

Kena Champion

From: Jenah Thornborrow
Sent: Monday, May 15, 2023 10:37 AM
To: planning
Subject: Fwd: Opposed to Rezoning of River Club Property & SAP Application

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From: johnliving13@gmail.com <johnliving13@gmail.com>
Sent: Monday, May 15, 2023 9:12:24 AM
To: 'Dan & Betty Hollar' <omzi6254@gmail.com>; John Evans <jevans@GARDENCITYIDAHO.ORG>; James Page <jpage@GARDENCITYIDAHO.ORG>; Teresa Jorgensen <tjorgensen@GARDENCITYIDAHO.ORG>; Russ Heller <rheller@GARDENCITYIDAHO.ORG>; Bill Jacobs <bjacobs@GARDENCITYIDAHO.ORG>; planning <planning@GARDENCITYIDAHO.ORG>; Jenah Thornborrow <jthorn@GARDENCITYIDAHO.ORG>
Subject: RE: Opposed to Rezoning of River Club Property & SAP Application

Excellent

Lynn and I will be home by 5PM. Looking forward to seeing everyone and seeing everybody on Saturday afternoon.

Things will get interesting the next two weeks.

“Steady Even Pressure”

jml

From: Dan & Betty Hollar <omzi6254@gmail.com>
Sent: Sunday, May 14, 2023 3:12 PM
To: John Evans <jevans@gardencityidaho.org>; James Page <jpage@gardencityidaho.org>; Teresa Jorgensen <tjorgensen@gardencityidaho.org>; Russ Heller <rheller@gardencityidaho.org>; Bill Jacobs <bjacobs@gardencityidaho.org>; planning <planning@gardencityidaho.org>; cc: Jenah Thornborrow <jthorn@gardencityidaho.org>
Subject: Opposed to Rezoning of River Club Property & SAP Application

To: Garden City Mayor John Evans
Garden City Council President James Page
Garden City Council Member Russ Heller
Garden City Council Member Bill Jacobs
Garden City Council Member Teresa Jorgensen
Garden City Planning & Zoning Commission Chairman Kent Rasmussen
Garden City Planning & Zoning Commission Vice Chairman Kent Brown
Garden City Planning & Zoning Commission Member Ryan Montoya
Garden City Planning & Zoning Commission Member Starr Shepard
Garden City Planning & Zoning Commission Member Matthew Wilde
Garden City Planning Director Jenah Thornborrow

Kena Champion

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Sent: Sunday, May 14, 2023 3:12 PM
To: John Evans; James Page; Teresa Jorgensen; Russ Heller; Bill Jacobs; planning; Jenah Thornborrow
Subject: Opposed to Rezoning of River Club Property & SAP Application

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Garden City Planning & Zoning Commission Member Matthew Wilde
Garden City Planning Director Jenah Thornborrow

From: Dan & Betty Hollar
6254 N. Fair Oaks Pl.
Garden City, Idaho 83703

Date: May 14, 2023

Re: Opposed to Rezoning of River Club Property & SAP Application

Thank you for your service to the citizens of Garden City and for considering the negative impacts of the proposed River Club Development on existing citizens of Garden City, and on Garden City's long-standing neighborhoods. This is a follow-up to communication we sent you on [October 16, 2022](#) and [December 5, 2022](#).

We are 29 year residents of Garden City, tax paying citizens, involved voters and concerned citizens of the Plantation subdivision.

As a member of the Plantation Homeowners Association, we are opposed to the rezoning of the River Club development and the Specific Area Plan application for a number of reasons, including the following:

- The existing (R-2) permit allows for six single family homes to be built on one acre. If approved, the (SAP) rezoning will allow for 700 to 800 units to be built on 22.5 acres—more than six times the density under the (R-2) code allowance, thus increasing Garden City's population by approximately 20% on just this small area alone. Access to the greenbelt will be through existing cul-de-sacs, despite what

the developer may say, and the developer is asking to build 4 to five story structures only 90 feet away from existing homes.

- The property in the application does not meet the City's definition as to where an SAP is applicable. Under Ordinance No. 1018-20B, "an SAP application is encouraged for the development or redevelopment of properties defined in the comprehensive plan as Transit Oriented Development Activity Nodes, or as, Neighborhood Destination Activity Nodes, or as Future Planning Areas". The 22 acres in the SAP application does NOT meet this requirement. In Resolution 1016-19, Page 37, the Future Zoning Map identifies the 22 acres as "Open Space/Park" not a "Future Planning Area".
- Additionally, Pierce Park is NOT a TOD Activity Node in the State Street Corridor Study. The study identifies 4 TOD Activity Nodes; they are at Whitewater, Collister, Glenwood and Horseshoe Bend roads, as has been verified by Valley Regional Transit.
- Further, the Corridor Study recommends higher density within a ¼ mile of TOD Activity Nodes and therefore it is not applicable to the 22 acres proposed in the SAP application (**especially NOT the area OFF of State Street that adjoins the Plantation Neighborhood near North Fair Oaks Place**).
- There is some relevance in the application to the Neighborhood Destination Activity Node, which is on the Future Zoning Map and is identified in Resolution 1061-19 as State Street and Pierce Park. However, **it certainly does NOT extend off of State Street near North Fair Oaks Place or Charleston in the Plantation Subdivision.**

This SAP Application is in direct conflict with numerous requirements and goals as stated in Title 8, specifically:

- Section 8-4A-1 – Purpose: " A) To ensure that the development of property protects the public, health, safety and welfare of the community; B) To protect property values and rights of all residents; C) To protect and enhance the community's assets and natural resources."
- Section 8-6B-6 Specific Area Plan: "The goal of this section is to ensure the orderly planning and development of land, by REQUIRING new development to:
 - Implement the goals and objectives of the city's comprehensive plan, including the future land use map;
 - Contribute to the social, economic and environmental sustainability of the city; Develop in a manner that is highly respectful of the natural setting; that is at a human scale and **ensures neighborhood compatibility**;
 - Designate and protect open site area in perpetuity;
 - Remain consistent with the intent of this title."

The SAP application DOES NOT MEET the requirements for an SAP and it certainly does not protect the health, safety and welfare of the community and is certainly NOT compatible with the existing neighborhood.

- The legal property in question is close to 243 acres and the "Master Plan" of the full 243 acres should be included in the SAP application, per 8-7A-2, unless the

proposed 22 acres is being subdivided but we have not seen an application in that regard. The proposed 22 acres is being split out for spot zoning, which constitutes improper "spot zoning" under Idaho case law.

- The elimination of a Future Land Use Map area identified for "Future Parks/Open Space" and "Green Boulevard Corridor" by a small, localized and inconsistent zoning area, will have the effect of applying unique benefits upon a single out-of-state developer, at the expense of negative impacts to existing neighbors, and could constitute "Type Two" spot zoning under Idaho case law. Thrusting Phase 3 into a developed R2 neighborhood is readily discernible as Type II spot zoning.
- This proposal runs counter to the spirit, intent and goals of the city's Comprehensive plan, including goals 3, 4, 5, 6, 7, 8, 9 and 10.
- As a Plantation Homeowners Association member, it's my understanding that our HOA's Master Declaration remains in effect. Therefore, the owner or owners of the property are prevented from developing the property because of constraints and prohibitions contained in the Master Declaration of covenants and restrictions applicable to all lots in the Plantation neighborhoods. The golf course property is a "lot" subject to those limitations, and therefore the owner of the golf course property is subject to those limitations, as are other property owners.
- In summary, neither the Garden City Planning and Zoning Commission nor the Garden City Council can or should make the findings required under Garden City Ordinance 1018020, as amended, and Development Code Section 8-6B-6, Specific Area Plan, to approve this Application. Section 8- 6B-6-E specifies that all of the six factual findings stated therein must be made. This proposal fails, in that it:
 1. Is not "consistent with the Garden city comprehensive plan, as amended, including the future land use map"...
 2. Does not promote "the orderly planning and development of land. ...", and
 3. Does not comply "with all city zoning regulations and codes in effect at the time of the SAP application."

Garden City Code clearly states:

"If an application does not meet one or more of the criteria above, the application shall be denied, and the reason the application does not meet the finding or findings shall be in writing."

Thank you for your attention to this very important matter.

Please don't hesitate to contact us should you have any questions.

Sincerely,

Dan & Betty Hollar
6254 N. Fair Oaks Pl.
Garden City, ID. 83703

Submit for the SAPFY2023-0001: The Residences at River Club Specific Area Plan.

At the Planning and Zoning Commission hearing on April 27, 2023, we learned that, since the roads designed in the SAP application will be designated as private, the Plantation Neighborhood, and particularly N Fair Oaks PI, could become part of the bus route and a bus stop for the kids that live in the Residences at the River Club.

On April 30, 2023, we asked all residents on Fair Oaks PI to park their vehicles on the street. There were 5 residents (3 homes) who were not available to participate at the time. Videos and pictures were taken between 12:00pm to 12:45pm.

With cars parked along the street, especially in the cul de sac, buses will have a tough time turning around, if at all possible.

A flash drive has been provided to Garden City with the following files on it:

Fair Oaks Parking Description.pdf

Fair-oaks-parking-1.mp4

Fair-oaks-parking-2.mov

Fair-oaks-parking-drone.mp4

Fair-oaks-parking-pic-1.jpg

Fair-oaks-parking-pic-2.jpg

Please note, the videos do not have sound.



