

5. Hearing dates were set on May 2, 2022, in front of the Design Review Committee, May 18, 2022, in front of the Planning and Zoning Commission, and May 23, in front of City Council, in accordance with **GCC 8-6A-3**.
6. 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 5:30 pm and 8:00 pm.	April 25, 2022
Legal Notice	Published 15 days prior to the hearing	April 5, 2022
Agency Notice	15 days prior to the hearing	April 5, 2022
Public Service Announcement	15 days prior to the hearing	April 5, 2022
Public Notice	As part of the alternative posting allowance, notice was posted at the Garden City Hall, Garden City Police Department, and Garden City Library	April 5, 2022

7. The agenda was posted in the Garden City lobby and on the Garden City website in accordance with **Idaho Code § 74-204**.
8. Comments were received by the following agencies:

From the City Attorney:

- a. City Attorney to the Mayor and Council dated April 25, 2022
- b. City Attorney to the Design Review Committee dated April 28, 2022
- c. City Attorney to the Planning and Zoning Commission dated May 18, 2022
- d. City Attorney to the Mayor and Council dated May 23, 2022
- e. City Attorney to the Mayor and Council dated August 8, 2022
- f. City Attorney to the Mayor and Council dated August 22, 2022

The memoranda discuss the proposed amendment and outline the necessary changes. At the drafting of this report no other agency comments have been received.

9. Comments were received by the following members of the public:
 - a. Greg Hahn: In favor of revising the WLC district
 - b. Jodi Eichelberger (in person): In favor of revising the WLC district
 - c. Hannah Ball (in person): In favor of revising the WLC district; concerned about parking
 - d. Jason Jones (in person): In favor of revising the WLC district
 - e. Joe Jaszewski: Concerned about parking; would like minimal off-street parking requirements
 - f. Nick Jeziorny: Opposed to repealing the WLC district
 - g. Megan Painter: In favor of revising; concerned about emergency vehicle access to new developments
 - h. Donald May (in person): In support of keeping the overlay. In support of less parking regulation and managing parking via parking meters and neighborhood parking permits

10. On May 2, 2022, June 6, 2022, June 20, 2022, and July 18, 2022, the Design Review Committee reviewed the ordinance changes.
 - a. On May 2, 2022, the Design Review Committee continued the matter to June 6, 2022
 - b. Design Review took up the matter again on June 6, 2022, and again continued to a date certain of June 20, 2022
 - c. On June 20, 2022, the matter again went before the Design Review Committee. The Committee was prevented from making a final recommendation because the item was not properly included on the agenda. The issue was once again continued to a date certain of July 18, 2022
 - d. When the Design Review Committee took up the issue on July 18, 2022, it recommended denying the repeal option and tabling the revise option until a work group has met and presented a revised option

11. On May 18, 2022, the Planning and Zoning Commission reviewed the ordinance changes.
 - a. Four members of the Planning and Zoning Commission recommended revising the Surel Mitchell Work-Live-Create district, with one member recommending repeal so the district could be re-worked from scratch and expanded

12. On May 23, 2022, June 13, 2022, and July 25, 2022, public hearings before the Garden City Council were held:
 - a. On May 23, 2022. City Council continued the issue to June 13, 2022, for further discussion.
 - b. City Council took up the matter again on June 13, 2022, whereupon it was continued to a date certain of July 25, 2022.

- c. On July 25, 2022, the matter was again put before City Council. Also on the agenda for July 25, 2022 was a recommendation to change the Design Review Committee to consultant(s) in CPAFY2022-0003 and Ordinance 1026-22. City Council voted unanimously to repeal the Surel Mitchell Work-Live-Create overlay district, Option A, and the first reading of the ordinance was completed. The Council would like the most usable and beneficial aspects of the Work-Live-Create district to be adopted into underlying code. The matter is now before City Council on August 8, 2022, for a potential second reading.
- d. City Council conducted the second reading on August 8, 2022.
- e. City Council conducted the second reading on August 22, 2022.

13. The record contains:

- a. CV01-20-03481 Memorandum Decision Reversing Denial of Petitioners Application
- b. Combined Noticing: April 5, 2022
- c. Memo on Required Design Review Amendments: April 7, 2022
- d. Surel Mitchell Repeal Ordinance (Option A)
- e. Design Review Amendments Ordinance Repairing Surel Mitchell Overlay (Option B)
- f. DRAFT City Council potential decision
- g. DRC DRAFT potential recommendation
- h. P&Z DRAFT potential recommendation
- i. Compliance Statement
- j. Staff Report: April 28, 2022
- k. Memo DRC on Required Design Review Amendments: April 28, 2022
- l. Public Comment Greg Hahn: April 26, 2022
- m. Design Review Committee Audio: May 2, 2022
- n. Draft Transcript of Design Review Committee Hearing: May 2, 2022
- o. Final Transcript of Design Review Committee Hearing: May 2, 2022
- p. Public Comment Joe Jaszewski: May 2, 2022
- q. Public Comment Nick Jezierny: May 6, 2022
- r. Public Comment Heller Reply: May 9, 2022
- s. Public Comment Heller Reply: May 10, 2022
- t. City Attorney PowerPoint: May 12, 2022
- u. Staff Report: May 13, 2022
- v. Memo from City Attorney to Planning and Zoning: May 13, 2022
- w. Second Version Surel Mitchell Repeal Ordinance Option A
- x. Second Version Ordinance Repairing Surel Mitchell Overlay
- y. Final Transcript of Planning and Zoning Hearing: May 18, 2022
- z. Planning and Zoning Committee Audio: May 18, 2022
- aa. Memo from City Attorney to City Council: May 19, 2022
- bb. Staff Report: May 19, 2022
- cc. Planning and Zoning Decision Document Signed: May 20, 2022
- dd. Public Comment Jorgensen 1 Reply: May 22, 2022
- ee. Public Comment Jorgensen 2 Reply: May 22, 2022

- ff. City Council Audio: May 23, 2022
- gg. Public Comment Megan Painter: May 24, 2022
- hh. Third Version Design Review Amendments Ordinance Repairing Surel Mitchell Overlay (Option B): July 7, 2022
- ii. Third Version Surel Mitchell Repeal Ordinance (Option A): July 7, 2022
- jj. LWC_DRC_DRAFT_recommendation
- kk. Design Review Committee Recommendation: July 18, 2022
- ll. Planning and Zoning Commission Recommendation: May 15, 2022
- mm. Draft City Council Decision: July 25, 2022

14. In consideration of a Development Code Amendment the decision maker shall make the findings as prescribed:

GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X			<p>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</p> <p>Explanation: The text amendment is supported by the Comprehensive Plan's Goals: 8 Maintain a Safe City, and 9 Develop a Sustainable City.</p>
X			<p>Finding 2: The text amendment shall not be materially detrimental to the public health, safety, and welfare;</p> <p>Explanation: This proposal will not unreasonably diminish the health, safety, or welfare of the community as defined in the purpose of the Local Land Use Planning Act, Idaho Code 67-6502.</p>
X			<p>Finding 3: 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: There is no identified adverse effect upon the ability to provide public services within the city as a result of this code amendment.</p>

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the City Council hereby does **APPROVE** the application repealing the Surel Mitchell Work-Live-Create overlay district, providing objective standards for required design review findings, and amending the procedures and definitions applicable to design review.

Mayor, John G. Evans

September 12, 2022

Date