

BEFORE THE GARDEN CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	DSRFY2024-0013
)	
Design Review and)	
Planned Unit Development)	
575 E. 42 nd Street)	FINDINGS OF FACT
Garden City, Ada County, Idaho)	CONCLUSIONS OF LAW,
)	AND DECISION
)	

THIS MATTER, came before the Garden City Council for consideration on October 14th, 2024. The Garden City Council reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Council makes the following Findings of Fact, Conclusions of Law, and Decision:

FINDINGS OF FACT

1. The application is for a Design Review processed as a Planned Unit Development.
2. The applicant is Jeff Hatch.
2. The property owner of record is TSJ LLC.
3. The location of the project is 575 E. 42nd Street; Parcel #R2734520952
4. The subject property is 2.616 acres.
5. The project is located in the Mixed Use Residential and Activity Node designations of the Comprehensive Plan Future Land Use Map.
6. The project is in the C-2 General Commercial Zoning District.
7. The project is in the:
 - a. 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b. 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
8. The following section of the Garden City Development Code apply to this proposal:
 - a. Garden City Code 8-6B-7: Planned Unit Development
 - b. Garden City Code 8-1A: General Regulations
 - c. Garden City Code 8-1B: Existing Nonconforming Properties, Structures, and Uses

- d. Garden City Code 8-1C: Property Maintenance Standards
- e. Garden City Code 8-2B: Base Zoning District Provision
- f. Garden City Code 8-4A: Design and Development Regulations – General Provisions
- g. Garden City Code 8-4C: Design and Development Regulations – Design Provisions for Nonresidential Structures
- h. Garden City Code 8-4D: Parking and Off-Street Loading Provisions
- i. Garden City Code 8-4E: Transportation and Connectivity Provisions
- j. Garden City Code 8-4F: Master Sign Program
- k. Garden City Code 8-4E: Flood Hazard
- l. Garden City Code 8-4I: Landscaping and Tree Protection Provisions
- m. Garden City Code 8-6A: Administration

9. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information		
Provided		
Yes	No	NA
X		Compliance Statement
X		Neighborhood Map
X		Site Plan
X		Landscape Plan
X		Schematic Drawings
X		Lighting Plan
	X	Topographic Survey
	X	Grading Plan
X		Will Serve
	X	Verification that address is an Ada County Approved Address

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

Noticing Requirement	Required Date	Completion Date
Receipt of application		06/24/2024
Letter of Acceptance	07/24/2024	08/13/2024
Radius Notice	09/03/2024	07/16/2024
Legal Notice	08/30/2024	07/17/2024
Agency Notice	09/03/2024	07/16/2024
Property Posting Sign	09/08/2024	09/06/2024
Affidavit of Property Posting and Photos	09/11/2024	09/09/2024

11. Agency Comments were received from:

- a. Boise Fire, July 16th, 2024
- b. Republic Services, July 17th, 2024
- c. City Engineer, July 19th, 2024

- d. DEQ, July 24th, 2024
- e. ACHD, July 26th, 2024
- f. Garden City Chief of Police, September 5th, 2024

12. Written Public Comments were received from:

- a. Brad McGirr, July 29th, 2024
- b. Bill Truax, August 8th, 2024
- c. Dieter and Joni Leipf, August 23rd, 2024
- d. Alex Leipf, August 21st, 2024

13. On September 18th, 2024, the Garden City Planning and Zoning Commission recommended Denial of the application, a summary of the hearing is as followed: subject to the following conditions:

- a. Jeff Hatch presented the application.
 - i. Requested a 68% prohibited use allowance per the Planned Unit Development mechanism for storage.
- b. Staff Hanna Veal presented the staff report.
 - i. The site is under parked.
 - ii. Planned Unit Development only allows for 10% of the gross site area to be dedicated to prohibited uses so long as the Findings are met.
- c. Public testimony was received by:
 - i. In Favor
 - i. Chris Taylor
 - ii. Weston Elerbrake
 - iii. Hamish Ball
 - iv. Hayden Ferrell
 - v. Jeff Banks
 - ii. Opposed
 - i. Ian Carroll, comment read into record by the Chairman, in opposition.
 - ii. Alexander Leipf, comment read into record by the Chairman, in opposition.
 - iii. Brad McGirr
- d. Jeff Hatch provided rebuttal:
 - i. Proposing a structure that is intended for self-storage right now. Future uses would be low and medium uses.
 - ii. Increased façade glazing to 15% per Design Review Consultants comments.
 - iii. Would be willing to get a traffic impact study done.
 - iv. Landscaping requirements would remain the same no matter what the use.
 - v. Request a waiver to the PUD 10% limitation to allow for 68%.
 - vi. Would consider a restriction to prohibit uses that are considered a high use per parking code.
- e. Public testimony was closed.
- f. Discussion included:

- i. Restrict the property so that high uses per parking code would not be permitted.
- ii. The site is deficient in parking.
- iii. Planned Unit Development code standards should not be waived.
- iv. The request for 68% of the site to be dedicated to self-service storage, which is a prohibited use in the C-2 Zoning District, should not be permitted because the Planned Unit Development only allows for 10%.
- v. Inappropriate waiver request.
- vi. Support the low traffic use due to the adjacent schools.
- vii. There is a need for climate-controlled self-storage in the neighborhood.
- viii. The proposal does not meet the intent or the findings of the Planned Unit Development.
- ix. Seems like trying to shoehorn a rezone into a Planned Unit Development. The Commission cannot condition the decision to achieve applicant's request. Using the Planned Unit Development in a way it is not designed for, in an attempt to sidestep zoning code.

- g. Commissioner Wilde moved to deny the application as drafted in the draft decision in the denial.
- h. Commissioner Brown seconded the motion.
- i. The motion carried unanimously.

14. On October 14th, 2024, a public hearing before the Garden City Council was held:

- a. Mayor Evans introduced the matter.
- b. Abigail Germain, Jerry Dunn, and Jeff Hatch presented the application.
- c. Jenah Thornborrow provided a staff report.
- d. Public Testimony was received by:
 - i. In Favor
 - i. Hamish Ball
 - ii. Weston Elerbrake
 - iii. Angela Reid
 - iv. JT Jones
 - v. Hannah Ball
 - ii. Opposed
 - i. Leah Wilhite
 - ii. Brad McGirr
 - iii. Willie Ruemele
 - iv. Joni Leipf (in writing)
- e. Abigail Germain provided a rebuttal. In her rebuttal, she requested that the applicant prefer to be remanded to the Planning and Zoning Commission rather than a denial so that the application could be amended.
- f. The public hearing was closed.
- g. Discussion included:
 - i. The Planned Unit Development is not a legal mechanism for the request.

h. Action:

- i. Council President Page moved to remand the application to the Planning and Zoning Commission so that the applicant could pursue a legal mechanism for the application request.
- ii. Councilmember Rassmussen seconded the motion.
- iii. The motion passed on a 3/0 vote.

15. The record contains:

- a. Application
- b. Noticing Documents
- c. Agency Comments
- d. Public Comments
- e. Design Review Consultation Audio: August 19, 2024, and September 16, 2024
- f. Planning and Zoning Commission Minutes and Hearing Audio: September 18, 2024
- g. Planning and Zoning Commission Recommendation
- h. City Council Minutes and Hearing Audio: October 14, 2024
- i. City Council Decision

16. Findings and a conclusion of law were not made as the matter was remanded to the Planning and Zoning Commission for further consideration.

17. The record was reviewed in its entirety by the Garden City Council to render the decision.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Decision, the Garden City Council remands the application DSRFY2024-0013 for a Planned Unit Development to the Planning and Zoning Commission.


Mayor, John G. Evans

October 14, 2024

Date