 - a. Parking and off-street loading provisions required number and allowable sizes; and
 - b. Design criteria including but not limited to:
 - i. Structural design;
 - 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. 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.

STANDARD CONDITIONS FOR DENIAL

- 1. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
- 2. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
- 3. A takings analysis pursuant to Idaho Code may be requested on final decisions.
- 4. 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.

Chairman, L. Kent Brown

Date