

From: [Roberta Rene](#)
To: [Jenah Thornborrow](#)
Subject: Re: Request for application to be denied
Date: Monday, November 25, 2019 1:29:56 PM

Mr. Thorn,
Please let me know that you received my objection to this project on Nov 12.
I understand there is a another deadline for objections today.
I do not believe this project follows the intent of the live-work district rules.
I will meet with you offline when I return from traveling.
Best regards,
Roberta Rene

Sent from my iPhone

On Nov 12, 2019, at 3:00 PM, Roberta Rene <robertarene7@gmail.com> wrote:

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

From: Roberta Rene, 209 E. 33rd Street, Garden City

Date: 11/12/2019

Subject: DSR2019-4: 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 of 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 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 Mitchell Work-Live-Create definition is critical to creating a neighborhood.

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