

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

In the Matter of:)) Development Code Surel Mitchell) Work-Live-Create & Design Review) Amendment) Garden City, Ada County, Idaho) _____)	CPAFY2022-0005 FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION
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THIS MATTER came before the Garden City, Design Review Committee for consideration on May 2, 2022, June 6, 2022, June 20, 2022, and July 18, 2022. 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 City of Garden City.
2. The following section of the Garden City Development Code are repealed or amended by this proposal:
 - a. 8-3A-1 Zoning Districts Established
 - b. 8-3A-3 Allowed Uses
 - c. 8-3C Surel Mitchell Work-Live-Create
 - d. 8-6B-3 Design Review Committee
 - e. 8-6A-8(C) Allowed Uses
 - f. 8-7A-2 Definition of Terms
3. The following application information was provided:

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

4. The following application information was provided in addition to the materials required by GCC Table 8-6A-2:
 - a. Proposed ordinance language
 - b. Redline of proposed changes to current ordinance

c. Neighborhood meeting documents

5. Hearing dates were set on May 2, 2022, Design Review, May 18, 2022, Planning and Zoning Commission, and May 23, 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:
 - a. None
9. Written comments were received by the following members of the public:
 - a. Greg Hahn
 - b. Jodi Eichelberger
10. On May 2, 2022, a public hearing before the Garden City Design Review Committee was held:
 - a. Garden City Attorney, Charles Wadams, presented the application.
 - b. Garden City Development Services Director, Jenah Thornborrow, presented the staff report.
 - c. Public testimony was heard from:

- I. Greg Hahn in favor of keeping the district and branding while revamping the code to meet current market standards.
- II. Hannah Ball in opposition; difficult to merge residential and commercial uses within an area that has been historically commercial. If the Live-Work-Create overlay is recalled, the Garden City Code 8-4D provisions prevail. 8-4D commercial parking standards need to be re-evaluated.
- III. Jason Jones in opposition to code re-write without neighborhood work sessions. Live-Work-Create parking standards are more straightforward than the 8-4D sections of the Garden City Code.
- d. Charles Wadams provided a rebuttal:
 - I. Committee could continue the application to the date certain if they feel the application needs additional work.
- e. Public testimony was closed.
- f. Discussion included:
 - I. The code should be re-written in such a way that there are design districts that match the Garden City Comprehensive Plan as opposed to having generalized parking standards.
 - a. The existing base zoning district requirements are not indicative of the envisioned Comprehensive Plan Neighborhoods.
 - II. We need to maximize parking, not minimize it.
 - a. Garage vs. covered parking.
 - III. Modify the Live-Work-Create District vs. eliminate it.
 - a. Make it a more usable overlay.
 - b. Fix it so that the overlay is used more.
 - IV. Work sessions with the community would prove beneficial.
 - V. Difference between Live-Work-Create uses and Design District.
 - a. Home offices are already permitted, the code has almost made it more difficult to support live-work units.
 - VI. Planned Unit Developments are being used as a way to avoid code standards.
 - VII. The mandate does not have a required deadline. However, the specific items, such as the required findings, should be decided upon soon rather than later while the rest of the overlay's provisions get addressed at a later date.
- g. Decision:
 - I. Committee Member Labrie moved to continue to a date certain of June 6, 2022.
 - II. Committee Member Labrie seconded the motion.
 - III. The motion carried unanimously.

11. On June 6, 2022, a public hearing before the Garden City Design Review Committee was held:

- a. It was noted that the item was properly noticed, but not on the agenda in a timely manner. It was clarified that the hearing could be held, but would need to be continued for formal action.
 - b. Garden City Legal Intern Jessica Steadman provided a staff report.
 - c. Public testimony was heard from:
 - I. Jason Jones; 1:1 ratio is not a part of the code. Committee full of neighborhood residents to provide input on code.
 - II. Hannah Ball; create a board or group for code discussion and collaboration.
 - d. Jessica Steadman did not provide a rebuttal.
 - e. Discussion included:
 - I. The city needs to take a further look at the Live-Work-Create overlay code.
 - II. Work session for additional input would prove helpful.
 - III. Flexibility is encouraged. Allows for the purpose and vision to be obtained.
 - IV. 1:1 ratio needs to be looked at. Action would not preclude looking at this more thoroughly.
 - f. There was no action on the application.
 - g. The item was continued to the date certain of June 20, 2022, for formal action.
12. On June 20, 2022, the item was approved on the consent agenda, and the approval of the recommendation document be continued to a date certain to July 18, 2018.
13. On July 18, 2022, the item was approved for recommendation on the consent agenda. A public hearing before the Garden City Design Review Committee was held:
- a. Jenah Thornborrow introduced the application.
 - b. Garden City Legal Intern Jessica Steadman provided a staff report.
 - i. A recommendation on this ordinance proposal needs to be made to comply with the judicial order.
 - c. Public testimony was reopened.
 - d. Public testimony was heard from:
 - i. Jason Jones: The proposal goes beyond the judgement, which only required that the vague parking standards be revised.
 - e. Jessica Steadman did not provide a rebuttal.
 - f. Public testimony was closed.
 - g. Discussion included:
 - i. The proposal to repeal the code is not desirable.
 - ii. The proposed amendments still result in an ordinance that includes vague or subjective standards.
 - iii. Approval of some provisions without a wholistic review will make future modifications less likely.
 - iv. A work group could have a relatively quick turn-around and could be informed by experts and property owners. This would better inform

- a code that can be objective, clear, usable, and execute the intended neighborhood.
 - v. There should be a motion to deny the repeal option and table the revision until a work group consisting of volunteers, neighbors, and design consultants can be formed.
 - vi. If the revision is not passed, there is motivation to continue working to make the necessary changes.
 - h. Decision:
 - i. Committee member Hurd motioned to deny the repeal option and table the revise option until a work group has met and presented a revised option.
 - ii. Committee member Labrie seconded.
 - iii. Motion passed unanimously.
14. The record contains:
- a. CV01-20-03481 Memorandum Decision Reversing Denial of Petitioners Application
 - b. Noticing Documents
 - 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

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

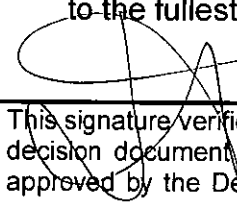
GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X			<p>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</p> <p>Explanation:</p> <p>The text amendment <u>that does not repeal the _____ code</u> is supported by the Comprehensive Plan's Goals:</p> <ul style="list-style-type: none"> 6 Diversity in Housing, 8 Maintain a Safe City, and 9 Develop a Sustainable City, and 12 Evolve as a Destination. <p>As well as Objectives:</p> <ul style="list-style-type: none"> 1.3 Consider the needs of all citizens, businesses, and the environment, 1.4 Create a premier destination place to live, work, and recreate, 2.3 Promote quality design and architecturally interesting buildings, and 10.2 The Old Town site is a live-work-create district. <p>And the Land Use Designation of Live-Work-Create.</p>
	X		<p>Finding 2: The text amendment shall not be materially detrimental to the public health, safety, and welfare;</p>

			<p>Explanation:</p> <p>The proposal to amend Garden City Code 8-3C still includes vague standards that has not included expert and stakeholder input.</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:</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.</p>

RECOMMENDATION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Design Review Committee hereby does **RECOMMEND CONTINUANCE OF THE PROPOSED CHANGES**, subject to the following conditions:

1. Garden City Code 8-3C should not be repealed.
2. The city should convene a workgroup of professionals and stakeholders including newer landowners who have purchased in the community in order to:
 - a. Provide standards that will implement the Live-Work-Create neighborhood as identified in the Comprehensive Plan.
 - b. Identify and amend sections of the code that are precluding the code from being utilized.
 - c. Review the 1:1 ratio.
 - d. Review other sections of Title 8 that foster a request for waivers to code.
3. 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.



7.18.2022

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