

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 the following modifications to the approved planned unit development (PUD):
 - a. Approval of the Greenbelt fence and wall height to 6 – 8’ depending on site conditions.
 - b. Modification of site specific condition 7 to allow shrubs along the Greenbelt wall instead of the approved trees within the setback.
 - c. Modification of site specific condition 12 to reduce the Greenbelt wall setback to two feet (2’) from the approved 3’.
 - d. Modification of site specific condition 28a to allow landscaping 2’ from the edge of the pavement of the Greenbelt.
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.
 - a. Committee member Labrie move to recommend the wrought iron fence along Greenbelt be approved if it meets the setback and height restrictions, side yard setback.
 - b. Committee member Hurd Seconded.
 - c. The motion carried unanimously.
 - d. Committee member Gresham moved to recommend denial of the requests related to the rock wall. of the PUD amendments, consisting of the wall height, wall setback, and the substitution of trees for shrubs along the Greenbelt.
 - e. No one seconded the motion. Motion dies
 - f. Committee member Hurd moved to recommend approval of the rock wall height and setback and landscaping changes as presented.
 - g. Committee member Labrie seconded.
 - h. The motion carried with two votes in favor from Hurd and Labrie and one in opposition from Gresham.
13. The record contains:
 - a. PUD Modification Materials – July 17, 2019
 - b. Approved Materials – May 8, 2017
 - c. Design Committee Findings of Fact, Conclusions of Law and Recommendation;

- d. Design Committee Minutes – June 17, 2019;
- e. Design Committee Minutes – August 19, 2019
- f. Noticing Documents
- g. Public Comments
- h. 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-7 PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS			
Compliant			
Yes	No	N/A	City Standards and Conclusion
		X	<p>Finding: The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval.</p> <p>Conclusion: Not applicable due to scope of modification.</p>
		X	<p>Finding: Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations.</p> <p>Conclusion: Not applicable due to scope of modification.</p>
		X	<p>Finding: The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD.</p> <p>Conclusion: Not applicable due to scope of modification.</p>
		X	<p>Finding: Any proposed commercial development can be justified at the locations proposed.</p> <p>Conclusion: Not applicable due to scope of modification.</p>

X			Finding: Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the Council.
			Conclusion The wall height and setback and landscape modifications comply with this finding. The exemptions are warranted by structure design and placement adjacent to the Greenbelt.
		X	Finding: The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
		Conclusion: Not applicable due to scope of modification.	
X			Finding: The PUD is in general conformance with the comprehensive plan.
			<p>Conclusion: The wall height and setback and landscape modifications are in compliance with this finding. The requests are in conformance with the following Goals, Objectives, and Action Steps of the 2006 Comprehensive Plan:</p> <p>Goal 5: Focus on the River Objective 5.7: Maintain and protect the Greenbelt Action Step 5.7.3: Protect the greenbelt from private development. Enforce codes for private property maintenance, and control of runoff, litter, and debris. Adopt minimum setback requirements for new development.</p> <p>The proposed modifications enhance focus on the River, protect the Greenbelt, and help to mitigate the Greenbelt from the effects of private development.</p>
		X	Finding: The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
			Conclusion: Not applicable due to scope of modification.

GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Compliant			
Yes	No	N/A	City Standards and Conclusion

X			<p>Finding: The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district.</p>
			<p>Conclusion: The fence/wall height and setback and landscape modifications complies this finding. The requests are appropriate the location along the Greenbelt.</p>
X			<p>Finding: The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts.</p>
			<p>Conclusion: The fence/wall height and setback and landscape modifications complies with this finding. The requests affect the Greenbelt, but conditions can be establish to mitigate adverse impacts.</p>
X			<p>Finding: The use will not unreasonably diminish either the health, safety or welfare of the community.</p>
			<p>Conclusion: The fence/wall height and setback and landscape modifications complies with this finding. The requests affect the health, safety or welfare of users of the Greenbelt, but conditions can be established to protect Greenbelt users.</p>
X			<p>Finding: The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p>
			<p>Conclusion: The fence/wall height and setback and landscape modifications complies with this finding. The requests are in conformance with the following Goals, Objectives, and Action Steps of the 2006 Comprehensive Plan:</p> <p>Goal 5: Focus on the River Objective 5.7: Maintain and protect the Greenbelt Action Step 5.7.3: Protect the greenbelt from private development. Enforce codes for private property maintenance, and control of runoff, litter, and debris. Adopt minimum setback requirements for new development.</p> <p>The proposed modifications enhance focus on the River, protect the Greenbelt, and help to mitigate the Greenbelt from the effects of private development.</p>

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 recommends approval of 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. Site specific condition #7 is amended to state "On lots 7-15, shrubs shall be planted to front the greenbelt. The shrubs shall be trimmed to be clear of the greenbelt."
 - b. Site specific condition #12 is amended to state "Two feet (2') setbacks from the greenbelt are allowed to facilitate the retaining wall and fence. No other structure shall be closer than 3' to greenbelt."
 - c. Site specific condition #28a is amended to state "Lots 5 & 7-15 may contain landscaping retaining walls 2' from the edge of pavement of the greenbelt with all other structures 10' or more from Greenbelt easement or 70' from ordinary high water mark."
 - d. Site specific condition #29 is added and states "The retaining wall along the Greenbelt may be up to eight feet (8') in height."
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