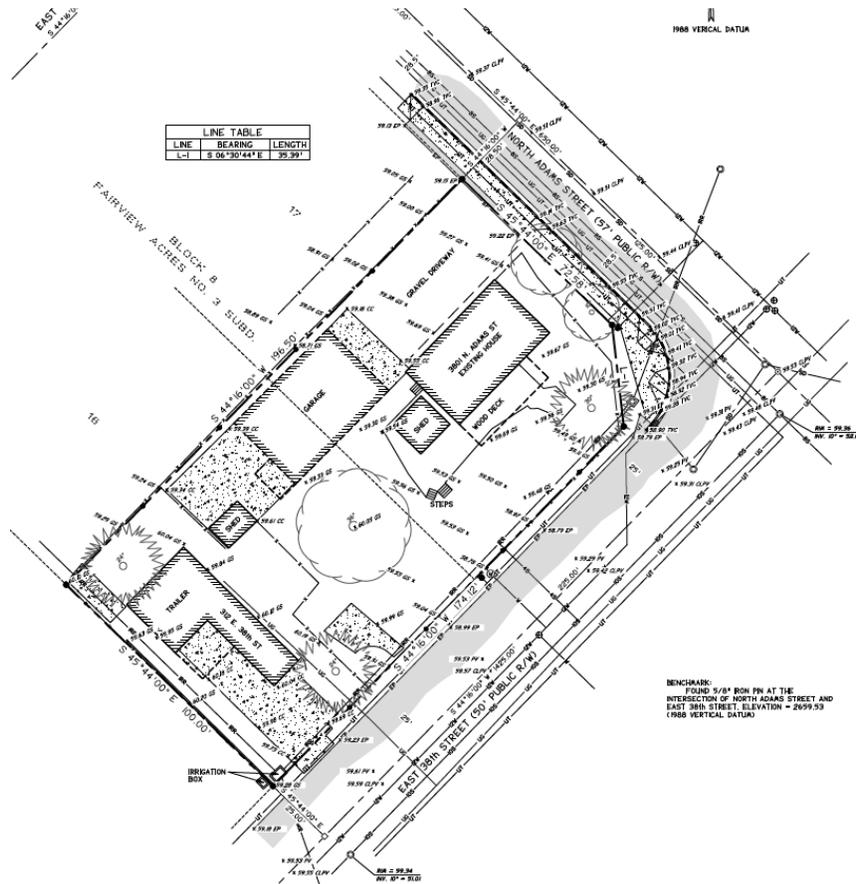


CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714
 Phone (208)472-2921 □ Fax (208)472-2926

File Number: ZONFY2020-08
For: Rezone
Location: 3801 N. Adams St.
Applicant: Robert O'Dell
Report Date: August 19, 2020
Updated to Include Recommendation: TBD



Staff Report
 Report prepared by Hanna Veal

Table of Contents

Recommendation Summary	3
Project Information.....	4
Discussion	5
Decision Process.....	5
Agency Comment	7
Public Comment	7
Code/Policy Review.....	8

A. Recommendation Summary:

This summary will be updated to reflect the Planning and Zoning Commission recommendations.

B. Project Information

Proposed Scope of Work:

This application is for a rezone per Garden City Code 8-7A-2 Definition of Terms:

ZONING DISTRICT, BASE: General district in which all properties are divided into residential, commercial or industrial uses and reflected on the zoning map.

Special Provisions	Notes
Zoning Map Amendment and Annexation	The provisions of this section shall apply to all lands within the city limits, the area of city impact, and all other annexable land as set forth in Idaho Code section <u>50-222</u> .

Site Conditions:

- 1) Street Address: 3801 N. Adams Street
- 2) Parcel Number(s): R2734502637
- 3) Subdivision: PAR #2637 POR LTS 16 & 17 BL 8 FAIRVIEW ACRES SUB #1#2635-B
- 4) Property Size: 0.445 acres
- 5) Current Zoning District: R-3 Medium Density Residential
- 6) Current Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designation:
 - a) Main Street Corridor
 - b) Mixed Use Commercial
- 8) Legal Lot of Record: Yes
- 9) Floodplain Designation:
 - a) 2003 FIRM: 100 Year
 - b) 2017 Draft FIRM: 100 Year
- 10) Surrounding Uses within 600 feet:
 - a) Single Family Dwelling
 - b) Multi-family Dwellings
 - c) Public Use
 - d) Professional Services
 - e) Storage Facility or Yard
 - f) Vehicle Services
- 11) Existing Use: Vacant
- 12) Easements on site:
 - a) Fairview Acres SUB 03 Plat; utility, drainage, irrigation easement.
- 13) Site Access: Waiver Requested for site and Master plan. Site access to be disclosed. Current site access is off both N. Adams and E. 38th St.
- 14) Sidewalks:
 - a) Attached sidewalk in good repair along Southern N Adams St. Sidewalks are in good repair.
 - b) Detached sidewalk along Northern N. Adams St. Sidewalks are in good repair.
 - c) There are no sidewalks along E. 38th St.

Project Details:

- 1) Proposed Zoning District: C-2 General Commercial
- 2) Proposed Development Agreement: No

- 3) Proposed Use: Single family – live/work residential homes
- 4) Additional applications required: None
- 5) Total number of lots: Portions of 2 lots

C. Discussion

The proposed use is in the Mixed-Use Commercial and the Main Street Corridor designations of the Comprehensive Plan Land Use Map.

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.

The Main Street Corridor aims to create a “Main Street” as a principle street with a mix and concentration of uses along Adams/ Alworth Street with a possible alignment through a redeveloped Idaho Expo site connecting with the Activity Node at Glenwood and Marigold Streets. The corridor should have activity nodes along the street that connect the main street to the arterial roadways and/or the Boise River. The activity nodes should be limited so as to not dilute their function as a center. The focus of development should be on minimum front yard setbacks, parking on the street and behind buildings, and pedestrian amenities. The center of the activity nodes on the Main Street corridor should be integrated vertically with more height at the principle main street intersection of the node.

Both the stated purposes of the zoning districts General Commercial (C-2) and Mixed Use (M) fit into what the comprehensive plan wishes this area to develop into. However, staff believes that zoning ordinance (M) is a much better fit for the proposed site based off the goals of the comprehensive plan in that (M) zoning allows for a mix of commercial and residential uses that are complementary of one another. The purpose is to accommodate and encourage further expansion and renewal in designated areas of the community. A variety of residential, office, and commercial uses are encouraged in an effort to provide a mix of activities necessary to establish a truly urban character. All densities of residential, professional offices, neighborhood services retail uses may be located within this designation.

Staff has concerns with the flexibility and incompatibility of the (C-2) zoning district . Regardless of the purpose statement, the C-2 zoning district contemplates uses that are not compatible with residential uses. Staff’s major concerns lie within the more industrial uses such as vehicle sales, retail and washing facilities, storage and warehouses, and fuel sales, all of which might not be in accordance with Garden City’s comprehensive plan.

Staff has asked the applicant why the C-2 district is desired as opposed to the M district. The reason stated was that there was not a desire for the daycares. This use could be eliminated by the applicant via CC&Rs should they desire to preclude this use. The applicant also noted that they had concerns with spot zoning.

Spot zoning is when a parcel of land is zoned differently than the surrounding properties to the benefit of the property, and, thus, to the detriment of the surrounding properties. However, the

most important criteria in determining spot zoning is the extent to which the zoning is consistent with the Comprehensive Plan. While there are no properties adjacent to the property that are zoned M, and there are properties adjacent to the property that are C-2, the M designation is arguably more in alignment with the Comprehensive Plan's designation and goals.

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
Rezone	Planning and Zoning Commission: Hearing August 19, 2020	City Council Hearing: September 28, 2020

Required Findings:

For the approval of a ZONING MAP AMENDMENT the decision making body must find the application meets the following findings, found in [GCC 8-6B-10](#):

1. The zoning map amendment complies with the applicable provisions of the comprehensive plan;
2. The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
3. The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts;
4. The zoning map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

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 regular scheduled meeting.

The Planning and Zoning Commission is the 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.

Appeal of Decision:

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

The applicant or someone with standing may request City Council to reconsider their decision. A reconsideration request may be made within 14 days of the formal decision being rendered. Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to 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.

E. Agency Comments

The following is a summary of the agency comments that were provided at the time of the drafting of this report. All comments are included in their entirety as a part of the record.

Agency	Comment Date	Summary
Ada County Highway District	8/11/2020	<p>As part of future development application, the applicant should be required to construct curb, gutter and 5-foot wide concrete sidewalk on 38th Street abutting the site.</p> <p>If detached sidewalks are proposed, the a permanent right of way easement to 2-feet behind back of sidewalk may be provided.</p> <p>The existing driveway from the site onto Adams Street does not meet District Driveway Location or District Successive Driveways policies which requires a minimum offset of 150-feet from the intersection and 150-feet offset from any other driveways. Therefore, as part of a future development application, the applicant should be required to close the 32-foot portion of the driveway from the site onto Adams Street with vertical curb, gutter and 7-foot wide sidewalk to match the existing improvements east of the site. The applicant should not modify the portion of driveway that exists offsite on the parcel to the west.</p> <p>As part of a future development application, access to Adams Street will be prohibited because access should be taken to 38th Street, a local street. Furthermore, there is not enough frontage to meet the Driveway Location or the Successive Driveway policies.</p>
Boise School District	None received to date	
Central District Health	None received to date	
COMPASS		
Garden City Engineer	None received to date	
Idaho Transportation Department	None received to date	
Irrigation: Fairview Acres	None received to date	
North Ada County Fire and Rescue	None received to date	
Meridian School District	None received to date	

F. Public Comment

No public comments were received.

The following is a summary of the public comments and testimony that were provided by June 10, 2020 in accordance with [Resolution 1053-18](#). All comments are included in their entirety as a part of the record.

Commenter	Comment Date	Summary
None received to date		

G. Code/Policy Review

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

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations			
8-1A-4 Applicability			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-1B-1 Nonconforming Properties		May not be complaint	Have not confirmed if it is a Legal lot of record. We need deeds showing current configuration prior to August 9 th , 1988.
8-1B-2 Nonconforming Structures		Not Compliant.	Lot has a nonconforming structure in the form of a single wide mobile home. Not confirmed if the nonconforming structure is legal or not. Applicant has stated that they intend to keep it in place until they are approved and moving forward with development.
8-1B-3 Nonconforming Uses		No compliance issues noted	Single family dwelling is proposed for rezone from R-3 to C-2. Townhomes are permitted in R-3, C-2, and M zoning.
8-1C-3 Property Maintenance Standards		No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.
Title 8, Chapter 2: Base Zoning District Regulations required by 8-5A-4			
8-2B-1 Purpose	PZ/CC	No compliance issues noted	Pursuant to Garden City Code 8-2B-1D, the purpose statement of the: R-3 Medium density residential: The purpose of the four (4) residential districts is to provide a full range of housing products within the city in areas that are exclusively for residential uses. The four (4) districts are contrasted by the density and housing products that are allowed within each district: C-2 general commercial: Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district. M Mixed use: allows for a mix of commercial and residential uses that are complementary of one another. The purpose is to accommodate and encourage further expansion and renewal in designated areas of the community. A variety of residential,

			<p>office, and commercial uses are encouraged in an effort to provide a mix of activities necessary to establish a truly urban character. All densities of residential, professional offices, neighborhood services retail uses may be located within this designation.</p> <p>The intent of the proposed zoning map amendment is to enable use of the property in line with the purpose statement. The applicant has already submitted a removal permit for the removal of the manufactured home residing on the lot. That manufactured home has been removed. But there is a single wide mobile home residing on the home currently, making it a nonconforming structure. Mobile homes and manufactured homes are only permitted in mobile/ manufactured home parks, and the subject property is not a mobile/ manufactured home park. Staff has noted the remaining mobile home as a single-family dwelling, a permitted use, in a non-conforming structure (as the unit lacks the designation of real property with the County).</p> <p>The applicant has stated that they intend for the site to be live-work townhomes, much like the ones on 36th Street, and expressed extreme desire to develop to what the Garden City Comprehensive plan envisions Adams Street to be. They have also indicated that they would rather rezone from R-3 to C-2 instead of R-3 to M. The applicant described their vision of what kind of businesses would be in their development; with the possibility of future bike sales/rentals, paddleboard sales/rentals and other river activity rentals and sales.</p> <p>It should be noted that this is an application for a rezone, and nothing would compel the applicant or future landowners to develop as stated by Ms. Ball, unless there is a development agreement in place. A development agreement that is narrowly focused to only allow for use is not recommended.</p>
8-2B-2 Allowed Uses	PZ/CC	The rezone of the site to C-2 may be assisted by a development agreement limiting certain uses.	<p>The stated desired use will be live/work/create townhomes resembling that of 36th St. Single-family attached units are an allowed use under the current zoning designation of R-3.</p> <p>However, as noted above, the rezone in and of itself, cannot compel a particular use. Therefore, while the applicant has indicated a desire to rezone to C-2, staff suggests that a zoning designation of M is more compliant with the Garden City Comprehensive Plan and surrounding neighborhood.</p> <p>The uses of commercial entertainment facility, full scale drinking establishments, drive-throughs, equipment rental and service, fuel sales, flex industry, laundry and dry cleaning commercial plant, RV park, Service Provider, vehicle rental, vehicle sales, and warehouse would be conditionally allowed in the C-2 zoning district but not in the M zoning district. The uses of a group dwelling unit, public uses would be a permitted use in the C-2 zoning district rather than conditional uses in the M zoning districts.</p> <p>Neighborhood and personal daycares would be allowed in the M district but are prohibited in the C-2 district.</p>

The uses of commercial entertainment facility, full scale drinking establishments, drive-throughs, equipment rental and service, fuel sales, flex industry, laundry and dry cleaning commercial plant, service provider, vehicle rental, vehicle sales, and warehouse are potentially not cohesive uses with the stated desired use of townhomes, with a Main Street, nor with the residential component of the mixed-use as designated in the Garden City Comprehensive Plan. A development agreement could potentially restrict these uses.

Staff has highlighted the intended use in the chart given, as well as allowed uses that seem to differentiate between the C-2 zoning ordinance and M zoning ordinance. A highlight of green is indicative of a use that is less restrictive than in the R-3 Zoning District, and a highlight of red is indicative of a use that is more restrictive than the R-3 Zoning District.

Pursuant to Garden City Code 8-2B-2 (Allowed Uses), the proposed zoning map amendment would enable the following changes to the property's permitted (P), conditional (C), and prohibited uses (left blank):

	R-3	C-2	M
Accessory Use*	P	P	P
Agriculture*	P	P	P
Amusement Center*		C	C
Animal Care Facility*		C	C
Artist Studio*	P	P	P
Bed And Breakfast*	C	P	P
Bicycle Sales Service, Storage, Rental		P	P
Building Material, Garden And Equipment*		C	C
Church Or Place Of Religious Worship*	C	C	C
Club*		C	C
Commercial Entertainment Facility*		C	
Day Care, Center*		C	C
Day Care, Neighborhood*	P		P
Day Care, Personal*	P		P
Drinking Establishment, full service*		C	
Drinking Establishment, limited service*		P	P
Drive Through		C	

			Establishment*			
			Dwelling Unit, Accessory*	P	P	P
			Dwelling Unit, Group	C	P	C
			Dwelling Unit, Multiple Family*	P	P	P
			Dwelling Unit, Single Family Attached (Stated Desired Use)	P	P	P
			Dwelling Unit, Single Family Detached	P	P	P
			Dwelling Unit, Two-Family	P	P	P
			Eating Establishment, full service	C	P	P
			Eating Establishments, limited service	C	P	P
			Equipment rental, sale and service*		C	
			Financial Institution*		P	P
			Food Products, processing*			
			Food Products, small-scale processing*	C	P	P
			Food Store*	C	P	P
			Fuel Sales *		C	
			Fuel Yard			
			Health Care And Social Service	C	P	P
			Health Club*	C	P	P
			Home Occupation*	P	P	P
			Hospital*		C	C
			Industry, Flex*		C	
			Industry, Information		P	P
			Industry, Light*			
			Kennel, Hobby*	P	P	P
			Laboratory - Medical, Dental, Optical		P	P
			Laundromat, Self-Service Cleaner*		P	P
			Laundry and Dry Cleaning, Commercial Plant		C	

			Laundry and Dry Cleaning Establishment		C	C
			Lending Institution			
			Lodging*		C	C
			Manufactured/Mobile Home Park	C	C	C
			Mortuary		C	C
			Nursery*		P	P
			Nursing And Residential Care*	C	C	
			Parking Facility		C	C
			Personal Service*		P	P
			Professional Service*		P	P
			Public Service Facility	C	C	C
			Public Uses	C	P	C
			Recreational Vehicle Park*		C	
			Research and Development		P	P
			Retail Production*	C	P	P
			Retail Store		P	P
			School*	C	C	C
			Service Provider*		C	
			Sexually Oriented Businesses*			
			Storage Facility, self-service			
			Storage Facility or Yard*			
			Storage Yard, Commercial Recreational Vehicle*			
			Temporary Use*	P	P	P
			Tobacco Entertainment Facility*		C	C
			Tobacco Retail Store		P	P
			Vehicle Rental *		C	
			Vehicle Sales *		C	
			Vehicle Service *		C	C
			Vehicle Washing Facility *			C
			Vehicle Wrecking Yard *			
			Warehouse And Storage, Wholesale *		C	

Wireless Communication Facility *

While the proposal expands the intensity of uses onsite, there does not appear to be evidence on the record that a development agreement is necessary to restrict them. However, a condition of approval might be that some uses are restricted within the CC&R's. With any new structure or use, there are administrative and public hearing processes necessary that would protect the health, safety, and welfare of the community.

8-2B-3 Form Standards

PZ/CC

Should the lack of restriction on height in the C-2 zoning district designation be of concern, this could be remedied through a Development Agreement.

Both the C-2 and M Zoning District designations allow for reduced setbacks and increased lot coverage in relation to the R-3 Zoning District.

The principle differences between the C-2 District and the M District is that in the C-2 zoning district there is no maximum height. Additionally, the M district allows for a 0' side setback whereas the C-2 requires a 5' side setback.

The applicant's stated desire of attached townhomes would require approval of a Planned Unit Development to deviate from the C-2 District's 5' setback requirement.

District	Zoning Standards
R-3	Setbacks: Front: 5'/20', Rear: 15', Interior side: 0/5', Street Side: 5'. Maximum Height: n/a Maximum Lot Coverage: 70%
C-2	Setbacks: Front: 5', Rear: 5' Interior Side: 5', Street Side: 5' Maximum Height: n/a Maximum Lot Coverage: n/a
M	Setbacks: Front: 10' max, Rear: 5', Interior Side: 0/3', Street Side: 0' Maximum Height: 72' Maximum Lot Coverage: n/a

Title 8, Chapter 3: Overlay Zoning District Regulations

Title 8, Chapter 6, Article A: Administration

8-6A-3 General Application Process	PZ/ CC	No compliance issues noted	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	No concerns noted	<p>Application waivers requested pursuant to 8-6A-4A. Waivers submitted by applicant were for:</p> <p><u>Master Plan</u>: they are currently in the process of developing the project plan and are requesting the re-zone to complete the design of the project to achieve the goals of the Comprehensive Plan before preparing the Master Plan for their subsequent application.</p> <p><u>Site Plan</u>: they are currently in the process of developing the project plan and are requesting the re-zone to complete the design of the project to achieve the goals of the Comprehensive Plan before preparing the Site Plan for their subsequent application.</p> <p><u>Natural Hazards and Resources Analysis</u>: at this time, they are not aware of any hazards or resources that apply.</p> <p><u>Dedications and Easements</u>: they are currently in the process of developing the project plan and are requesting the re-zone to complete the design of the project to achieve the goals of the Comprehensive Plan before preparing any Dedications or Easements that will be required for their subsequent application</p>
8-6A-7 Public Hearing Process	PZ/DRC/C C	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6511	The Local Land Use Planning Act requires that a rezone be compliant with the Comprehensive Plan.
Garden City Comprehensive Plan	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> a) Main Street Corridor b) Mixed Use Commercial <p>In and of itself, a Comprehensive Plan is not legally binding. However, a required Conclusion of Law for zoning map amendments in Garden City is that the amendment is in conformance with the Comprehensive Plan. In this way the Garden City Zoning Code ensures that proposed zoning map amendments are not only required to be compatible with existing neighborhoods but are also progressing the vision that the community has for those neighborhoods.</p>

	<p>The proposed use is in the Mixed-Use Commercial and the Main Street Corridor designations of the Comprehensive Plan Land Use Map.</p> <p>The <i>mixed-use commercial</i> 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>The Main Street Corridor aims to create a “Main Street” as a principle street with a mix and concentration of uses along Adams/ Alworth Street with a possible alignment through a redeveloped Idaho Expo site connecting with the Activity Node at Glenwood and Marigold Streets. The corridor should have activity nodes along the street that connect the main street to the arterial roadways and/or the Boise River. The activity nodes should be limited so as to not dilute their function as a center. The focus of development should be on minimum front yard setbacks, parking on the street and behind buildings, and pedestrian amenities. The center of the activity nodes on the Main Street corridor should be integrated vertically with more height at the principle main street intersection of the node.</p> <p>The following goals, objectives, and action steps of the plan appear to apply to this proposal:</p> <ul style="list-style-type: none"> • Goal 2: Improve the City Image <ul style="list-style-type: none"> ○ Objective 2.1: Encourage new and distinctive neighborhoods. ○ Objective 2.3: Promote quality design and architecturally interesting buildings. • Goal 6: Diversity in Housing • Goal 10: Plan for the Future <ul style="list-style-type: none"> ○ Objective 10.6: Continue to support commercial and industrial land uses
Garden City Sidewalk Policy	No proposed site plans, no proposed sidewalk plans.
Garden City Street Light Policy	Streetlight on 38 th and Adams. Another streetlight on Adams within 400 ft. of the site.
Old Town Circulation Network Plan	<p>Site is located in Original Town Area of Garden City.</p> <p>Adams Street concept design was to make a livable urban street based on forecast of future travel demand. Daily traffic along this corridor are anticipated to remain below 3-lane roadway thresholds. Turn pockets at major intersections may be recommended. On street parallel parking will be provided for the benefit of adjacent landowners. Sidewalks will be provided on both sides of the street. The on-street parking and curbed streetscape areas would act as a buffer between the non-pedestrian travel way. Adams Street is an anticipated significant bike corridor.</p>