

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

In the Matter of:)	DSRFY2025-0008
)	
Design Review)	
8695 W Marigold St.)	FINDINGS OF FACT,
Garden City, Ada County, Idaho)	CONCLUSIONS OF LAW
)	AND DECISION
)	

THIS MATTER came before the Garden City Council for consideration on December 30, 2025, and January 10, 2026. The Garden City Council reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Garden City Council makes the below Findings of Fact, Conclusions of Law, and Decision.

The City Council, following public hearing and deliberation in compliance with applicable statutes and ordinances, voted two-to-one to remand the application. This decision was made after a during a duly noticed public hearing where a quorum was present. Presiding City Council: Council President Page and Councilmember Jorgensen concurring in this remand decision, and Councilmember Rasmussen dissenting and voting to approve the application.

FINDINGS OF FACT

1. The application is a design review for the construction of a new multi-family development.
2. There has been no denial of any Design Review application on this property within one year of this application.
3. The applicants are Rennison Companies c/o John Rennison and Zach Turner on behalf of Pacific West Communities, Inc.
4. The property owner of record is Boise Bible College Inc.
5. The location of the project is 8695 W Marigold Street; Ada County Assessor parcel number(s) S0525233602; Described as PAR #3602 OF W2NW4 SEC 25 4N 1E #233600-B #7923556.
6. The property is a legal lot of record.
7. The subject property is 16.320 acres.

8. The project is located in the R-3 medium density residential zoning district.
9. The use, dwelling, multi-family dwelling is a permitted use in the R-3 zoning district.
10. The project is located in the Residential Medium Density Future Planning Area of the Garden City Comprehensive Plan Land Use Designation.
11. The project is outside of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
12. The project outside the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
13. The following standards apply to this proposal:
 - a. Garden City Code 8-1A-4 Applicability
 - b. Garden City Code 8-1B Existing Nonconforming Properties, Structures, and Uses
 - c. Garden City Code 8-2B Base Zoning District Provisions
 - d. Garden City Code 8-2C-15 Land Use Provisions
 - e. Garden City Code 8-4A Design and Development Regulations- General Provisions
 - f. Garden City Code 8-4B-4 Multi-family Residential Dwelling Units
 - g. Garden City Code 8-4C 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 8-4H Flood Hazard
 - k. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - l. Garden City Code 8-4L Open Space Provisions
 - m. Garden City Code 8-6A-3 General Application Process
 - n. Garden City Code 8-6A-4 Required Application Information
 - o. Garden City Code 8-6A-5 Administrative Process with Notice
14. The following plans and policies apply to this proposal:
 - a. Garden City Comprehensive Plan
 - b. Garden City Sidewalk Policy
 - c. Garden City Street Light Policy
15. The applicant submitted all documents required by City Code, along with additional supporting materials beyond those minimum requirements.

Materials Provided Per GCC Table 8-6A-2 Required Application Information	
Provided	

Yes	No	Waived pursuant to GCC 8-6A-4	
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 ¹			Will Serve
X			Approved Address

16. Application documentation was provided:

- a. Initial Submittal 05/07/2025
- b. Additional documentation, 07/17/2024
- c. Additional documentation, 08/11/2025
- d. Additional documentation, 09/11/2025
- e. Additional documentation, 11/13/2025
- f. Additional documentation, 11/20/2025
- g. Additional documentation, 12/11/2025
- h. Additional documentation, 12/22/2025

17. Agency Comments were received from:

- a. Ada County Highway District, dated June 17, 2025, and November 24, 2025
- b. Garden City Engineer, dated June 9, 2025
- c. Idaho Transportation Department, dated June 10, 2025
- d. Republic Services, dated June 23, 2025
- e. Department of Environmental Quality, dated June 9, 2025, and December 15, 2025
- f. North Ada County Fire and Rescue, dated November 6, 2025
- g. Garden City Attorney, dated December 30, 2025

18. The following is a record of the written public comments received by December 1st, 2025, in accordance with Resolution 1053-18. All comments are included in their entirety as a part of the record:

Commenter/Date	Commenter/Date	Commenter/Date
Bob Sorvaag 06222025	Capozzi Sandy 07012025	Carrie Witt 07222025
Charles Leffler	Corey Arnold 09092025	Corey R. Arnold 06062025

¹ A conditional water and sanitary sewer ability to serve letter was provided by the city engineer stating the very limited capacity to serve any expansion in the area.

06062025		
Darla Rhude 06092025	Dopko, Matthew 06242025	Janis Rusev 09112025
Johnson, Cheryl 09182025	Ken Johnson 06262025	Kenley Grover 07072025
Laurie Langdon 09232025	Les Bock 09122025	Les Bock 09252025
Les Bock 09302025	Leslie Bock 09102025	Linda Gurrola 06192025
Mark C. Mitchell 09232025	Mark Wasdahl 07032025	Nick & Robin Bradish 09222025
Nick and Robin Bradish 10052025	Paul Cooperrider 08152025	Rodney Wolfe 06272025
Sandra and Lawrence Chess 09292025	Sara Poppleton & Jason McGlynn 09292025	Sorvaag, Bob 06302025
Thiel, Rebecca 06202025	Trent, James & Carol 08012025	Trent, James & Carol 08012025
WB residents 06122025: Sherry Montosa, Edward Montosa, Mary Jean Norton, Barbara Filiatreaux, Gloria Nutter, Marila Jones, Mike Huffman, Fred and Jane Hahn, Deborah Caserotti, Lisa and Dave Toney, Marsha Huffman, Yvonne Nelson, Tina Duran, Cynthia Rose, Larry Kelsey, Jane Hahn, Mike O'Brian, Kali Carringer, Judy O'Brian, Linda Hales Sutch, David Caswell, George and Gail Newton, Gerrie Kenyon, Ineligible names and signatures,	WB residents 06302025: Carolo Zimmermann, Tanya Edwards, Chris Dirschl, James Carney, Cheryl Watts-Bastida, John Carey, and Rosanna Ford	WB residents 07022025: Jay Agosta, Janis Rusev, Gretchen Siri, Frances Rehrmann, Jim Yeamans, Tanna Willis, James Trent, Jordana Trent, and Carol Trent
WB residents 07032025: David Nichols, Mary Adams, and Sharon and Cory Hawkins	Karen Tino 10262025	Yvonna Brown 11242025

Andrew Birdwell 11262025	Penny J. Salow 11252025	Audrey R. Gillett 11252025
Jay Agosta 11222025	Victor and Joy Hummel- Sternbergs 11242025	Jocelyn Wright 12012025
Don and Anita Doyle 12012025	Larry Hinshaw 12012025	June Marguet 11282025
Jonathan Perry 12022025	Rebecca Thiel 12022025	Terry Dean Willowbrook HOA 12022025
Les Bock 12092025	Terry Dean Willowbrook HOA 12182025	Terry Dean Willowbrook HOA 12232025
Jeanne Jackson- Heim on behalf of River's Edge HOA 12232025	Kenley Grover representing Raymond Stone 12232025 07032025 representing Ramond Stone, Nate and Carole Calvin, Wendy Carver-Herbert, and Terry Dean president of Willowbrook HOA	Wendy Carver Herbert 12242025
Judith Chesnut 12292025		

19. The following noticing was completed in accordance with GCC 8-6A and GCC 8-6B-3:

Noticing Requirement	Required Date	Completion Date
Receipt of application	n/a	05/07/2025
Letter of Acceptance	n/a	10/22/2025
Radius Notice	For Design Review Neighborhood Meeting: 09/07/2025 For City Council: 11/23/2025	For Design Review Neighborhood Meeting: 09/05/2025 For City Council: 11/18/2025 and 12/11/2025
Legal Notice	11/19/2025 12/15/2025	11/21/2025 12/11/2025
Agency Notice	11/23/2025 12/15/2025	06/05/2025 12/11/2025
Property Posting Sign	For Design Review Neighborhood Meeting: 09/12/2025 For City Council:	For Design Review Neighborhood Meeting: 09/11/2025 For City Council:

	11/28/2025	12/11/2025
Affidavit of Property Posting	For Design Review Neighborhood Meeting: 09/15/2025 For City Council: 12/01/2025	For Design Review Neighborhood Meeting: 09/11/2025 For City Council: 12/12/2025

20. On November 3, 2025, in accordance with GCC 8-6B-3, a Design Review Consultation was held with the Design Consultants. The Consultants provided the following comments and requests:
- a. The building does not address Marigold.
 - b. The off-site shared parking totals 51 stalls; plans must clearly show counts and space dimensions (9'x20' standards vs. 9'x18' with overhang). Clarify how stalls are allocated and where pedestrians move safely through the lots.
 - c. Add pedestrian connections between Buildings 1 & 2, to Parcel 4, and across drive aisles; include crosswalks, material changes, and emergency access controls. Also needed from the shared parking locations to the project sites.
 - d. Republic Services access, turning/back-up distances, and enclosure location were discussed. Current location meets code, but aesthetics/visibility and neighbor adjacency should be improved; alternate locations away from the east boundary to be explored.
 - e. Obtain updated ACHD staff report confirming third access point and right-turn lane.
 - f. Thurman Mill Canal Path: Provide an 8' pathway and low-maintenance landscape between path and canal or document a phased approach (gravel substructure now; final surface later) with easement/authorization details. Garden City has a long-range transportation plan to require pathways and easements for public use along drainage canals.
 - g. Proceed with District No. 2 Drainage Ditch tiling as an alternative compliance approach submit engineering/narrative justification based on extenuating circumstances (sewer line directly under the ditch).
 - h. Adjust Marigold fence to $\leq 3.5'$ or flush with façade; taper east vinyl fence to 3.5' in front setback.
 - i. While code does not prohibit gated communities, gating is not appropriate based on the required findings regarding bicycle and pedestrian accessibility, and overall compatibility with the neighborhood.
 - j. Strengthen primary entries with form/material emphasis; add canopies/awnings/material shifts at secondary entries.
 - k. Recalculate landscaping (exclude setback/perimeter areas), add Class II and III street trees along Marigold, trees at the start/end of each parking row, more evergreens on the east edge.
 - l. Remove signage from current application; submit later as a staff-level review.

21. The Design Review Consultants provided written comments in response to the November 13, 2025, resubmittals, the following comments, and requests were made:
 - a. The façade updates do not clearly identify the building’s primary residential entry. Improvements to the leasing office and lounge façades do not resolve this issue. Primary building entrances should be clearly identifiable for both visitors and residents and should be expressed through façade articulation that defines the main entry points. The main entrance serving the 300–400 daily users appear tucked near the 1A units and is not visually defined from key approaches.
 - b. Additional façade refinement is needed, including breaking up the cornice line on Building 1’s northeast corner, similar to the treatment on Building 2.
 - c. The proposed gated development configuration does not satisfy requirements for a direct, convenient, and attractive pedestrian pathway. The project shall be revised to comply with connectivity standards and Comprehensive Plan direction discouraging gated developments.
 - d. Fencing along the front of the building shall comply with visibility and engagement objectives. A 3.5’ fence provides minimal security benefit and reduces street interaction; therefore, any fencing in this location shall not be solid or constructed as privacy fencing.
 - e. Landscaping plans shall verify and comply with GCC 8-4I-6.E.3.a regarding internal tree counts in the south lot and shall incorporate required landscaped medians pursuant to GCC 8-4I-5.
22. On December 8, 2025, a public hearing before the Garden City Council was scheduled:
 - a. Council Member Jacobs recused himself.
 - b. The hearing was rescheduled due to lack of quorum to a special meeting December 10, 2025.
23. On December 10, 2025, the public hearing before the Garden City Council was rescheduled to December 30, 2025, to remedy any defects in noticing.
24. On December 30, 2025, a public hearing before the Garden City Council was held:
 - a. Mayor Evans introduced the application.
 - b. Council Member Jacobs was absent due to previously recusing himself.
 - c. Council President Page disclosed conversation with Judy Chesnut.
 - d. Mayor Evans noted that he would not be voting on the matter in that there could not be a tie with three voting Council members. He disclosed meetings with the applicant team as well as with Terry Dean with the Willowbrook Homeowners Association.
 - e. Mayor Evans and each of the Council members indicated that they had no conflict.
 - f. Mayor Evans read a preamble including each of the required findings.
 - g. The applicant representatives Deberah Nelson with Givens Pursley and

- Caleb Roope with Pacific Companies represented the application.
- h. Jenah Thornborrow provided a staff report. Others who assisted were Rebecca Phillips with ACHD and Charles Wadams with Garden City.
 - i. Tim Nicholson with Kimley Horn provided clarification on the traffic study.
 - j. Public Hearing was opened. Testimony was heard from:
 - i. Kenley Grover representing Willowbrook residents (no signatures or specifications of who)
 - ii. Terry Dean representing the Willowbrook HOA
 - iii. Jeanne Jackson-Heim representing Rivers Edge and self
 - iv. Kate Jennings representing Rivers Edge HOA
 - v. Linda Gurrola
 - vi. Wendy Carver Herbert
 - vii. Bob Sorvaag
 - viii. Matthew Dopko
 - ix. Jonathan Perry
 - x. Ken Dillman
 - xi. Sandra Chess
 - xii. Les Bock
 - xiii. Mark Mitchell
 - xiv. Rodney Wolfe representing Bentwood
 - xv. Mike O'Brian
 - xvi. Linda Armstrong representing self and Cindy Gwynn
 - xvii. Adam Jennings
 - k. Testimony read into record:
 - i. Mary Meg Gorham
 - ii. Carol Zimmerman
 - iii. James Trent
 - iv. Jordana Trent
 - l. Rebuttal was heard from Deborah Nelson and Caleb Roope
 - m. During the rebuttal there was a one-minute lapse of audio at the recording time of 4:17-4:18. The Council requested that Deborah Nelson reiterate anything that may need to be reiterated to result in a complete transcribable record.
 - n. The Public Hearing was closed.
 - o. The Council accepted all late written testimonies and exhibits.
 - p. The matter was continued to a date certain of Saturday, January 10th at 4:00pm.
 - q. Council President Page noted that the matter was closed and requested that no one contact the city council on this matter until after the deliberation and decision.

25. On January 10, 2026, the City Council deliberated and decided on the matter:

- a. The following disclosures were made:
 - i. Two emails were submitted to the city by public after the close of the hearing. They will be kept as a public document but will not be considered as a part of the record.

- ii. The December 30, 2025, verbatim transcript is a part of the record and was posted online for public access.
 - iii. Each Council Member indicated that they had no conflict of interest.
 - iv. The public hearing is closed; no new testimony or evidence has been accepted.
 - v. Changes to the document from the December 30, 2025, meeting were limited to include the proceedings and matters addressed during the hearing. No new information was added.
 - b. The Council unanimously adopted the Findings of Fact.
 - c. Council President Page directed that each required finding and the corresponding staff-drafted reasoned statement be read in full, followed by individual Council discussion and a vote on each finding.
 - d. Upon a vote of the Council:
 - i. Findings 1,2,3,6,7, and 8 were found to be met as drafted.
 - ii. Findings 4 and 5 were found not to be met, based on incompatibility of building height with the neighborhood, resulting in an adverse impact.
 - e. Mayor Evans requested specific guidance for matters to be addressed in remand. Council clarified:
 - i. The applicant is not required to maintain features that exceed code requirements, such as additional parking, enhanced setbacks, or enhanced landscaping. There is no requirement to reduce density.
 - ii. Structural height was identified as the sole matter causing incompatibility with and adverse impact on the neighborhood. The height must be reduced to three stories.
 - f. Council President Page moved to remand the application preserving the original application submittal date.
 - g. Council member Jorgenson seconded the motion.
 - h. The motion passed on a 2/1 vote with Council President Page and Council Member Jorgenson voting in favor, and Council Member Rasmussen voting in dissent.
26. The record contains:
- a. Application Documents
 - b. Noticing Documents
 - c. Agency Comments
 - d. Public testimony
 - e. Design Review Consultation Reviews
 - f. Staff Reports and suggested decision documents
 - g. City Council meeting documents
 - h. Findings of Fact, Conclusions of Law, and Decision

CONCLUSIONS OF LAW

The Garden City Council reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application **does not meet** the standards of approval under **GCC 8-6B-3 Design Review**. As required by state statute, the determination of each standard is accompanied by a reasoned statement.

To the extent that any reasoned statement or explanation of finding set forth under a specific finding is applicable to other findings, such statement or explanation is hereby incorporated by reference and shall apply to all relevant findings. Facts included within the Conclusions of Law section are hereby incorporated as Findings of Fact, and conclusions of law included within the Findings of Fact section are hereby incorporated as Conclusions of Law.

GCC 8-6B-3 DESIGN REVIEW: REQUIRED FINDINGS	
Finding	Standard
Application is compliant with standard	<p>Finding 1. The proposed design shall comply with all design standards in Garden City Code, Title 8.</p> <p>Explanation of Finding (Reasoned Statement): As conditioned, the application meets this finding because it conforms to the reviewed sections of code noted in this decision, finding of fact number thirteen. Based on weighing the totality of the evidence in the record and specifically the analysis provided in the staff report dated December 8, 2025, pages 12-29, the proposed design complies with all applicable design standards in Garden City Code, Title 8, subject to conditions of approval. The key evidence is summarized below:</p> <p>The project is located in the R-3 Medium Density Residential District, where multi-family dwellings are a permitted use.</p> <p>Density calculations comply when considered per parcel under the associated Minor Land Division application, file number MLDFY2024-0001.</p> <p>Required setbacks and building height standards are met, including Building 1 being set back approximately thirty-two feet from Marigold Street, exceeding the minimum front setback requirement.</p> <p>The design incorporates articulation through wall offsets, balconies, and material changes, and primary entries have been revised to include enlarged canopies and accent materials, improving visibility and hierarchy as recommended by the Design Review Consultants.</p>

Amenities required for developments with more than seventy-five units are provided, including a clubhouse, fitness facilities, open space, and walking trails.

The tiling of the District No. 2 Drainage Ditch is an appropriate and permissible approach based on the extenuating circumstances demonstrated. The sewer line is located directly beneath the ditch, creating unavoidable maintenance conflicts for both the sewer system and the drainage facility. Due to the site's existing slopes, relocation of the sewer line is not feasible under DEQ slope design standards. Garden City Code § 8-4A-9(B)(2) authorizes the tiling of waterways when extenuating circumstances are present. Additionally, Garden City Code § 8-1A-5(C) requires that, in the event of conflicting code provisions, the more restrictive standard must be applied. In this case, ensuring the ability to adequately maintain both the sewer line and the drainage ditch is essential to public health. Accordingly, it is found that permitting the tiling of the ditch is the most appropriate and legally supportable solution under the circumstances.

Landscaping exceeds minimum requirements, with fourteen percent of the site landscaped excluding setbacks, surpassing the five percent minimum. Tree and shrub counts meet or exceed code standards, and perimeter landscaping is provided along residential boundaries. Conditions of approval require Class II or III street trees along Marigold to ensure compliance with best practices.

Parking meets cumulative requirements with three hundred ninety-two spaces provided versus three hundred eighty-nine required, and bicycle parking complies with code with two hundred sixty-four spaces provided. Furthermore, a parking demand study prepared by Kittelson & Associates indicates that, based on the ITE Parking Generation Manual, 5th Edition, the projected peak parking demand for the development is approximately two hundred eight-nine spaces using a dwelling-unit-based analysis, or two hundred seventy spaces using a per-bedroom analysis. The proposed provision of three hundred ninety-two parking spaces is sufficient to meet the anticipated parking demand for the development.

Internal circulation and pedestrian connectivity have been improved per design consultant recommendations, with crosswalks and defined pathways added.

Proposed fencing meets height and material standards, outdoor lighting complies with section Garden City Code § 8-4A-4, and trash enclosures are screened per section Garden City Code § 8-4A-5.

	<p>Stormwater systems utilize permeable pavers and landscaped drainage features, consistent with code. All drainage will be required to be approved by the city engineer for compliance with applicable regulations.</p> <p>Sewer and water service compliance is conditioned upon resolution of capacity issues and installation per City Engineer requirements.</p> <p>Private and common open space requirements are met for all units, with Parcel 4 dedicated entirely to open space. The applicant is conditioned to achieve certification through a recognized green building program or equivalent measures prior to occupancy.</p>
<p>Application is compliant with standard</p>	<p>Finding 2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.</p> <hr/> <p>Explanation of Finding (Reasoned Statement): As designed and conditioned, this proposal provides effective bicycle and pedestrian access and movement to, from, within, and across the site.</p> <p>The site plan includes a system of internal pedestrian pathways that connect major building entrances to parking areas, open spaces, and the public sidewalk along Marigold Street, complying with the connectivity standards of Garden City Code section § 8-4E.</p> <p>A primary pedestrian route links the buildings to the public sidewalk, ensuring direct and safe access to and from the site. Crosswalks and material changes have been incorporated to enhance visibility and safety across drive aisles.</p> <p>The design aligns with Garden City’s long-range transportation goals by including a future public access easement along the Thurman Mill Canal for a multi-use pathway.</p> <p>The project provides two hundred and sixty-four bicycle parking spaces, including two hundred and thirty-six enclosed spaces and twenty-eight surface spaces, meeting, and exceeding code requirements. Enclosed bike storage areas are located near primary building entries to support convenience and security for residents.</p>
<p>Application is compliant with standard</p>	<p>Finding 3. The proposed design shall be compatible with or improve the public’s use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise River and waterways, canals, and other surface irrigation.</p> <hr/> <p>Explanation of Finding (Reasoned Statement):</p>

	<p>The application is compatible with the current public use of public spaces.</p> <p>It provides a connected attached and detached sidewalk system with an eight-foot, landscape buffer that will provide a safe and comfortable space for pedestrians walking along Marigold Street, a collector street.</p> <p>Based on documentation provided, the proposal does not exceed the level of service criteria required by ACHD on surrounding roadways. Further, based on the 2024 Trip Generation Review prepared by Kimley Horn for the applicant and accepted by the transportation agencies, the project does not warrant mitigation at the Marigold and Glenwood intersection as the percent of site traffic to total traffic is 2.1% in the AM peak hour and 1.6% in the PM peak hour.</p> <p>The design supports Garden City’s long-range transportation goals by providing a public access easement along the Thurman Mill Canal. The Thurman Mill Canal will remain open as a natural amenity, consistent with code requirements.</p> <p>The proposal to tile the Drainage District No. 2 canal is supported by engineering justification and agency approval due to infrastructure conflicts, ensuring continued hydraulic function while improving groundwater management. The site design includes internal pedestrian routes that connect to public sidewalks and future pathway corridors, improving accessibility for residents and visitors.</p> <p>Enhanced perimeter landscaping and tree planting are proposed along Marigold Street to improve the visual quality of the streetscape.</p>
<p>Application is not compliant with standard</p>	<p>Finding 4. The proposed design shall be compatible with the neighborhood in scale and intensity.</p> <hr/> <p>Explanation of Finding (Reasoned Statement): Based on the Council’s deliberations and the evidence contained in the record, finding four is not met because the proposed height is not compatible with the surrounding neighborhood.</p> <p>While this finding does not require that the proposal be the same as the surrounding neighborhood, the proposed four-story height of the structure is inconsistent and incompatible with the character of the surrounding area, which is predominantly composed of one and two-story structures. Public testimony and written comments, as well as an exhibit introduced during the public hearing by Katie Jennings, demonstrate that most structures in the neighborhood are single or two stories, with the remainder being three stories, and that there are no four-</p>

	<p>story structures within the part of the city south of the Boise River, west of Glenwood, north of Chinden.</p> <p>Consistent and substantial public testimony, including but not limited to testimony provided by Jeanne Jackson-Heim, indicated that the scale and of a four-story development would be out of character with, and adversely perceived by, the existing neighborhood.</p> <p>It is acknowledged that the enhancement of perimeter landscaping along with the six-foot opaque fence, and carports with a solid wall along the eastern property line create a physical and visual transition between the development and the adjacent neighborhood, and that enhanced landscaping, including evergreen trees along the eastern boundary, softens the interface between properties.</p> <p>The Council further recognized that the combination of solid fencing and enhanced landscaping, including an extra deep landscape buffer of fifteen-feet instead of ten-feet and sixty-nine additional trees beyond code requirements, serves to mitigate potential lighting and privacy impacts.</p> <p>Traffic and parking impacts were reviewed by the Ada County Highway District (ACHD) and that the development was found not to exceed ACHD adopted level of service thresholds for Marigold Street, that onsite parking meets code requirements, and that these features may assist in minimizing spillover impacts to surrounding streets.</p> <p>Additionally, while there is public concern that the architectural design is perceived to be urban in character, the Council acknowledges that the proposal meets applicable code standards and incorporates articulation, material variation, landscaping, and open space consistent with those standards.</p> <p>Nevertheless, even though the application complies with all applicable zoning and design standards and incorporates mitigation measures beyond those required by code, such compliance does not alone warrant approval where a required finding is not met. The proposed four-story buildings remain incompatible in terms of scale of other nearby structures. For this reason, the proposed design fails to satisfy Finding 4.</p>
<p>Application is not compliant with standard</p>	<p>Finding 5. The proposed design shall not create an adverse impact on the surrounding neighborhood.</p> <p>Explanation of Finding (Reasoned Statement):</p>

There is significant public concern regarding potential adverse impacts on the neighborhood. Concerns raised include traffic congestion and safety, parking, structural massing, architectural design, environmental impacts, drainage, income levels of potential tenants, light trespass, privacy, strain on public services, and drainage. These issues are code complaint or have been mitigated through conditions of approval.

As conditioned, with the exception of building height, the proposed design will not create an undue adverse impact on the surrounding neighborhood. For purposes of this finding, undue adverse impact means impacts that exceed those reasonably anticipated for a permitted use under applicable zoning and design standards.

The testimony submitted by neighboring residents identifies genuine concerns regarding traffic impacts. Their observations of existing conditions are acknowledged and given due weight. However, in determining compliance with applicable traffic standards, evidence supported by adopted methodologies and objective performance measures is more authoritative. In this case, the professional traffic analyses in the record consist of the Ada County Highway District (ACHD) review and the applicant's traffic impact study. Both conclude that the additional vehicle trips generated by the proposal will remain within the ACHD adopted level-of-service threshold for Marigold Street. Accordingly, the professional analyses provide the appropriate basis for assessing compliance with the governing traffic standards.

Marigold Street is classified as a residential collector roadway, for which ACHD policy allows up to five hundred and thirty vehicle trips during the PM peak hour. Existing PM peak hour traffic volumes are three hundred and ninety-one trips. The proposed project is expected to generate an additional ninety-two PM peak hour trips, resulting in a total of approximately four hundred and eighty-three PM peak hour trips, which remains below the adopted service-level threshold.

Further, based on the 2024 Trip Generation Review by Kimley Horn provided by the applicant and accepted by the transportation agencies, the project does not warrant mitigation at the Marigold/Glenwood intersection as the percent of site traffic to total traffic is 2.1% in the AM peak hour and 1.6% in the PM peak hour.

The application proposes two access points, including one shared access with Boise Bible College. Minimizing the number of access points onto Marigold Street is desirable to reduce vehicular conflict points and limit pedestrian exposure. This is because additional entrances increase the number of potential interaction points between vehicles and vehicles

or vehicles and pedestrians, thereby elevating safety risks. Consistent with this principle, the adjacent Boise Bible College and the Antioch Apartments be served by two access points, with internal circulation occurring within the development rather than relying on Marigold.

One of the proposed access points exceeds the width typically permitted under ACHD policies; however, ACHD has recommended approval of wider access under the circumstances.

To mitigate safety concerns associated with the two newly proposed accesses, the applicant has proposed relocating the wider entrance to align with the existing Pintail Way access, which is controlled by stop signs. Additional conditions of approval further reduce pedestrian exposure by requiring bulb-outs to narrow the vehicular apron and extend the landscape island to function as a pedestrian refuge. These measures reduce pedestrian exposure. A secondary condition also requires that the vehicular apron be designed so that the sidewalk maintains a flush and consistent grade across the driveway. This measure reduces the need for individuals with mobility impairments to navigate repetitive and unnecessary inclines.

There is condition of approval that prior to building permit issuance, the applicant must obtain and comply with all required ACHD permits and reviews and complete the traffic-related improvements as conditioned by ACHD. These conditions, together with ACHD's findings that adopted levels-of-service will not be exceeded, address concerns raised in public comments regarding traffic safety and congestion.

The project provides three hundred and ninety-two parking spaces, exceeding the cumulative requirement of three hundred and eighty-nine spaces under Garden City Code, and bicycle parking also meets code requirements, reducing reliance on vehicles and minimizing overflow parking on adjacent streets.

The applicant is required to provide an acceptable solution to the sewer constraints to ensure that levels of service are not exceeded.

The use, and as conditioned, the architectural design, complies with Garden City Code, Title 8, and all findings required for applications processed under Garden City Code § 8-6B-3 Design Review.

North Ada County Fire and Rescue (NACFR) reviewed the application and approved it subject to compliance with fire code requirements.

Stormwater management uses permeable pavers and landscaped drainage features to reduce runoff impacts, and sewer capacity concerns

have been addressed through an alternative connection plan, conditioned for review for compliance prior to construction.

To address neighboring properties concerns regarding noise and odor, trash enclosures were moved to the west side of the property, during the hearing the applicant indicated that they will also relocate the recycling, further minimizing impact on the neighborhood.

There is a condition that construction activities shall be limited to designated hours to minimize construction noise impacts on the adjacent neighborhood. Upon completion of the project, the property shall be subject to the same noise regulations that apply uniformly throughout the City.

The applicant is required to pay ACHD and NACFR impact fees as well as water and sewer connection fees. These fees are established to address the impact of the development on roadways, fire, and water and sewer systems.

Concerns were raised regarding the compatibility of the proposed units being affordable and therefore incompatible with the surrounding neighborhood. Federal and state fair housing laws prohibit land use decisions based on the income level or voucher status of prospective residents. Accordingly, this decision does not consider the identity, socioeconomic status, or household characteristics of future occupants.

The proposed development does not constitute illegal spot zoning. Properties to the west and south are similarly zoned R-3; properties to the north and east are zoned R-2. The Applicant has not requested a rezone of the property.

Claims that the Boise Bible College property was subject to spot zoning without proper notice in 2015 are incorrect and not germane to the current application. The 2015 action was a citywide rezone affecting all properties zoned R-3. At that time, the City Council determined that the code amendment complied with the Comprehensive Plan and was legally noticed. Regardless of these assertions, the statutory period to contest that application has long expired.

Concerns were raised regarding the potential for flooding of adjoining properties due to tiling the existing drainage ditch. Under Idaho law, a land use approval may not authorize development that causes unlawful diversion, obstruction, or concentration of surface or storm water resulting in material damage to adjacent properties. The improvements are required to be designed by a qualified engineering professional to

	<p>ensure that the risk of flooding on adjacent properties is not increased. A further condition is required that the ditch be maintained in perpetuity.</p> <p>As currently designed, the project incorporates setbacks that significantly exceed the minimum code requirements of fifteen feet at the rear and five feet at the front and sides, with Building 1 setback approximately one hundred fifty-two feet and Building 2 approximately eighty-eight feet from the property lines of adjacent homes. The design further includes enhanced perimeter landscaping, with evergreen trees and a six-foot privacy fence, intended to buffer the development from neighboring properties and reduce lighting and privacy impacts. Building articulation and material variation are incorporated to lessen perceived mass and visual dominance, while landscaped areas and solid walls within the carports are designed to further mitigate light trespass and related privacy concerns.</p> <p>While the design incorporates mitigation measures, in some instances far exceeding applicable code requirements which are intended to lessen impacts, those measures do not eliminate the fundamental incompatibility resulting from the vertical scale of the buildings. The Council further finds that while these mitigation features reduce certain secondary impacts, they do not overcome the primary adverse impact associated with the height. The Council notes that a reduction in height could cause a redesign which decreases the enhanced mitigation features (such as robust setbacks and augmented perimeter landscaping).</p> <p>Even with the mitigation measures incorporated into the application and compliance with applicable code standards, this finding cannot be met due to the adverse impact created by the height of the proposed buildings. Multiple residents provided oral and written testimony in the record that the four-story mass would be perceived to loom over adjacent backyards and homes, alter existing views, and create a visual dominance that is intrusive and out of character with a neighborhood. The Council relied on this testimony and exhibits provided with testimony that demonstrate that the height of the proposed buildings would create a perceptible change to the established neighborhood character that exceeds what is reasonably anticipated for a permitted use in this location.</p> <p>For these reasons, the Council concludes that the height of the proposed buildings results in an adverse impact on the surrounding neighborhood. Accordingly, the application as proposed fails to satisfy Finding 5.</p>
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<p>Application is compliant with standard</p>	<p>Finding 6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood.</p>
	<p>Explanation of Finding (Reasoned Statement):</p> <p>The proposed architecture and site improvements incorporate design elements intended to meet Garden City Code standards and enhance neighborhood compatibility.</p> <p>The building elevations include articulation through wall offsets, recessed areas, balconies, and varied materials, which reduce visual mass and create pedestrian-scale interest.</p> <p>Materials include brick, accent colors, and durable finishes consistent with multi-family residential standards. These updates improve wayfinding and create focal points, addressing prior concerns about unclear entry sequences.</p> <p>In response to recommendations from the Design Review Consultants to strengthen primary entries and improve hierarchy, the applicant added enlarged entry canopies with accent colors at major entrances, expanded brick massing at building corners for visual anchoring, and brick inlay patterns near entries to provide craftsmanship and detail. This has been further conditioned to require the primary entries be clearly identifiable and provide additional façade refinement.</p> <p>Site improvements include enhanced perimeter landscaping and evergreen buffers that soften the transition to adjacent single-family homes. Street-facing improvements feature a detached sidewalk with an eight-foot landscape buffer and Class II or III trees, as conditioned, to improve the public realm.</p> <p>While the building height of four stories differs from surrounding one- and two-story homes, this form is permitted under the R-3 zoning district. Architectural detailing and landscaping mitigate perceived scale and intensity, aligning with the intent of Garden City’s design standards.</p> <p>Conditions of approval require confirmation that secondary entries also receive canopy or material emphasis to ensure consistency across the site, and additional conditions address tree species selection and screening of service areas to maintain visual quality.</p> <p>Allegations have been raised asserting that the proposed development does not comply with the Garden City Comprehensive Plan. A formal finding of compliance with the Comprehensive Plan is not required by</p>

	<p>City Code for a design review application, and the Comprehensive Plan itself is not a legally binding regulatory document in this context. However, it is an important guiding policy document and should inform the decision-making process.</p> <p>The application is not in direct conflict with the Comprehensive Plan. On the contrary, elements of the proposal are supported by specific Comprehensive Plan objectives. These include Objectives 6.2 and 6.3, which encourage the creation and maintenance of diverse housing opportunities; Objective 2.3, which promotes high quality design and architecturally engaging buildings; Objectives 4.1 and 4.3, which call for enhanced landscaping, beautification of streets and sidewalks, and incorporation of trees and public art; and Objective 7.1, which supports the development of pedestrian and bicycle friendly connections.</p>
<p>Application is compliant with standard</p>	<p>Finding 7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>As conditioned, the proposed design provides outdoor spaces and landscaping that are compatible with southwest Idaho climatic conditions. The design and landscaping improve the site’s functionality and respond to the regional climate by organizing buildings, parking areas, and open spaces to create clear pedestrian and vehicular circulation.</p> <p>Trash enclosures and service areas are screened and integrated into the site design to minimize visual and acoustic impacts.</p> <p>Landscaping exceeds minimum code requirements, with fourteen percent of the site landscaped excluding setbacks and more than fifty thousand square feet of dedicated open space on Parcel 4.</p> <p>Perimeter buffers and evergreen plantings provide privacy and mitigate visual impacts on adjacent residential properties, while landscaped islands in parking areas and street trees along Marigold enhance aesthetics and environmental performance.</p> <p>Plant selections include drought-tolerant species suitable for southwest Idaho’s semi-arid climate, reducing irrigation demand.</p> <p>Stormwater management incorporates permeable pavers and landscaped drainage features to support infiltration and reduce runoff during seasonal precipitation events. Building materials and finishes are</p>

	<p>durable and appropriate for local temperature fluctuations and freeze-thaw cycles.</p> <p>Class II or III street trees along Marigold to provide shade and long-term canopy growth, improving microclimate and pedestrian comfort. Sustainability measures, including green building certification, further align the project with regional environmental goals.</p>
<p>Application is compliant with standard</p>	<p>Finding 8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>The proposed design is compatible with natural and scenic features and does not adversely affect historic resources.</p> <p>The site includes two waterways: the Thurman Mill Canal along the southern property boundary and the Drainage District No. 2 canal along the northeastern boundary. The Thurman Mill Canal will remain open as a natural amenity, consistent with Garden City Code requirements. The applicant has committed to providing a ten-foot pathway and low-maintenance landscaping along this canal or documenting a phased approach with interim gravel and easement details, which supports Garden City’s long-range connectivity goals.</p> <p>The Drainage District No. 2 canal is proposed to be tiled due to a significant infrastructure conflict with an existing sewer main located directly beneath the ditch. This request meets code exceptions because maintaining the ditch in its current form is infeasible. This is supported by the engineering justification that demonstrates a direct conflict with the existing public sewer main and easement and meets the exception criteria under Garden City Code § 8-4A-9.B.2, which allows enclosure when maintaining the ditch in its current form renders the property’s use infeasible. The Drainage District supports the proposal, confirming that hydraulic function will be preserved and groundwater management will improve.</p> <p>Questions were raised by the public regarding the absence of a hydraulic study for the proposed canal tiling. The proposed 18” pipe will connect to and match the size of the existing 18” pipe flowing to the west along the southern frontage of Marigold Street. As described in the November 12, 2025, letter from Applicant’s engineer, David Evans, and Associates. Inc., the proposed system will maintain all existing flow capacities and ensure conveyance of water consistent with Garden City Code § 8-4A-9(B)(4). Further, the Drainage District supports the proposal and prior to commencing any tiling work, the applicant will be required to comply with</p>

	<p>all applicable standards and requirements of the Drainage District. This will ensure that the identified concerns are adequately addressed and that the tiling fully conforms to Drainage District standards.</p> <p>The application is conditioned to meet regulatory wetlands standards.</p> <p>The site is outside the Special Flood Hazard Area. Conditions encourage building to the best available flood data for safety and insurance considerations. There are no historic structures on the site, and the proposed development does not impact any identified historic resources. Enhanced perimeter landscaping and tree planting improve the visual quality of the site and its interface with natural features, and conditions require Class II or III trees along Marigold Street to provide shade and ecological benefits consistent with Garden City's design objectives.</p>
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27. The record was reviewed by the Garden City Council to render the decision.
28. The City Council's summary "reasoned statement" for Findings 4 and 5 above is as follows:

As testified to by attorney Kenley Grover, who represents some residents in the neighboring area around, a four-story building next to the Willowbrook 55+ years of age community of patio homes and single-story homes would have an adverse impact on those properties, especially when it comes time to resell them. The council agrees with Terry Dean, the president of the Willowbrook HOA, that when considering the pictures that she presented of a similar development, as an example of what this property would look like, the development does not look similar to what's in their neighborhood. She presented a picture showing the view of third and fourth story buildings being able to look right down into somebody's backyard during the day and night. The HOA wanted a concrete 6-foot wall because that would help with the lighting issue of a four-story building. We agree with Ms. Dean that as a four-story building, the transition and scale do not fit in with the surrounding neighborhoods because there are no buildings taller than two stories west of Glenwood, next to single-family homes, other than the Strawberry Glen Apartments, which are less than four-stories tall.

As testified to by Katie Jennings, the project is not compatible with the neighborhood in scale of this development. We have reviewed her exhibit, which indicates 1, 2, and 3 story homes in that area. On her exhibit, the color blue represented single-story homes. The color red was for two-story buildings. And the few three-story homes were represented in the color yellow. And the color green indicated commercial, single story, except for the Library and City Hall, which is indicated with the red dot. The exhibit and testimony indicated that 83% are single-family homes surrounding Boise Bible College property are single story homes. There are only 5 that are adjacent that are two-story. Most of every other home around the development are single story houses. The current neighborhood are single story homes, which is what drew some homeowners to the area. As a comparison, Ms. Jennings' presented an exhibit indicating that the scale

and intensity of the apartments at the Village in Meridian, which are four-stories, and that scale does not match this neighborhood. This four-story development would have balconies looking down into people's homes in the area around Marigold Street, and people are considering moving away so that they do not have to deal with a new four-story development looking down in their yards.

Ms. Jennings presented a picture of the Boise Bible College from their house in a cul-de-sac that revealed what the view would be if there was a four-story development next to it. The picture revealed that the proposed design is not compatible with the neighborhood in scale. She also presented different angles of the apartments and different pictures of her subdivision so the Council could review homes as like-for-like. The closest development in scale in the area is the Strawberry Glen Apartments, which only has three and two-story apartments with carports, similar to the instant application, except it is not as tall. Ms. Jennings took measurements of various buildings for comparisons. One of the two proposed four-story buildings in this application, building number 2, is only 80 feet from a neighborhood's fence line, which is too tall at that distance.

As stated by Jeannie Jackson Heim's testimony, the Garden City Development Code states that compliance with the minimum standards does not automatically ensure acceptance of an application. We agree with her that findings 4 and 5 are not met in this application. While the current R-3 zoning designation does allow a maximum of 35 units per acre, the analysis does not end here, however. The maximum is 35 units per acre if the design of the project is compatible with the surrounding neighborhood in scale and intensity, and if it does not adversely impact the surrounding neighborhood, and if it has features and building form that are compatible with the neighborhood. All the public testimony indicates that two four-story apartment buildings is not compatible in scale with mostly one-story homes. 236 apartments have been requested next to subdivisions of single-family detached homes. What is proposed is an urban design in more traditional neighborhoods. As testified to, the current four-story design would adversely impact the surrounding neighborhood in terms light pollution and noise. It is part of the record that the city has proposed a rezone of this area to a lower density of 15 units per acre, and that rezone is currently making its way through the planning process. However, it has not been rezoned yet, and we will not comment further on density. However, the scale does not fit into the surrounding neighborhoods, and the four-story design is not compatible, which is evident from the drone photo that was presented on December 30, 2025.

We also agree with Linda Gurro, who testified that four-stories is not compatible considering its proposed buffer to the surrounding homes, and the scale is massively different than the neighborhood. The four-story application is for a suburban apartment complex in a more rural area. The four-story buildings would be looking down into her home, and she already deals with lights coming from the Boise Bible College impacting her neighborhood. Matthew Dopko makes a valid point when he testified that he is concerned that the four-story scope of the project is not compatible because it would change the character of the neighborhood adversely and could decrease his property value. Jonathan Perry similarly testified that while he is not against the Boise Bible

College building some apartments at the location, but even though the dorms that are currently there are only two stories, they still have lights that shine into his bedroom window, and four stories would shine onto their house even more. Once it was announced that it was going to be a four-story building that was significantly different than what was initially suggested, Jonathan Perry indicated that more concerns were raised in the neighborhood.

Ken Dillman, who has lived in the area for over 20 years, testified that having a four-story complex is more for an urban development design rather than a residential, which is not consistent with the neighborhood. We agree with him that four-stories does not fit the comprehensive plan in that area and it does not fit the neighborhood. Sandra Chess testified about her knowledge with a particular appraisal for a single-family residence and indicated the character would suffer if next to a four-story 236 unit complex. She indicated that the underwriter would ask the person to go back and find a comparable that is next to four-stories because it will affect value she asserted. She represented that if you were looking at identical properties, and one of them was next to a four-story 236-unit apartment, and one was half a mile away, she indicated that most people would pay more for the one a half mile away so they do not have to be next door to four-stories. Another resident testified that if the development was rather for additional student housing, it would be consistent with what is on the property now and the zoning at the time, which was approximately 15 units per acre. But four stories is not consistent with the neighborhood. Jordana Trent echoed that sentiment in written testimony.

Based on the abovementioned testimony and our deliberations, it is clear that diversity of housing is a stated goal in the Comprehensive Plan. However, there is a lack of compatibility when considering the scale of a four-story development in this area of town. The Jennings evidence is compelling that indicated that of the 919 single-family homes in the area of Garden City, 83% were single-story, 17% were two stories, and 0% were taller than three stories. The exhibit showed that there are only 18 multi-family housing structures within two developments that were three stories tall. Therefore, four-stories is simply too tall or high in that area of town. Accordingly, the City Council votes, two-to-one, to remand the application because it finds that: (a) the applicant did not meet his burden to establish Finding 4 and 5; and (b) the application does not satisfy Findings 4 and 5.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Garden City Council hereby **REMANDS** the application, subject to the following:

Matters to be addressed upon remand:

1. This is not a final decision because it does not resolve the matter or conclude the administrative process. Because this remand to staff for further proceedings does not constitute a final decision for judicial review, the LLUPA request for reconsideration requirement will not be applicable until after a future final decision is rendered by the city council. Approval of this application can be achieved by addressing the deficiencies identified in the reasoned statements of the required findings, 4 and 5. The deficiencies can be corrected by reducing the height of the structures to three stories.
2. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
3. 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.



Council President James F. Page

January 26, 2026

Date