

Wendy Carver-Herbert
8515 W Atwater Dr
Garden City, ID 83714

November 8, 2024

Jenah Thornborrow
Director
Planning and Development
City of Garden City
6015 N Glenwood St
Garden City, ID 83714

RE: CPAFY2024-0004

Dear Jenah,

I'm writing regarding the above referenced ordinance change. As of today, I write on behalf of the River's Edge, Riverwoods I/II and Willowbrook HOAs, as well as various neighbors in surrounding neighborhoods. We support the intent of this application, also known as the "buffers" ordinance, as well as many of the proposed changes.

We appreciate the City's planning staff and the Planning & Zoning Commission for working to incorporate some of the feedback that was provided, including the addition of language to address visual privacy for existing single-family neighborhoods adjacent to proposed multi-family developments, and the reinstatement of the maximum height of 45 feet for R-3 zoned properties.

We also appreciate Planning & Zoning's discussion to address concerns about R-3 density in low- and medium-density neighborhoods West of Glenwood Street as identified in the Future Land Use Designation Map. We wholeheartedly support moving in this direction and thank staff for providing a "penciled in" idea of how this could be addressed. At this time, we are not in total agreement with some of the wording, have questions about how it would be applied and what the appropriate density should be. While we request the city move forward quickly to address our concerns about density, we agree it deserves further discussion and future consideration.

For this reason, we request the following:

All references to R3-L	Remove. While we support the concept of a new zoning district for above referenced neighborhoods, it needs to go through full rezoning process and consideration of what is the appropriate density in low- and medium-density neighborhoods west of Glenwood as identified in the Future Land Use Designation Map.
Residential Districts, p. 3	Until new zoning districts are addressed, retain existing language that describes "Typical Housing Types" for all districts.
Form Standards, p. 7	Is it the intent to limit this restriction to neighborhoods west of Glenwood? If so, should it be noted? Or is the language on page 10 intended to clarify?

8-4B-4B(9), p. 18	Although “penciled in” add the proposed language to address noise adjacent to the identified neighborhoods. This should consider careful placement of multi-family resident dog parks away from adjacent property lines.
G. Objective 7, p. 30	Although “penciled in” add the proposed language to address noise adjacent to the identified neighborhoods. This should consider careful placement of multi-family resident dog parks away from adjacent property lines.

Our motivation for pushing for the 45-foot maximum height and lower density on R-3 zoned properties dates back to the decision the city made in 2015 to amend a zoning ordinance, which significantly changed the allowed density and maximum height for these properties. There’s anecdotal information these amendments were made to address the changing development pattern in the eastern part of the city (south of the river, east of Glenwood Street). This appears to be supported by the city’s move to further amend the mixed-use zoning code in the current application, and open discussion to the possibility of rezoning R-3 properties in the east end of the city in the future. This would further match the city’s vision shown in the Future Land Use Designation Map. *Staff Report, CPAFY2024-0004, Report Number: 3, November 12, 2024, at p.12*

With all the focus on addressing the planning and development needs and vision for the east end of the city, it continues to leave those of us in low-and medium-density neighborhoods west of Glenwood (particularly those south of the river) at risk of development that was never contemplated or intended.

By way of background, Idaho’s Local Land Use Planning Act, and more specifically, Idaho Code §§ 67-6511(1) provides that, “zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.” [Emphasis added] On April 27, 2015, the Garden City Council adopted Ordinance 975-15. This included amendments to Garden City (GC) Code 8-2B-1, which, among other things, increased the allowable density in the R-3 base zoning district to 35 du/acre. This move increased the maximum allowed density by 250% from the previous maximum of 10 du/acre. This dramatic increase in medium density was not in accordance with the city’s Comprehensive Plan in place at the time. In fact, the R-3 medium density change to 35 du/acre was much higher than what was described as high density residential in that Comprehensive Plan. The plan described, high-density residential as twenty-two units per acre in transit-oriented development zones, which was intended to be higher density areas of the city. *Garden City Comprehensive Plan, Adopted July 24, 2006, at p. 19.*

The April 2015 R-3 base zoning district amendment also totally removed maximum height restrictions for that zone under R-3 Base Zoning Form Standards GC Code 8-2B-3. To apply this standard to low- and medium-density neighborhoods, was not in accordance with the 2006 Comprehensive Plan. The plan vision was, “three and four-story, mixed use along Chinden Boulevard; three-story, mixed-use south of the Chinden Corridor; and no more than two stories closer to the river”. *Garden City Comprehensive Plan, Adopted July 24, 2006, at p. 19.*

Additionally, The April 2015 ordinance amendment changed the definition for “Dwelling Unit, Multi-family” found under GC Code 8-7A-1, by deleting the word “townhouse” and adding the word “apartments.” Once again, this amendment did not comport with the Residential Low OR Medium Density definitions in the 2006 Comprehensive Plan which were defined as follows:

“Residential Low Density: The areas designated for low density residential are north and south of the river, west of Glenwood. These areas are predominately single-family detached housing, although some areas of attached housing may be appropriate near major arterials and public facilities.

“Residential Medium Density: The residential medium density designation is shown for the areas north of Chinden and west of Glenwood. This designation allows for detached and attached dwelling units including duplexes and townhouses.” *Garden City Comprehensive Plan, Adopted July 24, 2006*, at p. 35.

Please note, the plan did not then, nor does it now, list apartments or multi-family as options for these low- and medium-density residential areas of the city. It is also important to emphasize these definitions remain virtually unchanged in the most recently updated Comprehensive Plan and remain the guiding vision for development in low- and medium-density neighborhoods. *Garden City Comprehensive Plan, Adopted July 8, 2024*, p. 61

Additionally, 10.4.3 of the current Comprehensive Plan states, future development should “Provide a transition in the height and scale of development compatible with the existing surrounding neighborhoods.” *Garden City Comprehensive Plan, Adopted July, 2024*, p. 49

It is clear that the Idaho constitution and Idaho law grant cities the power to make the zoning changes we request. Idaho Code §§ 67-6511(1)(a) authorizes governing boards to establish standards, “to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures.” And, according to the Givens Pursley *Land Use Handbook*, “no Idaho court has invalidated a zoning ordinance for exceeding this grant of authority.” *Givens Pursley Land Use Handbook*, 3/12/2024, p. 73

From our perspective, this is not a matter of whether it can be done, nor is it a question of whether it is legal, especially when such a change is supported by the city’s Comprehensive Plan. This is a matter of whether city leaders have the will to make this change at the request of the people it serves.

In closing, we would like to ensure these additional facts are included in the record:

- With the exception of the Activity Node at the intersections of Glenwood and Marigold Streets, Marigold Street is not part of the Main Street Corridor. This indicates the low- and medium-density neighborhoods who use this arterial to access their subdivisions is not intended to support higher density development, nor mirror the development pattern intended for the eastside of the city along Adams and Alworth Streets.
- The city currently has few zoning tools to objectively and fairly limit a developer’s plan to develop under the R-3 zoning designation in low- and medium density neighborhoods, as identified in the Comprehensive Plan. This places these property owners at imminent risk of bordering the type of dense development that not only victimizes them, but is detrimental to their health, safety and welfare.
- The Findings of Fact and Conclusion of Law for the April 2015 ordinance amendments state that a mailed notice was sent to mobile home park owners of record, even though it was not required. However, there is no indication that notice was sent to any other property owners impacted by any of the ordinance changes. More specifically, no other owners of R-3 zoned properties received notice. This selective noticing prevented property owners in these low- and

- medium density neighborhoods from participating in the public process and providing feedback that could have averted the challenges these neighborhoods face today.
- A 2019 analysis and verbal survey of property owners adjacent to a proposed five-acre multi-family project on Strawberry Glenn Road, north of Marigold Street indicated nine out of 12 property owners owned their properties prior to the April 2015, R-3 zoning change. Yet none had any knowledge or meaningful input into that process because they were not notified. A current review of Ada County property records for properties adjacent to one of the largest tracts of R-3 zone property in the southwest part of the city shows that more than half (34 out of 46) owned their properties prior to the April 2015, R-3 zoning change.
- Concerns about the density of R-3 zoned properties not being in accordance with the Comprehensive Plan as it relates to low- and medium-density neighborhoods west of Glenwood have been raised to the city as early as 2019.
- The images on the following pages are included to represent the challenges existing low- and medium-density property owners face when taller, higher density developments are built adjacent to their homes. It has the potential of robbing them of a sense of safety, privacy and well-being. These images also demonstrate the difficulty in providing a transition in the height and scale of development compatible with the existing surrounding neighborhoods as is a stated desire in the current Comprehensive Plan. Additionally, structures exceeding three-stories make it exceedingly difficult to meet the intent of GC Code 8-4B-1 which states the purpose of design provisions of residential structures as:
 - Enhance the quality of life of(all) its residents
 - Enhance the visual character of the community
 - Ensure that the design of structures and site development is compatible with the intended character of the neighborhood as set forth in the comprehensive plan



Drone image, 35' above current grade, from approximately 100' away



Drone image, 25' above current grade, from approximately 100' away



Example of view from 3.5 stories overlooking carport and garage
Regency Apartments, Eagle Road



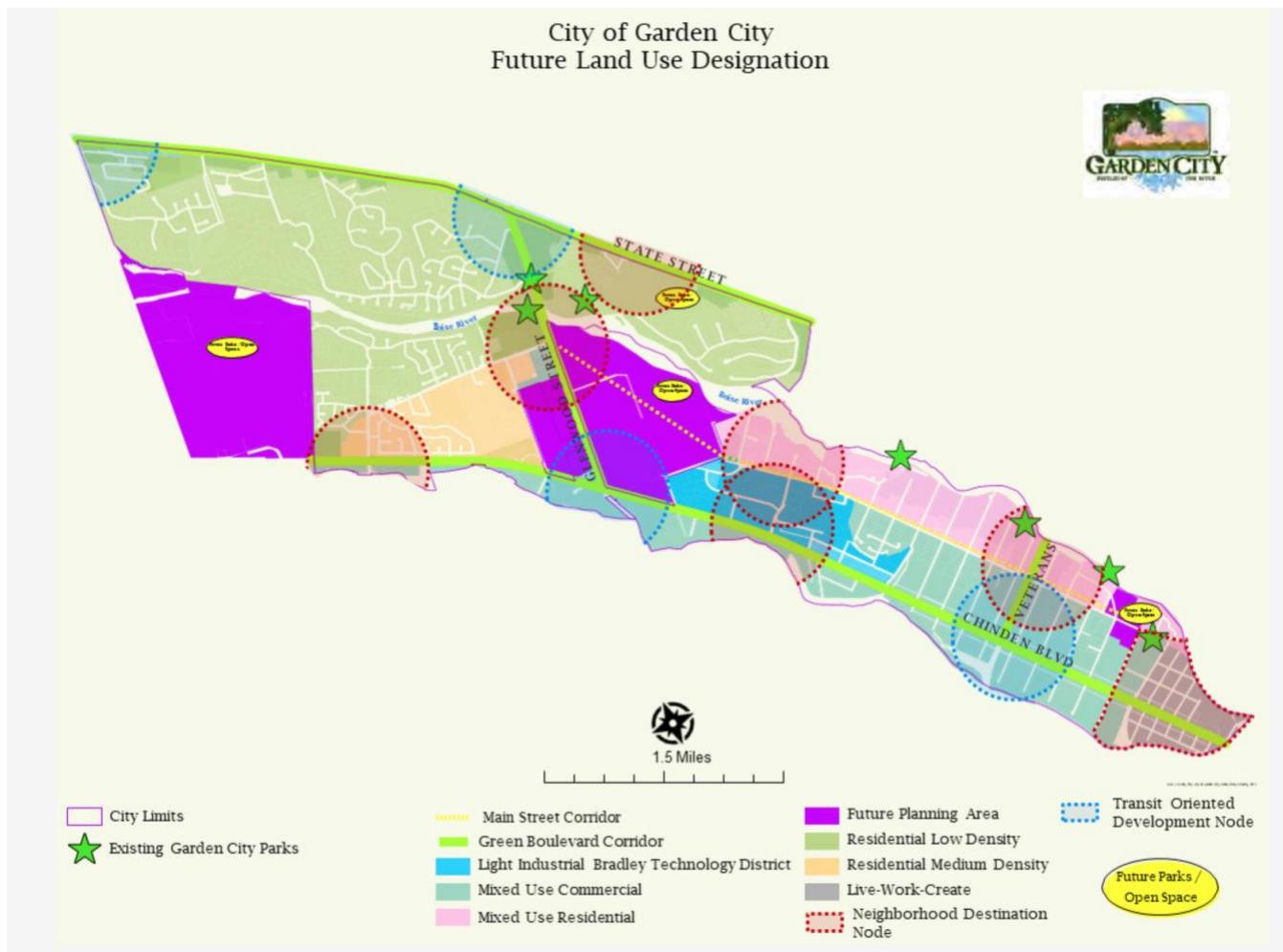
Example of 4-story apartment from elevation towering above single-story garages and carports
Regency Apartments, Eagle Road

We respectfully request City Council take all of these comments into consideration as it takes action on this application.

Sincerely,
Wendy Carver-Herbert

The Future Land Use Designation Map and Zoning Map are included on the following page for easy reference and comparison.

Future Land Use Designation Map:



Garden City Zoning Map:

