

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	DSRFY2019-4
)	
Design Review)	FINDINGS OF FACT,
208 E. 33 rd Street)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER, came before the Garden City Council for consideration on November 12, 2019 and on November 25, 2019. The City Council reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The applicant is Derek Hurd of Gravitas Inc.
2. The property owner is Wee Boise, LLC.
3. The location of the project is 208 E. 33rd Street, Garden City, Id. Assigned Ada County Parcel No.: R2734541364.
4. The application is for new construction of multiple structures.
5. The project is in the Garden City M Zoning District.
6. The project is not located in the floodplain according to the 2003 FIRM.
7. The project is not located in the floodplain according to the 2017 FIS.
8. The applicant met with the Design Review Committee on January 7, 2019 for a pre-application consultation.
9. The application was received September 13, 2019. The application was scheduled for a meeting on October 7, 2019.
10. The application was continued to a date certain of October 21, 2019 due to a lack of quorum for the item.
11. A copy of the application was transmitted to affected public agencies on September 17, 2019 and written comments were received from:
 - a. Garden City Engineer;
 - b. Republic Services
 - c. Ada County Highway District
12. The applicant provided verification that the property was posted on September 24, 2019, ten or more days prior to the meeting.
13. A legal notice was published in the Idaho Statesman on September 19, 2019.
14. The applicant met with the Design Review Committee on October 21, 2019.
 - a. Committee member Derek Hurd recused himself from this item after noting a conflict of interest due to being the applicant.
 - b. Applicant Derek Hurd and Kristin Jones were present to represent the request.

- c. Public testimony was received from:
 - i. Public testimony was received from:
 - 1. Meryl Lingard in opposition, noting:
 - a. Concerned the tower takes away privacy from other properties.
 - b. Existing parking not adequate for area.
 - c. ADA accessible parking on the street could be helpful.
 - d. Bars create noise and mitigation is necessary.
 - 2. Dave Brandt in opposition, noting:
 - a. Parking should be provided outside of public parking for the development.
 - b. Tower presents a privacy issue, as view goes into his property.
 - c. Metal containers amplify noise.
 - 3. Louis Landry in opposition, noting:
 - a. Noise is a concern. Existing noise from the 34th Street Market and the Sandbar impact the area. "Neighborhood Honkytonk".
 - b. Parking standard in code not correctly applied. Bicycles not realistic primary transportation option.
 - c. Does not meet intent of the Live Work Overlay
 - d. Metal not a problem, but this is not a nod to the neighborhood
 - e. Trask enclosure location may not be appropriate.
 - 4. Hannah Ball in support, noting:
 - a. SAP is active as of 10/22/2019
 - b. SAP not null and void.
 - c. Noise is to be expected in an area that already has live music.
 - d. Parking available. 34th Street Market parking study shows 350 spaces available in area.
- d. Public testimony was closed.
- e. Discussion:
 - i. Tower Element:
 - 1. Committee member Labrie: Tower questionable as element as it takes away from the front entrance. Pedestrian access in tower questionable. Tower access should be lowered one story to protect privacy.
 - ii. Parking:
 - 1. Committee member Labrie: Parking does not appear adequate. Number of spaces do not appear to match up with potential uses. Would like to see parking at 1/1500 sq. ft. parking ratio.
 - 2. Chairperson Thornborrow: Relocation of bicycle parking could allow for an additional on-site vehicle parking space. While outside of options identified in code for the review of

- this project; in general, private parties can implement methods to assist in reducing parking constraints such as providing for regulations in the CC &Rs related to parking or mandatory purchase of bus passes.
3. Committee member Gresham: Shared parking should be explored with other properties. Reconfiguration of development could result in 8 total spaces.
- iii. Railing:
 1. Committee member Labrie: More wood material should be used on railings and should be wrapped around sides of front units.
 - iv. Noise:
 1. Chairperson Thornborrow: Proposed condition for noise amplification to be directed inward.
 - v. Doors:
 1. Committee member Labrie: Container doors at front elevation should be removed to meet design requirements.
- f. Committee member Gresham moved to **APPROVE** with the following additional site-specific conditions:
- i. Remove shipping container doors at ground level from the façade. Wood treatment shall be wrapped around the sides of the front units.
 - ii. Approval is contingent upon demonstrating vehicle access to the development.
 - iii. Enhance façade with wood material or other nonmetal materials on railings to break up white color and provide cohesion and consistency.
 - iv. Pedestrian access within the view tower is limited to three stories. This can be achieved by lowering the view tower to three stories or limiting pedestrian access within the four-story tower to three stories.
 - v. Any amplification device utilized on site must be interior to the project and be directed to the rear (west).
 - vi. The bike parking identified to the rear of the building must be covered.
- g. Committee member Labrie seconded the motion.
 - h. The motion carried unanimously.
15. The Notice of Intent to Approve or Deny was sent to all property owners within 300' and interested parties on October 28, 2019.
16. On November 08, 2019, the City received written opposition which triggered a public hearing in accordance with Garden City Code 8-6A-6 Administrative Process with Notice.

17. A Public Hearing was scheduled with City Council on November 12, 2019. Garden City Council continued the hearing to a date certain of November 25, 2019 to remedy a deficiency in order as the Design Review Committee decision had not been signed yet.
18. A Public Hearing was held with City Council on November 25, 2019.
 - a. Derek Hurd with Gravitas represented the application.
 - b. Jenah Thornborrow provided a staff report.
 - c. Public testimony was received from:
 - i. Joe Jaszewski, Maria Brown, and Doug Brown (in writing) in favor of the application.
 - ii. Louis Landry provided testimony in opposition.
 - d. The public testimony was closed.
 - e. Points of discussion included:
 - i. The intent of the Work-Live-Create district:
 1. The intent of the district is to provide for a residence and a business.
 2. The intent is to incorporate the living and business together so that a person can live and work in the same location.
 3. The application is inconsistent with what was envisioned during the creation of the district.
 - ii. Concerns with proposed parking.
 1. Biking may not occur due to weather or greenbelt closures.
 2. ACHD did not recommend approval as proposed.
 3. Lack of adjacent sidewalks and street improvements needed for those coming to the site.
 - f. GCC 8-6B-3 Design Review Required Findings were addressed individually with a roll call vote.
19. The record contains:
 - a. Application Materials including all revisions.
 - b. Staff Reports;
 - c. Design Review Findings of Fact, Conclusions of Law and Decision;
 - d. Design Review Committee Minutes;
 - e. Public Comment;
 - f. Agency Reviews;
 - g. Objection.
20. The following standards apply to this proposal:
 - a. Title 8-Chapter 3, Article C Surel Mitchell Work-Live-Create Overlay District
 - b. Title 8-Chapter 4, Article A: "General Provisions;"
 - c. Title 8-Chapter 4, Article C: "Design Provisions for Nonresidential Structures;"
 - d. Title 8-Chapter 4, Article D: "Parking and Off-Street Loading Provisions;"
 - e. Title 8-Chapter 4 Article E: "Transportation and Connectivity Provisions;"
 - f. Title 8-Chapter 4, Article I: "Landscaping and Tree Protection Provisions."

21. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	NA	
X			Compliance Statement
X			Neighborhood Map
X			Site Plan
X			Landscape Plan
X			Schematic Drawings
X			Lighting Plan
	X		Topographic Survey
	X		Grading Plan
X			Will Serve
X			Verification that address is an Ada County Approved Address

22. In order to approve a design review application and based on the standards set forth in chapter 4, article C of this title, the design review committee shall make the following findings:

23.

GCC 8-6B-3 DESIGN REVIEW REQUIRED FINDINGS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
	X		<p>Standard: The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.</p> <p>Explanation: Not all dimensional regulations of the district have been met.</p>
Standard found not complaint on a unanimous vote.			
	X		<p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p>Explanation: There is a lack of parking. The design will cause pedestrians to utilize a street lacking in sidewalk.</p>
Standard found not complaint on a unanimous vote.			

X			<p>The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.</p> <p>Explanation: The industrial type design of the proposal is unique and creates a sense of place in the neighborhood.</p>
Standard found complaint on a unanimous vote.			
	X		<p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p>Explanation: There is a no public transit nearby. Some of the traffic will be nonmotorized but not all.</p>
Standard found not complaint on a unanimous vote.			
		X	<p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p>Explanation: The property is not located along an arterial corridor.</p>
N/A			
X			<p>The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p> <p>Explanation: The proposed design supports a compact development pattern by having intense development in a small footprint. The development could be intensified vertically or within the pedestrian plaza area.</p>
Standard found complaint on a unanimous vote.			
X			<p>The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.</p> <p>Explanation: The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity. The landscape plans</p>

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			meet the requirements of 8-3C and 8-4I and pedestrian connectivity meets the requirements of 8-3C and 8-4E.
Standard found complaint on a unanimous vote.			

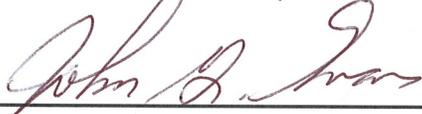
CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application does not meet the standards of approval under GCC 8-4C and the required findings under 8-6B-3D.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the City Council hereby **DENIES** the application, subject to the following conditions:

1. Final decisions are subject to a 28-day right to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
2. A takings analysis pursuant to Idaho Code may be requested on final decisions.
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.



 Mayor, John G. Evans

12-10-19

 Date