



## DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street ☐ Garden City, Idaho 83714  
Phone 208/472-2921 ☐ Fax 208/472-2996 ☐  
www.gardencityidaho.govoffice

### MEMORANDUM

DATE: December 14, 2020  
TO: Mayor and City Council  
FROM: Jenah Thornborrow, Development Services Director  
RE: CPAFY2020-0005 Specific Area Plan Ordinance 1018-20

**Requested Action:** Decision on file CPAFY2020-0005 Specific Area Plan Ordinance 1018-20

**Background:**

On November 9, 2020, the City Council:

1. Left the hearing open;
2. Noted desired updates to the draft ordinance 1018-20; and
3. Indicated that they would provide staff with any remaining questions.

**Updates to Proposed Ordinance 1018-20:**

The applicant has provided suggested updates to the proposed ordinance based on the Council's discussion during the November 9, 2020 hearing. These changes include:

1. Language updates to clarify the distinction between an *SAP application*, *SAP ordinance*, and an *SAP district*, including:
  - a. The addition of the word "application" in multiple locations to clarify that the provisions found in the Specific Area Plan General Provisions, Procedures, and Findings pertain to an SAP application.
  - b. The addition of "SAPD zone" in multiple locations to clarify the provisions that pertain to an adopted Specific Area Plan district.
  - c. The name of the "Specific Area Plan Ordinance (SAPO)" has been changed to "Specific Area Plan Project Ordinance (SAPPO)". The addition of the word "Project" is intended to help the reader understand that each project is approved by an ordinance and the reference to SAPPO in Ordinance 1018-20 does not refer to Garden City Code 8-6B-6. The definition of SAPPO now reads: "Any City-approved Specific Area Plan that is adopted by ordinance as a separate chapter in Garden City Development Code."
  - d. The definition of Specific Area Plan District has been revised to better distinguish the difference between the Specific Area Plan and Specific Area

Plan District. It previously read: “Following adoption of a SAPO, the unique permitted, conditional and prohibited land uses and the form standards for such land uses are identified on the zoning map as a Specific Area Plan District such as, e.g., SAPD-1.” It now reads: “Following adoption of a SAPPO, the zoning map shall be revised to identify the particular property on the zoning map as a Specific Area Plan District such as, e.g., SAPD-1.”

2. Staff has suggested the removal of the wording in 8-6B-6 A, first paragraph, “An SAPD for a property shall implement provisions of, and be consistent with, the Garden City Comprehensive Plan and Future Land Use Map and policies.” This is suggested as it appears to be redundant with 8-6B-6 A.1 “Implement the goals and objectives of the city’s comprehensive plan, as amended, including the future land use map, the land use designations and the land use goals and policies, if applicable.”
3. Staff has suggested the removal of the language in 8-6B-6 B: “An SAP application area will be a minimum of ten (10) acres. The planning official will have discretion to allow an SAP application for a smaller area based on geographic limitations.” Correspondingly, staff suggests the addition of a required finding: “The SAP application will create a district that is identifiable as a distinct area of the city with a distinguishing character.” The staff suggested language is for 8-6B-6 B to read: “Applicability: An SAP may be utilized anywhere within the city on properties that would benefit from a master plan and phasing approach. An SAP application is encouraged prior to the development or redevelopment of properties defined in the Comprehensive Plan as TOD Activity Nodes, or as Neighborhood Destination Activity Nodes, or as Future Planning Areas. An SAP application shall be required prior to development or redevelopment of properties defined in the Comprehensive Plan as Future Planning Areas that are not incorporated into the city on or before 11<sup>th</sup> day of January, 2021.”
4. The addition of the word “particular” and deletion of “which then becomes the Specific Area Plan District (SAPD) for the particular property” to 8-6B-6 A to read “Each SAPD includes its own non-transferable set of zoning regulations. The regulations may include design guidelines, site plan, infrastructure plan, phasing plan and other elements. The type of uses, form standards, location and amount of development, and design criteria for a particular property shall be established by adopting the SAPD into the Development Code by Specific Area Plan Project Ordinance (SAPPO).
5. The addition of the phrase “other provisions of” in 8-6B-6 (C) 4.g to state: “If there is a conflict between other provisions of the development code of Garden City and the City-adopted SAPPO regulations, the SAPPO regulations shall govern.”
6. Staff suggests changing 8-6B-6 (D) 3 from “Public Hearings: The commission and council shall hold public hearings shall be held on the SAP as set forth in article A, "General Provisions", of this chapter” to “Public Hearings: Public hearings shall be held on the SAP application as set forth in article A, "General Provisions", of this

chapter”. This is suggested as the Design Review Committee are also noted as a reviewing body in Table 8-6A-1.

7. Change of wording “an approved” to “a previously adopted” in 8-6B-6 (D) 7 to state: “A previously adopted SAPD zone may be amended at any time and may be amended simultaneously with the processing of a development application...”

The yellow highlight found in the revised draft ordinance is highlighting a date that could change based on the Ordinance 1018-20’s adoption date.

**Clarifications:**

Staff received a request to clarify approval authorities.

1. **Proposed ordinance 1018-20:** The proposed ordinance 1018-20 creates a new base zone named “Specific Area Plan District” and establishes the regulations and framework for future Specific Area Plan applications. The adoption of ordinance 1018-20, in and of itself, would not change the zoning designation of any property in the City.
2. **SAP applications:** Should a future applicant wish to rezone a property or properties to be zoned SAPD, an SAP application will be submitted to the City per the regulations and framework that is identified via ordinance 1018-20.
  - a. **Application information:** The applicant will be required to submit the same application information that an applicant for a Zoning Map Amendment is required to submit (Table 8-6A-2).
  - b. **Public noticing and outreach:** The public outreach and noticing requirements include:
    - i. Neighborhood Meeting (prior to pre-application conference) (8-6B-6(D)(1))
    - ii. Preapplication Conference (8-6B-6(D)(1))
    - iii. Neighborhood Meeting (Table 8-6A-2)
    - iv. Noticing requirements: radius notice to property owners within 300’, legal advertisement, on site posting, notice to agencies, public service announcement, and notice to interested parties. (Table 8-6A-2)
  - c. **Approval Authority:** The Planning and Zoning Commission and Design Review Committee will make recommendations to the City Council, the final decision maker. (Table 8-6A-1)
3. **The use of an SAPPO:** If the SAP application is approved and a property is rezoned to a base zone of SAPD (with a unique identifying name or number), and the property will be governed by a corresponding SAPPO ordinance adopted as a separate zoning chapter in Garden City Code. The governing chapter will include:
  - a. Permitted, conditional, or prohibited uses. If any uses are different than GCC 8-7A-1 defined uses, the definition of such uses shall be provided.

- b. Street cross section design: road alignments, setbacks, interface with adjacent neighborhood
- c. The general mix of uses
- d. A general utility plan
- e. Setbacks, setback exceptions, lot coverage, and height
- f. Density
- g. Design criteria shall repeat the standards of Garden City Code 8-4 into the SAP application if there is no proposal in the application that would contradict that existing regulation. The following components may be different than what is in code, but shall be included:
  - i. Parking and off-street loading provisions required number and allowable sizes; and
  - ii. Design criteria including but not limited to:
    - a) Architectural guidelines;
    - b) Transportation and connectivity;
    - c) Sign provisions;
    - d) Landscaping and tree protection; and
    - e) Open space

Per proposed 8-6B-6.C.4 there are provisions that allow for, or require that, existing regulations govern an SAP application, including:

- The SAP application should adhere to the general design standards concepts in Garden City Code specifically related to the development interface with street and public realms and street trees.
- The 70' minimum setback to the ordinary high-water Mark of the Boise River cannot be amended.
- The provisions of the Development Code of Garden City Code such as, but not limited to, relating to drainage and floodplain, shall govern all standards and/or processes that are not specifically identified, set forth, or modified by the SAP application.

4. **Governance of applications within an SAPD zone:** The SAP tool allows for a base zoning district that identifies use and form standards. It does not amend administrative procedures. The properties zoned SAPD will still be adherent to the regulations regarding processes found in Garden City Code. For example, a conditional use permit application will still be reviewed by the Planning and Zoning Commission with City Council having review authority, or subdivisions still will require recommendations from the appointed bodies with final decisions being rendered by City Council.

5. **SAPD Zone Amendments:** Should someone wish to amend a previously adopted SAPD zone, the amendment shall be considered a code amendment, and go through the prescribed processes to Garden City Code, Title 8. There are some design amendments that would not be considered a code amendment, but would be reviewed by Design Review Committee. These include:

- a. Modifications to the layout and design elements, such as design guidelines, landscaping, and amenities, that do not modify SAPPO regulations or the phasing plan; or
- b. Modifications to the infrastructure plan not tied to the phasing plan.

**Attachments:**

- Updated proposed ordinance
- Updated decision document
- Proposed ordinance language without redlines
- Application supplement

**Link:**

- [Record Documents](#)
- [Response to Wadam's Review](#)