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Attorney for Interested and Affected Property Owners

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

In the Matter of:

Design Review
585 N. Glenwood St. & 797 W.
Marigold St.
Garden City, Ada County, Idaho

DSRFY2023-0010

**REPLY TO THE OPPOSITION TO
RECONSIDERATION**

The undersigned, representing interest and affected residential and business property owners as defined by Idaho Code, respectfully offers this reply to the Opposition to Reconsideration made on September 5, 2024, concerning DSRFY2023-0010. The Council does have the authority to reconsider the matter under Idaho law and City ordinance.

1) The entire Response to Reconsideration seems to fall back time and again on the Garden City zoning conditions for C-2 as not limiting the height of any structures, and therefore contends that the design is compliant with Garden City zoning requirements. With this logic, there would be no limit for any building height in Garden City, and therefore you could approve an Empire State Building or a Chrysler Building or any number of other high rise designs that would totally ignore Idaho Code 67-6508 which mandates "compatibility of land uses".

The Garden City Comprehensive Plan has a Header at the top of the page that states: "Comprehensive Plan Elements Required by the Local Land Use Planning Act (Section 67-6508 of

the Idaho Code)". Therefore, compliance with Idaho Code Section 67-6508 is an integral and acknowledged part of the Garden City Comprehensive Plan. The City Attorney indicated at the public hearing of August 12, 2024 that this was not applicable for a design review hearing as it addresses planning and zoning. However, the design of any project must comply with the requirements of the zone in which it is to be built and the City has a duty to ensure that its zoning designations comply with Idaho Law. They are inseparable and the Council must consider the appropriateness of the project with that in mind. If the project complies with the zoning requirements but violates Idaho Code, then either the project is inappropriate, or the zoning designation must be reworked to comply with Idaho Law. The Council cannot blindly rely on a faulty City Ordinance or zoning designation when making a decision regarding whether a project design should move forward.

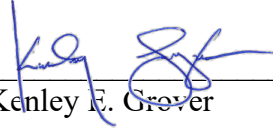
Furthermore, since the City Attorney already acknowledged during the August 12, 2024 Public Hearing that Idaho Code supersedes Garden City Code, it should be apparent that any reasoned decision would conclude that Idaho Code 67-6508 must prevail with its mandate for "compatibility of land uses", or it seems the entire hierarchy of applicable code and the fundamental application of law would be disregarded if this project is approved.

2) The Response to Reconsideration also contends on page 3 that: "the Decision must be affirmed on reconsideration to avoid harm to the Applicant who has a vested right in an approved design review application". However, this statement has no consideration for the many hundreds of residents and business owners who would be harmed by this behemoth of a structure looming over their neighborhood, and adding to the already significant traffic congestion at the corner of Marigold and Glenwood Streets! With project access limited to only right in - right out on Glenwood Street, Glenwood will see significant increase in traffic volume, and persons wanting to go north on Glenwood will simply turn right and then attempt u-turns on Glenwood, or go south on Glenwood

and then circle around on Chinden to Coffey Street and then back to Marigold where they will add to Marigold traffic in order to go north on Glenwood at the Marigold/Glenwood stoplight. It is understandable that the developer is concerned about the increase in the project costs, however, it is blind to the damage and harm this would cause to the community and the adjacent property owners. Particularly, the patio home owners would suffer a significant decrease in property values and those properties would become unmarketable if these owners attempted to sell their properties because they didn't want to have a back yard abutting a seven story apartment building.

The City Council must give deference to Idaho Law when evaluating this proposed project. This project cannot proceed in its current form because there are too many unanswered questions and outstanding issues regarding the size of the project, impact on local traffic, adverse effect on local property values, and compliance with fire lane requirements.

DATED: September 6, 2024



Kenley E. Grover