

BEFORE THE GARDEN PLANNING AND ZONING COMMISSION
GARDEN CITY, ADA COUNTY, IDAHO

THIS IS NOT A PREDETERMINED DECISION. ALL EVIDENCE WILL BE CONSIDERED. A DIFFERENT DECISION MAY RESULT IN AN UPDATE OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, OR CONDITIONS

In the Matter of:) SAPFY2023-0001
)
)
Specific Area Plan:)
The Residences at River Club) FINDINGS OF FACT
6515 State Street) CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho) AND RECOMMENDATION
_____)

THIS MATTER came before the Garden City Planning and Zoning Commission or consideration on 4/27/2023 and for a formal recommendation on 5/24/2023. The Garden City Planning and Zoning Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Recommendation:

FINDINGS OF FACT

1. The application is for a Specific Area Plan.
 2. The applicant is Trevor Nicoll with LPC West, Inc.
 3. The subject property owner of record is LB River Club Owner LLC.
 4. The location of the project is 6515 W. State Street, Garden City, Idaho 83714; Taxing Parcel Numbers: S0630223350 and S0630212910; The property is described as a portion of Parcel S0630212910 @ NE4NW4 in TCA 06-15 Section 30 4N 2E; and a portion of Parcel S0630223350 of Sec 24-25 & 30 Lots 2-3 4N2E & Lots 2-3 Block 4 Plantation Subdivision #1 #222680C #244315C S0630212900C S0525110106C S0619336570C R7100400583C R7100400605C. The complete legal description is on file with the City.
 5. The project is in the R-2 Low Density Residential Zoning District.
 6. The project is located in the Activity Node: Neighborhood Destination, Green Boulevard Corridor, Residential Low Density, Future Park/ Open Space designations
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Commented [JB1]: Jenah, this seemed confusing. It looked like some information came from LandProDATA. I confirmed my changes with Jim Washburn. Would you please revise?

of the Comprehensive Plan Future Land Use Map.

7. The subject property is 22.68 acres of a 100.72-acre parcel. [The applicant has made a Minor Land Division application, which is pending. The Minor Land Division application is intended to separate the subject property from the larger parcel.](#)
8. The following sections of the Garden City Development Code are added or amended by this proposal:
 - a. 8-2A-2 Official Zoning Map
 - b. 8-8 Specific Area Plan Ordinances
 - c. 8-8A The Residences at River Club SAP District
9. There has been no denial of any application in the same form for the same use on this [subject](#) property within one year.
10. The following ~~sections~~[sections](#) of the Garden City Development Code apply to this proposal:
 - a. Garden City Code 8-1A-4: General Regulations, Applicability
 - b. Garden City Code 8-2A-2: Official Zoning Map
 - c. Garden City Code 8-6A: Administration
 - d. Garden City Code 8-6B-6: Specific Area Plan
11. The applicant provided the [information required with the City's application forms and the following application information](#):

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

*Items that are waived may be required for reviews later.

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<https://gcidaho.sharepoint.com/sites/Building/Shared Documents/Large Scale Entitlements/SAP and Master Plans/SAPFY2023-0001/Submittal Documents/Reline Comparison 5-15-23.docx>; <S:\Does\LB River Club Owner LLC\Development Issues - Garden City, Idaho\FCL\Reline Comparison JT Findings 5-10-23 vs LB Comments 5-13-23.docx> - 2

Commented [JB2]: Please include an additional factual statement as part of Finding of Fact #7 or following #7:

The applicant has made a Minor Land Division application, which is pending. This application is intended to separate the subject property from the larger parcel.

Commented [JB3]: Just to confirm: The City's intent is to create a new Title 8, Chapter 8 known as "Specific Area Plan Ordinances", and Title 8, Chapter 8A will be the location of The residences at River Club SAP District Code.

Commented [JT4]: Should this be "The Residences at" or just "River Club District"

Commented [JB5R4]: The project is called "The Residences at River Club." The SAP District will be known as "The Residences at River Club SAP District." We made this change throughout this draft document.

Commented [JB6]: The Applicant provided a complete application and received a letter from the City confirming the complete application was submitted.

Please change this sentence to read: "The applicant provided the following application information and information required with the City's application forms."

It may be best to list the information provided with the applications (as listed on the SAP Application and Rezone forms) in the draft Findings. This provided information includes:

- Affidavit of Legal Interest
- Legal Description
- Neighborhood Meeting Materials
- Specific Area Plan Ordinance
- Statement of Intent
- Irrigation/Ditch Information
- Will Serve Information

Commented [JB7]: It is unclear why the table indicates the verified address was not provided. The address of the parcel (i.e., 6515 West State Street, Garden City ID 83714) is verified through the link to the Ada County Assessor Property System, which link is contained in the SAP Application form for use by Garden City Staff.

Finding of Fact #4 confirms the address verification.

Please indicate this information was provided.

12. The following noticing was completed in accordance with GCC 8-6A-7¹:

Noticing Requirement	Required Date	Completion Date
Neighborhood Meeting	12/20/2022	10/25/2022
Radius Notice	2/28/2023	12/30/2022
Legal Notice	2/28/2023	1/3/2023
Agency Notice	2/28/2023	12/29/2022
On site	3/5/2023	3/2/2023

- a. Public notice was posted at Garden City Hall, the Garden City Police Department, and Garden City Fred Meyer on 12/30/2022.
- b. Interested parties have emailed notices and updates.

13. The agendas were posted in the Garden City lobby and on the Garden City website in accordance with Idaho Code 74-204.

14. Additional noticing was provided:
- a. On the Garden City Next Door site
 - b. On the Garden City website

15. Agency Comments were received from:
- a. [City Building Dept. 6/28/22 & 1/27/23](#)
 - a-b. _____ City Engineer 1/8/2023
 - b-c. _____ DEQ 1/5/2023
 - c-d. _____ VRT 2/13/2023

Commented [JB8]: Please add references to agency comments received from:

- ACHD 4/17/23 & 4/26/23
- City of Boise PDS Dept. 3/15/23
- Garden City Building Department 6/28/22 & 1/27/23

¹ The noticing was conducted for all hearings and the dates correspond to the first hearing date.
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- d-e. Design Review Consultant Derek Hurd 2/24/2023
- e-f. Design Review Consultant Bret Labrie 2/24/2023
- g. Boise School District 03/10/2023
- h. Boise PDS Dept. 3/15/23
- f.i. ACHD 4/17/23 & 4/26/23

16. Written Public Comments received prior to April 20, 2023, were received from:

In Favor

- a. Jerry Ochofield
- b. Patricia Perkins
- c. Mike Nero
- d. Janice & Bob Wilcox
- e. Tom Donahoe
- f. Tyler McReynolds
- g. Scott White
- h. Joyce and John Raudabaugh
- i. Lou and Gerre Pagano
- j. Nancy Cenell
- k. Save Plantation Coalition
- l. Craig Fenwick
- m. Joe and Audrey Leaf
- n. Steve and Cathleen Aikman
- o. Glenn and Viktoria Elam
- p. Dick and Janelle Curtis
- q. Steve and Terry Selekof
- r. Adam and Andrea Krueger
- s. Mark and Christina Johnson
- t. Sheryl Scott
- u. Brian Marsh
- v. Rick York
- w. Naney Marsh
- x. Robert DeBolt
- y. Jeff Cliff
- z. Vicki Malloy
- aa. Terri Nero
- bb. Bruce & Jean Christensen
- cc. Andrew Johnson
- dd. Kristen Colter
- ee. Anne & Bill Connors
- ff. Deanna Turner
- gg. Brent Pipal
- hh. Jason Dobis
- ii. Joyce & John Raudabaugh

Opposed

- a. Kathleen Ross
- b. Mark & Alana Annese
- c. Marilyn & Louis Stoddard
- d. Kelly Holzscheiter & Brently Bird
- e. Dr. Michael & Marty Downey
- f. Claudia & Jim Foltz
- g. Nick & Alicia Sullivan
- h. Dr. Ron & Carol Reagan
- i. Carmen & Larry Westberg
- j. David Patterson
- k. Dan & Betty Hollar
- l. Bob Schmellick
- m. Janelle Curtis
- n. Lynn Livingston
- o. Art & Cynthia Peavey
- p. Anthony Cardoni
- q. Gail & Ted Neil
- r. Michael Downey
- s. Riley Hickox
- t. Lou & Gerre Pagano (retracted)
- u. Kathy Clancy
- v. Colleen Lambertz & Mary Jo Nybald
- w. Mary & Rod Berkshire
- x. David Leroy
- y. Robert Bennett
- z. Debra Riedel
- aa. Jon Bolt
- bb. Ron Wilper
- cc. Rita & Bob Franklin
- dd. Jim Classen
- ee. David Rae
- ff. Marilee Pospahala
- gg. Parker & Gretchen Massman
- hh. Mary Ann Cook
- ii. 'Save Plantation Coalition'

Commented [JB9]: Jenah, because the PZC left the public hearing open, will you confirm that written public comments will still be accepted by the PZC on or before May 17, 2023 (i.e., 7 days prior to the May 24th hearing)?

jj. Bruce Moore
kk. Andrea Fogelman
ll. Eric Fogelman
mm. Pete Edmunds
nn. Vickie Northop
oo. Jerry Sly
pp. Irene Latta
qq. Kathleen Klokke
rr. Patricia Hendrick
ss. Rhea Hirsch
tt. Susan Troyer
uu. Chris Niebrand
vv. Margaret Henbest
ww. Virginia Morris
xx. Hildegarde Ayer
yy. Susan Halen
zz. Liz Lanvin

aaa. Sue Evancho
bbb. Lu Northrup
ccc. Gary Crupper
ddd. Joan Lang
eee. Diane Dann
fff. Joy Kemper
ggg. June Knowlton
hhh. LaVerne Thatcher
iii. Carol Crupper
jjj. Pete Edmonds
kkk. Robert Jue
lll. Roger Ivie
mmm. Jerry & Gerrie Sly
nnn. Kathleen Klokke
ooo. Lawrence Campbell

17. On March 15, 2023, a public hearing before the Garden City Planning and Zoning Commission was scheduled:
- a. The hearing was continued to a date certain of April 27, 2023.
18. On March 27, 2023, a public hearing before the City Council was scheduled:
- a. The hearing was continued to a date certain of May 22, 2023.
19. On April 27, 2023, a public hearing before the Garden City Planning and Zoning Commission was held:
- a. Chairman Rasmussen introduced the application.
 - i. It was noted that the application is quasi-judicial.
 - ii. Commissioner Brown provided disclosures and noted that he lives in the neighborhood and sits on the Plantation Master Association. He indicated that he had been careful not to discuss this matter. He has recused himself and not been present when the item has been discussed with the Plantation Master Association. He has answered some procedural questions. He stated that he does not have a conflict of interest.
 - iii. It was noted for the record that Commissioner Wilde had recused himself and was not present.
 - iv. Commissioners Montoya, Shepard, and Rasmussen all noted that they had not had any ex parte communication and that they do not have conflict.
 - v. The order of hearing was noted.
 - vi. The time limitation exceptions were noted for the record.
 - vii. The rules of conduct were reviewed.

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- b. The applicant presented the application. The applicant team included:
 - i. Will ~~Gustavson~~Gustafson
 - ii. Jenny Pham
 - iii. JoAnn Butler
 - iv. Bob Taunton
 - v. Brian Perkins
 - vi. John ~~Ringard~~Ringert
- c. Jenah Thornborrow provided a staff report.
- d. There were no additional members of the public present who requested to provide public testimony.
- e. Public testimony was received from:

Commented [JB10]: Jenah, I'm just not sure what this sentence means.

In Favor

- i. Tom Donahoe as a spokesperson for:
 - a. Rachel Bikerton
- ii. Dick Curtis
- iii. Patricia (Patty) Perkins
- iv. Mark Johnson

Opposed

- i. David Leroy as a spokesperson for:
 - a. Russll Ford
 - b. Colleen Lambert
 - c. Jeanne Patterson
 - d. Pierce Roan
- ii. Ron Bush as a spokesperson for:
 - a. Mary Jo Nybald
 - b. Sandra Ford
 - c. Ben Doty
 - d. Eric Fogleman

iii. Pat Petiti

- ~~iii.~~iv. John Livingston as a spokesperson for
 - a. Lynn Livingston
- iv. Barry Klezmer as a spokesperson for:
 - a. Steven Sterns
 - b. Amdre Diaz
- v. Paul Schmellick as a spokesperson for:
 - a. David Patterson
 - b. Edward Altaan
- vi. Pete Edmonds
- vii. Dan Hollar
- viii. Karen Houser
- ix. Kelly Hollshetter
- x. Alexander Robinsen
- xi. Margaret Henbest
- xii. Andrea Fogelman

Commented [JB11]: This person spoke after Ron Bush. Spelling may be incorrect. The numbering will need to be revised.

- a. Commissioner Brown noted that he will not be present during the next regularly scheduled Planning and Zoning Commission meeting scheduled for May 17, 2023.
- b. Commissioner Brown moved to continue the public hearing until a date certain of May 24, 2023, at 5:30pm.
- c. Commissioner Montoya seconded the motion.
- d. The motion passed on a 4/0 vote.

20. Late written testimony and public testimony to be read into the record from the April 27, 2023, hearing included comments from:

In Favor

1. Karen Buich
2. Marty Pieroni
3. Dennis Huston
4. Kristina Lawcynell
5. Nathan Lawcynell
6. Leslie Sand
7. Robert & Janet Bennett
8. Marcia Bleymaier
9. Garden City Visitors Bureau
10. Mike Nero
11. Briana & Doug Werner
12. Travis Young
13. Bob Running
14. Mark Johnson
15. Terri Nero
16. Doug Werner
17. Dick Curtis
18. Kevin Helmick
19. Tom Donahoe
20. Riley Hickox – Retracted

7. Joy Kemper
8. Diane Dann
9. Joan Lang
10. Gary Crupper
11. Lu Northrup
12. Sue Evancho
13. Liz Lanvin
14. John Atwater
15. LouAnn McKay
16. Peter Snowden
17. Wilfred Lemon
18. Winnie Morton
19. Parker Massman
20. Kathy Grover
21. Vicki Northrop
22. Sharon Grisham
23. Richard English
24. Susan Halen
25. Hildegard Ayer
26. Virginia Morris
27. Chris Niebrand
28. Steven Price
29. Gretchen Massman
30. Parker Massman
31. Paul Westberg
32. Brently Bird
33. Louis Stallman
34. Andrea Fogleman
35. Alexander Robinson
36. Kelly Holzscheiter
37. Kathleen Grover
38. Michael Thiry
39. Eric Fogleman
40. Art Peavy
41. Margaret Henbest

Neutral or Unknown

1. Pat Pettiette
2. Tina Ellis
3. Curt & Linda Blake

Opposed

1. Dave Leroy
2. Mike Downey
3. Bruce Moore
4. Carol Crupper
5. LaVerne Thatcher
6. June Knowlton

- 42. M.J. Byrne
- 43. Jeanne Patterson
- 44. Pierce Roan
- 45. Donna Schlagel
- 46. Edwina Lysinger
- 47. Josephine Santillanes
- 48. Jeraldine Cunningham
- 49. Robyn Zimmerman
- 50. Carol Bower
- 51. Barbara Keubs
- 52. Marilyn Farneman
- 53. Mary Ann Murdoch
- 54. Barbara Emery
- 55. Carolyn Gill
- 56. Neva Pastlethwait
- 57. Rebecca Wald
- 58. Patricia Warner
- 59. Dorothy Raney
- 60. Karen Schneider
- 61. Norbert Dekerchove
- 62. Thyne Murdoch
- 63. Bob Punbeck
- 64. David Patterson
- 65. Edward Altian
- 66. Heidi Pearson

21. On May 24, 2023, a public hearing before the Garden City Planning and Zoning Commission was held:

- a. This will be updated to reflect the proceedings.

22. The record contains:

- a. Application and application materials
- b. Noticing Documents
- c. Agency Comments
- d. Design Review Consultant Recommendations
- e. Public Comments
- f. Staff Report
- g. Planning and Zoning Commission Recommendation
- h. Planning and Zoning Commission Minutes and audio: February 15, 2023; March 15, 2023; April 27, 2023

23. In consideration of a Specific Area Plan the decision maker shall make the following findings:

The draft findings are written both in approval and in denial. The Planning and Zoning Commission may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.

GCC 8-5B-6: SPECIFIC AREA PLAN: REQUIRED FINDINGS

Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X	X		Finding 1. The SAP application, as conditioned, is consistent with the city comprehensive plan, as amended, including the future land use map and the

			<p>land use planning area guidelines and land use designations, if applicable.</p> <p>Explanation:</p> <p>In Approval: The application is cohesive with the city comprehensive plan including the future land use map and the land use planning area guidelines and land use designations.</p> <p>Goals</p> <ul style="list-style-type: none"> • 1 Nurture the City • 2 Improve the City Image • 6 Diversity in Housing • 10 Plan for the Future • 11 Serve the City • 12 Evolve as a Destination <p>Objectives and Action Steps</p> <ul style="list-style-type: none"> • Amend the Land Use Code to improve the quality of development design through new land-use districts; zoning standards; and design regulations and review process. • Create a premier destination place to live, work, and recreate. • Encourage new and distinctive neighborhoods. • Encourage high quality design and landscaping, including the use of water features, in new development. • Explore the opportunities to create distinctive neighborhoods through defining the unique attributes of the individual neighborhood, the incentives needed to encourage those characteristics, and the design, architecture, and development standards to guide future development. • Create a vision for the design of all streets and highways consistent with city's urban setting. • Include the pedestrian zone in the highway right-of-way to satisfy the City's Development Code
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			<p>requirements for open space.</p> <ul style="list-style-type: none"> • Create public gathering places at multiple locations throughout the city. • Beautify and landscape. • Encourage the use of non-potable water sources that are available to new development, including the installation of pressurized irrigation systems where appropriate. • Beautify streets, sidewalks and gateways with landscaping, trees, and public art. • Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites. • Allow relocation of canals and drains where appropriate. Require mitigation of the impacts that closing water systems have on the ground water and habitat. • Create pedestrian and bicycle friendly connections. • Promote public transportation along State, Chinden, Glenwood and Adams with stops in neighborhoods and with pedestrian and bicycle connections to major city destinations including schools. • Support efforts of Valley Regional Transit for fixed transit stops, bus turnouts, and more frequent service as financially feasible. • Evaluate the increasingly important destination Garden City is becoming within the region and the changing demand that places on public transportation. • Designate locations in proximity to existing and future transit stops throughout the city that serve as activity centers. • Participate in regional planning. • Amend the Development code to facilitate transit-oriented
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			<p>development nodes along the arterial roadways as designated on the Land Use Map and described in the Land Use Designation, and also follow the State Street Corridor Study recommendations.</p> <ul style="list-style-type: none"> • Amend the Development Code to facilitate destination and neighborhood centers that draw people to the location and are supported by transit as designated on the Land Use Map and described in the Land Use Designation for activity nodes • Provide a transition in the height and scale of development that is compatible with the existing surrounding neighborhoods. • Limit the location of the new neighborhood commercial districts to areas that are a maximum of two blocks in length or appropriate in size to the location, and that can provide transition and buffering to any adjoining residential land uses. • Support a positive business environment. • Create a premier destination for work, recreation, entertainment, culture, and commerce. • Market the city to smaller businesses and support a positive environment for entrepreneurial businesses. <p>In Denial: The application is not cohesive with the city comprehensive plan, as amended, including the future land use map and the land use planning area guidelines and land use designations. The proposal is not cohesive with:</p> <p>Goals</p> <ul style="list-style-type: none"> • 7 Connect the City • 8 Maintain a Safe City
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			<p>Objectives and Action Steps</p> <ul style="list-style-type: none"> • Invest in public safety. • Participate in regional planning. • Explore opportunities to work with Boise and West Ada School Districts to support public schools that serve Garden City children. • Proactively develop new streetscape standards that are distinctive to the Garden City built environment. The standards should apply to state highways, major arterials, collectors, local streets, and alleys. The standards should reflect the unique characteristics of the street, the neighborhood and adjacent land uses. Such planning should be in coordination with future development or redevelopment. The elements in the street standards should be as follows: <ul style="list-style-type: none"> • adjacent land uses; • vehicular, pedestrian and bicycle needs; • lighting; and • landscaping and trees. • Create a vision for the design of all streets and highways consistent with city's urban setting. • Create more accessibility to the Boise River and Greenbelt. <ul style="list-style-type: none"> • Develop a city-wide pathway and sidewalk plan with links to the Boise River Greenbelt. • Continue to explore opportunities that encourage mixed income housing in new developments. • Create pedestrian and bicycle friendly connections. • Work in partnership with groups such as AARP, the Looking Glass Academy, and the Garden City Community Collaborative in
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			<p>continually assessing the physical, social, health, mobility, educational and cultural needs of the city.</p> <ul style="list-style-type: none"> Develop alternative design and development standards to create safer and neighborly internal streets appropriate for the use. Participate in regional planning.
X	X		<p>Finding 2. The SAP application, as conditioned, meets the minimum requirements of chapter 6 of the Garden City Development Code.</p> <p>Explanation:</p> <p>In approval: The application, as conditioned, meets the minimum requirements of chapter 6 of the Garden City Development Code.</p> <p>In Denial: The application, does not meet the minimum requirements of chapter 6 of the Garden City Development Code. The application was found to not be in conformance with the applicable sections:</p> <p>List</p>
X	X		<p>Finding 3. The SAP application promotes the orderly planning and development of land, as set forth in the purpose for this process.</p> <p>Explanation:</p> <p>In Approval: The SAP application promotes the orderly planning and development of land, as set forth in the purpose for this process.</p> <p>In Denial: The SAP application does not promote the orderly planning and development of land, as it is not compliant with the following provisions of the purpose 8-6B-6 A:</p> <p>List reasons from below</p> <ol style="list-style-type: none"> 1. Implement the goals and objectives of the city's comprehensive plan, as amended, including the future land

			<p>use map, the land use designations and the land use goals and policies, if applicable;</p> <p>2. Contribute to the social, economic, and environmental sustainability of the city;</p> <p>3. Develop in a manner that is highly respectful of the natural setting, that is at a human scale and ensures neighborhood compatibility;</p> <p>4. Provide for a safe and comfortable integrated transportation system which prioritizes a pedestrian-bicyclist environment and mass transit and reduces vehicular trips;</p> <p>5. Result in a contribution of amenities to the community including maintaining public access to the Boise River and recreational facilities;</p> <p>6. Designate and protect open site area in perpetuity;</p> <p>7. Provide for a mix of uses, including housing types;</p> <p>8. If necessary, plan for the coordinated and phased construction of infrastructure, including public facilities and transportation system components; and</p> <p>9. Remain consistent with the intent of Garden City Title 8.</p>
X	X		<p>Finding 4. The SAP application will create a district that is identifiable as a distinct area of the city with a distinguishing character.</p> <p>Explanation:</p> <p>In Approval: This application will create a district that is identifiable as a distinct area of the city with a distinguishing character.</p> <p>In Denial: This application will not create a district that is identifiable as a distinct area of the city with a distinguishing character because:</p>

			<p>a. It lacks code provisions to implement the Master Plan as shown.</p> <p>b. List</p>
X			<p>Finding 5. The SAP application has been noticed and public hearing held in accordance with Title 8 of Garden City Code.</p> <p>Explanation:</p> <p>This application has been noticed and public hearing held in accordance with Title 8 of Garden City Code.</p>
X	X		<p>Finding 6. The SAP application complies with all city zoning regulations and codes in effect at the time of the SAP application.</p> <p>Explanation:</p> <p>In Approval:</p> <p>This application complies with all city zoning regulations and codes in effect at the time of the application.</p> <p>In Denial:</p> <p>This application does not comply with the following city zoning regulations and codes in effect at the time of the application:</p> <p>LIST.</p>

The draft findings are written both in approval and in denial. The Planning and Zoning Commission may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential draft explanations have been provided.

GCC 8-6B-10 Zoning Map Amendment and Annexation: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X		X	<p>Finding 1: The zoning map amendment complies with the applicable provisions of the comprehensive plan;</p>

			Explanation: See finding #1 in required findings for 8-5B-6
	X		Finding 2: The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement; Explanation: This application proposes a new zoning district.
X		X	Finding 3: The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts; Explanation: In Approval: 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. In Denial: The proposal will be detrimental to and 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 for the following reasons: The proposal fails to: (a) To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks. (h) To ensure that the development on land is commensurate with the physical characteristics of the land.

			(l) To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.
X		X	<p>Finding 4: The zoning map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts;</p> <p>Explanation:</p> <p>In Approval:</p> <p>A conditional ability to serve has been submitted by the applicant. No agency has noted concerns regarding ability to serve this application.</p> <p>In Denial:</p> <p>List systems that will be negatively affected.</p>
	X		<p>Finding 5: The annexation of land, if proposed, is in the best of interest of the city and complies with the procedures as set forth in Idaho Code section 50-222.</p> <p>Explanation:</p> <p>This application is not proposing annexation into Garden City.</p>

The draft findings are written both in approval and in denial. The Planning and Zoning Commission may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.

GCC 8-6B-5 DEVELOPMENT CODE AMENDMENT: REQUIRED FINDINGS

Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard

X	X		<p>Finding 1: The text amendment complies with the applicable provisions of the comprehensive plan.</p> <p>Explanation: See finding #1 in required findings for 8-5B-6.</p>
X	X		<p>Finding 2: The text amendment shall not be materially detrimental to the public health, safety, and welfare;</p> <p>See finding #3 in required findings for 8-6B-10.</p>
X	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>See finding #4 in required findings for 8-6B-10.</p>

The record was reviewed in its entirety by the Planning and Zoning Commission to render the decision.

CONCLUSIONS OF LAW

The Garden City Council reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies/does not satisfy** the required findings under GCC 8-5B-6.

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 DECISION

1. Approval of this application is for:
 - a. Approval of the Zoning Code Amendment.

- b. Approval of rezoning the subject property from R-2 Low Density Residential to ~~SAP~~The Residences at River Club ~~SAP~~ District/ DA.
 - c. The approval of the conceptual Master Plan as conditioned.
2. Future applications within the area designated by this Specific Area Plan application shall be in substantial conformance with the ~~Specific Area Plan ordinance and~~ conceptual master plan.
- ~~3. Documentation verifying legal ownership shall be approved by the Garden City Legal Department prior to the rezoning of the property.~~
- ~~4.3.~~ Any determination that the owner of record has not consented to this application shall nullify approvals.
- ~~5. The lot must be verified as a legal lot of record or made into a legal lot of record.~~
- ~~6.4.~~ A subdivision of ~~The pending~~ Minor Land Division application must be completed to separate the subject property/project area from the larger parcel/rest of the property.
- ~~7.5.~~ A development agreement shall be approved prior to the recording of the rezoning ordinance. The purpose of the development agreement will be to adopt the Conceptual Master Plan.
- ~~8.6.~~ Each structure required by code and each sub-area must obtain a design review approval prior to construction.
- ~~9.7.~~ Connection to the city of Boise's sanitary sewer collection system must be coordinated with the city of Boise.
- ~~10. Legal documentation allowing for the construction of the off-site water amenity, or equivalent alternative amenity, shall be provided.~~
- ~~11.8.~~ Required revisions to the Conceptual Master Plan include:
- a. A publicly ~~assessable~~ accessible bicycle and pedestrian pathway that runs adjacent to the golf course and connects the West Sub-district, Pierce Park and State Street intersection to N. Fair Oaks Place is required.
 - b. The private road through the Central and East sub-districts shall be reviewed at the design review of the sub-districts to ensure that it adequately addresses the Garden City design consultant's recommendation to increase intuitive function of the traffic flow through the sub-districts to the State Street/Pierce Park intersection.
 - ~~c. Provide a dedicated left turn lane in the south leg of Pierce Park Lane as requested by ACHD.~~
 - ~~d.c.~~ Vacate the existing right-of-way for Plantation Drive, prior to the closure of Plantation Drive as part of ACHD's State Street/Pierce Park intersection project, as Drive as required by ACHD.

Commented [JB12]: Please delete this condition of approval. Finding of Fact #3 already states that the owner of record is LB River Club Owner LLC.

The information verifying ownership of the property was provided with the application and included: deed of record; preliminary title report; link to the Ada County Assessor's System contained on page one of the SAP application form for the Staff's use, all of which show that the property is owned by LB River Club Owner LLC.

We do not want any suggestion that this information was not provided with the application or that Staff did not use the link in City application form.

Commented [JB13]: Please delete this condition. Because information was provided with the application (i.e., the Affidavit of Legal Interest) demonstrating the owner of record's consent to the application, and because additional information regarding that consent was provided at the request of the City.

We do not want any suggestion that this information was not provided with the application as augmented per 8-6A-4.C

Commented [JB14]: Please combine conditions #5 & #6 to prevent confusion and to reflect the Findings of Fact: "The pending Minor Land Division application must be completed to separate the subject property from the larger parcel."

Commented [JB15]: We believe this language is vague and is problematic because it deals with property that is not the subject of the application.

Please delete condition #10 (redlined as #8) especially because the issue is addressed with condition #12.d.

Commented [JB16]: We understand you have left the recommendation to connect to N. Fair Oaks. Please remove here and elsewhere. The applicant has committed to its neighbors that it will not provide access to N. Fair Oaks Place.

Commented [JB17]: Please delete condition 11.c. Nothing is lost with the deletion because General Condition # 5 requires compliance with agency comments. Bob believes that, as written, 11.c misinterprets ACHD's recommendation #3.

ACHD is not asking for a left turn lane at the south end of Pierce Park, where it meets the east-west road. Because of the projected left-turn queue from the site onto State Street, ACHD recommends a left-turn lane for that movement to be the entire length of Pierce Park.

Commented [JB18]: Per our Agreement with ACHD, Plantation Drive is not vacated and closed until after the Pierce Park improvements are complete. That's why I suggest we relate the vacation to our agreement with ACHD.

Suggestion: "Vacate the existing public right-of-way for Plantation Drive as required by ACHD."

e.d. There shall be no unsignalized left turns into or out of the project from State Street, unless determined by Garden City and ACHD at a future date as safe and appropriate.

f.e. Extend the multi-use pathway/ linear park to better connect to N. Pierce Park Lane and the East Subdistrict and to allow for a potential future connection to the golf course.

42.9. A Development Agreement shall be entered into that adopts the conceptual Master Plan with the following conditions:

- a. The Master Plan is conceptual.
- b. The phasing of the development will occur as identified in the conceptual master plan.
- c. The pathways shall be consistent or greater in width and landscaping buffering as depicted in the conceptual master plan.
- d. The irrigation drain may be piped in sections but shall be daylighted and utilized as an amenity as shown in the conceptual Master Plan. If the waterway amenity is precluded by the drainage district or property owner, an amenity that equally enhances the ~~linear~~ linear park shall be provided. Any revisions to the proposed amenity shall be reviewed with future review of the West sub-district.
- e. No vehicular access shall be allowed onto a public right-of-way unless approved and according to the Ada County Highway District standards.
- f. Setbacks of, e.g., walls, large bushes, etc. from any sidewalk or multi-use path need to be at least 18" ~~including walls, large bushes etc.~~ so as to not create shy space that encroaches into the usability of the sidewalk/path.
- g. Easements required to enact the conceptual Master Plan:
 - i. Shall be provided as required by the City Engineer, Development Services Staff, or this decision.
 - ii. Shall be recorded with Ada County Land Records.
 - iii. Shall be provided to Garden City once recorded.
 - iv. Shall define the grantee and adequate information to depict the location of the easement such as a legal description and illustration.
 - v. Shall be unobstructed unless otherwise specified.
 - vi. At a minimum, include easements for the following:
 1. Public utilities
 2. Water and sewer
 - a. If not otherwise designated by the City Engineer the total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
 3. Drainage
 4. Connections to public right-of-way or pathways including but not limited to users of Plantation Drive, N. Fair Oaks Place, the golf course.
 5. Public 12-foot, for a minimally 10-foot -wide concrete multi-use (bicycle and pedestrian) pathway along State Street.

Commented [JB19]: Jenah, we talked about connecting to Pierce Park, but not sure what you are looking for -- especially with regard to connecting to the golf course.

We would suggest: "In connection with the site specific design review for the Central sub-district, investigate alternatives for connections between the multi-use pathway/linear park and N. Pierce Park Lane."

Commented [JB20]: Change made just to clarify sentence.

Commented [JB21]: Jenah, we do not understand this language. Plantation Drive will not exist in the future; we are asking that connections to N. Fair Oaks Place be removed; and not sure what is meant by a connection to the golf course.

6. Publicly ~~accessible~~ accessible 12-foot easement, for a minimally 10-foot -wide multi-use (bicycle and pedestrian) pathway connecting the State Street- Pierce Park intersection to Fair Oaks Place and extending to the West sub-district.

a. The term ~~publically accessible~~ publicly accessible shall be defined to mean that the ~~easement~~ easement shall ~~be perpetual and~~ allow for public access with ~~minor identified~~ exceptions such as closures after customary travel hours.

- h. New water and sewer services, and site grading and drainage must be provided for review and approval by the Garden City Public Works Department.
- i. Should any connections be made to the Boise City sanitary sewer collection system, review and approval by Boise City Public Works must be provided.
- j. The alignment of N. Pierce Park Lane shall coincide with the realignment to be conducted by ACHD at State Street.
- k. The bus stop amenities as outlined in the conceptual master plan are a requirement of the infrastructure to be installed as part of the master plan.
- l. The design and location of the proposed bus stop must be approved by Valley Regional Transit prior to construction.
- m. The phasing for the removal of the current bus stop and the installation of the proposed bus stop shall be coordinated with VRT and included in the phasing plan.
- n. Private roads shall provide street names and stop sign signage.
- o. The construction of roadway projects shall be coordinated with Ada County Highway District.

13.10. Prior to the passing of the Specific Area Plan: The Residences at River Club [SAP](#) District Ordinance, revisions to proposed code shall be made to:

a. Provide any clarifying or clerical language that does not change the intent of the approved provisions.

b. Make clear the following concepts are incorporated:

- i. Add a new chapter to Garden City Code 8-8 Specific Area Plan Ordinances.
- ii. Amend proposed code to be consistent with a new article of Garden City Code 8-8 Specific Area Plan Ordinances rather than the current proposal of including the proposed SAP in a new title 11.
- iii. Add Garden City Code Sustainability and Nonconforming regulations by reference.
- iv. Add Language: Accesses onto public roads shall comply with the requirements of the Transportation Authority.
- v. Add Language: Specific Area Plan: The Residences at River Club [SAP](#) District Ordinance shall supersede if in conflict with The Residences at River Club District Master Plan.

- vi. Add Language: A variety of housing shall be provided at a rate of at least 5% from each of two or more of the categories of universal design, studio, or one-bedroom units.
- vii. Pressurized Irrigation: utilize term “shall” rather than “may;” delete word “proposed”.
- viii. Amend Language: Remove word “potentially” and define “active adult” or change term to multi-family in regulations in the district’s language.
- ix. Add Language: Design must meet “design character” as identified in the adopted [conceptual](#) master plan.
- x. Office: language to require centrally and unique is needed.
- xi. Single family attached: Connection to sidewalk rather than drive-aisle needs clarified.
- xii. Add language: Detached sidewalks are required to allow for a landscaping and street tree buffer. Detailed criteria can be added [at detailed site plan review](#) to identify when a different solution is appropriate.
- xiii. Amend language: Add criteria for roof signs or maintain as prohibited.
- xiv. Amend language: Maintain Electronic Message Boards as prohibited or with a master sign plan approval.
- xv. Add language to require the integration of signage with the architecture.
- xvi. Amend language for perimeter screening: remove the allowance for vinyl fencing and add wrought iron as an alternative.
- xvii. Amend language in tree mitigation to require mitigation for trees equal to or less than 4” in diameter.
- xviii. Amend language that will allow for private open space to provide for an aggregate of private open space within the project.
- xix. Amend language for open space to state that common open space areas shall not be adjacent to a collector or arterial street unless separated from the street by a constructed barrier of at least two feet (2') in height and an additional landscape buffer that incorporates shrubs and trees.
- xx. Amend language for open space to remove the word “interior.”
- xxi. Amend language for pedestrian walkways to clarify when it is appropriate for pedestrian pathway to be considered open space, while precluding [required](#) sidewalks from the open space calculations.
- xxii. Amend language for parking to provide a definition for active adult if it will be utilized as standard.
- xxiii. Adopt parking by reference, or incorporate the city’s adopted parking, with the exception of the proposed residential and bicycle parking standards:-

Commented [JB22]: Jenah, we are still working on these criteria.

Commented [JB23]: Jenah, I am not sure I am following. I think you are referring to the concept that when private open space (e.g., balconies) are not provided. Suggestion:
"Amend language for private open space to allow for an aggregate of private open space for the entirety of the project."

Commented [JB24]: Jenah, here are the proposed residential and bike parking standards.

Use	Total Required Vehicle Parking Spaces Per Dwelling Unit	Required Covered Vehicle Parking Spaces Per Dwelling Unit	Required Covered Bicycle Spaces Per Dwelling Unit
Dwelling, multi-family:			

Up to 1 bedroom	1	.5	.5
2+ bedrooms	2	.5	.5
Age Restricted	1	.5	.5
Dwelling, single-family detached	2	2	n/a
Dwelling, townhouse:	2	2	n/a
Guest Parking For developments with more than 2 dwelling units there shall be 0.5 additional vehicle parking spaces/unit provided for guest parking for the first 10 dwelling units. There shall be 0.1 parking spaces/unit provided for guest parking for every unit after the first 10 units.			

- ~~xxiii~~-[xxiv](#). Amend language for bicycle connectivity standards to require connectivity to the boundary of public right-of-way.
- ~~xxiv~~-[xxv](#). Amend language setback language to clarify that the setbacks are reduced from parking areas only.
- ~~xxv~~-[xxvi](#). Add language that setbacks [of, e.g., walls, large bushes, etc.](#) from any sidewalk or multi-use path need to be at least 18" [including walls, large bushes etc.](#) to not create shy space that encroaches into the usability of the sidewalk/path.
- ~~xxvi~~-[xxvii](#). Amend language to identify that the multi-use path on State Street shall be 10' in width.
- ~~xxvii~~-[xxviii](#). Amend language within code that refers to bicycle routes and lanes to be consistent with the Institute for Traffic Engineers (ITE) definitions.
- ~~xxviii~~-[xxix](#). Provide a clearer Image of [conceptual](#) Master Plan area for codification.
- ~~xxix~~-[xxx](#). Add Language: The design of structures and amenities must be comparable [compatible](#) with "Design Objectives" and "Design Character" as identified in the [conceptual](#) master plan.
- [xxxi](#). Amend language to adjust or remove the requirement [regarding the location of that parking facilities in the vicinity - cannot be within 40' of a corner as referenced where two \(2\) travel ways adjoin.](#)

Commented [JB25]: Revised as provided above to clarify.

[14](#). As shall be provided further in [Garden City](#) the Development Agreement, the application approvals shall expire two (2) years year from the date of Development Agreement recordation or the adoption of The Residences at River Club SAP District Code [8-4D-3.A.2.4.b.](#), whichever is later. Within such two (2) year period, the applicant shall make application for site specific review of the first phase of the project. Application for site specific review for each subsequent phase of the project shall occur within two (2) years following receipt of the first certificate of occupancy for the preceding phase of the project.

General Conditions:

1. This approval is for a Specific Area Plan.
2. The approval is specific to the application provided and reviewed.
3. This rezone decision document does not grant the approval of any specific use.
4. If this rezone is a result of a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently

reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.

5. The applicant shall comply with all requirements of the reviewing entities.
6. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis of this application or not.
7. This approval is for this application only, and does not permit land work, vegetation removal, construction of any structure or infrastructure, or allow for any use. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to any work or commencement of any use.
8. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing additional permits.

POTENTIAL CONDITIONS FOR DENIAL DECISION

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-6B-6. This project is not in compliance with 8-6B-6 standard(s) e.g. 1,2,3 because it is not in compliance with the Garden City Comprehensive Plan and, or Sections X, Y, Z and Garden City code sections X, Y, Z. Compliance can be met by meeting these standards.

STANDARD CONDITIONS FOR ALL DECISIONS

1. The date of decision and action is the date that the decision maker makes the oral decision.
2. Materials submitted after the decision shall not be considered part of the record for this decision.
3. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
4. 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. Upon reconsideration, the decision may be affirmed, reversed, or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day timeframe for seeking

judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

5. A takings analysis pursuant to Idaho Code may be requested on final decisions.
6. 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.

May 24, 2023

Chairman, Planning and Zoning Commission

Date

DRAFT