



DEVELOPMENT SERVICES DEPARTMENT

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To: City Council

From: Hanna Veal, Associate Planner

CC: Jenah Thornborrow, Development Services Director

Subject: SUBFY2021-0010 Petra Point Reconsideration

Date: For April 24, 2023, City Council Meeting

BACKGROUND

On July 25, 2022, the City Council upheld the Design Review's decision on June 6th, 2022, to deny the Petra Point Subdivision File SUBFY2021-0010. On August 8, 2022, the City Council made the final decision to uphold the denial.

A request for reconsideration was submitted on August 22, 2022, by the applicant Craig Kulchak.

On September 12, 2022, the City Council granted a reconsideration. It was scheduled for October 24, 2022.

On September 28, 2022, notice was given to the applicant that the reconsideration hearing would be scheduled for October 24, 2022, and that materials must be received by October 3, 2022.

On October 7, 2022, Craig kulchak emailed the city indicating that he would not be able to provide the materials in time and requested a continuation.

On October 24, 2022, the City Council continued the reconsideration to the date of November 28, 2022.

During the November 28, 2022, the City Council hearing the Council granted the continuation with new materials being required by March 6, 2023.

New materials were received on March 6, 2023, and March 23, 2023. The City Council hearing was scheduled for April 24, 2023.

CHANGES TO APPLICATION SINCE DENIAL

The applicant submitted new plans on March 6, 2023, and March 23, 2023. The changes as identified in the new materials have resulted in:

1. Decrease in number of lots; from 12 lot to 10 lots (2 common and 8 residential);

2. Increased height of units;
3. Tandem garages- removing the need for a parking waiver
4. Architectural design changes due to new unit type;
5. Increased open space;
6. Non-compliance with conditions requested by the Design Review Committee:
 - a. Three bicycle parking spaces not identified;
 - b. Pedestrian connection from the pathway to the subdivision's common area;
 - c. Screening components to shield vehicle headlights on common drive.

Waivers

The applicant has not requested waivers to the items that are noted as non-compliant below. Based on previous reviews the waivers that would be requested include:

1. Garden City 8-5A-5 H Design Standards for pressurized irrigation system instalment.
2. Garden City 8-5A-5.D.2.a Design Standards- allowing for more than 4 dwelling units being served through a common drive, allowing for 8 units to be served on a common drive;
3. Garden City Code Table 8-2B-2, allowing for custom setbacks within the development.

The changes result in new analysis of code sections:

Garden City Code	Compliant	Analysis
8-2B-3 Form Standards	Compliant	<p>Property is within the R-3 zoning district; new structural plans meet base zoning district setbacks, height, and density requirements.</p> <p>Density did not change despite the decrease in subdivision lots. Density remains at 11.9.</p> <p>Existing home appears to meet setback standards and is included in the density calculations.</p>
8-4B-3 Design Provisions for Residential Structures	<p>Not compliant – Compliant as conditioned</p>	<p>Code states that the front entry of a residential structure shall have a direct and permanent pathway that connects to the public sidewalk. The submitted site plans do not show all units being connected to the public sidewalk via a pathway.</p> <p>There appears to be a pedestrian pathway from the public sidewalk to the units on lots 1 and 9, however, the remaining units lack a direct pathway.</p>

		There is a proposed 4' wide concrete sidewalk along the common drive that could be connected to the front entryways of the units.
8-4D Parking and Off Street Loading Provisions	Compliant	<p><u>Vehicle Parking:</u> Tandem parking is allowed per code.</p> <p>Each unit has two vehicular parking spaces within a tandem garage; driveways are large enough to include an additional parking space. Spaces meet the minimum dimensional standards of 10' x 20'.</p> <p>Parking Required: 14 enclosed + 7 guest = 21 Parking Provided: 14 enclosed + 9 guest = 23</p> <p>Parking required of the existing home: 2.5 spaces Parking provided of the existing home: 2.5+ spaces (large driveway capable of multiple guest parking spaces).</p> <p><u>Bicycle Parking:</u></p> <p>There is one bicycle space required for every 6 dwelling units necessitating at least one bicycle space. Site plans do not identify bicycle parking. It has been conditioned to require at least 3 bicycle parking spaces based on the discussion with the Design Review Committee.</p>
8-4I Landscape Provisions	Unknown – Compliant as conditioned	<p>Landscape plans have not been submitted. Staff was unable to perform a new review.</p> <p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Site is 29,228.76 square feet. 5% of the site would equal 1,461sqft.</p> <p><u>N. Alworth Street Trees:</u> Trees Required: 1 street + 6 frontage = 7 trees</p> <p><u>E. 49th Street Trees:</u> Trees Required: 1 street + 1 frontage = 2 trees <i>*There are two existing Class I trees along the frontage of E 49th Street. This section of code requires that at least one of the frontage trees be a Class II tree.</i></p>

<p>8-4L Open Space Provisions</p>	<p>Unknown – Compliant as conditioned</p>	<p>Common open space is not identified in the site plans. Square footage details are not provided to determine code compliance. At least 10% of the site is required to be designated common open space. A common lot does not justify as common open space.</p> <p>To meet the minimum code standards there shall be at least 2,922sqft of common open space.</p> <p>The common area on lot 4 is 0.052 acres, or 2,265sqft.</p> <p>Lot 5 consists of two 82.53' x 15', or 1,237sqft, areas previously identified as landscaped buffers; if still landscaped, they could count towards the open space requirement. If the applicant confirms that these areas are intended to be the common open spaces for the subdivision, then the application is compliant with code.</p>
<p>67-6512</p> <p>Special Use Permits, Conditions, And Procedures.</p>	<p>Use And</p>	<p>The application is a planned unit development. Per Garden City Code 8-6B-7.D.2 a Planned Unit Development application shall be processed as a conditional use permit with a development plan.</p> <p>Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those:</p> <ol style="list-style-type: none"> (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) <u>Requiring the provision for on-site or off-site public facilities or services;</u> (7) <u>Requiring more restrictive standards than those generally required in an ordinance;</u>

		(8) <u>Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision,</u> including school districts, providing services within the planning jurisdiction.
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New agency comments are provided below:

Agency	Date	Summary
Republic Services	3-23-2023	After looking at the Petra Point Subdivision proposal we have concerns about the layout of this property. There is not enough room for the truck to turn around inside the property in order provide service to both sides of the street. In other words the trash would all have to be brought out to Alworth Street for service which we would prefer to avoid.
Republic Services	04-19-2023; 10:30 am Phone Call with Rachele Klien with Republic Services and City staff Charles Wadams and Jenah Thornborrow	During a phone call with Rachele Klien, Ms. Klien indicated that Republic Services will not service any <u>new</u> requests for refuse pick up on Adams/Alworth Street. An alternative for this application would be for Republic Services to pick up on 49 th Street. She indicated that Republic Services recently had a driver hit by a motor vehicle. The expected traffic on Adams/Alworth Street is too great to be able to safely accommodate new requests for service from Adams/Alworth Street.
Boise Fire	03-23-2023	No parking will be allowed on the common drive.
ITD	04-13-2023	No concerns

New public comments are provided below:

Agency	Date	Summary
Julie Dahl	4-09-2023	Opposed. Concerns testimony will be ignored. Concerns with the affects to adjacent property.
Kenny Anderson		

[LINK TO FILE](#)

ATTACHMENTS:

- Staff Report
- Revised Materials
- Draft Potential Decision Document