

BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	ZONFY2020-08
Rezone to C-2)	FINDINGS OF FACT,
3801 N. Adams St.)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER, came before the Garden City Council for consideration on September 28, 2020. 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 application was for a rezone of a property in the R-3 Medium Density Residential District to the C-2 General Commercial District. Since the Planning and Zoning Commission's recommendation, the applicant has ammended the request to request a rezone of the proeprty to M Mixed Use Zoning District.
2. The applicant is Robert O'Dell.
3. The property owner of record is Deslyn O'Dell.
4. The location of the project is 3801 n. Adams St.; Ada County Assessor parcel number(s) R2734502637
5. The property is a legal lot of record.
6. The scope of the rezone is limited to the entire property.
7. The subject property is 0.445 acres.
8. The project is located in the Main Street Corridor and Mixed-Use Commercial of the Garden City Comprehensive Plan Land Use Designation.
9. The project is in the AE flood hazard category according to the 2003 FIRM.
10. The project is in the AE flood hazard category according to the 2017 FIS.
11. The following standards apply to this proposal:
 - a. Garden City Code 8-1A-4 Applicability
 - b. Garden City Code 8-1B Existing Nonconforming Properties, Structures, and Uses

- c. Garden City Code 8-1C-3 property Maintenance Standards
- d. Garden City Code 8-2B-1 Purpose
- e. 8-2B-2 Allowed Uses
- f. Garden City Code 8-2B-3 Form Standards
- g. Garden City Code 8-6A-3 General Application Process
- h. Garden City Code 8-6A-4 Required Application Information
- i. Garden City Code 8-6A-7 Public Hearing Process

12. The following plans and policies apply to this proposal:

- a. Garden City Comprehensive Plan
- b. Garden City Sidewalk Policy
- c. Garden City Street Light Policy
- d. Old Town Circulation network plan

13. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived pursuant to GCC 8-6A-4	
X			Compliance Statement
X			Preliminary Title Report
X			Neighborhood Map
		X	Master Plan
		X	Site Plan
X			Topographic Survey
		X	Natural Hazard and Resources Analysis
		X	Dedications and Easements

14. Additional application materials submitted include:

- a. 300' Neighborhood List;
- b. Affidavit of Legal Interest;
- c. Application;
- d. Neighborhood Sign-In Sheet;
- e. Recorded Neighborhood Meeting;
- f. Statement of Intent.
- g. Waiver Request

15. Agency Comments were received from:

- a. Ada County Highway District on August 11, 2020.

16. No Public Comments were received.

17. The following noticing was completed in accordance with GCC 8-6A and GCC 8-6B-3:

Noticing Requirement	Required Date	Completion Date
Receipt of application here	July 14, 2020	June 19, 2020
Letter of Acceptance	August 14, 2020	July 22, 2020
Radius Notice	August 4, 2020	July 23, 2020
Interested Parties		n/a
Legal Notice	July 31, 2020	July 24, 2020
Agency Notice	August 4, 2020	July 23, 2020
Property Posting Sign Planning and Zoning Commission	August 9, 2020	August 8, 2020
Affidavit of Property Posting and Photos Planning and Zoning Commission	August 12, 2020	August 4, 2020
Property Posting Sign City Council	September 18, 2020	TBD
Affidavit of Property Posting and Photos City Council	September 21, 2020	TBD
Neighborhood Meeting	July 13, 2020	July 8, 2020

18. On August 19, 2020, in accordance with GCC 8-6B-10, a public hearing before the Planning and Zoning Commission was held. The following occurred:

- i. Hannah Ball and Robert O'Dell presented the application.
- ii. Staff, Hanna Veal, presented the staff report.
- iii. No one from the public wished to provide testimony.
- iv. Public testimony was closed.
- v. Commission discussion included:
 1. Add conditions of approval to require the installation of a detached sidewalk as part of any future development application.
 2. Applicant does not believe that this specific site warrants a home daycare, a use permitted in the M zoning district.
 3. A development agreement would help to limit the uses that which are normally permitted in C-2 zoning but would not fit the desired use of the proposed property.
 4. CC&R's could be added to the development to help limit the uses within the parcel.
 5. Commissioner Wilde is supportive of the rezone from R-3 to C-2 with any concerns for uses to be addressed in a development agreement.
- vi. Commissioner Rasmussen moved to not recommend to City Council the application for rezone from R-3 to C-2. Planning and

Zoning does consider approving a future application for this same parcel if the rezone were to be from C-2 to M. Amend the draft conditions of approval for the construction of sidewalks upon submittal of future development.

- vii. Commissioner Pounds seconded the motion.
- b. The motion carried 2/1 in favor of the motion.

19. On September 28, 2020, in accordance with GCC 8-6B-10, a public hearing before the City Council was held. **This will be completed to reflect the hearing proceedings.**

20. The record contains:

- a. Application Documents
- b. Noticing Documents
- c. Agency Comments: ACHD
- d. Written Public Comments: None provided
- e. Staff reports and presentations
- f. August 19, 2020 Planning and Zoning Hearing Minutes
- g. August 19, 2020 Planning and Zoning Hearing Audio
- h. Planning and Zoning Signed Findings of Fact, Conclusions of Law and Recommendation
- i. September 28, 2020 City Council Hearing Minutes
- j. September 28, 2020 City Council Hearing Audio
- k. City Council Hearing Decision
- l. Ordinance ORD **XXX** 20

21. In order to approve a rezone application, the City Council shall make the following findings:

GCC 8-6B-10 Zoning Map Amendment and Annexation: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X			<p>Standard: The zoning map amendment complies with the applicable provisions of the comprehensive plan;</p> <p>Explanation:</p> <p>An application to rezone to M, Mixed Use aligns with the Garden City Comprehensive Plan’s goals for the Main Street Corridor and Mixed-Use Commercial districts.</p>

	X		<p>The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;</p> <p>Explanation:</p> <p>This is a proposal to rezone a property. There are no proposed changes to the zoning district regulations.</p>
X			<p>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;</p> <p>Explanation:</p> <p>The rezoning of the property consistent with the Comprehensive Plan may assist in the City's ability to achieve the desired vision as identified in the Comprehensive Plan.</p>
X			<p>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>A rezone of the subject property should not affect the City's ability to provide services to the subject property.</p>
	X		<p>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>The application is not for an annexation of land.</p>

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22. The record was reviewed by the City Council to render the decision.

CONCLUSIONS OF LAW

The City Council reviewed the application with regard to Garden City Code, and based on the conditions required herein, and finds that the application **meets/does not meet** the standards of approval under **GCC 8-6B-10 Zoning Map Amendment and Annexation**.

DECISION

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

1. Every final decision is subject to a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.
2. Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such 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 time frame 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.
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.

JOHN G. EVANS, MAYOR

DATE