

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

In the Matter of:)	SUBFY2022-0005
)	
)	
Preliminary Plat Subdivision)	
Planned Unit Development)	FINDINGS OF FACT
8373 W Chinden Blvd)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho)	AND RECOMENDATION
_____)	

THIS MATTER, came before the Garden City Design Review Committee for consideration on September 19, 2022, September 29, 2022, October 17, 2022, and November 7, 2022. The Garden City Design Review Committee reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Design Review Committee makes the following Findings of Fact, Conclusions of Law and Recommendation:

FINDINGS OF FACT

1. The application is for a Preliminary Plat processed as a Planned Unit Development subdivision.
2. The applicant is Nicolette Womack.
3. The property owner of record is SRG Holdings, LLC.
4. The location of the project is 8373 W Chinden Blvd; Taxing Parcel Number(s): R8191500522, R8191500605, R8191500577, and R8191500598.
5. The properties are described as:
 - a. PAR #0522 OF LOTS 1, 2 & 41 STRAWBERRY GLENN SUB IN TCA 06-7
 - b. PAR #0605 OF LOTS 1, 2 & 41 STRAWBERRY GLENN SUB IN TCA 06-8 #0600-0820-C
 - c. PAR #0577 OF LOT 2 STRAWBERRY GLENN SUB
 - d. PAR #0598 OF LOTS 2 & 41 STRAWBERRY GLENN SUB
6. The subject properties are:
 - a. R8192500522: .95 acres,
 - b. R8191500605: 4.378 acres,
 - c. R8191500577: 1.16 acres,
 - d. R8191500598: .703 acres

7. The project is located in the Green Boulevard and Mixed-Use Commercial designations of the Comprehensive Plan Future Land Use Map.
8. The project is in the C-2 Zoning District.
9. The project is not located in the floodplain according to the 2003 FIRM.
10. The project is not located in the floodplain according to FEMA's most recent modeling of the Lower Boise River, adopted by resolution 1083-20.
11. There has been no denial of any application in the same form for the same use on this property within one year.
12. The following section of the Garden City Development Code apply to this proposal:
 - a. Garden City Code 8-1: General Regulations
 - b. Garden City Code 8-2B: Base Zoning District Regulations
 - c. Garden City Code 8-4A: Design and Development Regulations – General Provisions
 - d. Garden City Code 8-4B: Design and Development Regulations – Design Provisions for Residential Structures
 - e. Garden City Code 8-4D: Parking and Off-Street Loading Provisions
 - f. Garden City Code 8-4E: Transportation and Connectivity Provisions
 - g. Garden City Code 8-4H: Flood Hazard
 - h. Garden City Code 8-4G: Sustainable Development Provisions
 - i. Garden City Code 8-4I: Landscaping and Tree Protection Provisions
 - j. Garden City Code 8-4L: Open Space Provisions
 - k. Garden City Code 8-6A: Administration – General Provisions
 - l. Garden City Code 8-5: Land Division Regulations
 - m. Garden City Code 8-6B-7 Planned Unit Development
 - n. Garden City Code 4-14: Storm Drainage and Erosion Control
 - o. Garden City Code Title 6: Public Water and Sewer Systems
13. 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			Subdivision Map
X			Master Plan
X			Site Plan
X			Landscape Plan
X			Schematic Drawings

X			Lighting Plan
X			Topographic Survey
X			Grading Plan
X			Soils Report
X			Hydrology
X			Engineering drawing and Specifications
X			Natural Hazards and Resource Analysis
X			Dedications and Easements
X			Covenants and Deed Restrictions
X			Will Serve
X			Subdivision Name Reservation
	X		Verification that address is an Ada County Approved Address*

*Items that may be required for reviews later.

14. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date ¹	Completion Date
Receipt of application	08/25/2022	8/3/2022
Letter of Acceptance	09/03/2022	8/17/2022
Radius Notice	09/04/2022	9/13/2022
Interested Parties	n/a	n/a
Legal Notice	09/01/2022	8/15/2022
Agency Notice	09/04/2022	8/11/2022
Property Posting Sign	09/12/2022	09/05/2022
Affidavit of Property Posting and Photos	09/14/2022	09/08/2022

15. Agency Comments were received from:
- a. Department of Environmental Quality
 - b. City Engineer
 - c. Idaho Transportation Department
 - d. North Ada County Fire and Rescue
 - e. COMPASS
 - f. ACHD

16. No public comments were received.

17. On September 19, 2022, a public hearing with the Design Review Committee was held. A summary of the meeting is as follows:
- a. Nicolette Womack presented the application.
 - b. Staff Hanna Veal presented the staff report.
 - c. There was no public testimony.
 - d. Nicolette Womack provided rebuttal:

¹ This date is based on the date of the first of any public hearing scheduled.

- i. The site provides a variety of prices per unit, the interior units will be a different pathway than the end unit.
 - ii. Waivers staff drafted are formally requested.
 - iii. The 16% Common open space calculations do not include the riparian zone of the Thurman Mill Drain.
 - iv. ITD is not allowing for street trees within the buffer area between the multi-use pathway and w. Chinden Blvd.
 - e. Public testimony was closed.
 - f. Discussion included:
 - i. End units facing Coffey Street need to have a front façade treatment facing the street. It shall not appear as a side elevation.
 - 1. The elevations as show in the hearing exhibit are not enough.
 - 2. End units should be considered the centerpiece or marketable pieces of the development.
 - ii. W. Chinden Frontage needs more heigh differentiation, offsetting buildings to get away from the appearance of one long building façade.
 - iii. Terminal view from Coffey Street, with garbage enclosure at the end, needs to be concealed.
 - iv. Southern buildings do not have connectivity between the buildings to get to the center of the development.
 - v. Support for the application and the waivers for guest parking spots and tandem garage length.
 - vi. Architectural variety is needed, the development needs to add floor plan variety; a mix of studio, one-bedroom, two-bedroom, etc. is required.
 - vii. Street trees shall be within the landscape buffer zone between the street and the sidewalk along both Coffey Street and W. Chinden.
 - g. Committee member Hurd moved to continue to a date certain of September 29, 2022.
 - h. Committee member Labrie seconded the motion.
 - i. The motion carried unanimously.

18. On September 29, 2022, the Garden City Design Committee moved the application to the date certain of October 17, 2022 per the applicant's request.

19. On October 17, 2022, the Garden City Design Committee moved the application to the date certain of November 7, 2022 per the applicant's request.

20. On November 7, 2022, the Garden City Design Committee recommended Denial of the application. A summary of the hearing is as follows:

- a. Nicolette Womack presented the application.
- b. Staff Hanna Veal presented the staff report.
 - i. Variety of Housing determined adequate by Planning and Zoning.

- ii. Code required trees deficient, but retaining Thurman Mill natural landscaping.
 - 1. Tree mitigation requirements equal 409 caliper inches.
 - iii. ITD has not submitted TIS comments.
 - c. There was no public testimony.
 - d. Nicolette Womack and Abbey Hahn provided rebuttal:
 - i. 4-plexs are in farmhouse design. Appearance of vertical height through architectural style.
 - ii. Existing non-official pathway along Thurman Mill.
 - e. Public testimony was closed.
 - f. Discussion included:
 - i. End unit(s) of 6-plexs adjacent to W. Chinden shall be designed in such a way that they do not appear like side elevation.
 - 1. Additional glazing, fenestration, and architectural features are required.
 - ii. The development appears to have a long wall of similar housing styles along W. Chinden.
 - 1. Does not contain a variety of architecture.
 - iii. Additional massing and treatment is needed to create visual variety and interest.
 - iv. The proposal should easily meet the Comprehensive Plan's goals, and meet the Planned Unit Development's goals with such a large piece of land.
 - v. Thurman Drain shall be integrated into the design, it shall be used as an amenity.
 - 1. It is not currently being addressed as a natural feature.
 - g. Committee Member Labrie moved to deny the application as drafted in the draft decision.
 - h. Committee member Hurd seconded the motion.
 - i. The motion carried unanimously.

21. The record contains:

- a. Application
- b. Noticing Documents
- c. Agency Comments
- d. Public Comments
- e. Design Review Committee Minutes and Hearing Audio: September 19, 2022
- f. Design Review Committee Minutes and Hearing Audio: September 29, 2022
- g. Design Review Committee Minutes and Hearing Audio: October 17, 2022
- h. Design Review Committee Minutes and Hearing Audio: November 7, 2022
- i. Design Review Committee Recommendation

22. In consideration of a preliminary plat subdivision the decision maker shall make the following findings:

GCC 8-5B-5: SUBDIVISION PROCESS: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
		X	<p>Finding 1. The subdivision is in conformance with the Comprehensive Plan;</p> <p>Explanation: The application is not cohesive with the Comprehensive Plan’s Mixed-Use Commercial future land use designation. The proposal does not achieve the necessary uses or design standards to generate an urban character.</p> <p>The application is not in conformance with the Comprehensive Plan’s Goal 2, Objective 2.1.2 by choosing to not utilize the existing Thurman Mill Drain as an amenity or design feature. By ignoring the existing canal, the subdivision is in conflict with Goal 5, Focus on the River, specifically Objective 5.5.2 where it calls for the creation of pathways along waterways such as the Thurman Mill Ditch.</p> <p>By not abiding to the Planned Unit Development code requirements for a variety of housing, the application is in conflict with Goal 6 of the Comprehensive Plan. Goal 6 speaks to diversity in housing, objective 6.3 speaks to managing and creating a diverse housing market that which attracts niche markets to which this development does not do.</p>
		X	<p>Finding 2. The subdivision is in conformance with all applicable provisions of this title;</p> <p>Explanation: The application is either not in conformance with the applicable sections</p>

			of Garden City Code or there wasn't enough information to review the application thoroughly. The application was found to not be in conformance with the applicable sections of code 8-4B-3, 8-4I-4, 8-4I-7, and 8-5A-6.
	X		<p>Finding 3. Public services are available or can be made available; and are adequate to accommodate the proposed development;</p> <p>Explanation: There are public services available that can accommodate the proposed development.</p>
	X		<p>Finding 4. The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program;</p> <p>Explanation: The subdivision does not undermine scheduled public improvements or the City's capital improvement program.</p>
	X		<p>Finding 5. There is public financial capability of supporting services for the proposed development</p> <p>Explanation: The application has provided a request for the ability to serve letter and a condition of approval for the submittal of this letter has been made.</p>
		X	<p>Finding 6. The development will not be detrimental to the public health, safety, or general welfare;</p> <p>Explanation: The proposal will be detrimental to and unreasonably diminish the health, and safety of the community. The lack of adherence to City Codes and the City's Comprehensive Plan is detrimental to the welfare of the city and its community members.</p> <p>Without the necessary comments from the Idaho Transportation Department</p>

			<p>regarding the Traffic Impact Study, it is difficult to determine if the proposed ingress/egress onto W. Chinden is adequate for the type of development proposed.</p> <p>Waivers from code are requested while not clearly demonstrating how the purpose of the Planned Unit Development is met. The development does not provide a variety of housing and building types, nor does it create a more useful pattern of open space and recreation areas. The waivers requested do not allow for the land to be used more efficiently than what is generally achieved through conventional development.</p>
		X	<p>Finding 7. The development preserves significant natural, scenic, or historic resources.</p> <p>Explanation The development does not adequately address the adjacent Thurman Mill Ditch.</p>

23. In consideration of a planned unit development, the decision maker shall make the following findings:

GCC 8-6B-7: PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X			<p>Finding 1. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;</p> <p>Explanation: Approval of this application is conditioned that the development shall be initiated within two years of the date of approval.</p>
		X	<p>Finding 2. Each individual unit of the development, as well as the total development, can exist as an independent</p>

			<p>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>Explanation: The proposal fails to be compliant with provisions of code without demonstrating that a deviation to standards achieves the purpose of a planned unit development.</p>
X			<p>Finding 3. 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>Explanation: The proposed development has a private drive that is capable of handling anticipated traffic which will provide ingress/egress onto W. Chinden Blvd. and Coffey Street. The Idaho Transportation Department will provide comments regarding the Traffic Impact study submitted by the applicant and coordination and compliance with ITD's requirements have been included in the decision document.</p>
	X		<p>Finding 4. Any proposed commercial development can be justified at the locations proposed.</p> <p>Not applicable: This development does not propose any commercial aspects.</p>
		X	<p>Finding 5. 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</p>

			<p>Explanation: The exception from standard district requirements is not warranted as they there is inadequate demonstration that 8-6B-7 A is achieved. Subsequently, the proposal has not achieved the ability to deviate from code standards. More specifically, the application does not:</p> <p>Provide a maximum choice of living environments, create a more useful pattern of open space and recreational areas, establish a development pattern which utilizes the land more efficiently than what is achieved through conventional development, or provide a land pattern in harmony with transportation and community facilities.</p>
		X	<p>Finding 6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;</p> <p>Explanation: The proposed development is not compatible with the surrounding uses nor is it in alignment with the Comprehensive Plan’s vision for the Mixed-Use Commercial designation. The application is not compatible in that it does not propose a mix of uses. The designation calls for mixed-use development including, office, and retail which are more urban in character with residential units being three-stories high. The proposed development does not contain any commercial, and only proposes two-story units. If the surrounding area were to develop to the vision of the comprehensive plan, the proposed development would not be compatible with the surrounding area.</p>

		X	<p>Finding 7. The PUD is in general conformance with the comprehensive plan;</p> <p>Explanation: The application cannot be found in conformance with the comprehensive plan. See 8-5B-5 Finding 1.</p> <p>The application is not compatible with the Mixed-Use Commercial future land use designation in that it does not propose a mix of uses. The designation calls for mixed-use development including, office, and retail which are more urban in character with residential units being three-stories high. The proposed development does not contain any commercial, and only proposes two-story units. If the surrounding area were to develop to the vision of the comprehensive plan, the proposed development would not be compatible with the surrounding area.</p>
X			<p>Finding 8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;</p> <p>Explanation: Approval of this application is conditioned in that the ability to serve shall be provided prior to signature of the plat or approval of construction plans.</p>
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
		X	<p>Finding 1. 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>Explanation: The application is not appropriate to the location or the neighborhood as the</p>

			proposal is less intensive than what is envisioned by the Mixed-Use Commercial designation of the Comprehensive Plan. Furthermore, the application ignores its special location adjacent to the Thurman Mill Ditch. The proposal lacks amenities adjacent to the canal such as common open space and walking paths. The development does not propose to make enhancements to or adjacent to the Thurman Mill that would better serve the neighborhood.
X			<p>Finding 2. 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>Explanation: Approval of this application is conditioned in that the ability to serve shall be provided prior to signature of the plat or approval of construction plans.</p>
		X	<p>Finding 3. The use will not unreasonably diminish either the health, safety, or welfare of the community;</p> <p>Explanation: The lack of adherence to City Codes and the City's Comprehensive Plan is detrimental to the welfare of the city.</p>
		X	<p>Finding 4. The use is no in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p>Explanation: Refer to 8-5B-5 Finding 1, and Finding 2.</p>

24. The record was reviewed in its entirety by the Design Review Committee to render the decision.

CONCLUSIONS OF LAW

The Garden City Design Review Committee reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **does not satisfy** the required findings under GCC 8-5B-5, 8-6B-2, and 8-6B-7.

RECOMMENDATION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Recommendation, the Garden City Design Review Committee hereby recommends **DENIAL** of the application SUBFY2022-0005 for a Preliminary Plat Subdivision processed as a Planned Unit Development and subject to the following conditions:

STANDARD CONDITIONS FOR DENIAL DECISION

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-5B-5, 8-6B-2, and 8-6B-7. This project is not in compliance with 8-5B-5, 8-6B-2, and 8-6B-7 standard(s) for reasons stated in the findings. Compliance can be met by meeting all governing code standards or identify how any requested waivers to code clearly implement the purpose of GCC 8-6B-7 Planned Unit Development.
2. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
3. 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.
4. A takings analysis pursuant to Idaho Code may be requested on final decisions.
5. 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.

This signature verifies that this decision document has been reviewed and approved by the Design Review Committee

Date