

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 decision on 4/27/2023. 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 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 Parcel S0630212910 @ NE4NW4 in TCA 06-15 Section 30 4N 2E; and 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.
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 of the Comprehensive Plan Future Land Use Map.
7. The subject property is 22.68 acres of a 100.72-acre 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 District Ordinance District

9. There has been no denial of any application in the same form for the same use on this property within one year.

10. The following section 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 following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived	
X			Compliance Statement
X			Preliminary Title Report
X			Neighborhood Map
X			Master Plan
		X	Site Plan
X			Topographic Survey
X			Natural Hazards and Resource Analysis
		X	Dedications and Easements
	X		Verification that address is an Ada County Approved Address*

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

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 notice 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 Engineer 1/8/2023
- b. DEQ 1/5/2023
- c. VRT 2/13/2023
- d. Design Review Consultant Derek Hurd 2/24/2023
- e. Design Review Consultant Bret Labrie 2/24/2023
- f. Boise School District 03/10/2023

16. Written Public Comments were received from:

In Favor

- | | |
|------------------------------|------------------------------|
| a. Jerry Ochofield | j. Nancy Cenell |
| b. Patricia Perkins | k. Save Plantation Coalition |
| c. Mike Nero | l. Craig Fenwick |
| d. Janice & Bob Wilcox | m. Joe and Audrey Leaf |
| e. Tom Donahoe | n. Steve and Cathleen Aikman |
| f. Tyler McReynolds | o. Glenn and Viktoria Elam |
| g. Scott White | p. Dick and Janelle Curtis |
| h. Joyce and John Raudabaugh | q. Steve and Terry Selekof |
| i. Lou and Gerre Pagano | r. Adam and Andrea Krueger |

¹ The noticing was conducted for all hearings and the dates correspond to the first hearing date.

- 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
- 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'
- 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. Hildegard 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
- ppp.

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

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. This section will be completed after the hearing.

20. The record contains:
 - a. Application and application materials
 - b. Noticing Documents
 - c. Agency Comments
 - d. Public Comments
 - e. Staff Report
 - f. Design Review Consultant Recommendations
 - g. Planning and Zoning Commission Recommendation
 - h. Planning and Zoning Commission Minutes and audio

21. The record contains:
 - a. Application
 - b. Noticing Documents
 - c. Agency Comments
 - d. Public Comments
 - e. Design Review Consultant Recommendations
 - f. Planning and Zoning Minutes and Hearing Audio: February 15, 2023; March 15, 2023.
 - g. Planning and Zoning Commission Recommendation

22. 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,

		<p>including the future land use map and the 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. <ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> • 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 promotes 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> <p>1. Implement the goals and objectives of the city's comprehensive plan, as amended, including the future land</p>

			<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			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X		X	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</p>
	X		<p>Finding 2: The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;</p> <p>Explanation:</p> <p>This application proposes a new zoning district.</p>
X		X	<p>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;</p> <p>Explanation:</p> <p>In Approval:</p> <p>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.</p> <p>In Denial:</p> <p>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:</p> <p>The proposal fails to:</p> <p>(a) To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.</p> <p>(h) To ensure that the development on land is commensurate with the physical characteristics of the land.</p>

			(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>

23. 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 River District/ DA
 - c. The approval of the conceptual Master Plan as conditioned
2. Future applications within this Specific Area Plan shall be in conformance with the Specific Area Plan ordinance and master plan.
3. Documentation verifying legal ownership shall be approved by the Garden City Legal Department prior to the rezoning of the property.
4. 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. A subdivision or Minor Land Division must separate the project area from the rest of the property.
7. A development agreement shall be approved prior to the recording of the rezone ordinance. The purpose of the development agreement will be to adopt the Master Plan.
8. Each structure and sub area must obtain a design review approval prior to construction.
9. Connection to the city of Boise's sanitary sewer collection system must be coordinated with the city of Boise.
10. Required revisions to the Master Plan include:
 - a. A public bicycle and pedestrian pathway that runs adjacent to the golf course and connects the Pierce Park and State Street intersection to Fair Oaks Lane is required.
 - b. Redesign the private road/drive aisle network between the Central and East Sub-district to increase connectivity within the site and to provide access to the State Street/Pierce Park intersection.
 - c. Provide a dedicated left-turn lane in the south leg of Pierce Park Lane.
 - d. 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.
 - e. There shall be no unsignalized left turns into or out of the project from State Street.
11. A Development Agreement shall be entered into that adopts the Master Plan with the following conditions:
 - a. The Master Plan is conceptual.
 - b. The phasing of the development will be as identified in the master plan.

- c. The pathways shall be consistent in width and landscaping buffering as depicted in the master plan.
- d. The irrigation canal may be piped in sections but shall be daylighted and utilized as an amenity as shown in the Master Plan.
- 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 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 Master Plan shall:
 - i. Be provided as required by the City Engineer, Development Services Staff, or this decision.
 - ii. Recorded with Ada County Land Records.
 - iii. 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. Be unobstructed unless otherwise specified.
 - vi. At a minimum, the following easements shall be provided:
 - 1. Public utility
 - 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
 - 5. Public 12-foot, for a minimally 10-foot -wide multi-use (bicycle and pedestrian) pathway along State Street.
 - 6. Public 12-foot, for a minimally 10-foot -wide multi-use (bicycle and pedestrian) pathway connecting Pierce Park intersection to Fair Oaks Place.
- 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 site 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.

12. Prior to the passing of the Specific Area Plan: The Residences at River Club District Ordinance the following revisions to code shall be made:

- a. Add GCC 8-8 Specific Area Plan Ordinances.
- b. Amend proposed code to be consistent with GCC 8-8A rather than GCC 11.
- c. Add Garden City Code Sustainability and Nonconforming regulations by reference.
- d. Add Language: Accesses onto public roads shall comply with the requirements of the Transportation Authority.
- e. Add Language: Specific Area Plan: The Residences at River Club District Ordinance shall supersede if in conflict with The Residences at River Club District Master Plan.
- f. 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.
- g. Pressurized Irrigation: utilize term “shall” rather than “may;” delete word “proposed”.
- h. Amend Language: Remove word “potentially” and define “active adult” or change term to multi-family in regulations in the district’s language.
- i. Add Language: Design must meet “design character” as identified in the adopted master plan.
- j. Office: language to require centrally and unique is needed.
- k. Single family attached: Connection to sidewalk rather than drive-aisle needs clarified.
- a. Add language: Detached sidewalks are required to allow for a landscaping and street tree buffer. Criteria can be added to identify when a different solution is appropriate.
- l. Amend language: Add criteria for roof signs or maintain as prohibited.
- m. Amend language: Maintain Electronic Message Boards as prohibited or with a master plan approval.
- n. Add language to require the integration of signage with the architecture.
- o. Amend language for perimeter screening: remove the allowance for vinyl fencing, and add wrought iron as an alternative.
- p. Amend language in tree mitigation to require mitigation for trees equal to or less than 6” in diameter.
- q. Amend language for private open space to require an aggregate of private open space. Do not eliminate the requirement for requirement for private open space on upper floors.

- r. 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.
- s. Amend language for open space to remove the word "interior."
- t. Amend language for pedestrian walkways: to indicate that the that pedestrian pathways may be open space but sidewalks cannot.
- u. Amend language for parking to provide a definition for active adult if it will be utilized as standard.
- v. Remove or amend language to delete alternative parking criteria or otherwise provide objective standards.
- w. Amend language for bicycle connectivity standards to require connectivity to the boundary of public right-of-way.
- x. Amend language setback language to clarify that the setbacks are reduced from parking areas only.
- y. Add language that setbacks 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.
- z. Amend language to identify that the multi-use path on State Street shall be 10' in width.
- aa. Amend language within code that refers to bicycle routes and lanes to be consistent with the Institute for Traffic Engineers (ITE) definitions.
- bb. Provide a clearer Image of Master Plan area for codification.
- cc. Add Language: The design of structures and amenities must be comparable compatible with "Design Objectives" and "Design Character" as identified in the master plan.

General Conditions:

- 19. This approval is for a Specific Area Plan.
- 20. The approval is specific to the application provided and review.
- 21. This rezone decision document is not granting the approval of any specific use.
- 22. 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.
- 23. The applicant shall comply with all requirements of the reviewing entities.
- 24. 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.

25. 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.
26. 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.

April 27, 2023

Chairman, Planning and Zoning Commission

Date

DRAFT