



## DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street ■ Garden City, Idaho 83714  
Phone 208/472-2921 ■ Fax 208/472-2996 ■  
[www.gardencityidaho.govoffice](http://www.gardencityidaho.govoffice)

**To:** Mayor John Evans and the Garden City Council  
**From:** Jenah Thornborrow, Development Services Director  
**Subject:** Reconsideration Request: SUBFY2020-5 – Tree of Life Subdivision  
**Date:** April 13, 2020 City Council Meeting

### **PUBLIC HEARING**

#### **Requested Actions**

Reconsideration of SUBFY2020-5 – Riverpointe Subdivision: Preliminary/Final Subdivision Approval

#### **Background**

On March 23, 2020 the City Council approved Riverpoint Subdivision, File SUBFY2020-5. On April 2, 2020 the City received a reconsideration request from Frank Page. While Frank Page did not provide testimony during the March 23, 2020 hearing he did provide testimony at the Design Review Committee and Planning and Zoning Commission hearings.

Local Land Use Planning Act (LLUPA) states:

[a]ny applicant or affected person seeking judicial review ... must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

### **Reason for Reconsideration**

Mr. Page has indicated; "After looking through the development codes I find under Chapter 5 Land Division Regulations Article A 8-5A-5 Design Standards 5-F. It says Interior lots shall be configured so that no front yards shall be adjacent to the back yard on a adjoining property."

### **Analysis**

Attached is a memorandum from Garden City Current Planner, Christian Samples indicating that **Garden City Code 8-5A-5B-5f** standards are superceded by **Garden City Code 8-6B-8**.

### **Attachments**

Reconsideration Request

Staff Analysis

### **Links**

[SUBFY2020-5 Riverpoint Subdivision City Council Record, March 23, 2020](#)

[SUBFY2020-6 Riverpoint Subdivision City Council Decision](#)

[Correspondence with requestor](#)

**From:** [Running Bear Const](#)  
**To:** [Christian Samples](#)  
**Subject:** Decision Number SUBFY 2020-5 Decision Date 3/23/20  
**Date:** Thursday, April 2, 2020 2:07:44 PM

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Running Bear Const.,Inc.  
Frank D. Page (pres.)  
4900 Alworth Garden City Id. 83714  
License # RCE 226  
Phone 208-376-9066 cell 208-863-3167

Hi Christian;

This is a request for reconsideration of the decision to approve the development of the property at 404 E.49th in Garden City. Decision Number SUBFY 2020-5 Decision Date 3/23/20.

After looking through the development codes I find under Chapter 5 Land Division Regulations Article A 8-5A-5 Design Standards 5-F. It says Interior lots shall be configured so that no front yards shall be adjacent to the back yard on a adjoining property.

With the design that has been submitted and approved several of the front yards look directly into my back yard. I do own all the property along the south side of this property which is 4900 Alworth.

I do see where the developer has asked for some veriances but have never asked for one on that.

Please keep me informed. Frank D. Page

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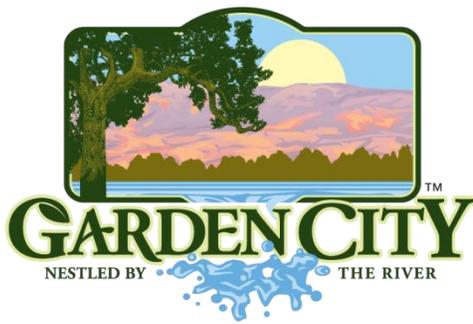
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## DEVELOPMENT SERVICE DEPARTMENT

6015 Glenwood Street ■ Garden City, Idaho 83714  
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April 3, 2020

To: Jenah Thornborrow, Development Services Director

From: Chris Samples, Associate Planner

Re: SUBFY2020 – 5 – Clarification of Setbacks

Combined preliminary/final plat subdivision application SUBFY2020 – 5 (River Pointe Subdivision) was approved by the City Council on March 23, 2020. The site design was approved as a minor planned unit development through application MPUDFY2019 -3 and the elevations were approved through design review application DSRFY2019 – 17. A request for reconsideration was received on April 2, 2020 requesting the decision be denied based on the subdivision design conflicting with Garden City Code 8-5A-5D-5f (Design Standards). The provision states “*Interior lots shall be configured so that no front yard shall be adjacent to a rear yard on an adjoining property.*”

The provisions of Garden City Code 8-6B-8 (Minor Planned Unit Development) supersede the zoning requirements of Garden City Code, including the setbacks found in Garden City Code 8-2B-3 (Form Standards).

8-6B-8B:

*2. The provisions of this article shall apply only when requested by an applicant and are in lieu of the underlying zoning district requirements.*

The setbacks of 8-6B-8 are:

*f. Minimum Setbacks:*

*(1) Between condominiums and multi-family structures without a firewall separation shall be ten feet (10').*

*(2) Between townhouse structures shall be six feet (6').*

*(3) To property lines external to the original lot of record shall be five feet (5').*

*(4) To an internal access lane shall be five feet (5').*

Developments approved under these provisions do not have a front yard setback, but instead are subject to the setbacks noted above. Minor planned unit developments subdivided under the provisions of 8-5A (Land Division Regulations) are subject to the entitled setbacks instead of the base zoning setbacks.