



CITY OF GARDEN CITY

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

File Number(s): SAPFY2019 – 1 / PUDFY2019 - 1
For: Specific Area Plan / Planned Unit Development
Location: 34th St and surrounding area, Garden City, Idaho
Applicant: Sherry McKibben
Report Date: 7/11/2019



Garden City Staff Report
 Staff Contact: Chris Samples

A. Project Overview

Project Description: Sherry McKibben with McKibben + Cooper Architects and Urban Design are requesting approval of Specific Area Plan and Planned Unit Development Applications for the 34th Street Area. The scope of the plan includes 34th Street, Carr Street, Clay Street, Chinden Boulevard, Osage Street, and 33rd Street.

Proposed Scope of Work

Proposed Applications:

1. Specific Area Plan (includes streetscape adoption)
2. Planned Unit Development
3. Vacation of a portion of 34th Street

Proposed Development:

1. Live-Work Townhomes
2. Mixed Use Development
3. Private Park Space
4. Public Plaza at Greenbelt (under private ownership)

Number of Dwelling Units: 202

Parking Spaces: 403

1. Off Street - Residential: 203
2. Off Street - Commercial: 126
3. On Street Spaces: 75

Bicycle Parking: 459

1. Private Bicycle Parking (Indoor): 186
2. Public Bicycle Parking (Outdoor): 273

PUD Specific Waiver Requests

The following PUD waivers have been requested:

Overall Development	
Requested Waiver	Affected Code Section
50 % tree canopy coverage	GCC 8-3E-4E
Fairview Acres Sub No. 5, Block 30, Lots 1 – 7 and Fairview Acres Sub No. 5, Block 35, Lots 31-34	
Requested Waiver	Affected Code Section
Increase maximum building height within 30' of Greenbelt from 4 – 5 stories	GCC 8-3E-4D
Encroach into 70' Ordinary High Water Mark Setback	GCC 8-3E-4D
Front setback reduction from 5' to 0' along Carr Street	GCC 8-3E-4D
Side setbacks reduced from 5' to 0'	GCC 8-3E-4D
Fairview Acres Sub No. 5, Block 31, Lots 4-7, 27, and 28	
Requested Waiver	Affected Code Section
5' setbacks reduced to 0' on all sides	GCC 8-3E-4D
Fairview Acres Sub No. 5, Block 34, Lots 8, 27 – 30	

STAFF REPORT: SAPFY2019-1/PUDFY2019 - 1 – Application materials can be found here: [Link](#)

Requested Waiver	Affected Code Section
5% gross landscaping requirement (Lots 8, 27, and 28)	GCC 8-4I-4B1
5' interior side, street side, and rear setbacks reduction to 0', 0', and 2' respectively (Lots 27 and 28)	GCC 8-3E-4D
5' setback reduced to 0' on all sides (Lots 29 and 30)	GCC 8-3E-4D
One class 1 tree in corresponding setback adjacent to street	GC 8-4I-4B2
Fairview Acres Sub No. 5, Block 33, Lots 5, 8-11	
Requested Waiver	Affected Code Section
5' rear setback reduced to 3'	GCC 8-3E-4D
Fairview Acres Sub No. 5, Block 33, Lots 24-31	
Requested Waiver	Affected Code Section
5' interior side setback between buildings reduced to 0'	GCC 8-3E-4D
5% gross landscaping requirement	GCC 8-4I-4B1
One class 1 tree in corresponding setback adjacent to street	GC 8-4I-4B2
Fairview Acres Sub No. 5, Block 33, Lots 2, 3, 32-34; Block 31, Lots 1 and 2	
Requested Waiver	Affected Code Section
5% gross landscaping requirement	GCC 8-4I-4B1
One class 1 tree in corresponding setback adjacent to street	GC 8-4I-4B2

Site Conditions

1. Address: Multiple on 33rd, 34th, 35th, Carr, and Clay Streets and W. Chinden Blvd.
2. Parcel Number: Various (see application materials)
3. Property Size: 7.33 acres (total)
4. Zoning District: C-1, C-2, M
5. Comprehensive Plan Land Use Map Designation: Live-Work-Create, Transit Oriented Development Node
6. Floodplain Designation: 100 Year Flood Plain (AE), 500 Year Flood Plan (X)
7. Surrounding Uses:
 - a. Dwelling Unit, Single Family Detached
 - b. Dwelling Unit, Single Family Attached
 - c. Retail Store
 - d. Service Provider
 - e. Eating Establishment, Limited Service
 - f. Eating Establishment, Full Service
 - g. Lodging
8. Existing Uses:
 - a. Dwelling Unit, Single Family Detached
 - b. Farmer's Market
 - c. Special Events Facility
 - d. Professional Services

- e. Food Store
- 9. Easements on site:
 - a. 34th Street Greenbelt Easement (EAS2006-49)
 - b. Boise Sewer Easement (EAS2006-49)
 - c. Irrigation Easements (As prescribed by the associated district)
- 10. Site Access: Public street access and Greenbelt access
- 11. Sidewalks: Mixed installation/no sidewalk
- 12. Other: Located along the Greenbelt at the end of 34th Street

Required Decisions

The following decision processes are required for the project:

Decision	Recommendation Authority	Decision Authority	Hearing Date
Specific Area Plan and Streetscape Adoption	Design Committee Planning and Zoning Commission	City Council	<ul style="list-style-type: none"> • Design Committee: 7/15/2019 • Planning and Zoning Commission: 7/17/2019 • City Council: 8/12/2019
Planned Unit Development	Design Committee Planning and Zoning Commission	City Council	Same as Specific Area Plan
Vacation of 34 th Street	N/A	ACHD, City Council	City Council: 8/12/2019 ACHD: Unknown
Property Boundary Adjustments (as needed)	N/A	Planning Official	No Hearing Required

Required Application Materials and Waiver

The applicant has requested a waiver to the following materials:

1. Schematic Drawings
2. Approved Addresses
3. Irrigation Ditch Letter
4. Covenants and Deed Restrictions
5. Master Sign Plan
6. Pre-Application Conference Form

The applicant's reasoning can be found in the waiver request letter. Evidence on the record appears to support their request.

Exhibits: [Link](#)

1. Application
2. Statement of Intent
3. Compliance Statement
4. Specific Area Plan Book
5. Master Plan

STAFF REPORT: SAPFY2019-1/PUDFY2019 - 1 – Application materials can be found here: [Link](#)

6. Stormwater and Topographic Map
7. Recorded Survey
8. Subdivision Map
9. Ability to Serve Letter
10. Neighborhood Meeting Verification
11. Hydrology Report
12. Street Lighting Map
13. Natural Hazard Map
14. Legal Descriptions
15. Draft Master CC&R's
16. Title Reports
17. Waiver Request Letter

Standards for Review: Standards for review of this application are:

Specific Area Plan Standards	
Standard	Compliant
8-6B-6 Specific Area Plan	Yes as conditioned – see discussion concerning setback waiver

Overlay District Standards	
Standard	Compliant
8-3E Boise River and Greenbelt Overlay District	Yes as conditioned

Planned Unit Development Standards	
Standard	Compliant
8-6B-7 Planned Unit Development	Yes as conditioned – see discussion concerning setback waiver
8-6B-2 Conditional Use Permit	Yes as conditioned

Design Specific Standards	
Standard	Compliant
8-2B-3 Form Standards	Not applicable
8-3B Flood Hazard	Yes - see discussion concerning setback waiver
8-4A General Provisions	Yes as conditioned
8-4B Residential Design Provisions	Yes as conditioned
8-4C Nonresidential Design Provisions	Yes as conditioned
8-4D Parking and Loading Provisions	Yes as conditioned
8-4E Transportation and Connectivity Provisions	Yes as conditioned
8-4I Landscaping and Tree Protection Provisions	Yes as conditioned
8-4G Sustainability Provisions	Yes as conditioned

Use Specific Standards	
Standard	Compliant
8-1B Nonconforming Properties, Structures, Uses	Discussion of effect on existing legal nonconforming structures and uses

STAFF REPORT: SAPFY2019-1/PUDFY2019 - 1 – Application materials can be found here: [Link](#)

8-2 Base Zoning District Regulations	Discussion of form standards and use provisions
--	---

Policies and Studies: The following policies and studies were reviewed for this application:

1. [Garden City Sidewalk Policy](#)
2. [Old Town Network Circulation Plan](#)
3. [Garden City Street Light Policy](#)
4. [Greenbelt Easements](#)

B. Specific Area Plan

Staff Pre-Application Meeting: On March 7, 2019, a pre-application conference was completed with development services staff as required by 8-6B-6.

Planning and Zoning Commission Pre-Application Conference: On May 15, 2019, a pre-application conference was completed in accordance with 8-6B-6. The Commission did not provide any specific comments.

Design Review Pre-Application Conference: On June 3, 2019, a pre-application conference was completed, but was not required by 8-6B-6. The Committee provided the following comments:

1. Configuration of “Ultimate Parklet”
2. Flexibility should be built into plan to enable easier modification
3. CC&R’s should be reviewed, and consideration of successor plan should be done.
4. Streetscapes should extend to other properties not within the plan’s scope to ensure consistency
5. Bicycle connectivity that provides an alternative to the Greenbelt should be explored

SPECIFIC AREA PLAN STANDARDS	
City Code	City Standards/Staff Comments
<u>GCC 8-6B-6 Specific Area Plan</u>	<p>The scope of the specific area plan (SAP) includes the site design and use designation within the plan and the adoption of streetscape designs. The SAP is intended to be flexible to allow for maximum usability. However, upon approval, this section requires development to be conducted in conformance with the plan. To clarify conformance and flexibility and to ensure the approved SAP is implemented clearly, the following clarifications should be considered as conditions of approval.</p> <ol style="list-style-type: none"> 1. The specific area plan (SAP) is intended to be a guide for future development within the scope of work presented in the SAP book.

	<p>2. Depictions of landscaping, hardscape materials, artwork, street furniture, fences, and other elements are intended to provide guidance. Elements selected during the implementation and permitting process should conform to the overall image, materials, size, and configuration of these elements. Substitution of substantially conforming elements is allowed.</p> <p>3. Building footprints, driveways, alleys, pedestrian plaza, open space, and streetscapes shall be in substantial conformance with the SAP.</p> <p>An additional condition of approval is recommended requiring the approval of the plan contingent on the successful vacation of the end of 34th Street as depicted in the SAP book.</p>
<p><u>GCC 8-6B-6E Required Findings</u></p>	
<p>Finding 1</p>	<p>Finding 1: The SAP, as conditioned, is consistent with the city comprehensive plan, as amended, including the future land use map and the land use planning area guidelines and land use designations, if applicable;</p> <p>The SAP is in general conformance with the Comprehensive Plan, including the following goals, objectives, and action steps:</p> <p>Goal 1: Nurture the City 1.4 Objective: Create a premier destination place to live, work and recreate.</p> <p>Goal 2. Improve the City Image 2.1 Objective: Encourage new and distinctive neighborhoods. 2.3 Objective: Promote quality design and architecturally interesting buildings. 2.4 Objective: Improve the appearance of street corridors.</p> <p>Goal 3. Create a Heart for the City 3.2 Objective: Create public gathering places at multiple locations throughout the city.</p> <p>Goal 4. Emphasize the “Garden” in Garden City</p>

	<p>4.1 Objective: Beautify and landscape. 4.2 Objective: Promote community gardens. 4.3 Objective: Beautify sidewalks and gateways with landscaping and trees.</p> <p>Goal 5. Focus on the River 5.4 Objective: Develop a river walk. 5.5 Objective: Create more accessibility to the Boise River and greenbelt. 5.7 Objective: Maintain and protect the greenbelt.</p> <p>Goal 6. Diversity in Housing 6.3 Objective: Maintain the diversity of housing.</p> <p>Goal 7. Connect the City 7.1. Objective: Create pedestrian and bicycle friendly connections. 7.2 Objective: Promote public transportation along State, Chinden, Glenwood and Adams with stops in neighborhoods.</p> <p>Goal 10. Plan for the Future 10.2 Objective: The Old Town site is a live-work district. 10.5 Objective: Create a “Main Street” commercial district along portions of Adams Street and other neighborhood locations. 10.6 Objective: Continue to support commercial and industrial land uses.</p> <p>Goal 11. Serve the City 11.3 Objective: Upgrade and maintain water services. 11.5 Objective: Support a positive business environment</p> <p>The SAP is in general conformance with the Live/Work/Create, TOD Node and Green Boulevard Corridor Comprehensive Plan Land Use Map Designations:</p> <p>Live/Work/Create: The proposed development includes live/work units that appear intended for individuals to both live and work onsite. Live/work</p>
--	---

	<p>units are placed on smaller lots that create variety within the development.</p> <p>TOD Node: The proposed development proposes mixed use development in a compact form between 2 – 5 stories tall that creates a corridor along 34th Street. Walkability and public spaces have been included. The proposed development's parking meets the requirements of code, but are encouraged to be lower by this designation.</p> <p>Green Boulevard Corridor: The property along Chinden meets the intent of this designation through site design, pedestrian connectivity and landscaping improvements. The site improvements appear to be oriented toward future uses that do not create high volumes of traffic.</p> <p>The requested 70' setback to the Ordinary High Water Mark is not in compliance with the Comprehensive Plan. This is reviewed in finding 5 of section C of this report.</p>
<p>Finding 2</p>	<p>Finding 2: Create a more useful pattern of open space and recreation areas; and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses and services;</p> <p>The proposed development's pattern incorporates open space throughout, including a mixed-use plaza ("Ultimate Parklet") and the pedestrian plaza at the 34th St. Greenbelt entrance. Open space is incorporated throughout the development as well. Commercial uses are integrated throughout the development, conveniently connected through pedestrian, bicycle, and vehicle connectivity.</p> <p>The proposed development includes a request to adopt two specific street sections, as noted in the letter of intent and on pages 22 and 34-44 of the SAP book. Attached sidewalks are requested for 34th Street and Carr Street and detached sidewalks are requested for the remainder of the development. The streetscape designs are specific enough to be adopted as proposed.</p> <p>Streetscapes are only proposed for properties within the development's scope. To ensure consistency</p>

	with adjacent properties, the streetscapes should be adopted from E. 31 st Street to E. 36 th Street. A separate resolution approved by the City Council is needed to extend the streetscape design from the current scope.
Finding 3	Finding 3: Establish a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
	Due to required compliance with GCC 8-3B (Flood Hazard), the proposed development is limited in its ability to comply with this finding. Natural topography and natural drainage patterns can be disrupted if fill is required to raise the development sites. The applicant has proposed raising sites to meet GCC 8-3B.
	Trees proposed for removal are required to be mitigated in accordance with GCC 8-4I-7 (Tree Preservation Provisions). The applicant has not provided a tree caliper analysis with the application. Compliance with GCC 8-4I-7 would enable the project to comply with this finding. Specific scenic vistas have not been identified in the record. Evidence has not been found on the record that demonstrates a disruption to these vistas.
Finding 4	Finding 4: The SAP has been noticed and public hearing held in accordance with this code;
	The SAP has been noticed in accordance with GCC 8-6B-6 and GCC 8-6A-7. Public hearings have been scheduled in accordance with GCC 8-6B-6, GCC 8-6A-3, and GCC 8-6A-7.
Finding 5	Finding 5: The SAP complies with all city zoning regulations and codes in effect at the time of the SAP application.
	The proposal is in compliance with all applicable city zoning regulations and codes. The waivers requested under the PUD application would be found to be compliant if granted.

B. Overlay District Standards

OVERLAY DISTRICT STANDARDS	
City Code	City Standards/Staff Comments

STAFF REPORT: SAPFY2019-1/PUDFY2019 - 1 – Application materials can be found here: [Link](#)

<u>GCC 8-3A Overlay District Zoning Regulations – General Provisions</u>	
GCC 8-3A-3 Allowed Uses	The use table in this section applies to the entirety of the proposal. The applicant has not requested additional uses through the PUD process.
<u>GCC 8-3E Boise River and Greenbelt Overlay District</u>	<p>The properties directly adjacent to the river are located within the Boise River and Greenbelt Overlay District. GCC 8-3E-4B2 requires additional property associated by ownership, access or other characteristics with these properties to be included in the master site plan. The standards of GCC 8-3E and the use standards of GCC 8-3A (Overlay District Zoning Regulations – General Provisions) apply to the entire development.</p> <p>The findings of the master site plan shall apply to this project in addition to the findings required for an SAP.</p>
GCC 8-3E-3 Allowed Uses	<p><u>Land Use Plan:</u></p> <p>The land use plan on pages 16 and 17 of the SAP book details the location and types of uses proposed for the development. The land use plan divides the development into the following use categories:</p> <ul style="list-style-type: none"> • Mixed-Use: Commercial uses on first floor with residential above • Medium-Density Residential & Live Work Create: Medium-Density Residential intended to create diverse and affordable housing types; Live Work Create not expressly defined • Open Space (Common): Intended to serve residents of the development • Open Space: Boise River Pedestrian Plaza intended to provide public non-motorized access to the Boise River and Greenbelt but also serve as private event space; • Flex Open Space & Roof Gardens: Intended to be a flexible parking area, event space, and provide facilities for outdoor users; <p>The Live Work Create category, while not defined herein, appears intended to match the intent of the Surel Mitchel Live Work Create Overlay District (GCC 8-3C). This category appears targeted toward the individual townhomes located in Block 31 and 34. Both the Mixed Use and Live Work Create categories</p>

	<p>are intended for Block 33 (E. 34th and Clay Streets, E. 34th and Osage Streets).</p> <p><u>Specific Uses:</u> The applicant has listed uses on page 17 of the SAP book intended for the area. While most of the uses are permitted, several conditional uses and a prohibited use have been requested as permitted uses. GCC 8-6B-7C-1 (Planned Unit Development – Uses Permitted) allows up to 10% of the gross land area of the development be applied to other uses that are not allowed within the zoning district, provided additional findings are met. This is discussed in Section C of this report.</p> <p><u>Mixed-Use Development:</u> To be considered mixed-use under the provisions of this section, at least 50% of the of the gross floor area of all buildings shall be residential uses and at least 20% of the gross floor area shall be non-residential uses. This calculation shall be applied to evaluate, among others, the number of required parking spaces under GCC 8-4D (Parking and Off Street Loading Provisions) and whether a project is exempt from the provisions of GCC 8-4G (Sustainability Provisions). A condition of approval could be considered that requires this ratio to qualify for parking space calculations and sustainability provision exemptions.</p>
<p><u>GCC 8-3E-4B Master Site Plan -Required Findings</u></p>	
<p>Finding 1</p>	<p>Finding 1: Creation of an attractive mixed-use environment focused on the river and greenbelt through the use and inter-relationship of open spaces, building locations, building scale and design, and pedestrian-bicycle connections.</p> <p>The proposed development creates an attractive mixed use, river and Greenbelt focused development by integrating a mix of design styles and accommodating a mix of uses. Streetscape design helps to unify the components of the proposed development and accommodate pedestrian and bicycle connectivity.</p>
<p>Finding 2</p>	<p>Finding 2: Provision of access and free movement of non-motorized mobility to and through the site in a manner that maximizes exposure to the Boise River and greenbelt.</p>

	<p>The pedestrian plaza located at the end of 34th Street is intended to integrate pedestrian and bicycle connectivity to the Boise River and greenbelt. The plaza is proposed to be sited on a portion of 34th Street and within additional right of way that the applicant has proposed to vacate. The plaza is intended to be a private open space that provides public non-motorized access. The applicant has proposed an easement to the public to ensure this access. A condition of approval is recommended requiring the easement prior to the vacation of 34th Street.</p>
Finding 3	<p>Finding 3: Reducing to a minimum any negative impacts of the proposed development on the natural environment.</p> <p>The requested waiver to 70' setback to the Ordinary High Water Mark is not in compliance with this finding. This is reviewed in finding 5 of section C of this report.</p> <p>With the exception of this waiver request, no evidence was found on the record that the proposed development would have a negative impact on the natural environment.</p>
8-3E-4C Site Layout Standards	<p>The proposed project is in compliance with the standards of this section. The existing Greenbelt access point and proposed improvements to the the Greenbelt, the Greenbelt access point, the pedestrian plaza, and bicycle and vehicular parking areas provide the required access, parking, and raft put ins required by this section.</p>
8-3E-4D Building Design Standards	<p>The building footprints comply with this section by being designed to interact with the Greenbelt, open spaces, and gathering places. Building facade design shall be reviewed in future design review applications.</p>
8-3E-4E Landscaping Standards	<p>The proposal landscaping palette shown on pages 38 and 39 of the SAP book propose an extensive landscaping selection. However, it is not clear whether this landscaping complies with the native landscaping requirement of this section.</p>
8-3E-4F Natural Resources Protection	<p>The proposal does not appear to reduce or eliminate wetland or wildlife habitat areas or the Riparian Zone. The remaining requirements can be handled administrative through grading, public works, and building permit processes.</p>

<p>8-3E-4G Greenbelt Improvements</p>	<p>The applicant has proposed Greenbelt improvements designed to provide better public access and amenities and integrate into the proposed site design. The proposal appears to not significantly affect the location of the Greenbelt pathway.</p> <p>The Greenbelt at this location is sited on the applicant's property and within an existing easement. The application is not clear whether additional work would take place outside of the easements. The scope of work should be verified to confirm location within the easement prior to commencement. If the Greenbelt is to be realigned outside of the easement, a new easement should be entered into between the applicant and the City. Conditions of approval to this effect should be considered.</p> <p>The remainder of the requirements can be handled administrative through grading and public works permit processes.</p>
<p>8-3E-4H Screening, Fencing, and Walls</p>	<p>The applicant has proposed a variety of fencing types intended to provide screening throughout the site. The applicant has proposed the following fencing types:</p> <ul style="list-style-type: none"> • Wood • Steel • Decorative Screen • Art Work Fence • Concrete <p>Fencing is proposed for screening, decorative, and streetscape purposes and intended to integrate well into the site. Prohibited fencing types are not noted in the application, but a condition of approval should be considered prohibiting barbed wire, chain-link (with or without slats), CMU block, and junk/dilapidated materials.</p>
<p>8-3E-4I Exterior Lighting</p>	<p>The applicant has proposed a preliminary lighting plan on page 24 of the SAP book. The plan focuses on street lighting but does not address internal lighting. Internal lighting can be reviewed during Design Review or administratively.</p> <p>The applicant's street lighting plan proposed streetlights every 100 feet, exceeding the minimum requirements of the Garden City Street Light Policy.</p>

	<p>The plan does not indicate whether the property owner would maintain the streetlight or if the City would. Pursuant to the Garden City Street Light Policy, the City can accept maintenance of a streetlight through an agreement.</p> <p>To ensure public safety, reduce maintenance costs, and reduce environmental impact, LED fixtures should be required.</p> <p>Conditions of approval integrating these requirements should be considered.</p>
8-3E-4J Parking	Parking is required to be compliant with Garden City Code 8-4D (Parking and Off-Street Loading Provisions). An analysis of parking requirements follows later in this report.
8-3E-4K Prohibitions	While the proposal does not appear to contain prohibited items, conditions of approval integrating the requirements of this section should be considered.

C. Planned Unit Development

PLANNED UNIT DEVELOPMENT STANDARDS	
City Code	City Standards/Staff Comments
<u>GCC 8-6B-7 Planned Unit Development</u>	The scope of the Planned Unit Development (PUD) includes the site design and use designation of each property and associated waiver requests but does not include the streetscape designs. As with the SAP, the approval of the plan should be made contingent on the successful vacation of the end of 34 th Street. Upon approval, development shall be conducted in conformance with the SAP and the PUD.
<u>GCC 8-6B-7E-1 Required Findings</u>	
Finding 1	<p>Finding 1: The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;</p> <p>The applicant has provided a phasing plan (page 73 of the SAP book) dividing the project into eight phases. The phasing plan organizes the project into specific, consecutive steps that can be initiated within two years of the approval.</p>
Finding 2	Finding 2: Each individual unit of the development, as

	<p>well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;</p>
	<p>The proposed project is intended to function as a unified development. However, each phase of the development can function as an independent unit through a balance of mixed and commercial uses and design elements. Each phase contains a unique part of the development creates desirability by integrating a balanced land use approach that connects river side development and public spaces near the Boise River and Greenbelt to residential, live/work and mixed-use development along the local streets and finishing with a commercial focused development on W. Chinden Blvd. The phasing plan ensures stability through a logical approach to development.</p>
	<p>While the phasing plan provides a clear direction toward completion, the proposed development is divided into individual properties. A future property owner would have the legal right to create their own PUD separate from this entitlement. By doing so, the development loses its cohesion and does not integrate into this PUD. To ensure the proposed development is implemented consistently, a condition of approval could be added stating “If any property is granted an entitlement for a planned unit development or specific area plan separate from this decision, the approved planned unit development and specific area plan are rendered invalid and no longer apply to the entire development.”</p> <p>The applicant has not proposed additional specific uses.</p>
<p>Finding 3</p>	<p>Finding 3: The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;</p> <p>Traffic concerns are usually handled by the transportation agencies. As of the drafting of this report, comments from ACHD and ITD have not been</p>

	received. The application addresses parking and pedestrian improvements, but not specific information on anticipated traffic and increased densities effect on traffic. The proposed streetscape design does not change the traffic capacity of the streets but serves to provide safe pedestrian and bicycle connectivity.
Finding 4	<p>Finding 4: Any proposed commercial development can be justified at the locations proposed;</p> <p>The commercial development along W. Chinden Blvd. is justified by its location along this arterial. Commercial components of mixed-use development are justified by providing commercial services within neighborhoods instead of forcing residents elsewhere.</p>
Finding 5	<p>Finding 5: Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council;</p> <p><u>Exceptions:</u> Most of the exceptions requested are warranted by the applicant to ensure the development integrates with itself and surrounding development such as the Waterfront District. Pursuant to GCC 8-6B-7C-4, lots with reduced or 0' lot line setbacks shall provide drainage easements of sufficient size. A condition of approval requiring these easements prior to the issuance of a building permit would ensure compliance with this section and this finding.</p> <p>GCC 8-6B7C-4 require a 10' minimum separation between detached structures. The mixed use, live/work units and townhomes depicted in the SAP book on pages 64-67 depict detached structure setbacks of 6'. Options to comply with this standard include:</p> <ol style="list-style-type: none"> 1. Separate the structures further to meet this requirement. 2. Attached the affected structures. <p>A condition of approval could be required that enables flexibility in site design to allow the proposal to be redesigned after approval to meet the 10' separation requirement.</p> <p>Programming flexibility into amendments to a PUD</p>

would ensure that design and use changes would be reviewed quickly. To coordinate with the major and minor amendments for an SAP (GCC 8-6B-6D-7), a condition of approval could be required coordinating SAP and PUD amendments:

“The Design Committee shall have the authority to decide amendments to:

1. Modification or relocation the allowable building height and density.
2. Changes that alter the location and amount of land dedicated to open space, amenities, trails, natural areas or public facilities.
3. Modifications to any other design aspect of the development that would significantly change its character.”

70' Setback:

The exception to the 70' setback from the Ordinary High Water Mark (6,500 cfs river flow) required by GCC 8-3E-4D (Boise River Overlay – General Standards) has been requested.

GCC 8-3E-4D does not allow this setback to be waived. If such a waiver were allowed, the proposed encroachment runs into significant challenges. The City is currently working to reduce the size of the 100 year flood zone (zone AE) shown in the 2017 Draft FIRM Map. Part of the potential required mitigation could be to incorporate a levy in the Greenbelt, including the property along the Boise River. Not mitigating potential flood losses could jeopardize the City's participation in the national Flood Insurance Program. The proposed encroachment would not be in conformance with the following goals, objectives and action steps of the Comprehensive Plan:

Goal 8: Maintain a Safe City

8.1 Objective: Invest in Public Safety

8.1.6 Action Step: Update the City's emergency plan for natural and man-made disasters. Plan for flooding events.

Goal 9: Develop a Sustainable City

9.2 Objective: Protect riparian and flood way areas.

9.2.1 Action Step: Continue to administer Federal

	<p>Emergency Agency regulations for development in flood hazard areas.</p> <p>The application could be approved with a condition noting that building footprints shown encroaching within the 70' setback must be modified to comply. The modified footprints could be approved during a design review of the structure.</p>
<p>Finding 6</p>	<p>Finding 6: The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;</p> <p>The surrounding area of the project can be planned and zoned in coordination and substantial compatibility with the proposed development. Except for the 70' setback noted in finding 5, the proposed project meets or exceeds the requirements of this Title. The proposed development sets a specific development pattern within its scope. Evidence on the record cannot be found suggesting that future planning of the surrounding area could not be coordinated or compatible with the proposed development. Consistent streetscape improvements extended to the surrounding area further ensure coordination and compatibility.</p>
<p>Finding 7</p>	<p>Finding 7: The PUD is in general conformance with the comprehensive plan;</p> <p>Except for the 70' setback noted in finding 5, the PUD is in general conformance with the Comprehensive Plan and with the Live/Work/Create, TOD Node and Green Boulevard Corridor Comprehensive Plan Land Use Map Designations. The Comprehensive Plan is reviewed in finding 1 of the SAP requirements above.</p>
<p>Finding 8</p>	<p>Finding 8: The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed</p> <p>The property owners are responsible to demonstrate the proposal will be served by adequate facilities. The SAP book includes information on existing utility services on page 26. Water and sewer adequacy is usually determined administratively during the public works, grading, and building permit processes while power, gas, and telecommunications are administered by their respective private utilities. Conditions of approval requiring all development to provide adequate utilities and make required improvements to install and/or upgrade these utilities</p>

	should be included.
<p><u>GCC 8-6B-7E-2 Required Findings – Uses not otherwise permitted</u></p>	<p>The applicant has requested the following conditional uses become permitted uses:</p> <ul style="list-style-type: none"> • Accessory Use • Drinking Establishment, Full Service • Food Products Processing, Small Scale • Food Store • Health Club • Parking Facility • Research and Development • Retail Production <p>The applicant has requested the prohibited use, Financial Institution, as a permitted use.</p> <p>GCC 8-6B-7C-1 only allows up to 10% of the gross land area to be dedicated to these additional uses. The proposal does not specifically delineate the location of the uses. Enforcement of this provision would be left to building permit, occupancy permit, and similar administrative processes.</p> <p>Page 17 of the SAP book specifically requests limiting uses to what is listed in the use table provided. However, the PUD ordinance does not provide the ability to limit uses. A development agreement pursuant to GCC 8-6B-4 and as authorized by GCC 8-6B-6 (Specific Area Plan) is the only method available to limit uses.</p>
<p>Finding 1</p>	<p>Finding 1: The uses are appropriate with the residential uses</p> <p>Except for the use “Drinking Establishment, Full Service”, the uses as proposed are appropriate with residential uses.</p> <p>GCC 8-2C-12 (Drinking Establishment) has use specific requirements for the use “Drinking Establishment, Full Service. The use within the proposed development is significantly affected by the following provisions of this section:</p>

	<p>1. No outside activity or event shall be allowed in the parking area, except as allowed through a special events permit that takes into account the public health and welfare, the interests of adjoining property owners, noise, traffic and vehicular and pedestrian safety.</p> <p>2. No amplification device shall be used such that the sound is plainly audible within any place of residence, or, is plainly audible on a street at a distance of one hundred feet (100') or more from the amplification device.</p> <p>The use would be limited in outdoor activity by the special events provisions of GCC 8-2C-48, which restricts special events to three (3) days total within a 90 day period. The use would need to be nearly soundproof to not be plainly audible to any residence. To meet this finding, a condition of approval should be considered that incorporates the requirements of GCC 8-2C-12.</p>
<p>Finding 2</p>	<p>Finding 2: The uses are intended to principally serve the residents of the PUD</p> <p>The additional uses are principally intended to serve the residents of the PUD. The additional uses, combined with the proposed site design, are not typically associated with a more regional attraction. While the proposed development is unique and will likely attract visitors, the proximity of residents to these uses makes them the primary users.</p>
<p>Finding 3</p>	<p>Finding 3: The uses are planned as an integral part of the PUD</p> <p>While the proposal does not include the additional uses specific locations, all uses can be integrated into the site through the proposed site design of the development.</p>
<p>Finding 4</p>	<p>Finding 4: The uses be located and designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards</p> <p>The proposal does not include specific locations where the additional uses are to be located and does not include a traffic impact analysis or similar report. Although access points are limited to encourage traffic flow and the streetscape design is intended to facilitate both vehicle and pedestrian improvements, use specific information is not included in the record.</p>

	<p>The uses themselves could have varying traffic impacts depending on their scope and scale and the activities involved.</p> <p>This finding could be met provided a condition of approval was drafted to require traffic impacts of the additional requested uses, excepting the use “Accessory Use”, be evaluated administratively during the building permit or occupancy permit process and to allow the Planning Official or designee to require additional traffic mitigation conditions for the use, and to allow the Planning Official or designee to deny such a permit if no traffic mitigation conditions could adequately limit congestion or traffic hazards.</p>
<p>Finding 5</p>	<p>Finding 5: A minimum of fifty percent (50%) of the residential development occurs prior to the development of the related commercial or industrial land uses</p> <p>The development chart on page 17 of the SAP book indicates that 202 dwelling units are expected for the entire development. However, the phasing plan does not address when a specific percentage of residential will take place. This is likely due to enabling flexibility to adapt to market conditions. Present and future housing market conditions could present additional challenges to developing 50% of residential development.</p> <p>Accounting for these conditions, evaluating each block as noted in pages 50 – 70 of the SAP book rather than the entire development is more appropriate. This finding could be met provided a condition of approval was drafted to require a minimum of fifty percent (50%) of the residential development occurs prior to the development of the related commercial or industrial land uses, as applied to each individual block noted in the SAP book.</p>
<p><u>GCC 8-6B-2 Conditional Use</u></p>	<p>A planned unit development is also administered as a conditional use permit and is required to meet the findings of GCC 8-6B-2D.</p>
<p><u>GCC 8-6B-2D Required Findings</u></p>	<p></p>
<p>Finding 1</p>	<p>Finding 1: The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the</p>

	<p>uses permitted in the applicable zoning district</p> <p>The proposed development is appropriate and compatible with the uses permitted in the Boise River and Greenbelt Overlay District by creating an integrated site design along the 34th St. corridor that can incorporate a mix of uses.</p>
<p>Finding 2</p>	<p>Finding 2: The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts.</p> <p>The property owners are responsible to demonstrate the proposal will be served by adequate facilities. The SAP book includes information on existing utility services on page 26. Water and sewer adequacy is usually determined administratively during the public works, grading, and building permit processes while power, gas, and telecommunications are administered by their respective private utilities. Conditions of approval requiring all development to provide adequate utilities and make required improvements to install and/or upgrade these utilities should be included.</p>
<p>Finding 3</p>	<p>Finding 3: The use will not unreasonably diminish either the health, safety or welfare of the community;</p> <p>Providing a waiver to the 70' setback required by GCC 8-2B-3F-9 could diminish the health, safety or welfare of the community by potentially risking noncompliance with Federal Emergency Management Agency regulations.</p> <p>Aside for this setback, the proposed development, as conditioned, meets this finding.</p>
<p>Finding 4</p>	<p>Finding 4: The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city</p> <p>As noted under Finding 7 required for planned unit developments, the proposal is in conformance with the Comprehensive Plan, policies, and ordinances of the City, except for providing a waiver to the 70' setback required by GCC 8-2B-3F-9. Such a waiver conflicts with Garden City Code 8-3B (Flood Hazard) by potentially risking noncompliance with Federal Emergency Management Agency regulations.</p>

D. Design Standards

DESIGN STANDARDS	
City Code	City Standards/Staff Comments
<u>GCC 8-4A General Provisions</u>	The applicant has not requested a waiver to the standards of this section.
<u>GCC 8-4B Design Provisions for Residential Structures</u>	The applicant has not requested a waiver to the standards of this section.
<u>GCC 8-4C Design Provisions for Non-Residential Structures</u>	The scope of the proposal does not include building elevations. Elevations would be reviewed during the design review process.
<u>GCC 8-4D Parking and Off Street Loading Provisions</u>	<p>As a mixed-use project, parking is usually determined by the Planning Official based on each use and subject to the criteria of GCC 8-4D-5 (Required Number of Off Street Parking Spaces). Alternatives to parking would then be considered in accordance with GCC 8-4D-6 (Standards for Alternatives to On Site Parking). The record does not contain a use specific parking analysis, but proposes parking on pages 20 and 21 of the SAP book:</p> <p>Parking Spaces: 403</p> <ol style="list-style-type: none"> 1. Off Street - Residential: 203 2. Off Street - Commercial: 126 3. On Street Spaces: 75 <p>In the absence of a use specific parking analysis, the provided parking could be set as a minimum baseline. Each property owner or tenant could then be required through a condition of approval to submit a parking analysis. Additional parking would then be evaluated on a case by case basis. Alternatives such as cross parking agreements could be required administratively during the building permit and occupancy permit processes. This is contingent on whether the development has been developed in accordance with the minimum residential/non-residential use requirements of GCC 8-3E-3, as noted above. Conditions of approval integrating these requirements should be considered.</p> <p>Onsite loading areas is proposed through integrated private driveways/service lanes throughout the development.</p>
<u>GCC 8-4E Transportation and Connectivity Provisions</u>	

GCC 8-4E-3 Public Street Connections	Public street connections are proposed at varying points throughout the project.
GCC 8-4E-4 Internal Circulation Standards	<p>As noted on pages 18 and 19 of the SAP book, the proposed development's internal circulation is intended to provide development residents with parking access, to provide off street loading, to provide trash removal and provide additional circulation should 34th Street be closed by farmers' market and occasional events. Internal circulation can limit access points along streets and provide for better pedestrian, bicycle, and vehicle circulation throughout the site.</p> <p>If additional circulation to offset street closures is necessary, a public access easement for this purpose should be considered. An easement document has not been provided with the application. A condition of approval requiring a recorded easement allowing public access in the event of street closure be provided prior to building permit issuance for structures connected to these circulation lanes should be considered.</p>
GCC 8-4E-5 Private Street Standards	Private streets have not been proposed with this development.
GCC 8-4E-6 Sidewalk Standards and The Garden City Sidewalk Policy	As noted above, the proposed development includes a request to adopt streetscape designs within the development's scope. Attached and detached sidewalk improvements are included within the scope. Adopting the attached sidewalk streetscape would serve as an approved waiver pursuant to the Garden City Sidewalk Policy.
GCC 8-4E-7 Pedestrian and Bicycle Accessibility Standards	The proposed development includes a request to vacate a portion of E. 34 th Street to allow for a multi-use pedestrian/bicycle plaza. The plaza is proposed to be used for outdoor events on an occasional basis while providing Greenbelt access. To ensure public access is provided in perpetuity, a public access easement is necessary. A public access easement has not been submitted with the application. A condition of approval requiring a recorded easement allowing public access to the 34 th Street Plaza be provided prior to the vacation of the affected section of E. 34 th Street.
<u>GCC 8-4I Landscaping and Tree Protection Provisions</u>	The proposed development provides significant information, including landscape plans for the proposed streetscapes and plant palettes, but does

	not provide specific landscape plans for each phase of the development. Landscaping can be reviewed and approved on a case by case basis through the Design Review process.
GCC 8-4I-4 Landscaping for Specific Uses	<p>The applicant has requested a waiver to the required 5% gross landscape coverage requirement GCC 8-4I-4B-1 to enable flexibility in the percentage of landscaping provided in the development. The applicant has proposed a mix of differing hardscape treatments, public art, outdoor furniture and similar improvements in specific areas of the development to provide a unique experience for the public and development residents. However, such reductions should be compensated with an appropriate amount of similar improvements.</p> <p>Considering the alternative improvements to be provided, reductions in landscaping could be appropriate, but should be evaluated on a case by case basis. A condition of approval should be considered allowing reductions to this code section provided a proportional amount of improvements as shown in the SAP are substituted for landscaping. Specific reductions shall be considered on a case by case basis, subject to Design Review approval.</p>
GCC 8-4I-5 Perimeter Landscaping Provisions	The applicant has requested a partial waiver to the required perimeter landscaping provisions of this section. The waiver is requested to enable closer integration of the development both internally and with adjacent properties. The partial waiver as noted on pages 64 – 70 of the SAP booklet should be considered as the scope of the request.
<u>GCC 8-4G Sustainability Provisions</u>	The proposed development would be exempt from the provisions of this section if it is developed in accordance with the requested SAP and PUD. This is contingent on the development of a mix of uses and in accordance with GCC 8-3E-3, as noted above. A condition of approval to this effect should be considered.

E. Use Standards

USE STANDARDS	
City Code	City Standards/Staff Comments

<u>GCC 8-1B Nonconforming Properties, Structures, Uses</u>	Existing nonconforming structures and uses would be allowed to continue until the properties were redeveloped in accordance with the adopted SAP, approved PUD, and other entitlements.
<u>GCC 8-2 Base Zoning District Regulations</u>	
GCC 8-2B-2 Allowed Uses	The use provisions of GCC 8-3A (Overlay Districts) supersede the provisions of this section. The applicant has not requested additional uses.
GCC 8-2B-3 Form Standards	The provisions of GCC 8-3E-4, Table 8-3E-1 (Dimensional Standards) supersede the provisions of this section.
GCC 8-2C Land Use Provisions	The applicant has not requested a waiver to the standards of this section. The standards of this section in effect when a use starts would be enforced.

F. Policy and Study Analysis

POLICIES AND STUDIES	
Document	Staff Comments
<u>Garden City Sidewalk Policy</u>	As noted above, the sidewalk policy was reviewed in the context of evaluating the attached sidewalk component of the requested streetscape adoption.
<u>Old Town Network Circulation Plan</u>	<p>The circulation plan is an enforceable document adopted by City Council Resolution. The circulation plan requires a pedestrian pathway that runs along the Thurman Mill Irrigation Ditch, the beginning of which affects the northeast section of blocks 30 and 35 property along the Boise River Greenbelt. Pages 30, 50 and 64 of the SAP book shows the proposed Thurman Mill Irrigation Ditch rerouting and piping and building siting at this location.</p> <p>The circulation plan did not consider future irrigation ditch reconfiguration, which affects the circulation plan's pathway. The pedestrian pathway should be implemented to take both the ditch and the development's context into account. A pedestrian pathway easement should be required starting from the Greenbelt at the entryway near the irrigation control building (note 24 on page 50 of the SAP Book)</p>

	and terminating at the west property line. The circulation plan did not provide a minimum width. A width of 12' would be consistent with the typical pavement width of the Greenbelt but would require some modification to proposed landscaping along the Greenbelt.
<u>Garden City Street Light Policy</u>	The streetlight plan is an enforceable document adopted by City Council resolution. The streetlight plan provides minimum requirements and guidance on the location, standards, and maintenance of streetlights. As noted above, the applicant's proposed streetlighting plan meets or exceeds the streetlight plan. Streetlight maintenance by the City, if requested, must be coordinated in accordance with the plan.
<u>Greenbelt Easements</u>	The properties along the Greenbelt are subject to existing Greenbelt easements. The proposed development does not appear to affect access as required by the easements. Any work on the Greenbelt is subject to the requirements of the Public Works Department.

G. Agency and Public Comments

Agency Comments

Agency	Comment Summary
None	N/A

Public Comments

Name	Comment Summary
None	N/A

H. Decision Options

The Design Committee and Planning and Zoning Commission may take one of the following actions:

1. Recommend approval of the application as presented;
2. Recommend approval of the application with conditions;
3. Request the applicant return with revised materials for additional review;
4. Recommend denial of the application.