



DEVELOPMENT SERVICES DEPARTMENT

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To: Mayor John Evans and the Garden City Council
From: Jenah Thornborrow, Development Services Director
Subject: SAPFY2019-1/PUDFY2019 - 1 – Specific Area Plan/ Planned Unit Development- East 34th Street
Date: August 12, 2019 City Council Meeting

PUBLIC HEARING

Requested Actions

1. Decision on SAPFY2019-1 Specific Area Plan and Master Site Plan
2. Decision on PUDFY2019-1 Planned Unit Development
3. Adoption of Resolution 1062-19
4. Adoption of Resolution 1063-19
5. Vacation of 34th Street from Carr to Boise River

Background

On July 15, 2019 and July 17, 2019, the Design Review Committee and the Planning and Zoning Commission, respectively, recommended approval of specific area plan (SAP) and master site plan (MSP) SAPFY2019 – 1 and planned unit development (PUD) PUDFY2019 – 1.

Project Synopsis

This project is a Specific Area Plan (SAP), that will also be a Master Site Plan (MSP) for lots from Chinden Boulevard to the Boise River on E. 34th Street. This plan includes street design for the adjacent streets. To achieve the desired development the applicant has proposed a Planned Unit Development (PUD) to allow for code waivers and will be requesting a vacation of E. 34th Street from Carr Street to the Boise River.

Staff provided a memorandum to the decision makers dated July 2, 2019 indicating, providing approval of this application, that the City may consider adopting the street designs for consistency when adjacent properties not included in this plan redevelop. Correspondingly, staff has prepared Resolution 1063-19 which would allow for all of E. 34th and Carr Street from 33rd Street to 35th Street to be constructed with 7' attached sidewalks, on street parking, and 13' travel lanes. This is not the standard that City code compels. The proposed street design is intended to allow for space for fire ladder truck access.

Resolution 1062-19 would provide for detached sidewalks as required by City Code for all of E. 35th Street, all of E. 33rd Street, and Clay Street from 32nd Street to 37th Street. While code would generally require this design, the resolution would adopt additional treatments such as lighting and drainage that would not otherwise be required by Garden City Code.

Analysis

Recommending Body Discussions:

Below are the topics that were mainly discussed with the Planning and Zoning Commission and, or Design Review Committee.

1. Adherence to the Plan

There are no regulatory standards in place either through Idaho Statute or Garden City Code that require a property to participate in this proposal. As the properties identified in this plan redevelop, they can develop to standards identified in Garden City Code. This could result in difficulty in administering this proposal.

Both recommending bodies discussed the Waterfront District (WFD) as an example of the difficulty in administering standards as properties within a PUD developed outside of the PUD's concept. The WFD took roughly 13 years to entitle the individual properties within the PUD. The resulting entitlements diverge from the WFD approval as a mixed-use development with different uses offsetting parking constraints and certain lots providing shared parking. Rather, the WFD was developed as a predominantly residential development that saw subsequent subdivisions of properties within the PUD. This complicated the administration of parking requirements as the anticipated parking supply and parking needs changed due to the lack of adherence to the adopted plan by some properties, yet the parking as approved through the PUD was requested to be applied to lots as they redeveloped.

In order to attempt to maintain the integrity of the plan, the Design Review Committee recommended conditions nullifying the plan if properties redevelop outside of the parameters of the plan. The Planning and Zoning Commission did not support these conditions as they could have consequences for the financing of the development, etc.

The SAP process allows for a Development Agreement (DA). The applicant has opted not to include a DA as a part of the proposal, instead has opted to attempt to achieve adherence to the plan through requirements in CC&Rs. There are recommended conditions that the CC&Rs are provided to the City and that the association not be resolved without approval by the City. However, the City does not require, nor is there a recommended condition, that amendments to the CC&Rs come before the City for review.

A potential condition of approval to address adherence to the plan is that a DA is required to be recorded for each property that states that the property must be in conformance with this plan. If a property would choose to redevelop outside of the plan, then an amendment to the plan would need to take place prior to or

concurrently with the development. The intent of such a condition is to allow for the review and necessary adjustments to maintain clear administration of this project, and subsequent iterations.

An additional amendment to the recommended conditions of approval to assist in adherence to this proposal would be that easements would be required prior to the initiation of the SAP/PUD.

2. Right-of-Way Vacation

The applicant has requested Ada County Highway Commission to vacate 34th Street from Carr Street to the River. The right-of-way terminates at the river and includes the Greenbelt.

Currently there is a recommended condition of approval that there be a public access easement provided for the area requested to be vacated. This could be interpreted to include a Greenbelt easement. The draft decision document has been updated to clarify this condition.

The Design Review Committee expressed concern with maintenance of the public plaza and recommended a condition of approval that the CC&R's must include language detailing maintenance procedures.

There is not a current recommended condition of approval to require an easement for flood protection measures. Staff has added this as a draft condition of approval.

3. Greenbelt

There are areas of Garden City where more activity is occurring, subsequently, the Greenbelt has become congested. The application proposes a plaza for public activity adjacent to the Greenbelt, however the applicant has indicated that they do not anticipate that the congestion will occur at this location. It has been suggested by the applicant that Greenbelt access and bike traffic be directed to 33rd Street. There is no proposed improvements to the Greenbelt in conjunction with this application.

4. Consistency of Development- Nonparticipating Properties

There are two measures that have been recommended to facilitate cohesion with the properties that are a part of this proposal and the redevelopment of adjacent properties that are not a part of this proposal.

The first recommended measure is the adoption of the two draft resolutions to adopt the proposed street designs. The second is a recommended condition of approval to require easements to the non-participating properties so that they may be able to connect and continue the private alley ways.

5. Connectivity

Garden City has an adopted pathway plan, Original Townsite Circulation Network Plan (OT-CNP). The plan calls for a pedestrian pathway to be developed along Thurman Mill facilities. The applicant is not opposed to a pathway but has

requested that this be addressed at the time of redevelopment of the affected property.

6. Setback of 70' from the River

As part of the Planned Unit Development requested relief from base zoning regulations, the application is requesting a reduction in the 70' setback from the ordinary high-water mark.

On July 8, 2019, the Council repealed the Boise River and Greenbelt Overlay District (GCC 8-3A-4) in its entirety. However, the application was submitted and accepted prior to the repeal and is still subject to the standards of this previously adopted ordinance. GCC 8-3A-4A-4 prohibits the waiver 70' setback from the Ordinary High-Water Mark of the Boise River, as measured at 6,500 cfs river flow.

An e-mail from Brandon Hobbs, U.S. Army Corps. of Engineers, advises that a setback of 60' may be necessary to accommodate potential future flood protection improvements.

The Design Review Committee noted that they were not secure in recommending a reduction to the 70' setback. Their recommendation included specifying that that decision should be made by City Council. The Planning and Zoning Commission was not in favor of reducing the setback and specifically recommended that the setback should not be reduced.

A condition has been drafted to facilitate revisions that might be necessary to achieve the 70' setback.

Code Analysis

Attached to this file is the staff report with a full analysis of the plan with regards to Garden City Code.

Draft Decision

A draft decision has been provided in accordance with the Planning and Zoning Commission and Design Review Committee recommendations. It should be noted that this draft decision is not intended to be a predetermined decision.

There is an additional memorandum that is provided in this packet that provides an account of the conditions of approval that are not the same in the Planning and Zoning Commission and Design Review Committee recommendations. The draft City Council decision includes potential amendments to reconcile the differences between the recommendations.

Staff has provided the additional possible changes that are clerical in nature.

1. There is a provided draft change proposed to the Master Site Plan condition #1 in attempts to provide clearer language.
2. Waivers to code 2.a is redundant and has been removed.

3. Parking requirements has altered to refer to the plan which gives better guidance rather than provide strict minimums that may change based on how the properties develop.

Where there is a reconciled condition of approval, or otherwise discussed in this memorandum, it is highlighted in the draft.

Agency Comments

Agency Comments were received by ACHD, USACE, DEQ and ITD. The comments provided by DEQ and ITD were provided to the recommending bodies. Subsequent the Design Review Committee and Planning and Zoning Commission's recommendations ACHD has provided comment. All comments are provided in this packet.

Summary of significant ACHD comments:

- ACHD is in support design of streets as proposed.
- ACHD will not accept alleys as public.
- Driveways will be reviewed for compliance with future applications.

Attachments

Potential Draft Decision Document
Draft Resolution 1062-19
Draft Resolution 1063-19
Reconciliation Memorandum
Plan Booklet

Links

[Design Review Committee Recommendation](#)
[Planning and Zoning Commission Recommendation](#)
[Staff Reviews](#)
[Agency Comments](#)
[Public Comments](#)
[Noticing materials](#)
[Application Materials](#)
[Presentation](#) and [Discussion](#)