



DEVELOPMENT SERVICES DEPARTMENT

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To: Mayor John Evans and the Garden City Council
From: Chris Samples, Associate Planner
CC: Jenah Thornborrow, Development Services Director
Subject: SAPFY2019-1/PUDFY2019 - 1 – Reconciliation of DRC and P&Z Recommendations
Date: July 25, 2019

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.

The recommendations were made with differing conditions that require reconciliation. These conditions concern maintaining the development's overall plan in the event of a property's redevelopment, CC&R language, the 70' setback from the Ordinary High-Water Mark, future connectivity, and the meaning of terms in the SAP book.

Analysis:

1. Maintaining the development's plan

To maintain the overall functionality and integrity of the development, the draft decision document contained the following condition specific to the PUD:

"The PUD will be rendered invalid if an individual property or properties within the scope of this decision are approved for a new PUD separate from this decision."

The Committee recommended keeping this condition. The Commission recommended striking this condition in its entirety.

If the Council were to strike this condition, the following conditions pertaining to the SAP and MSP should be stricken to maintain consistency within the decision:

- The SAP will be rendered invalid if an individual property or properties within the scope of this decision are approved for a new SAP separate from this decision.
- The MSP will be rendered invalid if an individual property or properties within the scope of this decision are approved for a new MSP separate from this decision.

2. CC&R Language

The Committee expressed concern with maintenance of the mixed-use plaza located adjacent to the Boise River and Greenbelt and recommended the following additional condition:

- The CC&R's must include language detailing maintenance procedures for the mixed-use public plaza adjacent to the Boise River and Greenbelt.

The Commission did not make a concurrent recommendation to add this condition.

3. 70' Ordinary High-Water Mark Setback

On July 8, 2019, the Council repealed the Boise River and Greenbelt Overlay District in its entirety.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 requires a 70' setback from the Ordinary High-Water Mark of the Boise River, as measured at 6,500 cfs river flow. GCC 8-3A-4A-4 prohibits the waiver of this requirement.

The draft decision rejected the applicant's requested waiver of this setback. The Committee's recommendation recommends the Council consider waiving this setback. The Commission did not make a concurrent recommendation to add this condition.

The City has received an e-mail from Brandon Hobbs, with the Army Corps. of Engineers indicating a setback of 60' to accommodate potential flood mitigation improvements may be necessary.

Both the Committee and Commission recommendations contain conditions enabling the amendment of the application to accommodate for the setback.

4. Future Connectivity

The northwest portion of the mixed-use plaza along is within the Original Townsite Circulation Network Plan (OT-CNP), an adopted pathway plan. The OT-CNP calls for a pedestrian pathway along the Thurman Mill Irrigation Ditch, the start of which is located on the noted property.

The draft decision contained these conditions:

Multi-Modal Pathway – Original Townsite Circulation Network Plan:

- A recorded, perpetual public access easement shall be provided for a multi-modal, non-motorized pathway prior to the vacation of E. 34th Street in accordance with the Original Townsite Circulation Network Plan (OT-CNP). The pathway shall be located along property adjacent to the Boise River Greenbelt as depicted in the OT-CNP.
- The minimum width dimension of this easement shall be dimensioned to the minimum paved width required for the Greenbelt.
- The pathway shall be completed prior to the issuance of a certificate of occupancy or certificate of compliance for a structure and/or use located onsite.
- Reconfiguration of the SAP, MSP, and PUD to accommodate this easement is authorized and shall be approved by the Design Committee.

The Committee felt the pathway should be developed in coordination with the adjacent property to the west and made the following amendments:

- The pathway shall be completed ~~prior to the issuance of a certificate of occupancy or certificate of compliance for a structure and/or use located onsite.~~ when the property located at 315 E. 35th Street (Ada County Parcel Number R2734540604) redevelops.
- Reconfiguration of the SAP, MSP, and PUD to accommodate ~~this easement~~ the multi-modal pathway is authorized and shall be approved by the Design Committee.

The Commission did not recommend any changes to the original draft condition.

5. Clarification of the plan's enforcement

Pertaining to how the SAP is to be enforced, the draft decision contains the following condition:

- The SAP is intended to be a guide for future development within the scope of work presented in the SAP book.

The Committee felt that additional clarification of the plan's enforcement of design standards was necessary and recommended the following additional language added to the condition:

1. The SAP is intended to be a guide for future development within the scope of work presented in the SAP book. For guidelines # 17 of page 72 of the SAP book (Building Design Standards), the terms "shall" and "will" are considered mandatory and the terms "should" and "may" are considered permissive.

The Commission did not recommend any changes to the original draft condition.

6. Amendments to the Specific Area Plan

The Design Review Committee recommended revised language to the Specific Area Plan amendment conditions for clerical purposes.