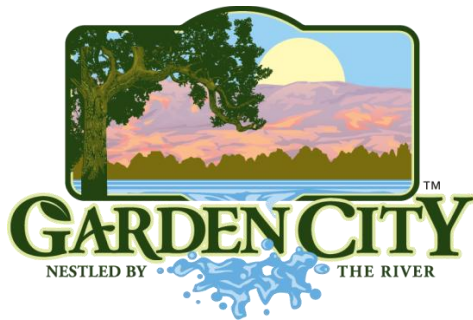




DEVELOPMENT SERVICES DEPARTMENT

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

SPECIFIC AREA PLAN (SAP) STAFF REPORT

File Number: SAPFY2026 - 0001



AI generated example of development that could occur based on the proposed Heron Commons SAP District code. This rendering shows the Pedestrian Spine with open space running from Adams Street to the Boise River with tiered residential structures adjacent to existing neighborhoods. This is a conceptual rendering only.

Applicant: City of Garden City

Planning and Zoning Commission September 16, 2026

Prepared by Jenah Thornborrow
(208) 472-2921; planning@gardencityidaho.org

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RECORD DOCUMENTS

The following link is provided to access all record documents: [link to all record documents](#): File SAPFY2026-0001

CURRENT DRAFTS

The following links are provided for convenience and direct review of the current versions of the proposed ordinances, application materials, and comments:

- Application Materials
 - a. [Application](#)
 - b. [DRAFT 5 Zoning Ordinance \(no redlines\)](#)
 - c. [DRAFT 5 Zoning Ordinance \(including redlined\)](#)
 - d. [Rezone Ordinance](#)
- Agency Comments: linked in report section [Agency Comments](#)
- Public Comments: linked in report section [Public Comments](#)
- [Draft Recommendation](#)

EXECUTIVE SUMMARY

The Planning and Zoning Commission is being asked to continue the previously opened public hearing and provide a recommendation to the City Council regarding the proposed Heron Commons Specific Area Plan (SAP) District, including adoption of the SAP zoning ordinance, rezoning of affected properties, and associated findings of fact and conclusions of law. The proposal would establish a new Specific Area Plan District for approximately 34 acres in the former ACHD site area and surrounding properties, implementing the Comprehensive Plan vision for a mixed-use district through standards addressing land use, public open space, flood protection, connectivity, development intensity, and phased delivery of public improvements.

This report contains consistent information from previous reports. The sections of this report that have been updated since the report that was provided for the July Planning and Zoning Commission hearing include:

1. [Summary of Key Revisions](#)
2. Proposal ([Connectivity and Circulation Network](#))
3. [Agency comments](#)
4. Public Comment ([July 15, 2026, testimony](#))
5. Public Comment ([Written comment](#))

REQUEST

Conduct a public hearing that was continued from July 15, 2026, and provide a recommendation to the City Council regarding the proposed Heron Commons Specific Area Plan (SAP) District, including the Specific Area Plan zoning ordinance, ordinance rezoning properties, and associated findings of fact and conclusions of law.

SUMMARY OF KEY REVISIONS

Following the Planning and Zoning Public Hearing held on July 15, 2026, the following updates have been made to the proposed ordinance:

- Updated language throughout the document to improve clarity, organization, and interpretation.
- Added illustrations.
- Refined the intent statement.
- Added and revised definitions, including a definition for Mixed-Use Urban.
- Added the applicable property addresses and legal descriptions to clarify where the ordinance applies.
- Updated the Master Illustrative Infrastructure Plan (formerly the Master Illustrative Plan).
- Revised flood protection standards to specify the applicable flood model rather than rely on regulatory adopted maps (this is because the city is currently in FEMA's seclusion designation).
- Replaced the Reed Street connection requirement with the broader concept of a Local Circulation Network, established a maximum block length standard, and clarified that the intent of 38th Street is to continue as a bicycle connection.

Discussion Note: Establishing a connected circulation network through maximum block length standards is a more effective approach to achieving the district's connectivity objectives. This approach provides greater flexibility in the placement of streets and pathways while still ensuring a well-connected network for pedestrian, bicycle, emergency, and vehicular circulation.

- Added specific references to **8-4M, Boise River Natural Resources** within the Greenbelt standards.
- Added specific references to **8-4A-9, Waterways** within the Thurman Mill standards.
- Replaced the previous minimum density requirement of 50 dwelling units per acre with standards intended to achieve a Mixed-Use Urban environment, including:
 - For sites greater than one acre, evidence of a plan how to achieve a Mixed-Use Urban environment.
 - For sites less than one acre, either:
 - A mix of residential and nonresidential uses on-site;
 - Entirely nonresidential development; or

- A minimum residential density of fifteen (15) dwelling units per acre.

Discussion Note:

The previous draft requirement of 50 dwelling units per acre requirement was intended to ensure that development within the SAP District would occur at an intensity capable of supporting a walkable, Mid Urban Mixed-Use environment and the long-term integration of residential and nonresidential uses. However, it was also recognized that the district will develop incrementally and that the viability of a true mixed-use environment will depend not only on individual projects, but also on the maturation of the surrounding area over time.

Rather than requiring a specific density threshold, applicants are required to demonstrate how their proposal contributes to the establishment of a Mid Urban Mixed-Use environment consistent with the purpose and intent of the district through the required Regulatory Master Plan. This approach provides flexibility in how the vision is achieved while ensuring that development continues to support the long-term evolution of the district.

There are twelve properties within the district that are smaller than one acre; however, when parcels under common ownership are considered, only five ownership groupings contain less than one acre of land. For properties that do not require a Regulatory Master Plan prescriptive standards are proposed. The smallest property within the district is approximately 0.226 acres.

- Revised setback language to clarify how setbacks are measured. Added provisions requiring increased setbacks when necessary to ensure compatibility with the Boise River Greenbelt and adjacent neighborhoods, based on building height, development intensity, and potential impacts.
- Adjacent residential compatibility language revised to address neighborhoods rather than structures. Requirement that compatibility be achieved through incorporation of one or more methods including building heights, setbacks, stepbacks, open space, uses, structure orientation, privacy measures, including window and activation element placement, or landscaping to reduce potential impacts.

Discussion Note:

Another principal public concern raised relates to setbacks and the relationship between new development and adjacent properties. Previous drafts included a prescriptive requirement that no structure within the SAP District could be more than two stories taller than an adjacent structure located outside of the district. Concerns were raised regarding how this standard would be applied in practice and whether it would effectively address compatibility with neighboring properties.

The current draft replaces that prescriptive approach with performance-based compatibility standards. The ordinance specifies that compatibility may be achieved through one or more design techniques, including building height, setbacks, stepbacks, open space, land uses, building orientation, privacy measures, including window and activation element placement, and landscaping intended to reduce potential impacts on adjacent properties.

In addition, minimum setbacks are required along all property lines adjoining the SAP District boundary. These setbacks are measured from the applicable property line or back of sidewalk, whichever results in the greater setback.

The draft further recognizes that a minimum setback may not be sufficient in all situations. To ensure compatibility with adjacent neighborhoods and the Boise River Greenbelt, it specifically provides that increased setbacks may be necessary based on the height, scale, intensity, and potential impacts of the proposed development. The need for additional setbacks is evaluated through the Regulatory Master Plan process and the associated compatibility findings, allowing site-specific solutions while ensuring that potential impacts on adjacent existing uses and properties are appropriately addressed.

Large Setbacks: Discussions with public requesting larger setbacks adjacent to existing neighborhoods and the Boise River Greenbelt were not included in this draft. These concepts were evaluated in earlier drafts but were not pursued because prior discussions indicated that such requirements were overly prescriptive.

- Established building height standards with a base maximum height of seventy-two (72) feet. Additional allowances include:
 - Up to eight (8) additional feet for enhanced ground-floor ceiling heights for nonresidential uses and architectural screening; and

- The ability to obtain up to two additional stories through development rights transfers.

Discussion Note: Height has been a principal concern raised by members of the public throughout the review process.

The adjacent C-2 and R-3 zoning districts do not have height restrictions identified by code. The adjacent Waterfront District Subdivision is zoned Mixed Use, which permits buildings up to 72 feet in height under the Garden City Code. While properties within the subdivision may also be subject to private covenants that impose additional restrictions, those covenants are privately administered and separate from City regulations.

During the joint work session, a range of perspectives were expressed regarding appropriate building heights within the SAP District. Some participants indicated that a maximum height of eight stories was appropriate, while others supported removing height limitations altogether. It was also noted that heights modestly exceeding those permitted in adjacent neighborhoods, such as an additional two stories, may be appropriate.

The draft ordinance reviewed by the Planning and Zoning Commission in July allowed building heights of up to eight stories, including provisions for additional two stories through the transfer of development rights.

In response to continued public concerns, the current draft reduces the maximum building height to 72 feet, consistent with the maximum height permitted by City Code in the most restrictive adjacent zoning district. The draft allows an additional 8 feet of height, for a total maximum height of 80 feet, for buildings incorporating ground-floor nonresidential uses. This additional height is intended to accommodate taller ground-floor ceiling heights commonly associated with commercial, retail, hospitality, and similar nonresidential uses, while also providing opportunities for architectural screening and improved building design.

The draft further requires buildings adjacent to the Greenbelt to be limited to two stories or incorporate upper story stepbacks. To incentivize lower structures next to existing neighborhoods, the draft allows the transfer of development rights so that reductions in height in one location may be offset by additional height elsewhere within the SAP District where more appropriate. This approach is intended to mitigate impacts at the district's edges while maintaining flexibility.

It should also be noted that the maximum height allowed by a zoning district does not necessarily reflect the height that will be constructed on every property. Building height is influenced by a variety of factors, including market conditions, site constraints, development costs, project design, and property owner objectives. As a result, development within the district may occur at heights below the maximum permitted by the ordinance.

-
- Added irrigation water requirements requiring landscape, park, open space, and streetscape irrigation to utilize irrigation water when reasonably available, with potable water permitted only when irrigation service is unavailable or inadequate.

Discussion Note: Public comment referenced vacant properties where vegetation is dead or dying due to lack of maintenance. The comment suggested that a public irrigation system be established in addition to requiring use of irrigation water when available. The draft ordinance does not establish a public irrigation system.

- Reduced required upper story setbacks from twenty feet (20') to ten feet (10').
- Revised Greenbelt adjacency standards to measure the primary adjacency area from the Greenbelt travelway rather than from its centerline.
 - The area that is required to be 60% publicly accessible and parklike is 25' from the travelway (previously 30' from the centerline).
 - The Greenbelt Adjacency standards to properties within sixty feet (60') of the Greenbelt.
 - Clarified that these standards do not reduce the required seventy-foot (70') setback from the Boise River Ordinary High Water Mark or supersede 8-4M, Boise River Natural Resources regulations.

- Revised the Adams Street connection requirement to be an **Adams Street Bicycle Connection** and also requiring a new and separate **Waterfront Emergency Access**. This allows flexibility in the specific location of the bicycle connection and location of the emergency access.

Discussion Note:

There has been testimony to remove any reference to the Adams Street connection. The draft ordinance no longer requires the Adams Street connection where previously identified, provided that equal or better bicycle connectivity to the 36th Street bridge and emergency access to the Waterfront District are maintained. The draft code now refers to these matters as the E. Adams Street bicycle connection and the Waterfront District Subdivision Emergency Access. However, the draft proposal continues to recognize that the connection is identified as an ACHD roadway and that ACHD could require a future connection consistent with its adopted maps and policies.

The City has requested clarification from ACHD regarding whether the connection may be limited to pedestrian, bicycle, and emergency access. ACHD has indicated that adoption of the SAP could provide the basis for considering removal of the connection requirement through amendments to its maps and policies, subject to ACHD Commission approval. If the connection were ultimately restricted to nonvehicular use, additional considerations regarding ownership, maintenance, and long-term management would need to be addressed.

While the draft acknowledges the potential for a future connection, it also clearly states that any connection should be designed to serve local traffic rather than function as a cut-through route. This approach is intended to provide protection for the Waterfront District Subdivision.

- Refined standards for qualifying publicly accessible open space.
- Added a provision allowing single-family detached dwellings adjacent to the Greenbelt through approval of a conditional use permit.
- Clarified the authority and limitations of the Regulatory Master Plan, including what elements it may and may not modify.

Discussion Note: Public comment requesting that outfalls to the Boise River be addressed were not incorporated because the City Engineer confirmed that existing code already requires their removal.

Suggested Further Refinements

Staff endeavored to identify and incorporate all proposed amendments prior to releasing the draft ordinance for public review and comment on August 14, 2026. Following making the draft available for public review, staff identified a drafting error that creates a substantive issue and also received a comment expressing concern that certain proposed Regulatory Master Plan findings may be overly subjective. Accordingly, staff recommends additional revisions to address both the drafting error and the concerns raised regarding the proposed findings. The draft recommendation includes the recommended revisions:

- The current draft states that “setbacks shall be measured from the applicable property line or back of sidewalk, whichever is greater to the nearest point of any structure.” Staff recommends that it be revised to say: “Setbacks shall be measured from the applicable property line or back of sidewalk, whichever results in the more restrictive setback.”
- The current draft notes that the process is a Design Review Administrative with Notice process. This application has its own unique set of Findings. Staff recommends removing reference to Design Review and noting that the process that is utilized is Administrative with Notice.
- Further refine approval findings to ensure they are clear, objective, and aligned with the intent of the district. Staff’s proposal to address the findings include:
 - Add to Definitions:
 - Public Realm: The network of publicly owned and publicly accessible spaces that support pedestrian movement, recreation, social interaction, and civic activity. The public realm includes public rights-of-way, road allowances, sidewalks, pathways, trails, parks, public squares, plazas, open spaces, waterfront areas, and other lands or spaces that are intended to be public or publicly accessible, regardless of ownership. (publicly accessible is defined already)
 - Multimodal: Relating to or supporting more than one mode of transportation, including walking, bicycling, micromobility, public transit, motor vehicles, freight, and accessible mobility devices. Multimodal design emphasizes a coordinated transportation network that enables people of all ages and abilities to safely and efficiently travel using a variety of transportation options.
 - Multimodal Pathway: A pathway designed for both pedestrians and bicyclists that is physically separated from motor vehicle traffic and designed to provide safe, comfortable, convenient, and accessible travel while enhancing connectivity within the community. Sometimes referred to as shared-use pathway.
 - Walkable: Designed to support walking through a safe, accessible, comfortable, and interconnected network of sidewalks, pathways, trails, crossings, and public spaces. Walkable areas provide frequent and direct pedestrian connections between destinations and include pedestrian-oriented infrastructure and site design that encourage walking and support its use as a practical mode of transportation and community interaction.
 - Remove the Parking findings from 8-8B-5.H and replace with a finding in the Regulatory Master Plan section.
 - Update Master Plan Findings to address:
 - Finding A** District Framework
 - Finding B** Public Open Space
 - Finding C** Circulation, Connectivity, and Public Realm Integration
 - Finding D** Alternative Compliance
 - Finding E** Landscape and Boise River Character

Finding F Parking Modifications
Finding G Neighborhood Compatibility
Finding H Administrative Procedures

Proposed Revised Findings

A. The Master Plan demonstrates, through substantial and credible evidence, that the proposed land use pattern, development intensities, public realm, phasing approach, and supporting infrastructure establish a coherent and integrated framework for the long-term development of the Heron Commons SAP District consistent with its purpose and intent. The plan provides for the development and integration of residential and nonresidential uses over time in a manner consistent with the district's intended Mid Urban Mixed-Use character.

B. The plan demonstrates, through substantial and credible evidence, that the proposed public open space system is accessible to the public, appropriately scaled to serve the development, and designed to accommodate a range of passive and active recreational, civic, and social activities. The evidence further demonstrates that any reduction, consolidation, transfer, or redistribution of required public open space results in a public open space system that provides equivalent or greater public access, connectivity, usability, and amenities than would be achieved through strict compliance with the minimum requirements.

C. The Master Plan demonstrates, through substantial and credible evidence, that the proposed circulation and public realm network maintains or improves district-wide public access, connectivity, parking access, and circulation for pedestrians, bicyclists, emergency services, and motor vehicles through interconnected public streets, multimodal pathways, and public spaces. The network provides continuity of development and infrastructure throughout the site and avoids fragmented or disconnected development patterns.

D. Each proposed modification or alternative method of compliance satisfies the standards of Section F, Alternative Compliance.

E. The plan demonstrates that streetscapes, public spaces, and publicly accessible spaces incorporate landscaping, Class III tree species, and pedestrian amenities throughout the development. The landscape improvements are designed to establish a mature tree canopy and a large-canopy urban forest over time that provides shade, buffers pedestrians and public spaces from motor vehicle travel areas and defines streets and public or publicly accessible spaces. Where adjacent to the Boise River Greenbelt, the landscaping incorporates plant materials, landscape patterns, and design elements that reinforce the ecological and visual character of the Boise River corridor.

F. For applications that propose amendments to parking standards, the plan, as demonstrated through a parking analysis, shared parking analysis, transportation demand management measures, or other evidence:

- i. Minimizes the visual impact of parking on the public realm;
- ii. Provides sufficient parking to avoid spillover parking on adjacent properties and public streets; and
- iii. Provides parking outcomes equivalent to or better than those that would be achieved through full compliance with **8-4D PARKING AND OFF-STREET LOADING FACILITIES**, as demonstrated by one or more factors including reduced vehicle trips, increased multimodal access, shared parking efficiency, and proximity to transit or services.

G. Any proposed modifications to use regulations and the proposed site design and structures do not create conflicts that materially interfere with the reasonable use and enjoyment of nearby properties, adjacent neighborhoods established prior to [insert code adoption date], or public realm as demonstrated through the structural and site design and operating characteristics.

H. Any proposed modification to an administrative procedure does not reduce the level of public notice, public participation, City review, transparency, or appeal rights otherwise provided by this Code.

PROPOSAL

Purpose of a Specific Area Plan

Establishing a specific area plan district (SAPD) for a property provides a means to create zoning regulations and a master plan for unique areas and developments where a different zoning district may not achieve desired results.

Each SAPD includes its own nontransferable set of zoning regulations. The regulations may include design guidelines, site plans, infrastructure plans, phasing plans, and other elements. The type of uses, form standards, location and amount of development, and design criteria for a particular property shall be established by adopting the SAPD into the Development Code by specific area plan project ordinance (SAPPO).

The goal of the Specific Area Plan tool is to ensure the orderly planning and development of land, by requiring new development to:

1. Implement the goals and objectives of the city's comprehensive plan, as amended, including the future land use map, the land use designations, and the land use goals and policies, if applicable.
2. Contribute to the social, economic, and environmental sustainability of the city.
3. Develop in a manner that is highly respectful of the natural setting, that is at a human scale and ensures neighborhood compatibility.

4. Provide for a safe and comfortable integrated transportation system that prioritizes a pedestrian-bicyclist environment and mass transit and reduces vehicular trips.
 5. Result in a contribution of amenities to the community including maintaining public access to the Boise River and recreational facilities.
 6. Designate and protect open site areas in perpetuity.
 7. Provide for a mix of uses, including housing types.
 8. If necessary, plan for the coordinated and phased construction of infrastructure, including public facilities and transportation system components.
- Remain consistent with the intent of the Garden City Development Code.

Proposed Scope of Work

This application is for a Specific Area Plan per Garden City Code 8-7A-2 Definition of Terms:

Specific Area Plan: The concept plan for a property, including a narrative and illustrations meeting the application requirements of Garden City Code 8-7B-1. I (Master Plan), plus the proposed unique permitted, conditional, and prohibited land uses, and the form standards for land within the SAP.

Specific Area Plan District (SAPD): Following the adoption of a SAPPO, the zoning map identification of the particular property on the zoning map as a specific area plan district such as, e.g., SAPD-1.

Specific Area Plan Project Ordinance (SAPPO): Any city-approved specific area plan that is adopted by ordinance as a separate chapter in Garden City Development Code.

What Is Proposed

The draft ordinance would establish a new Specific Area Plan zoning district identified as SAP 02. Adoption of this district would also include an illustrative Master Plan that provides a general framework to guide future redevelopment. Once adopted, the Specific Area Plan becomes the governing zoning for the subject properties via a secondary ordinance. The working name *Heron Commons SAP District* has been provided as a more recognizable reference than SAP-02.

The district provides for future opportunities for neighborhood serving shops, services, gathering places, and a more walkable mixed-use environment.

The ordinance establishes a framework to guide incremental redevelopment over time while ensuring:

- A walkable, mixed-use neighborhood that can function as a community destination.
- Public access to the Boise River and Greenbelt.
- Delivery of public open space.
- A connected street and pathway system.

Overview of the Heron Commons SAP District Framework (SAPPO)

The intent of the Heron Commons SAP District is to establish a walkable, bicycle-oriented, Mid Urban Mixed-Use district that implements the vision of the Comprehensive Plan while

incorporating, supporting, and enhancing the Boise River and Greenbelt corridor as defining features of the area. The district is intended to evolve over time into an integrated urban environment characterized by a mix of residential and nonresidential uses, a connected public realm, multimodal transportation options, high-quality public spaces, and strong connections to the Boise River and Greenbelt.

The ordinance is therefore designed to balance predictability and flexibility. It establishes clear district objectives, required public improvements, and development expectations while allowing alternative approaches through the Regulatory Master Plan process when equivalent or superior outcomes can be demonstrated.

The district vision is intended to be achieved at the scale of the overall SAP District rather than requiring each individual development or phase to independently provide a complete mix of uses. Development may occur incrementally, and individual projects may be primarily residential, nonresidential, or mixed-use in character. However, the Regulatory Master Plan must demonstrate that the overall development pattern, public realm, transportation network, infrastructure, and land use framework support the long-term establishment of the district's intended Mid Urban Mixed-Use character.

The code includes prescriptive standards that provide a clear path to compliance. At the same time, many provisions may be modified through an approved Regulatory Master Plan when the applicant demonstrates that the proposed alternative achieves the purpose, intent, and objectives of the applicable standard to an equal or greater degree. As a result, the purpose and intent statements throughout the code play an important role in communicating the desired outcomes of the district and guiding future interpretation, implementation, and decision-making.

This approach recognizes that the full vision for the district will likely be realized incrementally over time and that a single prescribed solution may not be appropriate in all circumstances. An outcome-based framework can encourage innovative development, respond to changing market conditions, accommodate site-specific opportunities and constraints, and ensure that individual development decisions contribute to the broader district vision.

However, this flexibility also introduces challenges. Prescriptive standards are generally more straightforward to administer and apply consistently. Outcome-based standards require applicants, reviewers, and decision-makers to evaluate whether proposed alternatives achieve the intended objectives of the SAP District. The findings, purpose statements, and approval criteria within the ordinance are intended to provide the framework for making these determinations while maintaining consistency with the vision and intent of the district.

Pedestrian Spine

The ordinance establishes a Primary Pedestrian Spine as a required public accessway connecting the Boise River Greenbelt to Adams Street. The Pedestrian Spine is intended to function as a key organizing element of the district, supporting walking, gathering, public activity, and future mixed-use development.

Buildings adjacent to the Pedestrian Spine are required to be designed to accommodate future adaptation to mixed-use or nonresidential uses over time. Compliance may be demonstrated through a range of design approaches that support future flexibility and conversion.

River Corridor

The ordinance requires flood protection improvements to address existing flood risk that must comply with applicable FEMA requirements.

The ordinance also establishes standards requiring additional public access to the Boise River Greenbelt and limit building intensity immediately adjacent to the Greenbelt through use restrictions and building height, massing, and design requirements.

Public Space Framework

The ordinance requires public or publicly accessible open space and provides flexibility through the Regulatory Master Plan process regarding the location, configuration, and distribution of open space throughout the district.

Connectivity and Circulation Network

The ordinance requires an integrated network of public streets, multimodal pathways, and other circulation facilities designed to support pedestrian, bicycle, emergency service, and vehicle movement throughout the district. Required improvements include connections to the Greenbelt, the Thurman Mill Canal pathway, and other facilities necessary to provide safe and connected multimodal access within and beyond the district.

To enhance bicycle connectivity, the ordinance requires a bicycle connection between the SAP District and Adams Street. The ordinance does not prescribe the specific alignment or location of this connection, allowing flexibility to respond to site conditions, future development patterns, and agency requirements.

The ordinance also requires an emergency access connection that provides redundant emergency access to the Waterfront District Subdivision. The location and design of the emergency access shall be coordinated with applicable agencies and property owners and may be designed to limit or restrict general vehicular access where appropriate.

Garden City does not oversee its own roadway system. E. Adams Street is under the jurisdiction of the Ada County Highway District. Whether a connection to E. Adams Street is required remains subject to review and approval by the Ada County Highway District. Recognizing concerns regarding potential neighborhood impacts associated with a new vehicular connection to E. Adams Street, the ordinance discourages construction of the connection. If a motor vehicle connection to E. Adams Street is required, the ordinance requires that the design incorporates traffic-calming measures and other features intended to reduce vehicle speeds and discourage cut-through traffic.

Phasing and Implementation

The ordinance requires public improvements to be constructed or financially secured concurrent with development. Improvements such as public streets, pathways, flood protection

infrastructure, public open space, and Greenbelt access facilities are required to be delivered in coordination with development phases.

The ordinance also requires long-term maintenance mechanisms and public access easements to ensure continued operation and public use of required improvements.

Properties to be Rezoned

Site Information

1) Property Owners:

- a) Lowe Damion
- b) East Thirty Seventh Street LLC
- c) Garden City Willow Reed LLC
- d) Hernandez Richard J
- e) Anderson Family Trust 4-17-2020
- f) Bobp Mary Ellen & William David Revocable Trust 2-18-09
- g) Hernandez Wendy
- h) Hernandez Fabie
- i) Anderson Stephen J
- j) Erickson Patricia
- k) Wheeler Loren R & Dana C Trust 09/20/2024
- l) S4 Enterprises LLC
- m) Ada County Highway District
- n) Hyslop Dakota Bryan
- o) Milanez Javier
- p) Ada Distributing Co Inc

2) Property Description:

- a) Street Addresses: 220; 221; 301; 305; 317 **E. 37th Street**; 215; 300 ; 304; 308 ; 300; 306; 310; 311 **E. 38th Street**; 3700; 3775; 3799; 3800; 3807; 3824; 3825; 3832; 3833; 3845, S1005120600 (Bare Land) **N. Adams Street**; 3825; 3831; 3845 **N Reed Street**.

- b) Ada County Tax Parcel Number(s):

- | | | |
|-------------------|--------------------|--------------------|
| i) R2734502585 | x) R3459000022 | xix) S1005141700 |
| ii) R3459000061 | xi) R2734502617 | xx) R2734520174 |
| iii) R3459000035 | xii) R2734502627 | xxi) S1005141650 |
| iv) R2734502610 | xiii) R3459000051 | xxii) R2734520190 |
| v) R2734502623 | xiv) R2734502631 | xxiii) R2734520390 |
| vi) R3459000049 | xv) R2734502590 | xxiv) S1005141695 |
| vii) R2734502637 | xvi) R2734502617 | xxv) S1005120600 |
| viii) R3459000012 | xvii) R2734502575 | xxvi) R2734520200 |
| ix) R2734502575 | xviii) R2734520441 | xxvii) R2734520430 |

- a. Described by the Ada County Assessor's Office as:

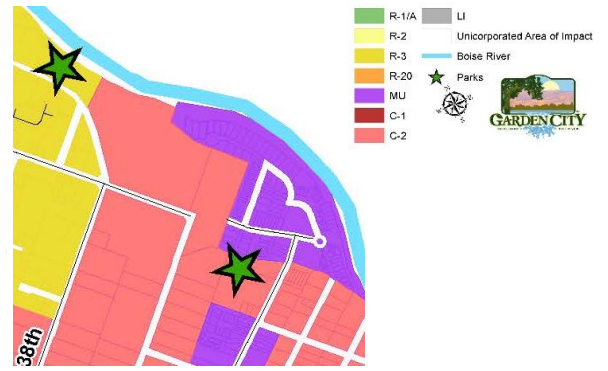
- i) NW 195' LOT 14 & NW 195' OF NE 25' LOT 13 BLK 8 FAIRVIEW ACRES SUB #1
- ii) LOT 6 BLK 1 EXC R/W DEE HARDIN SUB #0060B

- iii) LOT 3 EXC NWLY 84' BLK 1 DEE HARDIN SUB #0030-B
- iv) LOT 15 BLK 8 FAIRVIEW ACRES SUB NO 1
- v) PAR #2623 POR LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB 1 #2621B
- vi) PAR #0049 POR LTS 3 & 4 BLK 1 DEE HARDIN SUB #0048-B
- vii) PAR #2637 POR LTS 16 & 17 BL 8 FAIRVIEW ACRES SUB #1 #2635-B
- viii) PAR #0012 POR LOT 01 BLK 01 DEE HARDIN SUB #0011-B
- ix) LOT 12 & SW 75' LOT 13 BLK 8 FAIRVIEW ACRES SUB NO 1 #2580-S
- x) PAR #0022 POR LOT 02 BLK 01 DEE HARDIN SUB #0021-B
- xi) PAR #2617 OF LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2615B
- xii) PAR #2627 POR LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2625B
- xiii) LOT 5 BLK 1 EXC R/W DEE HARDIN SUB #0050B
- xiv) PAR #2631 OF LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2630B
- xv) SE 105' LOT 14 & SE 105' NE 25' LOT 13 BLK 8 FAIRVIEW ACRES SUB #1
- xvi) PAR #2617 OF LOTS 16-17 BLK 8 FAIRVIEW ACRES SUB #1 #2615B
- xvii) LOT 12 & SW 75' LOT 13 BLK 8 FAIRVIEW ACRES SUB NO 1 #2580-S
- xviii) LOTS 22 & 23 BLK 12 FAIRVIEW ACRES SUB NO 3
- xix) PAR #1700 @ CTR NE4 SEC 5 3N 2E #141690-B
- xx) LOTS 20 & 21 BLK 11 FAIRVIEW ACRES SUB NO 3 #0172 0178 C
- xxi) PAR #1650 OF S2NE4 SEC 5 3N 2E #9115156
- xxii) LOT 22 BLK 11 FAIRVIEW ACRES SUB NO 3 #8827750
- xxiii) LOT 12 BLK 12 FAIRVIEW ACRES SUB NO 3 #9213674
- xxiv) PAR #1695 IN CTR POR NE4 SEC 5 3N 2E & OF BLK 12 FAIRVIEW ACRES #3 R/S 9143
- xxv) PAR #0600 OF W2NE4 SEC 05 3N 2E
- xxvi) LOT 23 BLK 11 FAIRVIEW ACRES SUB NO 3
- xxvii) PAR #0430 NW POR LOTS 20 & 21 BLK 12 FAIRVIEW ACRES SUB NO 3

- 2) Property Size:** 33.96 acres
- 3) Legal Lot of Record:** To be determined
- 4) Zoning District:** R-3 Medium Density Residential & C-2 General Commercial
- 5) Comprehensive Plan Land Use Map Designations:**
 - a. Future Planning Area
 - b. Mixed Use Commercial
 - c. Main Street Corridor
 - d. Mixed Use Residential
 - e. Future Park/ Open Space
- 6) Neighborhood:** The property is bounded by the Boise River, generally to the north, and adjacent to properties zoned R-3, C-2, and MU. A map of the subject properties are highlighted below in yellow, and a neighborhood zoning map is provided:



Subject Properties



Zoning Map

AGENCY COMMENTS

Per Idaho's Local Land Use Planning Act (LLUPA) and Garden City Code, notice of this application was provided to agencies with jurisdiction or an interest in the proposal. The notice for this application was sent to over 100 individuals representing a wide variety of agencies. The notice informed agencies of the nature of the request and invited review and comment. In addition to the agency notice, the city has proactively asked questions of ACHD in addition to this agency notice.

The following agency comments were provided:

Agency	Comment Link	Summary
Idaho Department of Environmental Quality	04272026	No Comments regarding project
ACHD	05222026 Letter to ACHD 07142026 (included here for context) 07162026	• ACHD will not provide land use information as part of a surplus property sale; land use review is considered buyer due diligence. • The City's Specific Area Plan (SAP) may be adopted before ACHD begins reviewing any roadway connection changes. • Confirmation that the Adams Street stub street was required through Waterfront District approvals. • The Adams Street connection is currently shown on ACHD's Master Street Map (MSM). • Any removal or modification of the planned Adams Street connection would require ACHD Commission review and approval. • City adoption of the SAP would provide the basis for ACHD to consider a modification to the MSM. • ACHD policy generally requires existing stub streets to be extended when adjacent properties redevelop. • The purpose of the stub street policy is to support emergency access, maintenance operations, and overall transportation system connectivity. • ACHD staff will evaluate potential options that meet the intent of the policy while supporting the City's desire for a more limited connection. • If a vehicular connection is ultimately required, ACHD can use traffic-calming and design

		measures to address speed, neighborhood livability, and multimodal safety concerns. • ACHD expressed willingness to work with the City on design solutions if a connection moves forward. • A connection limited to bicycle, pedestrian, and emergency access, without general motor vehicle traffic, would generally not fall under ACHD jurisdiction.
Garden City Engineer	08112026 08132026	With redevelopment, the city requires storm water to be retained on-site. Any discharge to the Boise River would be eliminated. Text suggestions for the floodplain requirements.

PUBLIC COMMENT

Testimony During May 20, 2026, Planning and Zoning Commission Hearing

There were five individuals who provided public testimony during the May 20, 2026, Planning and Zoning Commission Hearing.

Public testimony focused on concerns regarding project pacing, compatibility with adjacent residences, and the Adams Connection. Several commenters felt the timeline was expedited and recommended a slower process. Most emphasized protecting the river and Greenbelt, describing the project as a long-term, legacy opportunity. Height and scale were key issues for three individuals, with a preference for lower, two-story development and compatibility with nearby one-story homes. One referenced the 40-foot limit in the Waterfront District.

Additional comments included requests for more visuals, reconsideration of the five-year review period of the Adams Street Connection, and recognition that evolving technology may impact future uses and future parking needs.

Public Testimony July 15, 2026

There were nine individuals who provided oral public testimony and two additional individuals provided written comment during the July 15, 2026, Planning and Zoning Commission Hearing.

Public testimony focused on development intensity, neighborhood compatibility, traffic, and the proposed Adams Street connection. Commenters raised concerns about building height, density, setbacks, privacy impacts to adjacent neighborhoods, and the need for a traffic impact study and clearer development standards.

Several speakers opposed a full vehicular extension of Adams Street, generally supporting bicycle, pedestrian, and emergency-only access. Additional comments addressed Greenbelt tree

preservation and irrigation, potential impacts to wildlife, concerns about the pace of the process and adequacy of public notice, and questions regarding property owner participation and overall support for the proposal.

Staff Outreach and Stakeholder Engagement

Concerns have been raised regarding whether the City has been sufficiently transparent about stakeholder involvement in the development of this proposal. Staff affirms that all written communications, correspondence, and supporting documentation have been included in the public record.

In developing the proposal, staff relied on a variety of resources, including professional planning literature, regulatory and technical documents, professional experience, stakeholder input, development professionals, public testimony, and decision maker work session and discussions.

Early in the process, staff met with representatives of Alquist to discuss redevelopment constraints and implementation considerations associated with an initial working draft of the proposal. More recently staff met with David Wali. The discussions were high-level in nature and did not result in specific amendments to the draft ordinance.

As the Adams Connection has been a controversial matter, staff has had a brief verbal discussion with Ryan Head, Director of ACHD in addition to the documentation in the record, confirming understanding of the written documentation.

Following July 15, 2026, hearing, staff met with representatives of the Waterfront District, including Nancy Baskin, Curt Fransen, and Rod Linja, to discuss concerns raised during the review process and potential revisions to the draft proposal. Those discussions informed a number of the amendments presented in the ordinance revisions submitted for review. Additional revisions resulted from one-on-one meetings with Planning and Zoning Commissioners, professional comments received during the review process, legal review, and public testimony.

Staff met with members of the City of Garden City legal team. In addition, staff communicated with decision-makers regarding the proposal and applicable procedural matters.

Staff has also engaged in occasional one-on-one conversations with members of the public. These discussions were generally limited to answering questions, clarifying the process, and receiving public feedback regarding the proposal.

While staff is not subject to *ex parte* restrictions applicable to decision-makers, staff encourages any decision-maker who has engaged in discussions regarding this matter to disclose those communications on the record, consistent with the *ex parte* discussion contained elsewhere in this report. Staff is not aware of any written communications related to the development of this proposal that have not been included in the record.

Written Comment

Garden City written comments to be considered for the record are required nine days in advance. That notwithstanding, written comments that were received as of September 8, 2026, at 6:00 pm are summarized here, and will be considered to be a part of the record unless otherwise directed by the Planning and Zoning Commission during the public hearing.

Written comments reflect both support for redevelopment of the site and targeted concerns regarding how the ordinance would be implemented.

Public comments generally focused on five primary themes: connectivity and traffic, compatibility with existing neighborhoods, public open space and river access, district implementation and oversight, and the overall vision for the district.

The most frequently discussed issue was the proposed Adams Street connection. Several residents of the Waterfront District expressed concern that a vehicular connection could introduce cut-through traffic, speeding, safety issues, parking conflicts, and additional neighborhood impacts. Many commenters supported bicycle, pedestrian, and emergency access connections while opposing a general-purpose vehicular connection. Some comments acknowledged and supported later revisions to the draft ordinance that limited or discouraged motor vehicle access while retaining pedestrian and bicycle connectivity.

A second recurring concern involved building height, massing, setbacks, and transitions adjacent to existing residential neighborhoods. Commenters expressed concerns that taller buildings located near the Waterfront District could negatively affect privacy, views, sunlight access, neighborhood character, and overall livability. Several individuals requested stronger and more objective standards governing setbacks, stepbacks, building height transitions, and the location of service functions near residential properties. Others supported additional density and redevelopment but emphasized the importance of creating a gradual transition between new development and existing homes.

A third major theme involved public open space, Greenbelt access, and the Boise River corridor. Many commenters supported preserving and expanding public access to the river, enhancing the Greenbelt experience, and creating meaningful open space within the development area. Several comments requested that open space be concentrated near the riverfront, that river corridor protections be strengthened, and that redevelopment incorporate environmental stewardship, habitat protection, and additional landscaping and tree canopy.

Comments also addressed implementation and governance of the district. Some commenters expressed concern that future development decisions could occur through the Regulatory Master Plan process with limited public review and requested additional transparency, public participation opportunities, and oversight of future approvals. Others emphasized the importance of maintaining flexibility within the ordinance to respond to changing market conditions while ensuring predictable outcomes and compatibility with adjacent neighborhoods.

Overall, many commenters expressed support for redeveloping the ACHD site as a walkable mixed-use district that provides housing, employment opportunities, public spaces, and enhanced pedestrian and bicycle connectivity. While specific concerns varied, comments generally sought additional safeguards related to traffic management, neighborhood compatibility, public open space, river corridor protection, and implementation procedures to ensure the district evolves in a manner consistent with community and Comprehensive Plan goals.

The below links provide the written comments in their entirety.

- [Joe Jaszewski 04102026](#)
- [Michelle Burkes 05072026](#)
- [Rick Kotze 05082026](#)
- [Dave and Gwen Twyver 05072026](#)
- [Dave and Gwen Twyver 05082026](#)
- [Curt Fransen 05152026](#)
- [Julie Jenkins 05222026](#)
- [Jon Wardle 06172026](#)
- [Curt Fransen 07142026](#)
- [Curt Fransen Rod Linja Nancy Baskin 08072026](#)
- [Thomas Baskin 08102026](#)
- [Curt Fransen Rod Linja 08102026 & Supplemental 08102026](#)
- [Bob Taunton 08112026](#)
- [Emily Dawson 08172026](#)
- [Nick Jezierny 08182026](#)
- [Curt Fransen 09032026](#)
- [Annabeth Elliot 09032026](#)
- [Thomas Baskin 09032026](#)
- [Theresa Fox 09042026](#)
- [Theresa Fox 09042026 2](#)
- [Fransen 09042026](#)
- [Annabeth Elliot 09042026](#)
- [Chris Honcik 09042026](#)
- [Mary Stallings 09042026](#)
- [Leah Kelsey 09042026](#)
- [Michael Heckler Sandra Shaw 09062028](#)
- [Julie Compton 09062026](#)
- [Julie Compton 09062026 2](#)
- [Rod Linja 09062026](#)
- [Rod Linja 09062026 2](#)
- [Nancy and Tom Baskin 09062026](#)
- [Nancy and Tom Baskin 09062026 2](#)
- [Nancy Baskin 09072026](#)
- [Nancy Baskin 09072026 2](#)
- [Rod Linja 09072026](#)
- [Ken Pyle 09082026](#)

-
- [Bill Mullane 09082026](#)

Survey

A survey was conducted beginning April 1, 2026, and responses were reviewed on May 12, 2026. A total of 65 responses were received. The survey responses are linked here: [Survey responses as of May 12, 2026](#).

Survey input emphasized a desire for a publicly accessible, river-oriented place with strong open space, environmental stewardship, and community gathering opportunities. Respondents expressed interest in a setting that balances a calm, nature-focused experience with an active mix of uses, including small scale retail, recreational amenities, and community serving spaces. Public access to the Boise River and Greenbelt, trails and connections, and open space near the river were repeatedly identified as top priorities, along with amenities such as walking and biking paths, seating areas, and passive recreation.

Participants supported a mix of housing and neighborhood serving commercial uses, particularly smaller scale retail and services that contribute to daily activity without overwhelming the area. There was also interest in civic, cultural, and recreational uses that reinforce the site as a community destination rather than a purely residential or commercial area.

Several areas of concern and potential controversy emerged. Building height and development intensity, particularly near existing neighborhoods and the river, were identified as sensitive issues. Respondents emphasized the importance of maintaining compatibility through height limits, buffering, and careful design. Traffic and parking impacts were also noted as concerns.

There was clear opposition to more intensive or incompatible uses, such as large-scale retail, industrial uses, warehouses, and large parking facilities. Nighttime uses produced mixed responses, suggesting they may be appropriate in limited or carefully managed contexts.

Overall, survey responses indicate support for a balanced approach that prioritizes public access, open space, and environmental quality while allowing a thoughtful mix of uses. The primary tension is between creating an active, economically viable mixed-use district and preserving the river corridor, neighborhood compatibility, and a sense of openness and accessibility.

Neighborhood Meeting

A neighborhood meeting was held on April 22, 2026, as required by code to inform and gather input prior to application submittal. A more detailed link to the discussion is linked: [Neighborhood Meeting Summary](#).

Discussion focused on the scope of the Specific Area Plan, redevelopment expectations, and potential impacts. Participants asked why the plan includes properties beyond the ACHD site. Staff explained that including adjacent properties allows for coordinated planning, cohesive zoning, and the creation of a unified destination over time. It was clarified that the SAP does not compel redevelopment of existing uses but would apply when properties redevelop.

Traffic and circulation were key topics. Participants requested that a traffic analysis be required. The adoption of the ordinance itself does not trigger a traffic study, as it does not increase overall development potential compared to existing zoning, nor does it propose specific development or uses. Notwithstanding, traffic studies may be required at the time of future development applications based on specific proposals.

Comments regarding the Adams Street connection focused primarily on concerns with cut-through traffic and neighborhood impacts. Most commenters supported limiting or prohibiting vehicle access, with one comment expressing opposition to any connection, including bicycles and pedestrians. In response, the draft ordinance prioritizes pedestrian and bicycle use and limits vehicular access to support local circulation rather than through traffic. The connection also functions as an alternative route to help relieve congestion on the Greenbelt. The ordinance includes design approaches to discourage cut through traffic, as well as a post implementation evaluation period that would allow for modification or closure of the connection if bicycle traffic or other operational issues become problematic.

Participants also raised concerns about building heights and transitions, particularly along the western edge adjacent to existing residences. While this has been incorporated into the draft ordinance, it is a component not supported by the Design Consultants.

Additional discussion topics included Greenbelt setbacks, congestion, tree preservation, irrigation requirements, property values, and the potential for public open space. Staff clarified that Greenbelt setbacks follow existing code, that tree mitigation is required but tree removal is allowed, and that the City cannot purchase the property for park use but can require publicly accessible open space through zoning and development processes.

Overall, the neighborhood meeting identified key issues related to traffic, connectivity, building scale, and neighborhood compatibility, many of which informed the development of the draft ordinance.

WORK SESSION AND RECOMMENDATIONS SUMMARY

Joint Planning and Zoning Commission and City Council Work Session

On June 17, 2026, the Planning and Zoning Commission and City Council held a joint work session to discuss the vision, objectives, and regulatory approach for the proposed Heron Commons Specific Area Plan. The purpose of the work session was to provide policy direction and improve alignment regarding the future development of the district.

Perspective

The importance of planning for future generations rather than solely responding to current development conditions was emphasized. The district was discussed as an opportunity to establish a lasting mixed-use neighborhood that could influence broader growth patterns within Garden City. Discussion generally focused on achieving long term outcomes and community objectives rather than prescribing a single development solution.

Vision

There was concurrence with the vision, and alignment with the Comprehensive Plan. Discussion focused on the potential for the area to serve as a recognizable focal point and community gathering place connected to future riverfront improvements.

Boise River and Greenbelt

Participants agreed that the Boise River and Greenbelt are defining features of the district and should remain a primary organizing element of future development. Discussion emphasized preserving and enhancing the public character of the Greenbelt, increasing public access opportunities, and ensuring that adjacent development contributes positively to the river corridor experience. Particular attention was given to maintaining a lower scale of development adjacent to the Greenbelt through building height limitations and transition requirements.

Participants also discussed development patterns that could create pressure to privatize areas intended to function as public space, including ground floor residential uses directly adjacent to the Greenbelt. While concerns regarding the potential privatization of the Greenbelt edge remained, there was discussion regarding whether a prohibition on ground floor residential uses was necessary. The general direction was to discourage such uses rather than prohibit them outright.

Open Space- Future Park

Participants emphasized the importance of creating meaningful public spaces that provide lasting community value rather than simply meeting minimum acreage requirements.

Building Height and Transitions

A range of perspectives was expressed regarding building height. Some participants favored a removal of height limitations to preserve flexibility and development feasibility, while others supported a maximum height generally in the range of six to eight stories. There was broader agreement that transitions adjacent to existing residential neighborhoods and the Boise River Greenbelt should be thoughtfully addressed. Discussion also acknowledged the importance of

maintaining protection for the Greenbelt and nearby residential properties while avoiding overly prescriptive design requirements.

Pedestrian Spine

The draft ordinance envisions the Pedestrian Spine as a walkable public space that connects the Boise River Greenbelt to the broader community while serving as a focal point for public gathering, activity, and future mixed-use development. The concept of the Pedestrian Spine as a key organizing element of the district received general support.

Discussion acknowledged that market conditions may not initially support commercial development along the entire Pedestrian Spine. Participants generally supported allowing the corridor to evolve into a more active mixed-use destination over time rather than creating conditions that could result in long term vacancies. To address this reality, the draft ordinance includes provisions intended to ensure that structures along the Spine are designed to accommodate future conversion from primarily residential uses to mixed use or nonresidential uses as density, activity levels, and market demand increase.

The concept of designing buildings for future adaptability received broad support. However, a concern was raised that some of the proposed adaptive design requirements may be overly prescriptive. Participants generally supported the objective of ensuring future flexibility and commercial readiness while encouraging continued refinement of the specific standards used to achieve that outcome.

Density, Fiscal Sustainability, and Development Feasibility

Discussions focused on the relationship between density, mixed use development, economic vitality, and long-term fiscal sustainability. Participants noted that, due to limited vehicular traffic, site visibility, and circulation constraints, higher residential densities are necessary to support commercial uses, and the vision set forth by the Comprehensive Plan as a mixed-use destination. The staff report included an analysis which estimated that a density of approximately 50 dwelling units per acre may be needed to support the desired mix of uses. Comparable developments within the region were also reviewed to provide context for the proposed development intensity.

Development feasibility was also discussed in relation to the costs associated with floodplain improvements, public infrastructure, and other required investments. Staff noted that implementation tools outside the ordinance may be available to help offset these costs. Examples included the City's ongoing floodplain improvement efforts and the potential future establishment of a small urban renewal district following the sunset of the Riverfront East Urban Renewal District. Such tools could help fund or reimburse eligible public improvements, including floodplain infrastructure, public streets, and public open space improvements.

Adams Street Connection

The proposed Adams Street connection was a significant topic of discussion. Participants reviewed the historical context of prior approvals that anticipated an extension of Adams Street to provide emergency access, support fire and life safety requirements, and improve transportation connectivity within the area.

Discussion included the potential transportation benefits of a connection, including improved access to the signalized intersection at 36th Street and Chinden Boulevard and the role a connection could play in supporting the long-term viability of a mixed use district. ACHD had indicated that transportation needs and any potential connection should be evaluated through future development applications and supporting traffic studies.

The majority of participants expressed a preference for maintaining existing traffic patterns and prohibiting additional vehicular connectivity through the site. There was general support for the City engaging ACHD to determine whether a commitment could be obtained to privatize the road and remove the requirement for a full vehicular connection, as part of the implementation of the Specific Area Plan.

Regulatory Approach

A significant portion of the discussion focused on the balance between prescriptive standards and flexibility. Some participants expressed concern that highly prescriptive regulations could restrict the ability to respond to site specific conditions, market realities, and future opportunities. Others noted that more specific standards can provide greater predictability and certainty for the public, developers, and future decision makers. Discussion generally supported a framework that establishes clear expectations while allowing flexibility when the overall vision and objectives of the district are achieved.

Planning and Zoning Commission

The Planning and Zoning Commission held a public hearing on May 20, 2026, the matter was continued to a date certain of July 15, 2026. The Planning and Zoning Commission requested a joint work session with the City Council. On July 15, 2026 the Planning and Zoning Commission continued the hearing to a date certain of September 16, 2026, to provide ample time for written comments.

Design Consultation

On May 4, 2026, there was a brief Design Consultation where the following matters were discussed, and incorporated into the second version of the proposed ordinance, Option A:

- Added strategies to achieve low design speeds in pedestrian spine.
- Clarified building height in relation to number of stories.
- Specified that only fully above-grade stories are counted as a story.
- Added adaptive reuse considerations.
- Added parking reduction allowances.
- Refined design requirements to maintain intent while reducing costs.
- Clarified that required HCPI open space must be usable and publicly accessible, and cannot include parking or vehicular circulation areas.
- Strengthened standards for the pedestrian spine, canal pathway, and Greenbelt connections, including maintaining the canal as an open water feature.
- Refined active frontage requirements with measurable standards emphasizing observable human activity.
- Improved structured parking standards to better integrate with the public realm.

-
- Added privacy and compatibility standards for adjacent residential areas, including building orientation and landscape buffering.
 - Clarified the Development Allocation Plan (DAP), including the relationship between open space, development intensity, and height bonuses.
 - General code cleanup for improved organization, consistency, and clarity throughout.

During the May 18, 2026, Design Review consultation:

The consulting team reviewed both Option A and Option B and expressed concern that Option B, as currently drafted, is overly open-ended and may lack sufficient legal enforceability. To address this, the consultants recommend a hybrid approach that combines clear, objective standards with the flexibility to accommodate alternative proposals that meet or exceed the intent of the regulations.

They recommend incorporating a Regulatory Master Plan requirement to establish a structured framework for development while still allowing for adaptability over time. In addition, they suggest adding language that clearly allows for flexibility, ensuring that alternative approaches can be approved when they achieve equal or better outcomes.

The consultants also provided additional input related to design standards and allowable uses to strengthen the overall framework and support high quality development. Finally, they recommend deleting the HCRE subdistrict and instead using the approach outlined in Option B to address adjacency to residential uses in a more effective manner.

PROCESS AND DECISION

General Provisions

This application is processed by GCC 8-6A-7 Public Hearing.

Decision Process

The following decision processes are required for the project as governed by GCC Table 8-6A-1.

Decision		Design Review Consultants Consultation	Recommendation Authority	Decision Authority
Specific Plan	Area	Required	Planning and Zoning Commission	City Council

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied. The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

Required Findings

The decision maker must decide that the following findings are compliant with written reasoned statements to approve a Specific Area Plan:

1. The SAP application, 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.
2. The SAP application, as conditioned, meets the minimum requirements of this chapter [GCC Title 8 chapter 6].
3. The SAP application promotes the orderly planning and development of land, as set forth in the purpose of this process.
4. The SAP application will create a district that is identifiable as a distinct area of the city with a distinguishing character.
5. The SAP application has been noticed and a public hearing held in accordance with this code [GCC Title 8].
6. The SAP application complies with all city zoning regulations and codes in effect at the time of the SAP application.

If an application does not meet one or more of the criteria above, the application shall be denied, and the reason the application does not meet the finding or findings shall be in writing.

Inherent in the application is the rezoning of a property and a development code amendment. While the following findings may not be required, staff suggest that the decision also include a review of the findings for a rezone and development code amendment. These findings are below:

Development Code Amendment Findings 8-6B-5 D.

1. The text amendment complies with the applicable provisions of the comprehensive plan;
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.

Rezone Required Findings 8-6B-10 F.

1. The zoning map amendment complies with the applicable provisions of the comprehensive plan;
2. The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
3. The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts;
4. The zoning map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and
5. The annexation of land, if proposed, is in the best interest of the city and complies with the procedures as set forth in Idaho Code section [50-222](#).

Authorities and Actions

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Design Consultant and Planning and Zoning Commission are recommending authorities and the City Council is the final decision maker for the requested application.

Design Review Consultation

This application is required to be reviewed by the Design Review Consultant(s). Their recommendations are provided to the Planning and Zoning Commission for the Planning and Zoning Commission review.

Recommendation

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

1. Recommend that the City Council grant the application as applied;
2. Recommend that the City Council grant the application with conditions as drafted or as amended;

3. Recommend that the City Council deny the application; or
4. Continue the decision.

The recommendations of the Planning and Zoning Commission do not constitute a final decision on the application. Their recommendations cannot be appealed, as they will be heard by the City Council. The City Council is the final decision maker for this application.

City Council Decision

The City Council may take one of the following actions:

1. Sustain the recommendation;
2. Modify the recommendation;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

Reconsideration and Judicial Review

A reconsideration request may be made within 14 days of the formal decision being rendered by the City Council. This will be considered the day that the City Council formally acts on the decision document. This date may differ from the date that the written decision document is provided to the applicant.

If a reconsideration is not requested within 14 days, the decision will be final. If a reconsideration is requested, and granted, the final decision will be that of the reconsideration request.

Final decisions are subject to a 28-day right to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code. A takings analysis pursuant to Idaho Code may be requested on final decisions.

Ethics and Responsibilities

Conflict of Interest and *Ex Parte* Communication

Decision makers are requested to provide full disclosure conflict of interest, or *ex parte* communications.

Conflict of interest means any decision or formal recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person's household, or a business with which the person or a member of the person's household is associated, with some exceptions as outlined starting on page 5 of the [2024, Office of the attorney General Idaho Ethics in Government Manual](#). A conflict of interest would result in the decision maker recusing themselves from deciding or making a formal recommendation on the application. Similarly, staff with a conflict of interest will not administer an application with which they have a conflict of interest.

An *ex parte* communication is a written or oral communication made without proper notice and not on the public record regarding a substantive issue in a pending matter between an interested party and a decision maker on a quasi-judicial matter. *Ex parte* contact in a quasi-judicial matter can be cured if meaningful disclosure is made. The timeframe, matter, and with whom the contact was

made should be disclosed. It is requested that any decision maker provide an accounting of discussions or viewings of the property that have occurred since the filing of the application. The limitations on *ex parte* contacts are directed at decision-makers. Communications with agency staff are not considered improper. Pages 551-559 of the linked [November 23, 2024, Givens Pursley Land Use Handbook](#) discusses *ex parte*.

TECHNICAL REVIEW

Legal Considerations

Spot Zoning

Anytime there is a zoning map change, the city must evaluate the rezone for spot zoning. Illegal spot zoning is a change in zoning of a property to provide benefits to that particular property that is not allotted to surrounding properties and is also not in compliance and accord with the comprehensive plan. Pages 53-57 of the linked [November 16, 2022, Givens Pursley Land Use Handbook](#) describes the legal parameters of spot zoning in more detail.

The Heron Common SAP District has been drafted intending to directly correspond to the Comprehensive Plan.

Garden City Code, Title 8, and Idaho State Statute Review

The below is an analysis of applicable provisions of the Garden City Development Code, Title 8, and Idaho Code.

Garden City Title 8 Code		
Code Section	Compliance	Analysis/ Discussion
Title 8, Chapter 1: General Regulations		
8-1A-4 Applicability		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
Title 8, Chapter 2: Base Zoning District Regulations		
8-2A-1 Base Zoning Districts Established	No Compliance Concerns Identified	Specific Area Plan is a base zoning district established.
8-2A-2 Official Zoning Map	No Compliance Concerns Identified	The official zoning map will be updated if this application is approved.
8-2A-3 Zoning of Annexed Land	Not Applicable	This application is not in conjunction with an application for the annexation of lands into Garden City.
Title 8, Chapter 6, Article A: Administration		
8-6A-3 General Application Process	No Compliance Concerns Identified	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.

8-6A-4 Required Application Information	No Compliance Concerns Identified	A compliance statement, neighborhood map, master plan, and address verification were included or addressed through the staff report and analysis. Application waivers requested pursuant to 8-6A-4A: • A preliminary title report • Site plan • Topographic survey • Natural hazards and resource analysis, • Documentation of dedications and easements A full review of the proposal is possible without these documents. They can be reviewed in conjunction with future applications.
8-6A-7 Public Hearing Process	No Compliance Concerns Identified	This application is following the public hearing process as identified for the Specific Area Plan.
8-6B-6 Specific Area Plan Applicability	No Compliance Concerns Identified	An SAP may be utilized anywhere within the city on properties that would benefit from a master plan and phasing approach. An SAP application is encouraged for the development or redevelopment of properties defined in the comprehensive plan as TOD activity nodes, or as neighborhood destination activity nodes, or as future planning areas. An SAP application shall be required prior to the development or redevelopment of properties defined in the comprehensive plan as future planning areas that are not incorporated into the city on or before February 8, 2021. The subject area is an Activity Node: Neighborhood Destination designation in the Comprehensive Plan. Code encourages but does not require an SAP to be utilized for the development of the subject property.
8-6B-6 Specific Area Plan General Provisions	Compliant as Conditioned Conditions regarding recommended code changes and master site plan considerations have been	1. Approval of an SAP application will constitute approval of a master plan meeting the elements of section 8-7B-1.I, which establishes a framework to guide all future development within the area defined by the SAP application. 2. Development applications may be filed in conjunction with an SAP application; however, no construction shall commence on any component of an approved SAP application except upon receipt of design review, conditional use, variance, or subdivision approval consistent with the adopted SAPPO.

	incorporated into the draft decision document.	3. All development within an approved SAP application site shall be regulated by applicable provisions of this title and other code provisions in effect at the time the SAP application is submitted and certified as complete by the city, except as modified by the adopted SAPPO. Development applications may be processed concurrently and include, but are not limited to, design review, conditional use, variance, and/or subdivision. Omission of criteria from the SAPPO that are found elsewhere in the development code are not considered a conflict between the SAPPO and the development code. 4. Specific Area Plan Application Components: a. The SAP application shall be comprehensive enough to adequately guide the development or redevelopment of a property to achieve the vision of the proposed SAP district. b. The SAP application shall identify street cross section design (excluding ACHD and ITD adopted street sections), road alignments, setbacks, interface with the adjacent neighborhood, allowed, conditionally allowed, and prohibited uses, and general mix of uses and provide a general utility plan. c. The SAP application shall identify: (1) Setbacks, setback exceptions, lot coverage, and height. (2) Density. (3) Uses that are permitted, conditionally permitted, and prohibited. If any uses are different than section <u>8-7A-1</u> defined uses, the definition of such uses shall be provided. d. The SAP application should adhere to the general design standards concepts in Garden City Code specifically related to the development interface with street and public realms and street trees. e. The seventy-foot (70') minimum setback to the ordinary high-water mark of the Boise River cannot be amended. f. The provisions of the development code of Garden City such as, but not limited to, relating to drainage and floodplain, shall govern all standards and/or processes that are not specifically identified, set forth, or modified by the SAP application. g. If there is a conflict between other provisions of the development code of Garden City and the adopted SAPPO regulations, the SAPPO regulations shall govern. 5. Design criteria shall repeat the standards of chapter 8-4 of this title in the SAP application unless there are proposed SAP
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		application standards that would contradict existing city standards. The following SAP application components may be different than what is contained in existing city code, but shall be included in the SAP application: a. Parking and off-street loading provisions required number and allowable sizes; and b. Design criteria including but not limited to: (1) Architectural guidelines. (2) Transportation and connectivity. (3) Sign provisions. (4) Landscaping and tree protection; and (5) Open space.
8-6B-6 Specific Area Plan Procedures	No Compliance Concerns Identified	1. The required Neighborhood Meeting was held on April 22, 2026. A preapplication conference with the planning official is required for the applicant to become acquainted with the SAP application procedures (this was not done as this is a city initiated project). 2. Application: The SAP application shall be submitted in accordance with article A, "General Provisions," of this chapter. 3. Public Hearings: Public hearings shall be held on the SAP application as set forth in article A, "General Provisions," of this chapter. 4. Official Zoning Map: Upon approval of the SAP application, the official zoning map of Garden City shall be amended showing the affected property zoned as an SAPD zone. 5. Development Code: Upon approval of the SAP application, this title shall be updated to include the SAPPO. 6. Development applications shall be administered as required by section 8-6A-2, Table 8-6A-1, Authorities and Processes. 7. Amendments: A previously adopted SAPD zone may be amended at any time and may be amended simultaneously with the processing of a development application. Amendments that include the following will follow the procedures for a development code amendment: a. Changes that would modify or reallocate the allowable building height, allowed uses, mix of uses, or density of a development; or

		b. Changes that would substantially alter the function, use and enjoyment or amount of land dedicated to open space, amenities, trails, natural areas, or public facilities; or c. Modify any other aspect of the SAPD zone that would significantly change the overall character of the SAPD zone; or d. A series of minor amendments that cumulatively change the overall character of the SAPD zone; or e. A change or series of changes that would change the character of the interface of the SAPD zone with the surrounding neighborhood; or f. Any change that the planning official deems a major change to the intended nature of the SAPD zone. 8. Design Review Amendments: Amendments that include the following will be reviewed by the design review consultant(s): a. Modifications to the layout and design elements, such as design guidelines, landscaping, and amenities, which do not modify SAPD zone regulations or the phasing plan; or b. Modifications to the infrastructure plan are not tied to the phasing plan.
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Idaho Code

Idaho Code 67-6511	No Compliance Concerns Identified	The Local Land Use Planning Act requires that zoning ordinance including zoning districts: Establish procedures that regulate development. Provide clear and objective standards. Be evaluated by the Planning and Zoning Commission. The Commission must consider the delivery of services and provide for a regulatory takings analysis. Be compliant with the Comprehensive Plan.
Idaho Code 67-6519	No Compliance Concerns Identified	Garden City Code and procedures for the application granting process are consistent with The Local Land Use Planning Act Application Granting Process. Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify: (a) The ordinance and standards used in evaluating the application; (b) The reasons for approval or denial; and

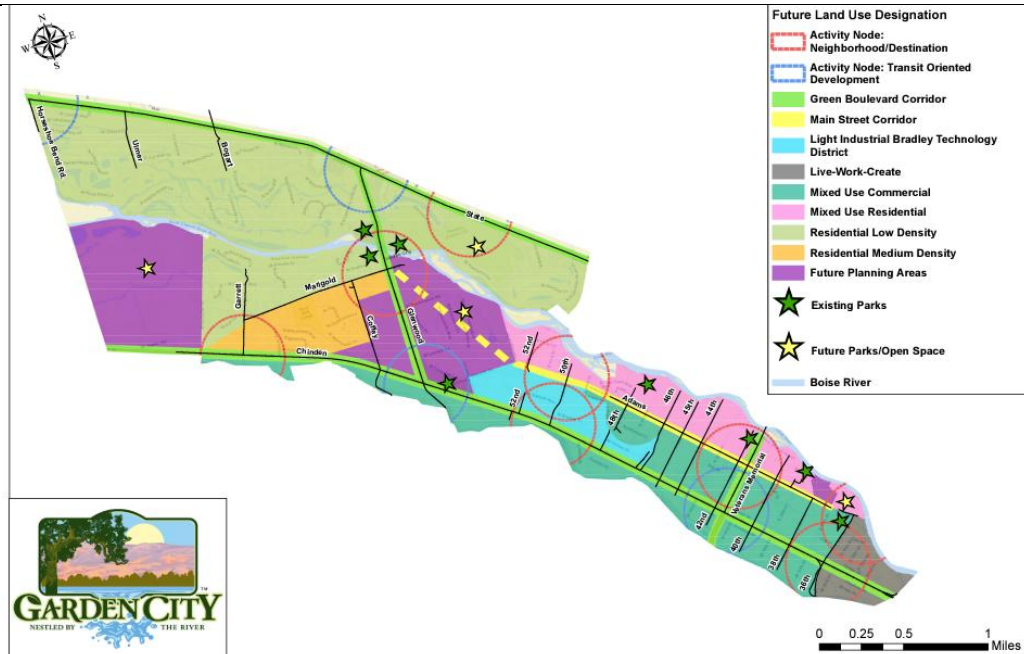
		(c) The actions, if any, that the applicant could take to obtain approval. Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.
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Plans and Policy Review

The below is an analysis of applicable policies and plans.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Garden City Comprehensive Plan	Idaho Code 67-6511 notes that after considering the comprehensive plan and other evidence gathered through the public hearing process, ordinance amendments may be adopted or rejected, so as not in conflict with the Comprehensive Plan. Subsequently, an application need not satisfy every aspirational goal of the comprehensive plan, so long as it is not in direct conflict with specific provisions of the comprehensive plan.¹ LAND USE This application contains five future land use designations of the Comprehensive Plan: a) Future Planning Area b) Activity Node: Neighborhood Destination c) Mixed Use Residential d) Mixed Use Commercial e) Main Street f) Future Park/ Open Space

¹ See [2023 Givens Pursley Land Use Handbook; page 41, with specifics beginning on page 46](#) for further discussion.



These designations are defined as:

MIXED USE RESIDENTIAL: The mixed-use residential area is north of Adams/ Alworth Street. This designation allows for residential and commercial uses in a form and scale that is residential in character and design. A mix of residential; small scale office and retail; and public and semi-public uses are appropriate in this district. Regulations for this area should focus on form more than use, with a maximum height of two stories.

MIXED USE COMMERCIAL: The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three-story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.

MAIN STREET CORRIDOR: Create a “Main Street” corridor as a principal street with a mix and concentration of uses along Adams/ Alworth Street with an alignment through a redeveloped Idaho Expo site connecting with the Activity Node at Glenwood and Marigold Streets. The corridor should have additional activity nodes along the street that connect the main street to the arterial roadways and/or the Boise River. The activity nodes should be limited to not dilute their function as a center. The focus of development should be on minimum front yard setbacks, parking on the street and behind buildings, and pedestrian amenities. The center of the activity nodes on the Main Street corridor should be integrated vertically with more height at the principle main street intersection of the node.

ACTIVITY NODE: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes are centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Nodes, especially around transit stations, will have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan.

Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential.

FUTURE PLANNING AREA: Future Planning Areas have been identified for large parcels of vacant or under-developed land including the area west of the city within the Area of City Impact; the area around the Idaho Expo Center, including the Idaho Department of Transportation (ITD) District 3 Headquarters; and the Ada County Highway District (ACHD) property at 37th and Adams. This designation is intended to identify these areas for further master plan or site-specific planning efforts. The large size of these areas provides a unique opportunity for master planning with consideration for a mix of uses and residential housing types; street, sidewalk and bicycle networks and connectivity; spaces for public uses including parks, open spaces, plazas; and infrastructure improvements including water and sewer. Each of the designated Future Planning Areas presents unique opportunities and challenges that should be considered in the area's master planning.

ACHD Site: * Opportunity to open additional access and river frontage to the public. * Regeneration of the existing operations and maintenance yard along the river to the highest and best use. * Challenge in creating higher intensity use of the site that transitions and is compatible with the surrounding neighborhood.

EXISTING PARKS AND PROPOSED GREEN SPACE AND/OR PARKS: Areas that are devoted to green spaces including golf courses, open spaces, and park uses, or are proposed for green spaces are shown on the Land Use Map. Green spaces contribute to the health and well-being of the community. Existing parks should be preserved. The location shown on the map of future green spaces is just an approximation, and the design of future spaces should be

	well integrated into the development plan for the property, surrounding context, with maximum opportunity for pedestrian and bicycle access. While the proposal contemplates greater development intensity than described in certain future land use designation narratives, staff finds the proposal remains consistent with the broader goals, vision, and Future Planning Area designation. GOALS AND OBJECTIVES This application is supported by the following Goals and Objectives: Goals • 1 Nurture the City • 2 Improve the City Image • 6 Diversity in Housing • 10 Plan for the Future • 11 Serve the City • 12 Evolve as a Destination Objectives and Action Steps • Amend the Land Use Code to improve the quality of development design through new land-use districts; zoning standards; and design regulations and review process. • Create a premier destination place to live, work, and recreate. • Encourage new and distinctive neighborhoods. • Encourage high quality design and landscaping, including the use of water features, in new development. • Explore the opportunities to create distinctive neighborhoods by defining the unique attributes of the individual neighborhood, the incentives needed to encourage those characteristics, and the design, architecture, and development standards to guide future development. • Create a vision for the design of all streets and highways consistent with the city's urban setting. • Include the pedestrian zone in the highway right-of-way to satisfy the City's Development Code requirements for open space. • Create public gathering places at multiple locations throughout the city. • Beautiful and landscape. • Encourage the use of non-potable water sources that are available to new development, including the installation of pressurized irrigation systems where appropriate.
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	• Beautify streets, sidewalks and gateways with landscaping, trees, and public art. • Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites. • Allow relocation of canals and drains where appropriate. Require mitigation of the impacts that closing water systems have on the groundwater and habitat. • Create pedestrian and bicycle friendly connections. • Amend the Development Code to facilitate destination and neighborhood centers that draw people to the location and are supported by transit as designated on the Land Use Map and described in the Land Use Designation for activity nodes • Provide a transition in the height and scale of development that is compatible with the existing surrounding neighborhoods. • Support a positive business environment. • Create a premier destination for work, recreation, entertainment, culture, and commerce. • Market the city to smaller businesses and support a positive environment for entrepreneurial businesses.
Garden City Sidewalk Policy	This will be reviewed with the reviews of the development as it is proposed.
Garden City Street Light Policy	This will be reviewed with the reviews of the development as it is proposed.
Garden City Transportation Needs List	The proposed Heron Commons SAP District is consistent with adopted planning and transportation policies. The Transportation Needs List identifies key connectivity improvements in this area, including the extension of Reed Street, the connection of Adams Street, recognition of the Thurman Mill Canal as a pedestrian corridor, and the role of 38th Street as a primary route for connecting pedestrians and bicyclists to the Greenbelt.