



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: SUBFY2017 – 1 – PUD2013 – 2 – Discussion of DRC and P&Z Recommendations
Date: September 4, 2019

PUBLIC HEARING- Amendment to approved planned unit development

Background:

On May 6, 2017, the Council approved subdivision and planned unit development, file numbers, SUBFY2017 – 1 / PUDFY2013 – 2, for the Bridge Townhomes Subdivision.

The project was reviewed and approved with homes adjacent to the greenbelt fronting onto the greenbelt. Per Garden City Code, fences within the front yard setback can only be up to 3.5' in height. Garden City Code also requires at least one tree in the front setback. In May of 2017 an encroachment into the 6.5' greenbelt easement setback to a 3' setback from the greenbelt was approved for the fence. The subdivision/ planned unit development applications and building applications showed a wall with a "TBD" note on the plans. A wall was constructed 6'-8' in height within 2' from the greenbelt. The applicant is requesting to amend their planned approvals to allow for the wall as constructed as well as to construct a 3.5' wrought iron fence within 2' of the Greenbelt for the units that do not have the retaining wall. With the wall height and placement there is no room for the required trees. Planned unit developments can deviate from zoning district regulations if they:

1. Provide a maximum choice of living environments by allowing a variety of housing and building types, and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements;
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;
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;
4. Use land more efficiently than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and
5. Develop a land pattern in harmony with land use density, transportation, and community facilities objectives of the comprehensive plan.

The specific scope of the requested amendment is to:

- a. Allow for code requirement waivers for the fence height GCC 8-4A-3C-1, landscape requirements GCC8-4I, and residential design standards GCC 8-4B. The request would also allow for a further encroachment into required setbacks 8-2B-3.
- b. Amend site specific condition # 7 to allow the installation of shrubs along the Greenbelt instead of trees.
- c. Amend site specific condition #12 to allow a 2' setback along the Greenbelt for the retaining rock wall and the fence instead of 3'.
- d. Amend site specific condition 28a to allow lots 5 and 7-15 to contain a retaining wall and fence within 2' from the edge of pavement.
- e. Add site specific condition #29 to approve an 8' tall wall for the already constructed retaining rock wall.

Recommendation:

On August 19, 2019 the Design Committee recommend approval on a two to one vote, with Committee Member Gresham voting against approval. Committee Member Gresham noted the wall causes safety concerns by inhibiting the ability of users to maneuver safely in a congested area, concerns with drainage pooling on the Greenbelt, and that the improvement was within the required setback and previously approved condition.

On August 21, 2019, The Planning and Zoning Commission unanimously recommended approval.

Public Comment Summary:

Comments in favor:

1. Aesthetically pleasing.
2. Lack of opposition.
3. Could act as a levee.
4. Relocation of wall to a further setback would not provide benefit.

Comments in Opposition:

1. Wall constructed within the 6.5' greenbelt easement, is not compliant with Garden City Code, and not compliant with the application conditions of approval. Projects should be required to be compliant with governing provisions.

Agency Comments:

No agency comments were received related to the modification request.