

ORDINANCE NO. 1044-24

BY THE COUNCIL: JACOBS, JORGENSEN, PAGE, RASMUSSEN

AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION PROVIDING FOR REZONE OF CERTAIN REAL PROPERTY DESCRIBED HEREIN FROM R-2 LOW DENSITY RESIDENTIAL TO SAP-01/DA SPECIFIC AREA PLAN, RESIDENCES AT RIVER CLUB CLASSIFICATION WITH A DEVELOPMENT AGREEMENT; AMENDING THE ZONING MAP OF THE CITY OF GARDEN CITY TO REFLECT SAID CHANGE; PROVIDING FOR SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Garden City, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho; and

WHEREAS, pursuant to Chapter 65, Title 67, Idaho Code, the City of Garden City has the authority to adopt, establish and amend a Zoning Ordinance; and

WHEREAS, the real property located at addressed as 6515 W. State Street, Garden City, Idaho 83714; Taxing Parcel Numbers: S0630223350 and S0630212910; The property is described by the Ada County Assessor's Office as Parcel S0630212910 @ NE4NW4 in TCA 06-15 Section 30 4N 2E; and Parcel S0630223350 of Sec 24-25 & 30 Lots 2-3 4N2E & Lots 2-3 Block 4 Plantation Subdivision #1 #222680C #244315C S0630212900C S0525110106C S0619336570C R7100400583C R7100400605C, is presently zoned R-2 (Low Density Residential) under the zoning ordinance of Garden City; and

WHEREAS, a Specific Area Plan Ordinance designated as SAP-01 Residences at River Club has been adopted as a zoning ordinance of Garden City; and

WHEREAS, the property owners have requested a rezone of a 22.68 acre portion of the property to SAP-01 Specific Area Plan, Residences At River Club Residences at River Club under the zoning ordinance of Garden City; and

WHEREAS, property owners and the City of Garden City have agreed to a development agreement that will be recorded with the Ada County Records office; and

WHEREAS, the City Council of the City of Garden City has determined that the zone change is in accordance with the Comprehensive Plan of the City of Garden City; and

WHEREAS, the City Council of the City of Garden City has determined that the zoning map amendment complies with the regulations outlined for the SAP-01

Specific Area Plan, Residences At River Club Residences at River Club with a Development Agreement; and

WHEREAS, the City Council of the City of Garden City has determined that the zoning map amendment is not materially detrimental to the public health, safety, or welfare of the community; and

WHEREAS, the City Council of the City of Garden City has determined that the zoning map amendment will not create an adverse impact upon the delivery of services.

WHEREAS, the Mayor and Council have determined that good cause exists for amending the official zoning map of the City of Garden City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GARDEN CITY, ADA COUNTY, IDAHO:

SECTION 1: A 22.68 acre portion of the real property particularly described by the Ada County Assessor's Office as Parcel S0630212910 @ NE4NW4 in TCA 06-15 Section 30 4N 2E; and Parcel S0630223350 of Sec 24-25 & 30 Lots 2-3 4N2E & Lots 2-3 Block 4 Plantation Subdivision #1 #222680C #244315C S0630212900C S0525110106C S0619336570C R7100400583C R7100400605C, more fully depicted by the Legal Description, **Exhibit A**, and Graphic Depiction **Exhibit B** is hereby rezoned to SAP-01 / DA (Specific Area Plan, Residences at River Club with a Development Agreement).

SECTION 2. The Development Agreement is recorded with the Ada County Recorder's Office, Instrument Number [REDACTED].

SECTION 3: The official Zoning Map of the City of Garden City, Idaho is hereby amended to reflect the foregoing change in zoning classification.

SECTION 4: If any provision or section of this Ordinance shall be held to be invalid by a court of component jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

SECTION 5: That the summary of the Ordinance, attached hereto as **Exhibit C** is hereby approved as to both form and content.

SECTION 6: Pursuant to an affirmative vote of one-half (1/2) plus one (1) of the members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with and accordingly, this Ordinance is passed and adopted.

SECTION 7: This ordinance shall be in full force and effect from and after passage, approval, publication of the ordinance.

ADOPTED by the City Council and **APPROVED** by the Mayor of the City of Garden City, Idaho, this ____ day of _____, 2024.

ATTEST:

APPROVED:

Lisa Leiby
CITY CLERK

John G. Evans
MAYOR

DRAFT

EXHIBIT A-1

Legal Description of Property to be Rezoned from R-2 to SAP-01/DA



LEGAL DESCRIPTION

Page 1 OF 2

March 4, 2024
Project No.: 122078

EXHIBIT "A"

RIVER CLUB COMMERCIAL PARCEL DESCRIPTION

A parcel of land located in Northwest One Quarter of Section 30, of Township 4 North, Range 2 East, Boise Meridian, Garden City, Ada County, Idaho, being more particularly described as follows:

Commencing at the One Quarter Corner common to Sections 19 and 30 of said Township 4 North, Range 2 East, (from which point the Section Corner common to Sections 19, 20, 29 and 30 of said Township 4 North, Range 2 East bears South 89°11'32" East, 2652.17 feet distant);

Thence from said One Quarter Corner, South 87° 19' 38" West, a distance of 1889.62 feet to the Southeasterly corner of Lot 16, Block 1 of Plantation Acres Subdivision No. 1, recorded in Book 14 of Plats at Page 941 of Ada County Records, said point being on the Southerly Right-of-Way line of West State Street and being the POINT OF BEGINNING;

Thence South 45° 50' 38" West, a distance of 452.33 feet on the easterly boundary line of said Plantation Acres Subdivision No. 1;

Thence South 45° 50' 38" West, a distance of 95.08 feet on the easterly boundary line of said Subdivision;

Thence South 44° 09' 22" East, a distance of 56.35 feet to a point of curve;

Thence 199.80 feet on the arc of a curve to the right, said curve having a radius of 273.50 feet, a central angle of 41° 51' 22", a chord bearing of North 72° 46' 15" East, and a chord length of 195.39 feet to a point of compound curve;

Thence 329.04 feet on the arc of a curve to the right, said curve having a radius of 500.00 feet, a central angle of 37° 42' 20", a chord bearing of South 67° 26' 54" East, and a chord length of 323.14 feet;

Thence South 48° 25' 48" East, a distance of 194.12 feet;

Thence South 45° 45' 57" East, a distance of 355.63 feet;

Thence South 44° 15' 50" East, a distance of 712.10 feet to a point of curve;

Thence 108.76 feet on the arc of a curve to the right, said curve having a radius of 175.00 feet, a central angle of 35° 36' 36", a chord bearing of South 03° 15' 00" East, and a chord length of 107.02 feet to a point of reverse curve;

Thence 603.36 feet on the arc of a curve to the left, said curve having a radius of 425.00 feet, a central angle of 81° 20' 29", a chord bearing of South 26° 06' 56" East, and a chord length of 553.95 feet;

Thence South 66° 47' 11" East, a distance of 149.11 feet;

Thence South 01° 29' 48" West, a distance of 15.00 feet to the northeast corner of Wedgewood Greens Subdivision;

Thence on the exterior boundary line of said Wedgewood Greens Subdivision for the following courses and distances:

Thence South 33° 37' 54" East, a distance of 164.84 feet to a point of curve;
Thence 35.48 feet on the arc of a curve to the right, said curve having a radius of 50.00 feet, a central angle of 40° 39' 26", a chord bearing of South 13° 18' 11" East, and a chord length of 34.74 feet;
Thence South 89° 56' 27" East, a distance of 114.18 feet;
Thence South 00° 07' 01" East, a distance of 8.48 feet;
Thence leaving said exterior boundary line, South 89° 24' 43" East, a distance of 117.62 feet to the southwest corner of Kessinger Subdivision;
Thence on the westerly boundary line of said Kessinger Subdivision and Savannah Greens No. 4 for the following courses and distances:
Thence North 00° 26' 19" East, a distance of 66.37 feet;
Thence North 04° 05' 27" West, a distance of 59.75 feet;
Thence North 13° 37' 08" West, a distance of 124.77 feet;
Thence North 27° 49' 52" West, a distance of 198.57 feet;
Thence North 38° 53' 07" West, a distance of 165.00 feet;
Thence leaving said Kessinger Subdivision and Savannah Greens No. 4, North 36° 22' 28" West, a distance of 203.82 feet;
Thence North 43° 58' 14" West, a distance of 256.08 feet;
Thence North 39° 39' 46" East, a distance of 268.62 feet to a point on the southerly right of way line of West State Street;
Thence on the southerly right of way line of West State Street for the following courses and distances:
Thence North 50° 47' 44" West, a distance of 122.55 feet;
Thence North 50° 51' 55" West, a distance of 1449.31 feet to a point of curve;
Thence 217.41 feet on the arc of a curve to the left, said curve having a radius of 17,229.00 feet, a central angle of 00° 43' 23", a chord bearing of North 51° 38' 58" West, and a chord length of 217.41 feet to the POINT OF BEGINNING.

The above described parcel contains 22.68 acres more or less.

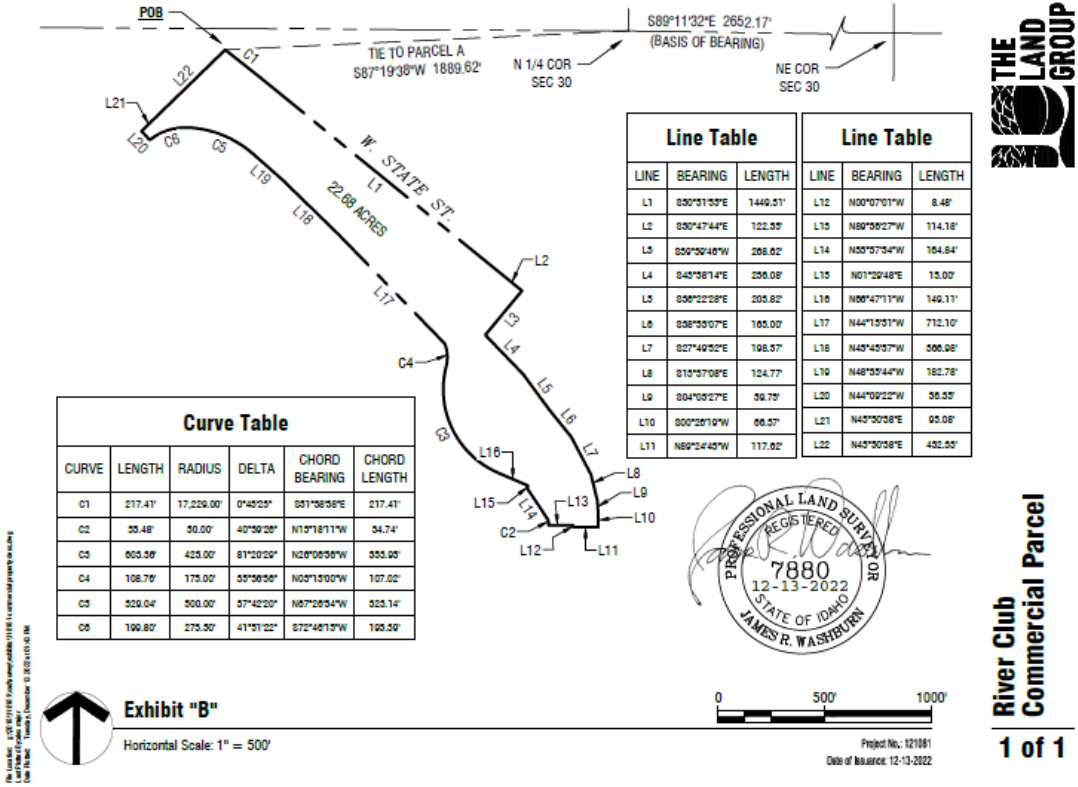
PREPARED BY:
The Land Group, Inc.

James R. Washburn



EXHIBIT B

Graphic Depiction of Property to be Rezoned from R-2 to SAP-01/DA



River Club Commercial Parcel
1 of 1

EXHIBIT "C"

**STATEMENT OF GARDEN CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 1044-24**

The undersigned, Charles I. Wadams, in his capacity as City Attorney of the City of Garden City, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 1044-24 of the City of Garden City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this _____ day of _____, 2024.

Charles I. Wadams
City Attorney

**SUMMARY OF ORDINANCE NO. 1044-24
OF THE CITY OF GARDEN CITY, IDAHO**

PUBLIC NOTICE IS HEREBY GIVEN that the City of Garden City, Idaho, adopted at its regular meeting of _____, 2024, that Ordinance No. 1044-24 entitled:

AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION PROVIDING FOR REZONE OF CERTAIN REAL PROPERTY DESCRIBED HEREIN FROM R-2 LOW DENSITY RESIDENTIAL TO SAP-01/DA SPECIFIC AREA PLAN, RESIDENCES AT RIVER CLUB CLASSIFICATION WITH A DEVELOPMENT AGREEMENT; AMENDING THE ZONING MAP OF THE CITY OF GARDEN CITY TO REFLECT SAID CHANGE; PROVIDING FOR SEVERABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance rezones a certain real property, located at A 22.68 acre portion of the real property particularly described by the Ada County Assessor's Office as Parcel S0630212910 @ NE4NW4 in TCA 06-15 Section 30 4N 2E; and Parcel S0630223350 of Sec 24-25 & 30 Lots 2-3 4N2E & Lots 2-3 Block 4 Plantation Subdivision #1 #222680C #244315C S0630212900C S0525110106C S0619336570C R7100400583C R7100400605C from R-2 Low Density Residential to SAP-01 Specific Area Plan, Residences At River Club Residences at River Club with a development agreement.

The effective date of the ordinance is _____, 2024, and the date of its passage, approval, and publication. A copy of the full text of the ordinance is available at the city clerk's office, 6015 N. Glenwood Street, Garden City, Idaho 83714. Examination may be requested in writing or in person during regular business hours of the city clerk's office, from 8:00 a.m. until 5:00 p.m., pursuant to Section 50-901A(4), Idaho Code.

DATED this this _____ day of _____, 2024.

ATTEST:

CITY OF GARDEN CITY, IDAHO:

Lisa Leiby, City Clerk

John G. Evans, Mayor