

**To:** Mayor John Evans and members of the Garden City Council, Pam Beaumont, Elfreda Higgins, Jeff Souza, James Page

**From:** Lou Landry, 211 E. 33rd Street, Garden City

**Date:** 11/7/2019

**Subject:** DSRY2019-4: a mixed-use project that will be housed in 35 re-purposed shipping containers at 208 E. 33rd Street. The applicant is requesting the provisions of the Surel Mitchel Work-Live-Create apply to this project.

**Request:** *I request that this application be denied.*

**Rationale:** The Design Review Committee erred in the following 3 areas:

Error 1:

1) The application as submitted does not meet the definition of a Work-Live-Create Development as set forth in Title 8 Development Code Chapter 7 Article A Definitions:

“The use of a structure and/or site that combines a commercial or manufacturing activity allowed in the overlay district with a residential living space. The spaces may be combined within one (1) space, attached to one another, or separated but located on the same property.”

- The applicant has proposed two living spaces and 15 “studios.”
- The definition clearly contemplates one (1) living space with a commercial activity — attached or separated. The applicant proposes two (2) living spaces and 15 commercial activities i.e., 7.5 commercial activities per each living unit.

Error 2:

Title 8 Article C The Surel Mitchell Work-Live-Create G.3. (Parking:)

“Working spaces over five hundred (500) square feet of interior floor area shall be required to provide one parking space for every one thousand five hundred (1500) square feet or portion thereof: or the number fo parking spaces needed to serve employee and patrons as *determined by the planning and zoning commission.*” (emphasis added)

Parking was discussed at length during the Design Committee Meeting of 10/21/2019 — see Discussion VI c.a. - - - Committee Member Labrie’s comments.

The project has 15 studios at 300 square feet each which equals 4,500 feet of aggregate commercial space and does not account for the number of spaces required of 1 parking/1500 square foot of space.

The Design Review Committee erred by failing to refer the project to Planning and Zoning for a determination of parking needs as set forth in 8-3C-3-G,

Also the Design Committee site-specific recommendation VII. B. Is vague and should have been explicit regarding the residential unit parking requirement as set forth in the Work-Live-Create of one (1) off street parking space required for each living space. The applicant’s design proposes 2 living spaces and would meet the requirement by having two parking spaces onsite

but this parking would only be accessible through a now nonexistent alley behind the proposed project. This parking requirement can only be met if the applicant can secure access thru an alley to be constructed as part of the the 34th Street Specific Area Plan (SAP).

Error 3: The Design Review Committee erred in classifying the project as meeting the requirements of the Work-Live-Create district and should have considered the project as commercial with incidental residential and thereby needing to meet the requirements of the underlying zoning district of Mixed Use Zone.

The applicant is essentially proposing a 15 “studio” commercial building. By adding an incidental residential component the applicant appears to exploit a “loophole” and thereby avoid the Article C. Design Provisions for Nonresidential Structures.

8-4C-5 PROHIBITIONS C. Metal Buildings: Metal buildings should be prohibited except within the light industrial (LI) base zoning district.

The applicants metal shipping container buildings are clearly prohibited had the correct requirements for this commercial building located in a Mixed Use Zone.

### **Summary**

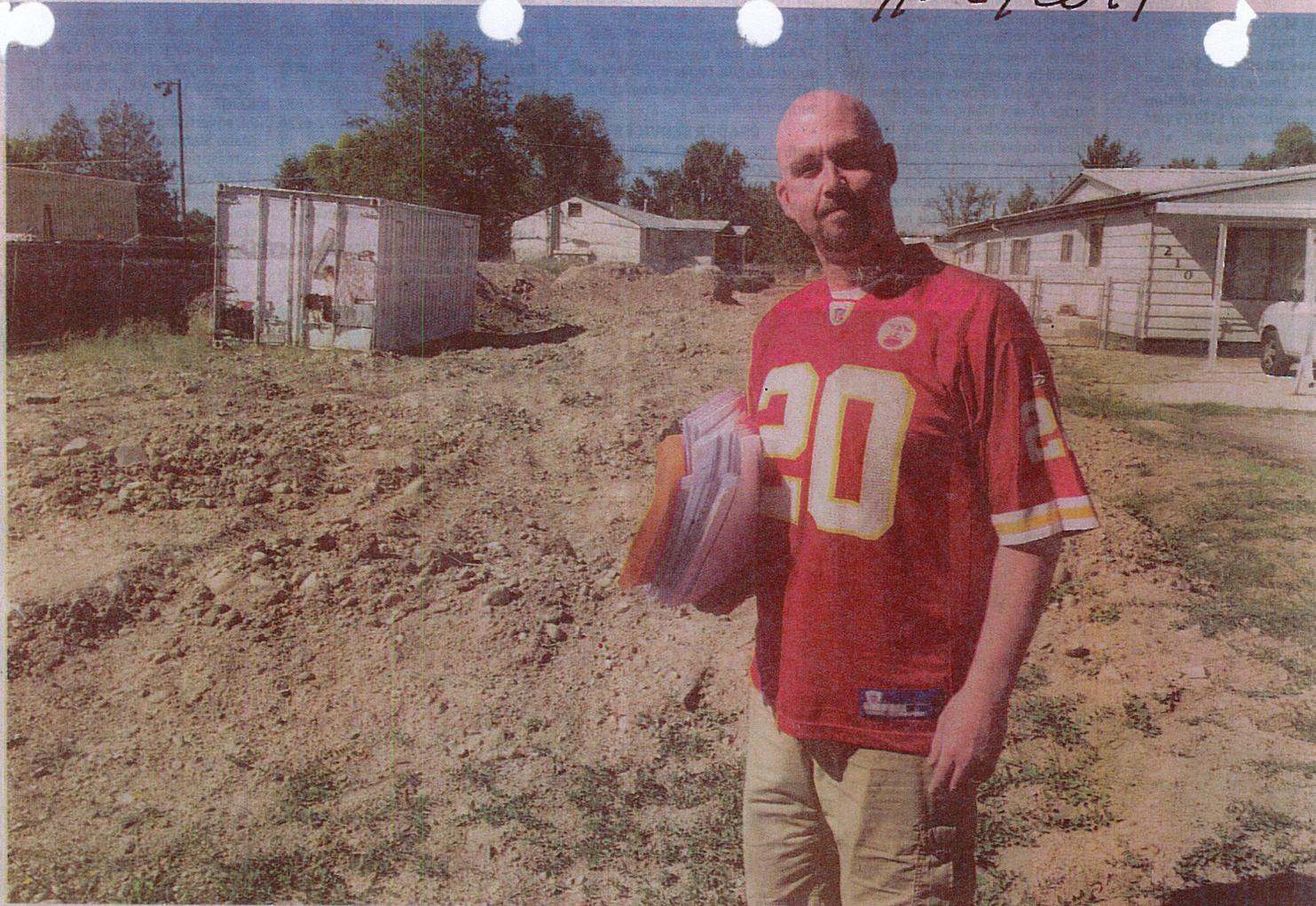
As stated in Garden City Development Code: “The purpose of the Surel Mitchell work-live-create (WLC) neighborhood overlay district is to create a neighborhood that allows commercial or small scale manufacturing activity with dwelling units located within, near, or nearby the working spaces.”

To create a retail shopping and food mall with incidental residential unit(s) to meet a so-called “loophole” does not meet the purpose of this unique overlay district. (See Idaho Statesman 9/26/2019 — article *Garden City man wants to build cargo-container park for artists, startups*. “Inside the park, Jones is planning a 5,000 square-foot food court.”

Please realize that this application sets a precedent. There are many, many empty lots on 33rd and 34th streets available for redevelopment. If this 2 city lot project filled with 35 containers is approved, then can a 4 city lot project with 70 containers be approved and meet WLC overlay if it includes 2 residential units? Does that then constitute work-live-create and meet the purpose of the WLC neighborhood district as noted above.?

I sincerely wish we were reviewing an application that would have a meaningful mix of residences with studios. The *live* component of Surel Mitchel Work-Live-Create definition is critical to creating a neighborhood.

9/26/2019



KATE TALERICO ktalerico@idahostatesman.com

Jason Jones stands in front of the property he owns at 208 33rd St. in Garden City. He moved from Kansas City in 2018 and purchased the property, where he and his wife hope to build a shipping container park.

# Garden City man wants to build cargo-container park for artists, startups

BY KATE TALERICO  
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## GARDEN CITY

Somewhere in the evolution of an arts district — between the opening of the first coffee shop

and the introduction of \$1,000-a-month “artist lofts” — comes the shipping container park.

Since he quit his job in Kansas City two years ago, Jason Jones and his wife have traveled around the country looking for the best shipping container

projects in American cities’ up-and-coming neighborhoods.

He’s seen ones he likes, such as the colorful, mural-covered micro-mall called Churchill that became a destination in downtown Phoenix, and those he doesn’t, such as Las Vegas’s

Downtown Container Park, an open-air entertainment venue complete with a shipping container playground.

And now, Jones hopes to build his own cargo-container market — in Garden City.

“We want to provide more affordable spaces for startups and for businesses,” said Jones, a high school science teacher with a passion for tiny homes who moved to Garden City last year.

The project would use 40 cargo boxes, 300 square feet each, roughly the size of the interior of a school bus. The

SEE PARK, 3A



Gravitas / Stack Rock Group

Derek Hurd, the designer for the shipping container micro-mall, estimates the project will cost around \$2 million.

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## PARK

location, 208 33rd Street, is just feet from the Greenbelt and near the artist space Surel's Place.

In total, the park would have 6,000 square feet of space, including two 750-square-foot, two-story apartments. Jones and his wife plan to live there if they can get the project built.

That's a big if. In February, Garden City banned shipping containers after its planners were inundated with projects that used them as the primary building blocks.

The ban affected ongoing projects as well as existing businesses that operated on temporary permits. The Eddy — an outdoor bar that previously operated out of a recycled cargo container at the 34th Street Market — was forced to move into a new space this summer.

### CAN A GARDEN CITY LIVE-WORK DISTRICT HELP PROJECT?

Jones points out the use of shipping containers around the city, such as at the Yardarm, a popular surfer-themed bar right next to the Greenbelt.

And he believes that he's found a loophole in the city code that would allow him to move forward with his project. The project is located in a

special zoning district in Garden City — the Surel Mitchell Live-Work-Cre-ate district — that encourages industrial-style designs. Jones plans to argue that his project fits.

If he can jump over that major hurdle, Jones estimates the project would cost \$2 million. He plans to rent the micro-spaces out to artists and small businesses, such as small salons or restaurants.

"We've been surprised to see that you could do everything you want to in 300 square feet," Jones said.

Inside the container park, Jones is planning a 5,000-square-foot courtyard with benches and landscaping.

The project is considerably smaller than similar setups in other cities. Phoenix's Churchill contains 14,000 square feet of retail space, plus a 9,000-square-foot open space with games and TVs — in total, about the size of a hockey rink. Boxyard in Tulsa, Oklahoma, offers 10,000 square feet of retail on a 14,000-square-foot lot.

### THE BIRTH OF 'CARGOTECTURE'

Cargo containers were created in the 1950s to make international shipping more efficient. In recent years, they've become a cheap alternative to typical construction material. The "cargotecture" is everywhere —

from the affordable homes built by Boise-based IndieDwell to dorms and offices.

Jones is working with Garden City-based designer Derek Hurd, who founded the firm Gravitas.

"I was interested in it because it's different," Hurd said. "It's going to fill a need that artists and creatives have and provide an environment where you'll find people building, painting, baking — the community wants that."

Other promised shipping container projects in Garden City have stalled out in recent years. David Herman, the son of a Sacramento, California, shipping company executive, promised to build a subdivision of \$152,000 houses made from cargo containers but couldn't get a bank to finance the project. Plans for a cargo-box coffee store fashioned from two 8-by-40-foot containers stacked on top of one another have also faded.

Jones will bring the project before Garden City's design review committee on Monday, Oct. 7.

"These days in Boise it's so hard to find an affordable space," Jones said. "This development could bring a lot more people down to Garden City."

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