

## DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street □ Garden City, Idaho 83714  
Phone 208/472-2921 □ Fax 208/472-2996 □  
[www.gardencityidaho.org](http://www.gardencityidaho.org)

March 29, 2023

Andrew Wheeler  
141 E. Palmetto  
Ste 1731  
Eagle, ID 83616

Sent via e-mail to andrew@thelandarchitect.com and via USPS

Re: Determination of Completeness/Application Acceptance – **Tentatively Accepted**

Dear Andrew,

This letter is to inform you that your Combined Preliminary and Final Plat Subdivision application SUBFY2023 – 0001 has been scheduled to be heard by the Design Review Consultants on **Monday, May 1st, 2023 at 3:00pm** and the Planning and Zoning Commission on **Wednesday, June 21st, 2023, at 6:30 p.m.** The Planning and Zoning Commission and Design Review Consultants are recommending bodies to the Garden City Council on this item. A subsequent hearing with the Garden City Council has been scheduled on **Monday, July 10, 2023, at 6:00 pm.**

The hearing will be held in the City Council Chambers of Garden City Hall, 6015 N. Glenwood, Garden City, Idaho 83714 and/or zoom: <https://zoom.us/j/8188588340> or Phone In # 301-715-8592 please refer to the Government tab on the [gardencityidaho.org](http://gardencityidaho.org) for up to date information related to location changes depending on circumstances related to Covid-19.

The materials that were submitted in conjunction with the application have been accepted. **The review to determine completeness was cursory. Per GCC Table 8-6A-2 it appears that there is adequate information to conduct the review, however, the following additional information is needed:**

- Please submit an Arborist Report cataloging all existing trees on site in accordance with GCC 8-4I-7.
- As a Planned Unit Development, please submit:
  - A list of requested code waivers.
- Please submit irrigation ditch company correspondence regarding tiling of the existing irrigation ditch.
  - Confirmation that the proposed trees located atop the proposed GIRR are permitted.
  - The irrigation company's consent to tile the ditch.
- Please submit new information regarding the irrigation ditch:
  - The irrigation ditch is required to remain open unless you can demonstrate that:

- The maintenance of the irrigation ditch, lateral, canal, or drain with any associated easement encumbers more than fifty percent (50%) of the property; or;
- The irrigation ditch, lateral, canal, or drain is located on the property in such a manner that a use of the property is infeasible; or
- The irrigation ditch, lateral, canal, or drain is enclosed on both ends adjacent to the property, and the adjacent properties are fully developed in a manner that future opening of the enclosed irrigation ditch, lateral, canal, or drain is infeasible.

**If we do not receive this information by April 17th, 2023, we will cease further action on this application.**

Between now and the scheduled hearings we will be sending notice to stakeholders requesting review of your project, providing legal notifications and reviewing your project for compliance with applicable regulations. Due to open meeting laws it is requested that the applicant does not contact the decision makers off the record. All documentation and comments should be submitted through staff at [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) or at the Public Hearing. **To avoid delays, we encourage you to provide all materials at least 8 days prior to the hearing so that they can be included in the record to be reviewed ahead of time.**

If you wish to give a formal presentation to the deciding body, please submit it at least 7 days in advance of the hearing. If there are materials missing to do a complete review, staff may reschedule your hearing.

It is our goal to provide you with a draft report so that you may review it ahead of time. We appreciate feedback as to accuracy of information and willingness to adhere to any proposed conditions of approval.

**Remaining requirements:**

You are responsible for completing the following items prior to the scheduled Planning and Zoning and City Council hearings:

- The site shall be posted with a Public Hearing Notice sign by **NO LESS THAN 10 DAYS PRIOR TO THE HEARING DATE** in accordance with Garden City Code 8-6A-7.
- An affidavit of property posting and photos of the sign **shall be submitted** in accordance with Garden City Code 8-6A-7 by **NO LESS THAN 7 DAYS PRIOR TO HEARING DATE**.
- Any outstanding fees must be paid.
- The property posting must be removed from the site **NO LATER THAN 30 DAYS AFTER THE HEARING DATE**.

**When creating your property posting, make sure to not only include what is required per Garden City Code 8-6A-7, but include the Zoom meeting information as well. This information can be found on the agenda for your scheduled hearing date, however, we have also provided it below:**

To view the meeting remotely, please follow the link below:

Join Zoom Meeting

<https://zoom.us/j/8188588340>

Meeting ID: 818 858 8340

Meeting Phone In: 301-715-8592 (Enter Meeting ID, then # to join)

**Failure to complete any of these requirements will result in the application being automatically continued to the next hearing. Repeated failures to complete these requirements may result in the application's denial. Applications that are denied cannot resubmit in substantially the same form for one year.**

**What to expect at a hearing:**

- You or your representative must be present at the hearing to represent the application. You may provide a presentation such as a Power Point. **Failure to be present at the hearing will result in the application being continued to the next hearing or denied in the case of repeated absences.**
- Your application may be moved to the consent agenda if:
  - You agree with the staff report and the draft decision; AND
  - If no members of the public wish to testify in opposition to your application; AND
  - A decision maker does not wish to hear the application.

If any of the above criteria are not met, the public hearing will be held.

- If the public hearing is held, the hearing procedure will consist of:
  - The hearing item will be announced;
  - The applicant presents their proposal;
  - Staff presents the staff report;
  - Public testimony is taken on the application;
  - The applicant has an opportunity to provide rebuttal testimony;
  - Public testimony is closed, and the decision-making body deliberates and decides on the application.

\*Please provide a full account of your project during your presentation or proposal. The Chair of the meeting cannot accept questions and comments out of turn.

Please contact us at [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) or 208-472-2921 with any questions concerning your application.

Sincerely,  
Development Services Department

CC: File

**THANK YOU for your legal submission!**

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS	PREVIEW FOR AD NUMBER IPL01186330
<b>Order Number:</b>	IPL0118633
<b>Order Status:</b>	Submitted
<b>Classification:</b>	Legals & Public Notices
<b>Package:</b>	BOI - Legal Ads
<b>Final Cost:</b>	57.56
<b>Payment Type:</b>	Account Billed
<b>User ID:</b>	IPL0025090
ACCOUNT INFORMATION	
GARDEN CITY CITY OF IP	
6015 GLENWOOD ST	
GARDEN CITY, ID 83714-1347	
208-472-2900	
lleiby@gardencityidaho.org	
GARDEN CITY CITY OF	
TRANSACTION REPORT	
<b>Date</b>	April 13, 2023 3:11:48 PM EDT
<b>Amount:</b>	57.56
SCHEDULE FOR AD NUMBER IPL01186330	
April 16, 2023	
Idaho Statesman (Boise)	

**LEGAL NOTICE  
OF PUBLIC HEARINGS**

PURSUANT TO ESTABLISHED PROCEDURE, NOTICE IS HEREBY GIVEN THAT **THE GARDEN CITY PLANNING AND ZONING COMMISSION WILL HOLD A PUBLIC HEARING AT 6:30 PM. ON WEDNESDAY, JUNE 21, 2023**, TO CONSIDER THE FOLLOWING:

**SUBFY2023-0001:** Mod Court Townhomes - Combined Preliminary and Final Plat - Andrew Wheeler with The Land Architects is requesting a 23 lot residential subdivision to be processed as a planned unit development. The property is currently located at 207 E. 45th Street; Ada County Parcel #R2734500592 and #R2734500593. The properties are zoned R-3.

PURSUANT TO ESTABLISHED PROCEDURE, NOTICE IS HEREBY GIVEN THAT **THE GARDEN CITY COUNCIL WILL HOLD A PUBLIC HEARING AT 6:00 P.M. ON MONDAY, JULY 10, 2023**, TO CONSIDER THE FOLLOWING:

**SUBFY2023-0001:** Mod Court Townhomes - Combined Preliminary and Final Plat - Andrew Wheeler with The Land Architects is requesting a 23 lot residential subdivision to be processed as a planned unit development. The property is currently located at 207 E. 45th Street; Ada County Parcel #R2734500592 and #R2734500593. The properties are zoned R-3.

The meeting will be held remotely to view the meeting, please follow the link below: <https://zoom.us/j/8188588340> or by calling 301-715-8592 then Enter Meeting ID (818 858 8340), then # to join and an in-person meeting will be held at 6015 Glenwood St, Garden City, ID 83714.

Please make sure to submit all written testimony 7 days or more in advance so that it can be included as part of the record. You do not have to be physically present to have standing if you submit written testimony. Attendance and testimony may be provided via internet. If you plan on attending via internet please make sure that you have a microphone and speakers.

We are pleased to make reason-

able accommodations for members of the public who are disabled or require special assistance. For those requiring special arrangements for any meeting, please contact our office at (208) 472-2921, at least 72 hours prior to the time of the meeting. Due to sunshine laws it is requested that the applicant and public do not contact the decision makers directly. All documentation and comments should be submitted through staff or at the Public Hearing.

W000000000

Publication Dates



Beaufort Gazette	The Herald - Rock Hill	el Nuevo Herald - Miami	Sun News - Myrtle Beach
Belleville News-Democrat	Herald Sun - Durham	Modesto Bee	The News Tribune Tacoma
Bellingham Herald	Idaho Statesman	Raleigh News & Observer	The Telegraph - Macon
Bradenton Herald	Island Packet	The Olympian	San Luis Obispo Tribune
Centre Daily Times	Kansas City Star	Sacramento Bee	Tri-City Herald
Charlotte Observer	Lexington Herald-Leader	Fort Worth Star-Telegram	Wichita Eagle
Columbus Ledger-Enquirer	Merced Sun-Star	The State - Columbia	
Fresno Bee	Miami Herald	Sun Herald - Biloxi	

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
37265	409458	Print Legal Ad-IPL01186330 - IPL0118633		\$57.56	1	73L

**Attention:** Jenah Thornborrow

GARDEN CITY CITY OF  
6015 GLENWOOD ST

lleiby@gardencityidaho.org

**LEGAL NOTICE  
OF PUBLIC HEARINGS**

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IPL0118633  
Apr 16 2023

Bettina Jantzen, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

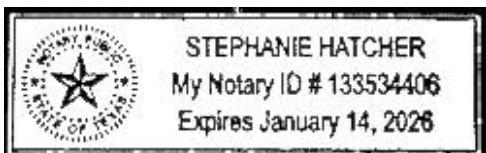
1 insertion(s) published on:

04/16/23

(Legals Clerk)

On this 17th day of April in the year of 2023 before me, a Notary Public, personally appeared before me Bettina Jantzen known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!

**From:** [planning](#)  
**To:** "ABC - Idaho State Police"; "ACHD Planning Review"; "Bill Jacobs"; "Brandon Flack"; "Brent Moore" (bmoore@adacounty.id.gov)"; "Bruce Smith"; "building"; "Caleb Lakey"; "Charalee Jackson"; "Charissa Bujak"; Charles Wadams; "City of Boise "; "Colin Schmidt"; "COMPASS"; "Connie Sol"; "D. Gordon"; "D. Sperfma"; "Daniel Pavlinik"; "Fairview Acres"; "Greg J. Martinez"; "Hanna Veal"; "Idaho DEQ"; "Info"; "Info"; "ITD Development Services District 3"; "Jackson Heim"; "james herbert"; "James Page"; "James Pavelek"; "Jamie Huff"; "Jenah Thornborrow"; "Jim Keyser (jkeyser@idahostatesman.com)"; "Joe Canning Work"; "John Evans"; "Jonathan Oppenheimer"; "Kevin Wallis"; "Kirk Meyers"; "L. Badigia"; "Lanette Daw"; "Leon Letson"; "Lindsey Pettyjohn Library"; "Lisa Leiby"; "M Kellner"; "M. reno"; "M. Singlet"; "Mack"; "Marci Horner"; "Mark"; "Mark Jones"; "Mark Wasdahl"; "Mary Buersmeyer"; "McDannel, Konrad"; "Mike Bisagno"; "Mike Nero"; "Mindy Wallace"; "Nadine Curtis"; "New Dry Creek"; "Olesya Durfey"; "Pastoor, William"; "Peg Temple"; "planning"; "Preservation "; "Project Manager"; "PVC1953"; "Rachele Klein"; "Rick Allen"; "Rob Tiedemann"; "Robert Olson"; "Romeo Gervias"; "Ronald Wilper"; "S. Bryce Farris (bryce@sawtoothlaw.com)"; "Shelley"; "Stefanie" (stefanie@settlersirrigation.org)"; "Susanna Smith"; "Tom Patterson"; "Troy Vaughn"; "Valley Reginal Transit"; "Wed 2 No 1"; "Yulia"  
**Subject:** Garden City Agency Notice  
**Date:** Wednesday, April 12, 2023 2:12:00 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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## **CITY OF GARDEN CITY AGENCY NOTICE**

Pursuant to Garden City Code 8-6A-7, you are hereby provided notice of the following application:

- A. [DSRFY2022-0005](#): Robert Powell with Dave Evans Construction is requesting new construction of structure located at 5659 N. Glenwood Street; Ada County Parcel #R0540180080 in the C-2 General Commercial Zoning District.
  
- B. [SUBFY2023-0001](#): Mod Court Townhomes - Combined Preliminary and Final Plat - Andrew Wheeler with The Land Architects is requesting a 23 lot residential subdivision to be processed as a planned unit development. The property is currently located at 207 E. 45th Street; Ada County Parcel #R2734500592 and #R2734500593. The properties are zoned R-3.

Please send comments to [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org). If you do not respond by April 26th, 2023, your response will be considered "No Comment." Comments should also be addressed to the applicant.

Comments may also be mailed to:

City of Garden City  
Attn: Development Services  
6015 N. Glenwood  
Garden City, Idaho 83714

Please note it is the responsibility of those interested and/or affected jurisdictions to schedule their own applicable meeting. In some cases, Garden City's applications are processed before other jurisdictions' response and the conditions of approval state that the approval is subject to statutory requirements of affected other jurisdictions.

### **Development Services**

Development Services Department, **City of Garden City**  
p: 208-472-2921  
a: 6015 Glenwood Street, Garden City, ID 83714  
w: [www.gardencityidaho.org](http://www.gardencityidaho.org)





## DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street □ Garden City, Idaho 83714 □ [www.gardencityidaho.org](http://www.gardencityidaho.org)  
Phone 208/472-2921 □ Fax 208/472-2996 □ [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)

April 12, 2023

**Dear Property Owner:**

This is an Official Notice of a Public Hearing regarding a property near your own. You are invited to attend a public hearing of the Planning and Zoning Commission on **June 21, 2023 at 6:30pm** and a subsequent City Council Hearing on **Monday, July 10, 2023 at 6:00pm** and offer your testimony for consideration. Meetings will be held at 6015 N Glenwood. To attend the meeting remotely please follow the link: <https://zoom.us/j/8188588340> or call 301-715-8592, enter Meeting ID (818 858 8340), then # to join.

**Anyone who submits written or oral testimony has the right to appeal all or a portion of the decision.** Applicants or affected property owners shall have no more than fourteen (14) days after a final decision is rendered to request reconsideration by the final decision-maker. If you wish to offer testimony on this item and are unable to attend this meeting, you may submit your comments to the Garden City Development Services office and they will be entered in the public record on your behalf. *Due to sunshine laws we request that the applicant or public do not contact the decision makers directly. Please either submit your comments through staff or on the record at the public hearing. Auxiliary aids or services for persons with disabilities are available upon request. Please call Development Services three (3) or more days prior to this public meeting so that arrangements can be made.*

**APPLICATION: SUBFY2023-0001:** Mod Court Townhomes - Combined Preliminary and Final Plat - Andrew Wheeler with The Land Architects is requesting a 23 lot residential subdivision to be processed as a planned unit development. The property is currently located at 207 E. 45th Street; Ada County Parcel #R2734500592 and #R2734500593. The properties are zoned R-3.

The application materials can be found online at [www.gardencityidaho.org](http://www.gardencityidaho.org) in the correlating date of the hearing in the 'Calendar/Agendas' link on the home page. A staff report and draft decision document will also be available one week prior to the hearing.

### **Public Hearing Written Testimony and Attendance**

1. **Please make sure to submit all written testimony 7 days or more in advance so that it can be included as part of the record. You do not have to be physically present to have standing if you submit written testimony.**
2. **Attendance and testimony may be provided via internet. If you plan on attending via internet please make sure that you have a microphone and speakers. We have noticed that earphones seem to be the best option.**
3. **Call in is available if you do not have access to internet.**
4. **If you are interested in attending remotely please contact [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) or call 472-2921 at least one working day prior to the meeting and we will get you further instructions.**

### **What to Expect at a Public Hearing:**

Each application on the agenda will adhere to the following procedure:

1. The applicant will have the ability to represent the application (default 15 minute time limit).
2. A staff member will present the *Staff Report* (default 15 minute time limit).
3. The Chair will open the Public Hearing during which time you will have the ability to give testimony (default 3 minute time limit per person and up to 15 minutes time limit for spokesmen in cases where spokesmen are pre-authorized by the chairman time limit).
4. The applicant will then be able to give rebuttal testimony.
5. Close of Public Hearing and discussion among decision making body.
6. The decision makers may approve, deny, continue for additional deliberations or make a recommendation to City Council.

**General Rules for Testimony:**

1. No person shall be permitted to testify or speak before the hearing agency at a public hearing unless such person has signed his name and written his contact address on sign-up sheets to be provided by the city. This requirement shall not apply to staff or technical witnesses directed by the Chairperson/Mayor to give evidence or information to the hearing agency.
2. No person shall be permitted to speak before the Committee/Council/Commission at a public hearing until such person is recognized by the chairperson.
3. Testimony should directly address the subject at hand.
4. Testimony should not be repetitious with other entries into the record.
5. Testimony should not be personally derogatory.
6. Testimony should comply with time restrictions established by the hearing agency.
7. If oral testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony out of order and require it to cease.
8. All public hearing proceedings shall be recorded electronically and all persons speaking at such public hearings shall speak before a microphone in such a manner as will assure that the recorded testimony or remarks will be complete.

**Standards for Written Testimony:**

Written testimony and exhibits from the public to be admitted at a public hearing shall comply with the following standards:

1. Written testimony and exhibits must be submitted at least seven (7) calendar days prior to the date of the pertinent public hearing. This provision may be varied through notice to potential hearing participants.
2. Written testimony should include the signature and address of the submitter.
3. Written testimony should address the issue at hand.
4. Written testimony should not be personally derogatory.
5. If written testimony or an exhibit fails to comply with the aforementioned standards, the Chairperson/Mayor or Committee/Council/Commission may declare such testimony inadmissible.

If you wish to give testimony and cannot attend the public hearing please submit the following form, or any additional written testimony containing the following information below to Garden City Development Services no later than **seven (7) days prior to the hearing. You do not have to be physically present to have standing if you submit written testimony.**

**Garden City Development Services, 6015 N. Glenwood St., Garden City, Idaho 83714**

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**SUBFY2023-0001 – Subdivision**

Your Name \_\_\_\_\_ Date \_\_\_\_\_

Your Physical Address: \_\_\_\_\_

**(Please select)** I wish to be kept informed of any additional future meeting dates:

Yes       No Email: \_\_\_\_\_

**(Please select)** Regarding this application I:

Support the Application       Am Neutral       Oppose the Request

Comments:

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Signature: \_\_\_\_\_