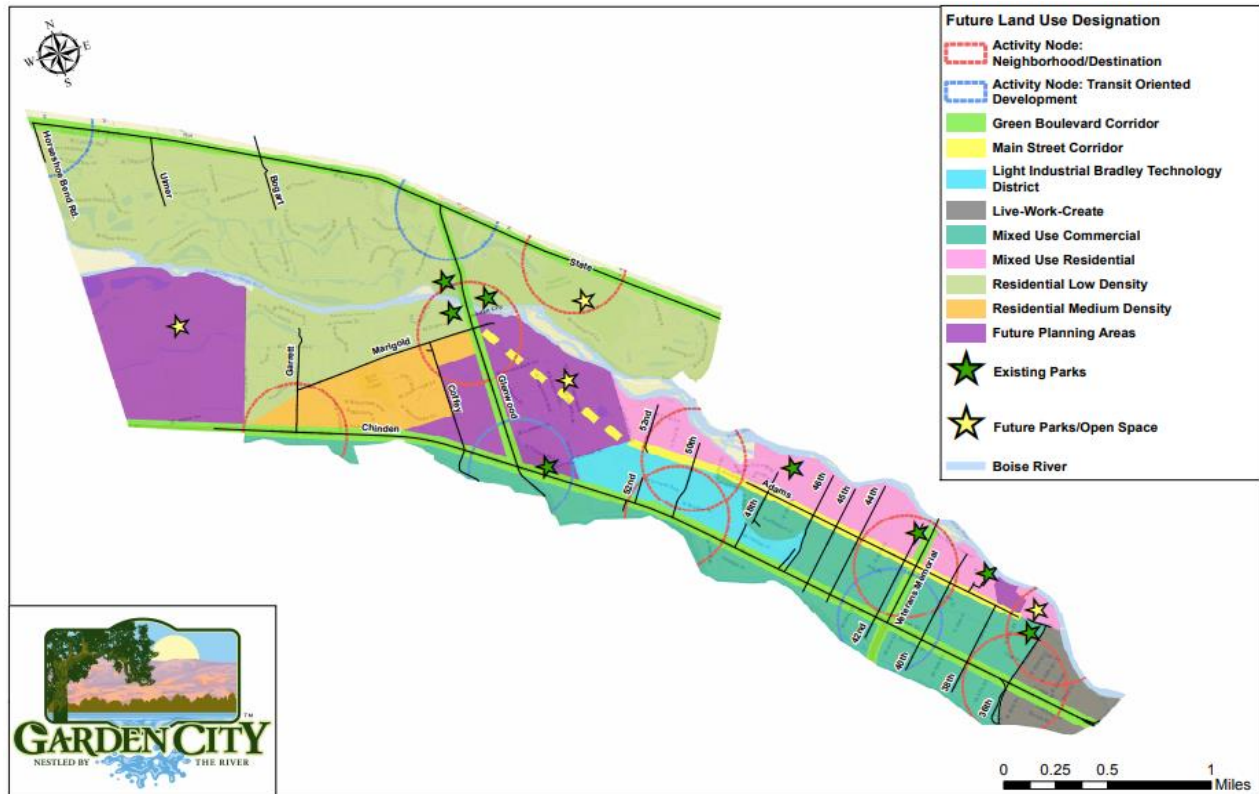


CITY OF GARDEN CITY

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File Number: CPAFY2024-0004
For: Development Code Text Amendment: **Buffers**
-*Applicant: City of Garden City
Report Date: 8/21/2024
Report Number: 1



Staff Report
 Report prepared by Jenah Thornborrow

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A. Record Documents ([link to all documents, including reference documents](#))

Individual record document links:

1. Agency Comments: n/a
2. Public Comments: n/a
3. [Noticing Documents](#)
4. Draft Potential Decision Documents:
 - a) [Planning and Zoning Commission Recommendation](#)
5. Draft Ordinance 1050-24 *available with linked record documents

B. Requested Action

Public Hearing and decision for proposed amendments to Garden City, Title 8, Development Code changing Buffers.

C. Recommendation

This summary will be updated to reflect the recommending bodies' recommendations.

D. Decision Process

GENERAL PROVISIONS

This application is processed per GCC 8-6A-7 Public Hearing.

REQUIRED DECISIONS: The following decision processes are required for the project as governed by GCC Table 8-6A-1:

| Decision | Recommendation Authority Hearing Date | Decision Authority |
|----------------------------|--------------------------------------------------------|-------------------------------------|
| Development Code Amendment | Design Review Committee, via consultations | City Council hearing date: 9/9/2024 |
| | Planning and Zoning Commission hearing date: 8/21/2024 | |

REQUIRED FINDINGS:

For the approval of a Development Code Amendment, the City Council, as the final decision maker must find the application meets the following findings, found in [GCC 8-6B-5](#):

1. The text amendment complies with the applicable provisions of the comprehensive plan;
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.

DECISION:

After hearing the evidence and considering the application, the decision-maker shall make their decision. The decision-maker shall report the facts upon which it based its conclusion, the ordinance, and standards used in evaluating the application, the actions if any, that the applicant

could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied. The decision-maker shall make its findings and decision no later than by the next regularly scheduled meeting.

For matters where design is affected by the application, a Design Review consultation is required. The Design Review comments are incorporated into the record for the Planning and Zoning Commission review and consideration.

The Planning and Zoning Commission is a recommending body for this application.

Recommendation:

The Recommending Authority may take one of the following actions:

1. Recommend the City Council grant/ approve the application as applied;
2. Recommend the City Council grant/ approve the application with conditions as drafted or as amended to the City Council;
3. Recommend the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

The City Council is the final decision maker for this application.

Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation with conditions;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

If there is a denial, the state code requires that the decision-maker identify what could be done to obtain approval.

The Appeal of a Decision:

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Planning and Zoning is a recommending authority. The City Council is the final decision maker for the requested application. The recommendation of the Planning and Zoning Commission does not constitute a final decision on the application.

Every final decision rendered shall be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis under section [67-8003](#), Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section [67-6521](#)(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by [chapter 52, title 67](#), Idaho Code. Per Idaho Code 67-6511 (2)(a) this provision extends to an amendment of zoning ordinances applicable to an owner's lands.

E. Objective

The proposed amendment's objective is to update the zoning code to refine buffers between land uses and intensities.

F. Current Deficiencies

As development proposals are increasingly urban and dense in nature, there is a concern that the current code's barrier provisions are inadequate to protect property rights.

G. Discussion

Appropriate Zoning

The development code already has provisions intended to provide a buffer between different uses or densities. Most of the concern appears to come from established lower density residential neighborhoods. In particular the height and density allowed in the C-2 and R-3 zoning districts are questioned. It is suggested that perhaps R-3 should be broken into two zoning districts so that the R-3 that is east of Glenwood can redevelop in a mixed-use manner, as prescribed in the Comprehensive Plan, and the properties west of Glenwood will remain low to medium density residential in nature.

Transition areas between zones

The Design consultants are not in favor of additional setbacks or height restrictions between zoning districts. They noted that property owners knowingly purchase adjacent to a zoning district with different regulations. The consultants noted that protecting the property rights of the individuals in zones that allow higher densities or different uses is equally as important as protecting the property rights of those who own low density residential development. Their suggestion is to employ design standards such as landscaping or visual barriers to address the transition area.

Setbacks

There has been a discussion about deleting the minimum setbacks and lot area in C-1. Many of the businesses in Garden City are small businesses. They cannot afford a large track of land, but could, perhaps, afford their space in a multi-tenant building if it were to be subdivided. The 0' setbacks and reduced lot sizes could be applied to businesses.

The concern with the change is that housing may not be appropriate adjacent to arterial roadways. Currently dwellings are required to receive a conditional use permit in C-1. Additional proposed language within the multi-family provisions has clarified that housing along arterial roadways is not appropriate unless careful attention to safety and livability are taken. The considerations include but are not limited to requiring a connected sidewalk system that connects to a safe and convenient crossing; the vehicular access connects to a stoplight or other safe location for vehicular ingress/egress, and there is adequate usable open space provided for the residents.

Visual Privacy

Window prohibition and placement standards were considered for development adjacent to existing residential development as a way to create visual privacy. The Design Review Consultants felt that careful consideration should be given to limitations on windows. It would be conceivable that existing adjacent residences may be granted greater design ability if the windows are limited as they may have side or rear facing windows. A provision has been suggested to require visual privacy, but allow for flexibility in how to achieve the privacy. The provision states: The design of all structures that are adjacent to a residential dwelling in an R-1 or R-2 zone shall provide for visual privacy. Examples of ways to achieve this include, but are not limited to, adding a smaller, windowless structure between the existing dwelling and tall portions of the proposed development, placing trees to prevent views into neighboring rear yards, stepping back the structure, or window placement.

Densities

While there are no formal comments that have been submitted regarding this change, there have been discussions over the years. Many, particularly some individuals who live west of Glenwood, south of the river, have noted that they disagree with the R-3 change that occurred in 2015 amending maximum heights of 45' to 72'. Height can be a misleading parameter. In reducing height, the architectural aesthetic can be degraded. Stories may be a better parameter.

The [Municipal Research and Service Center, 2017 article Visualizing Compatible Density](#), provides images as to what different densities can look like. The below is an excerpt from this article, which also includes commentary on design, and what can make different densities compatible. This article is representative of most guidance regarding density design standards.

27 Dwelling Units Per Acre (Net)

Notable features: Single and double-single family lots redeveloped with condominiums. Each building contains between 3-7 units and has front-loaded parking at the street level beneath the dwelling units. All are built within a strict 30' height limit; hence, the flat roofs.



5th Avenue condominiums in Kirkland, WA

34 Dwelling Units Per Acre (Net)

Notable features: An urban, street-oriented townhouse development integrating corner retail spaces, live-work spaces, internal auto courts with private garages, and common open space.



Lionsgate Townhouses in Redmond, WA

36 Dwelling Units Per Acre (Net)

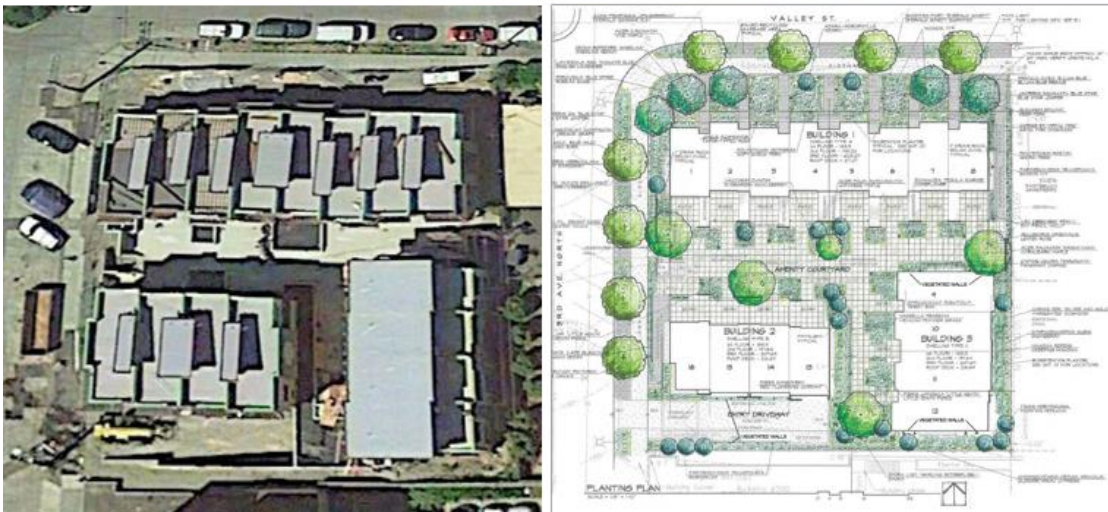
Notable features: A cluster of single-family homes integrated into surrounding neighborhood with alley and internal auto-court access, private garages, a large cedar tree, and a manmade stream running through the site.



Detached, single-family homes in The Boulders at Green Lake development in Seattle, WA (images courtesy of Johnston Architects).

44 Dwelling Units Per Acre (Net)

Notable features: New urban townhouses and live-work units served by underground parking and containing private patios and a centralized, shared courtyard space.



Live-work and regular townhouse units in Seattle's Lower Queen Anne neighborhood (landscape plan courtesy of David Vandervort Architects).

162 Dwelling Units Per Acre (Net)

Notable features: A 6-story, mixed-use apartment building in the very urban, First Hill neighborhood.



Apartments over ground level retail in Seattle's First Hill neighborhood (left image courtesy of GGLO).

205 Dwelling Units Per Acre (Net)

Notable features: This mixed-use project now under construction features 41 studio apartments averaging only 430 square feet. The trend in smaller units in urban areas results in a much higher density count than would be assumed in looking at this 4-story building. It replaces two single-family homes and features only eight parking spaces but will be within walking distance of a future light rail station.



Studio apartments over ground level retail in Seattle's Roosevelt neighborhood (images courtesy of Weinstein A+U).

Conclusions: What Makes Density Compatible?

Some quick observations about the examples above and key elements that make them appear more or less livable or attractive.

Good streetscape. *Since the most common perception of cities is from our view at street level, the quality of the streetscape in front of the buildings makes perhaps*

the biggest impact in humanizing developments and softening the hard edges of buildings. Street trees are present in all of the examples above, except the very first example in Ellensburg, and it's notable that new streetscape standards for Ellensburg now require planting strips with trees! The mixed-use building photos above were all taken during the wintertime. Summertime photos from the same vantage point would certainly soften the edges of those buildings!

Vehicular access elements. *Streetscapes dominated by views of garages tend to create more of a dehumanized setting. While they may not necessarily make a streetscape feel denser, the garages certainly degrade the visual character. The Issaquah Highlands examples above are particularly successful in locating and designing garages and driveways in a manner that minimizes their visual impact on the streetscape.*



Attractive streetscapes go a long way towards making higher-density neighborhoods livable. Poor streetscapes that are auto-dominated and lack softening greenery can make an area feel more crowded.

Building design. *There are a number of building features that can impact a person's perception of the building.*

- **Façade massing.** *Large buildings featuring good articulation techniques that break down the perceived scale of the building and add visual interest will appear less dense than a boxy and poorly detailed building.*
- **Façade materials & detailing.** *Buildings with materials and detailing that add visual depth and interest to a view will also be perceived as less dense and more livable.*
- **Variety.** *While some consistency in built form can be good and help to establish a sense of place, monotonous designs (particularly those with poor streetscapes, façade massing, materials, and detailing) can degrade the visual character and make the area feel denser than it is.*

H. Proposed Changes

The proposed changes are summarized below:

1. The Mixed-Use Zoning District has been amended to specify that it is a Residential Mixed Use zoning district. The proposed uses are the same uses as the current district. This could potentially be utilized to rezone properties that are east of Glenwood street that are zoned R-3. If this change is adopted for that purpose, the city will need to subsequently rezone the R-3 properties east of Glenwood to be zoned M.
2. The maximum height in the R-3 has been reduced from 72' to 45', the maximum height in the R-3 district prior to the change per ordinance 975-15. There is a provision that the maximum height does not apply to development east of Glenwood Street.
3. Form standards
 - a. Clarification of setbacks.
 - b. As setbacks were reviewed, the proposed setbacks that were a part of the Boise River Overlay effort have been incorporated to provide for a buffer along the Greenbelt.
4. A requirement for a mix of use in the mixed use zones has been required.
5. Design Standards that intend to provide visual privacy were incorporated.
 - a. Higher structures will require higher trees.
6. Conflicting sections are repealed.

I. Agency Comments

The city has not received any agency comments.

J. Public Comment

No public comments were provided as of the drafting of this document.

K. Statement of Compliance

There is no identified conflict with any other regulation, adopted policy, the Garden City Comprehensive Plan, or other adopted plan of the city.

L. Code/Policy Review

The below serves as an analysis of applicable provisions of Garden City Code, Title 8, Development Code, and identified applicable policies, plans, and previous approvals.

| <u>Garden City Title 8 Code Sections</u> | | | |
|----------------------------------------------------|-------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Code Section | Review Authority | Compliance Issues | Analysis/ Discussion |
| Title 8, Chapter 1: General Regulations | | | |
| Title 8, Chapter 6, Article A: Administration | | | |
| 8-6A-3 General Application Process | PZ/ CC | Not Determined | The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application. |

| 8-6A-4 Required Application Information | PZ/ CC | Not Determined | A Compliance Statement was received as required. |
|---------------------------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8-6A-7 Public Hearing Process | PZ/DRC/CC | Not Determined | The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided notifications to agencies with jurisdiction, and ran a 2"X 4" legal notice in the Idaho Statesman, at least 15 days prior to the first hearing, conspicuously posted notice at the Garden City Library, Garden City Hall, online, and Garden City Police Department, and provided notice to radio, newspaper, and television. |
| Other Items Reviewed | | | |
| Plan/Policy | | Discussion/ Analysis | |
| Idaho Code 67-6511 | | The Local Land Use Planning Act requires that code amendments be compliant with the Comprehensive Plan. | |
| Idaho Code 67-6519 | | Garden City Code and procedures are consistent with The Local Land Use Planning Act Application Granting Process. | |
| Garden City Comprehensive Plan | | <p>This proposal applies to all land use designations in the Comprehensive Plan.</p> <p>The text amendment is supported by the Goals and Objectives 1.3 Consider the needs of all citizens, 1.4 Create a premier destination to live work and recreate, 2.1 Encourage distinct neighborhoods, 6 Diversity in Housing; 9 Sustainable City, 12 Evolve as a Destination support the changes to the ordinance.</p> | |