

BEFORE THE DESIGN REVIEW COMMITTEE
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	SUBFY2017-1
)	
Bridge Townhomes Subdivision Final Plat)	FINDINGS OF FACT,
327 e. 35 TH St. and 3576 N. Prospect Way)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
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THIS MATTER, came before the Garden City Design Review Committee for consideration on August 19, 2019. The Design Review Committee reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Design Review Committee makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The property owner and applicant is Todd Weltner.
2. The location of the project is the Bridge Townhomes Subdivision.
3. The original decision was rendered May 8, 2017.
4. The application is for modification to structure facades.
5. The project is located in the Garden City M Mixed Use Zoning District.
6. The project is located in the Live-Work-Create and Transit Oriented land use designation of the Comprehensive Plan.
7. A pre-application conference with the Design Committee was held on June 17, 2019.
8. The PUD modifications were received July 15, 2019. A Design Committee hearing was scheduled for August 19, 2019.
9. A radius notice was sent to property owners within 300' of the subject property on July 16, 2019.
10. A legal notice was published in the newspaper on July 19, 2019.

11. A property posting sign and affidavit of property posting was completed, verifying the property was posted on August 8, 2019.
12. At the August 19, 2019 Design Committee hearing:
 - a. Todd Weltner presented the proposed modifications.
 - b. Chris Samples presented the staff report.
 - c. Public testimony in support was heard from Jason Jones, Hannah Ball, and Bryant Forester.
 - d. Public testimony in opposition was heard from Victor Myers, Tom Baskin, Meagan Griffin, and Andy Haws.
 - e. Todd Weltner provided rebuttal testimony.
 - f. Public testimony was closed.
 - g. Committee member Hurd move to approve the requested amendments as presented.
 - h. Committee member Labrie seconded.
 - i. The motion carried unanimously.
13. The record contains:
 - a. PUD Modification Materials – July 15, 2019
 - b. Approved Materials – May 8, 2017
 - c. Design Committee Findings of Fact, Conclusions of Law and Decision;
 - d. Design Committee Minutes – June 17, 2019;
 - e. Design Committee Minutes – August 19, 2019
 - f. Noticing Documents
 - g. Public Comments
 - h. Agency Comments
 - i. Public Hearing Sign In Sheets – August 19, 2019 Hearing
14. The following section of the Garden City Municipal Code apply to this proposal:

GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS	
Conclusion	

Compliant	Not Compliant	Not Applicable to this Application	Standard
X			<p>Standard: The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.</p> <p>Explanation: The proposed modifications conform with the purpose of the M Mixed Use Zoning district and all dimensional regulations of the district.</p>
X			<p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p>Explanation: The proposed modifications are required to adhere to applicable health and safety regulations.</p>
X			<p>The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.</p> <p>Explanation: The proposed modifications do not change the overall intent of the development and maintain the sense of place and uniqueness of the development.</p>
			<p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p>Explanation: Not applicable. Façade changes do not affect connectivity.</p>
		X	<p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p>Explanation: Not applicable. Façade changes do not affect the development pattern.</p>
		X	<p>The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p> <p>Explanation: Not applicable. Façade changes do not affect the development pattern.</p>

		X	The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.
			Explanation: Not applicable. Landscaping changes not proposed with this modification.

CONCLUSIONS OF LAW

The Design Committee reviewed the request and based on the conditions required herein, concludes the modifications meet the standards of approval under GCC 8-6B-7 Planned Unit Development and 8-6B-2 Conditional Use.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Design Committee hereby approves the requested modifications with the following conditions:

Site Specific Requirements:

1. The May 8, 2017 City Council decision shall remain valid and in force. This decision is hereby amended as follows:
 - a. The building facades shall adhere to the elevations submitted on July 15, 2019.
2. All other conditions noted in the May 8, 2017 City Council decision shall remain valid and in force.
3. There is a 15 day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within 15 days after the action of the decision.
4. Final decisions are subject to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
5. 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.
6. A takings analysis pursuant to Idaho Code may be requested on final decisions.

7. 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.

Design Review Committee

Date

DRAFT