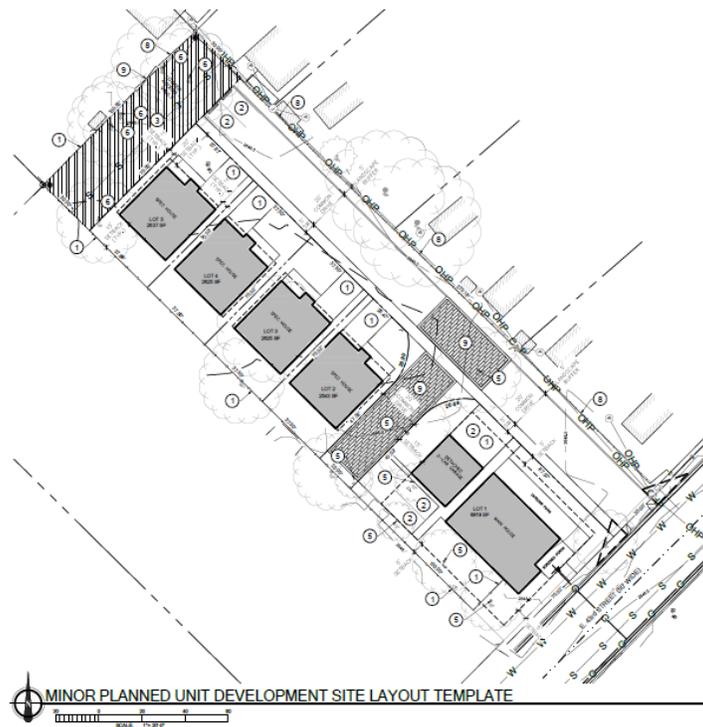


CITY OF GARDEN CITY

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File Number: MPUDFY2020-1/DSRFY2020-14
Application Scope: Site Layout Template, Minor PUD, Design Review
Location: 204 E. 43rd St.
Applicant: Ben Semple, Rodney Evans and Partners
Report Date: 5/11/2020



Staff Report
Report prepared by Chris Samples

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A. Report Summary

- Scope of applications is for a site layout template, minor planned unit development, and design review
- Subdivision SUBFY2020 – 2 was approved to divide the property, contingent on completing these entitlements
- Design Committee final decision maker on these entitlements due to code conflict

B. Project Information

Proposed Scope of Work:

Request	Review Process	Notes
Site Layout Template and Minor Planned Unit Development for a single family development	8-6B-8 Minor Planned Unit Development	SUBFY2020-2 approved for a residential subdivision; Minor PUD and Design Review required to be completed as part of this decision
Design Review for residential structures	8-6B-3 Design Review Committee	

Project Details:

- 1) Proposed development: Dwelling Unit, Single Family, Detached development
- 2) Number of buildings: 6
- 3) Parking spaces: 13
- 4) Bicycle parking: None shown
- 5) Site Coverage: Unknown
- 6) Paved Areas: Unknown
- 7) Trash Enclosure: Individual can
- 8) Fencing: 6' wood privacy

Site Conditions:

- 1) Address: 204 E. 43rd Street, Garden City, ID 83714
- 2) Parcel Number: R2734500776
- 3) Property Size: 0.69 acres
- 4) Zoning District: R-3 Medium Density Residential
- 5) Comprehensive Plan Land Use Map Designation:
 - a) Mixed Use Commercial
 - b) Activity Node: Neighborhood/Destination
 - c) Activity Node: Transit Oriented Development
- 6) Legal Lot of Record: Yes/
- 7) Floodplain Designation:
 - a) 2003 FIRM: X
 - b) 2017 Draft FIRM: AE
- 8) Surrounding Uses:
 - a) Manufactured Home Park
 - b) Dwelling Unit, Single Family, Detached
 - c) Commercial Uses
- 9) Existing Use: Dwelling Unit, Single Family, Detached
- 10) Easements on site: None
- 11) Site Access: E. 43rd Street
- 12) Sidewalks: in good repair on or adjacent to the site.

C. Discussion

Due to a code conflict, the Design Committee is the final decision maker on the applications. The findings for a site layout template and a minor planned unit development in 8-6B-8 require a recommendation from the Design Committee and a decision from the Planning and Zoning Commission. However, decision authority over these applications is granted by 8-6A-2 to the Design Committee.

Subdivision application SUBFY2020 – 2 was approved contingent upon approval of the applications herein.

D. Required Decisions; Required Findings; Decision Maker Actions; Appeals

Required Decisions: The following decision processes are required for the project:

Decision	Recommendation Authority	Decision Authority	Hearing Date
Site Layout Template	N/A	Design Committee	5/18/2020
Minor Planned Unit Development	N/A	Design Committee	
Design Review	N/A	Design Committee	

Required Findings:

Note regarding Site Layout Template and Minor Planned Unit Development: There is a code conflict between the decision responsibility provisions of 8-6A-2E (Decisions and Authority) and the decision findings in 8-6B-8 (Minor Planned Unit Development). 8-6A-2E requires site layout templates to be decided by the Design Committee and appealed to City Council. 8-6B-8 requires the Planning and Zoning Commission decide site layout templates with a recommendation from the Design Committee as a required finding.

When a code conflict occurs, Garden City Code 8-1A-4 (Interpretation) requires the more restrictive provision be used. Decisions and authority of all applications are assigned by 8-6A-2E and include appeal provisions. 8-6B-8 does not include appeal provisions, making this provision less restrictive. Based on the more restrictive interpretation, the Design Committee is the final decision maker. The finding requiring a Design Committee recommendation is moot.

Site Layout Template: To approve a site layout template, the Design Committee must find the application meets the following findings:

- ~~1. Recommendation from the design review committee; (Rendered moot by the above interpretation)~~
2. The layout is in conformity with the purpose and intent of this article and the city's comprehensive plan;
3. The layout demonstrates innovation and creativity in residential lot development;
4. The layout creates usable open space areas and the opportunity to create a sense of place and neighborhood on a site;
5. The layout could provide for a variety of housing products that respond to changing demographics and housing needs including cottages, compact housing, residential courts, co-housing, and attached units;
6. The layout provides for interconnectivity within blocks and between lots of record; and

7. The layout creates an incentive for residential development that is designed with consideration for future development on adjoining lots and for combining lots of record.

Minor Planned Unit Development: To approve a minor planned unit development, the Design Committee must find the application meets the following findings:

1. The minor PUD is in general conformance with an adopted site layout template and any deviations are minor as defined in this section;
2. The minor PUD meets all the findings for a site layout template as set forth in this subsection G;
3. The minor PUD complies with requirements of the city and other agencies with jurisdiction; and
4. The minor PUD has been designed to minimize impacts on adjacent properties.

Design Review: To approve a design review, the Design Committee must find the application meets the following findings:

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district;
2. The proposed design adheres to standards for the protection of health, safety, and general welfare;
3. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;
4. The proposed design improves the accessibility of development to nonmotorized and public modes of transportation;
5. The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors;
6. The proposed design supports a compact development pattern that enables intensification of development and changes over time; and
7. The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.

Decision Options:

The Design Committee may take one of the following actions on each decision:

1. Approve the application as presented;
2. Approve the application with conditions;

3. Deny the application.
4. Request the applicant return with revised materials for additional review;

Appeal of Decision:

Site Layout Template and Minor Planned Unit Development: Pursuant to 8-6A-9 (Appeals), there is a 15-calendar day appeal period to appeal the decision to the City Council. This period starts from the date of signature on the decision and not the hearing date.

Design Review: At the hearing, the Design Committee will make a motion to decide the application. The Design Committee will review and approve the legal findings at the next scheduled hearing and a decision will be formally rendered.

Pursuant to Garden City Code 8-6B-3 (Design Committee) and Garden City Code 8-6A-6 (Administrative Process with Notice), there is a 15 day period to file a written objection to the application. This period starts from the signed decision date. If a written objection is received within the 15-day period, a City Council hearing will be scheduled to decide the application.

Written objections received after the 15 day objection period will not be accepted.

Pursuant to 8-6A-9 (Appeals), there is a 15-day appeal period to appeal the decision to the City Council. **This period starts from the signed decision date and runs concurrently with the 15-day objection period noted above.** An appeal is \$210 and must be filed on the appeal application form provided by the City. **Appeals received after the 15-day appeal period will not be accepted.**

E. Agency Comments

The following agency comments were provided:

Agency	Comment Date	Summary
Garden City Engineer	5/2/2020	General comments applied

F. Public Comment

The following public comments were provided:

None

G. Code/Policy Checklist

Sections with compliance issues noted will be analyzed in detail in section E: Code/Policy Analysis of this report. Sections without any compliance issues noted will not be further detailed in this report.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Staff Comment
Title 8, Chapter 1: General Regulations			
8-1A Purpose, Applicability and Interpretation	Design Committee	No compliance issues noted	Code conflict and resolution between 8-6A-2E and 8-6B-8 noted earlier in report
Title 8, Chapter 4: Design and Development Regulations			
8-4A General Provisions	Design Committee	No compliance issues noted	No comment
8-4B Design Provisions for Residential Structures	Design Committee	No compliance issues noted	No comment
8-4D Parking and Off Street Loading Provisions	Design Committee	No compliance issues noted	Superseded by 8-6B-8
8-4E Transportation and Connectivity Provisions	Design Committee	No compliance issues noted	Existing sidewalk installed
8-4I Landscaping and Tree Protection Provisions	Design Committee	No compliance issues noted	No comment
8-4L Open Space Provisions	Design Committee	No compliance issues noted	Superseded by 8-6B-8
Title 8, Chapter 6, Article B: Specific Provisions			
8-6B-8 Minor Planned Unit Development	Design Committee	No compliance issues noted	No comment
Title 8, Chapter 7: References			
8-7A Definitions	Design Committee	N/A	Defined terms referenced: No terms referenced

Garden City Plans/Policies		
Plan/Policy	Compliance Issues	Staff Comments
Garden City Comprehensive Plan	No compliance issues noted	Comprehensive Plan Designation provided
Garden City Sidewalk Policy	No compliance issues noted	Existing sidewalk installed
Garden City Street Light Policy	No compliance issues noted	Existing streetlight installed

H. Code/Policy Analysis

Garden City Plan/Policy Analysis	
Plan/Policy	Analysis
<u>Comprehensive Plan</u>	<p>The property is located within the Mixed Use Commercial, Activity Node: Neighborhood/Destination, and Activity Node: Transit Oriented Development designations of the Comprehensive Plan</p> <p>Mixed Use Commercial: The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.</p> <p>Activity Node: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan.</p>

	<p>The property is located in multiple designations. However, the Mixed Use Commercial designation is the predominant designation on the property. The Activity Node designation takes up small parts of the property and would be impossible to implement due to its placement.</p> <p>The following objectives may apply to this proposal:</p> <p>Goal 2: Improve the City Image Objective 2.1: Encourage new and distinctive neighborhoods</p>
<p><u>Garden City Sidewalk Policy</u></p>	<p>A sidewalk is installed along E. 43rd Street in accordance with the policy.</p>
<p><u>Garden City Street Light Policy</u></p>	<p>A streetlight is installed within 400' of the property as recommended by the policy.</p>