

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 for a portion of the property addressed as 6515 W. State Street, Garden City, Idaho 83714; Taxing Parcel Numbers: S0630223350 and S0630212910; The property is described by the Ada County Assessor's Office 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 subject property includes 22.68 acres of the 100.72-acre parcels.
6. The subject property is in the R-2 Low Density Residential Zoning District.
7. The subject property is 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.

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 Plans
 - c. 8-8A The Residences at River Club 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 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 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.

**Addresses for the subject property will need to be submitted once they are provided by Ada County.

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 Engineer 1/8/2023
- b. DEQ 1/5/2023
- c. VRT 2/13/2023
- d. Design Review Consultant Derek Hurd 2/24/2023 & 03/10/2023
- e. Design Review Consultant Bret Labrie 2/24/2023 & 03/10/2023
- f. Boise School District 03/10/2023 & 05/08/2023
- g. Ada County Highway District 04/17/2023 and 04/27/2023
- h. City of Boise 03/15/2023

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

In Favor

- | | |
|------------------------|------------------------------|
| a. Jerry Ochofield | g. Scott White |
| b. Patricia Perkins | h. Joyce and John Raudabaugh |
| c. Mike Nero | i. Lou and Gerre Pagano |
| d. Janice & Bob Wilcox | j. Nancy Cenell |
| e. Tom Donahoe | k. Save Plantation Coalition |
| f. Tyler McReynolds | l. Craig Fenwick |
| | m. Joe and Audrey Leaf |

¹ The noticing was conducted for all hearings and the dates correspond to the first hearing date.
 Planning and Zoning Commission SAPFY2023-0001 Findings of Fact, Conclusions of Law, and
 RECOMMENDATION - Page 3

- 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 Pival
- 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'
- 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

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 was not present when the item was 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.

b. The applicant presented the application. The applicant team included:

i. Will Gustafson

ii. Jenny Pham

iii. JoAnn Butler

iv. Bob Taunton

v. Brian Perkins

vi. John Ringard

c. Jenah Thornborrow provided a staff report.

d. Public testimony was received from:

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 Pettiette
 - i. M.J. Byrne
- iv. John Livingston as a spokesperson for
 - a. Lynn Livingston
- v. Barry Klezmer as a spokesperson for:
 - a. Steven Sterns
 - b. Amdre Diaz
- vi. Paul Schmellick as a spokesperson for:
 - a. David Patterson
 - b. Edward Altaan
- vii. Pete Edmonds
- viii. Dan Hollar
- ix. Karen Houser
- x. Kelly Hollshetter
- xi. Alexander Robinsen
- xii. Margaret Henbest
- xiii. Andrea Fogelman
- c. There were no additional members of the public present at the hearing that requested to provide public testimony.
- d. Commissioner Brown noted that he will not be present during the next regularly scheduled Planning and Zoning Commission meeting scheduled for May 17, 2023.
- e. Commissioner Brown moved to continue the public hearing until a date certain of May 24, 2023, at 5:30pm.
- f. Commissioner Montoya seconded the motion.
- g. 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 | 7. Robert & Janet Bennett |
| 2. Marty Pieroni | 8. Marcia Bleymaier |
| 3. Dennis Huston | 9. Garden City Visitors Bureau |
| 4. Kristina Lawcynell | 10. Mike Nero |
| 5. Nathan Lawcynell | 11. Briana & Doug Werner |
| 6. Leslie Sand | 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

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
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. Hildegarde 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
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; May 24, 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		<p>Finding 1. The SAP application, as conditioned, is consistent with the city comprehensive plan, as amended, including the future land use map and the land use planning area guidelines and land use designations, if applicable.</p> <p>Explanation: 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. 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 the city's urban setting. • Include the pedestrian zone in the highway right-of-way to satisfy the City's Development Code requirements for open space. • 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
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			<p>drains where appropriate. Require mitigation of the impacts that closing water systems have on the ground water and habitat.</p> <ul style="list-style-type: none"> • 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 development nodes along the arterial roadways as designated on the Land Use Map and described in the Land Use Designation, and follow the State Street Corridor Study recommendations. • 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.
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			<ul style="list-style-type: none"> • 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 <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
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			<p>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:</p> <ul style="list-style-type: none"> • adjacent land uses; • vehicular, pedestrian and bicycle needs; • lighting; and • landscaping and trees. <ul style="list-style-type: none"> • 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 continually assessing the physical, social, health, mobility, educational and cultural needs of the city. • 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: In approval: The application, as conditioned, meets the minimum requirements of chapter 6 of the Garden</p>

			<p>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> <ol style="list-style-type: none"> 1. Implement the goals and objectives of the city's comprehensive plan, as amended, including the future land use map, the land use designations and the land use goals and policies, if applicable; 2. Contribute to the social, economic, and environmental sustainability of the city; 3. Develop in a manner that is highly respectful of the natural setting, that is at a human scale and ensures neighborhood compatibility; 4. Provide for a safe and comfortable integrated transportation system which prioritizes a pedestrian-bicyclist environment and mass transit and reduces vehicular trips; 5. Result in a contribution of amenities to the community including

			<p>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> <ul style="list-style-type: none"> a. It lacks code provisions to implement the Master Plan as shown. b. List
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: This application does not comply with the following city zoning regulations and codes in effect at the time of the application: LIST.</p>
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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> <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> <p>(l) To allow local school districts to participate in the community planning and development process to address public school needs and impacts on an ongoing basis.</p>
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</p>

			<p>noted concerns regarding ability to serve this application.</p> <p>In Denial: 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: 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>

			See finding #4 in required findings for 8-6B-10.
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24. 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 The Residences at River Club 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 conformance with the Residences at River Club District, Development Agreement and in substantial conformance with the conceptual master plan.
3. The revisions to the conceptual Master Plan east end revision and detached sidewalks shall be reviewed by the Design Review Consultants to be incorporated in the record for the City Council's review of this application.
4. Documentation of legal ownership shall be approved by the Garden City Legal Department prior to the rezoning of the property.
5. Any determination that the owner of record has not consented to this application shall nullify approvals.

6. The lot must be verified by the city as a legal lot of record or made into a legal lot of record.
7. A subdivision or Minor Land Division must be completed to separate the subject property area from the current parcel.
8. A development agreement shall be approved prior to the third reading and adoption of the rezone ordinance. The purpose of the development agreement will be to adopt the conceptual Master Plan.
9. Each structure required by code and each sub-area must obtain a design review approval prior to construction.
10. Connection to the city of Boise's sanitary sewer collection system must be coordinated with the city of Boise.
11. Required revisions to the Conceptual Master Plan include:
 - a. Extending the publicly accessible bicycle and pedestrian pathway that runs adjacent to the golf course to connect the West Sub-district and the Pierce Park and State Street intersection. The pathway shall also be designed to the subject property's boundaries to allow for a potential future connection to the golf course club house and to the southeast project parameter for a potential connection to N. Fair Oaks Place.
 - 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. Design for adequate stacking for left turn movements onto State Street as requested by ACHD.
 - d. Vacate the existing right-of-way for Plantation Drive as required by ACHD.
 - e. 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. Extend the multi-use pathway/ linear park to better connect to N. Pierce Park Lane and the East Subdistrict to the pathway and to also allow for a potential future connection to the golf course.
12. 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 occur as identified in the master plan.
 - c. The pathways shall be consistent or greater in width and landscaping buffering as depicted in the 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 park shall be provided. Any revisions to the proposed amenity shall be reviewed with the future review of the West sub-district. If the waterway amenity is constructed, permission from the off-site property owner allowing for the construction of the off-site improvement shall be provided.
- 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. The setbacks for any type of encroachments including but not limited to walls, bushes, artwork, etc. must be at least 18” from any sidewalk or multi-use path to not create shy space into the usable area of the sidewalk/path.
 - g. Easements required to enact the 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. Public connections to and from the public rights-of-way and pathways, including but not limited to users of Plantation Drive connecting to State Street.
 - 5. Public 12-foot, for a minimally 10-foot -wide concrete multi-use (bicycle and pedestrian) pathway along State Street.
 - 6. Publicly accessible 12-foot easement, for a minimally 10-foot -wide multi-use (bicycle and pedestrian) pathway that runs along the southern boundary of the subject property.
 - a. The term publicly accessible shall be defined to mean that the 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. Prior to the passing of the Specific Area Plan ordinance: The Residences at River Club 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 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 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 landscaping and street tree buffer. Detailed criteria can be added 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 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, except for the proposed residential and bicycle 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.			

- xxiv. Amend language for bicycle connectivity standards to require connectivity to the boundary of public right-of-way.
- xxv. Amend language setback language to clarify that the setbacks are reduced from parking areas only.
- xxvi. Add language that the setbacks for any type of encroachments including but not limited to walls, bushes, artwork, etc. must be at least 18" from any sidewalk or multi-use path to not create shy space into the usable area of the sidewalk/path.
- xxvii. Amend language to identify that the multi-use path on State Street shall be 10' in width.
- xxviii. Amend language within code that refers to bicycle routes and lanes to be consistent with the Institute for Traffic Engineers (ITE) definitions.
- xxix. Provide a clearer Image of the conceptual Master Plan area for codification.
- xxx. Add Language: The design of structures and amenities must be comparable compatible with "Design Objectives" and "Design Character" as identified in the master plan.
- xxxi. Adjust the requirement that parking cannot be within 40' of a corner to be state that parking cannot be within 25' from where two travel ways adjoin.

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