

BEFORE THE DESIGN REVIEW COMMITTEE  
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	MPUDFY2020 - 2
	)	
Site Layout Template	)	
Minor Planned Unit Development	)	FINDINGS OF FACT,
204 E. 43 <sup>rd</sup> St.	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
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THIS MATTER, came before the Garden City Design Review Committee for consideration on May 18, 2020. The Design Review Committee reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Design Review Committee makes the following Findings of Fact, Conclusions of Law and Decision:

**FINDINGS OF FACT**

1. The applicant is Ben Semple with Rodney Evans and Partners.
2. The property owner is Dan Russell.
3. The location of the project is 204 E. 43<sup>rd</sup> St., Garden City, ID 83714; Ada County Parcel # R2734500776.
4. The application is for the following:
  - a. Adoption of a site layout template
  - b. Minor planned unit development
5. The project is located in the Garden City R-3 Medium Density Zoning District.
6. The project is located in the Mixed-Use Commercial of the Garden City Comprehensive Plan Land Use Designation.
7. The project is not located in the floodplain according to the 2003 FIRM.
8. The project is not located in the floodplain according to the 2017 FIS.
9. The following applications are associated with this decision:
  - a. SUBFY2020 – 2
  - b. DSRFY2020-13
10. The following standards apply to this proposal:

- a. Garden City Code 8-6B-8: Minor Planned Unit Development
- b. Garden City Code 8-6A: Administration – General Provisions

11. The following plans and policies apply to this proposal:

- a. Garden City Comprehensive Plan
- b. Garden City Sidewalk Policy
- c. Garden City Street Light Policy

12. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived pursuant to GCC 8-6A-4	
X			Compliance Statement
X			Neighborhood Map
X			Site Plan
X			Landscape Plan
X			Schematic Drawings
X			Lighting Plan
X			Topographic Survey
X			Grading Plan
X			Will Serve
X			Verification that address is an Ada County Approved Address

14. The following noticing was completed in accordance with GCC 8-6A and GCC 8-6B-3:

Noticing Requirement	Required Date	Completion Date
Letter of Acceptance	5/3/2020	5/1/2020
Notice of Intent to Approve or to Deny	5/3/2020	4/30/2020
Interested Parties	N/A No interested parties on file	
Legal Notice	5/3/2020	4/30/2020
Agency Notice	5/3/2020	4/30/2020
Property Posting Sign	5/8/2020	5/8/2020
Affidavit of Property Posting and Photos	5/11/2020	5/8/2020
Agenda Posting	5/17/2020	5/7/2020

Website Posting	5/17/2020	5/7/2020
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13. On 5/18/2020, a public hearing before the Design Committee was held:

a. This section will be completed after the hearing

14. The record contains:

- a. Application
- b. Compliance Statement
- c. Letter of Intent
- d. Plan Sheets:
  - i. Site Plan
  - ii. Landscape Plan
  - iii. Elevations
- e. Will Serve Letter
- f. Noticing Documents:
- g. Agency Comments:
  - i. Garden City Engineer
- h. 5/18/2020 Design Committee Hearing Minutes
- i. Signed Findings of Fact, Conclusions of Law and Decision

14. In order to approve a site layout template application, the Design Committee shall make the following findings:

<b>The draft findings are written both in approval and in denial. The Design Committee will select the corresponding findings in their motion for a decision.</b>			
<b>GCC 8-6B-8 MINOR PLANNED UNIT DEVELOPMENT – SITE LAYOUT TEMPLATE: REQUIRED FINDINGS</b>			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
		X	<p><b>Standard:</b> Recommendation of the Design Committee</p> <p><b>Explanation:</b> A code conflict between Garden City Code 8-6A-2 and 8-6B-8 results in the Design Committee as the decision maker on this application.</p> <p>Garden City Code 8-6B-8 requires the recommendation of the Design Committee and the final decision from the Planning and Zoning Commission.</p>

		<p>Garden City Code 8-6A-2 delegates decision making of the application to the Design Committee. Garden City Code 8-1A-4 (Interpretation) requires code conflicts to be resolved with the most restrictive provision. Garden City Code 8-6A-2 is the code provision that delegates authority for all applications and the appellant body and the more restrictive provision.</p> <p>Garden City Code 8-6A-2, as interpreted through Garden City Code 8-1A-4, makes this finding moot.</p>
		<p>The layout is in conformity with the purpose and intent of this article and the City's Comprehensive Plan.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial: LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>
		<p>The layout demonstrates innovation and creativity in residential lot development.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial: LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>

		<p>The layout creates usable open space areas and the opportunity to create a sense of place and neighborhood on a site.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial: LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>
		<p>The layout could provide for a variety of housing products that respond to changing demographics and housing needs including cottages, compact housing, residential courts, co-housing, and attached units.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial: LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>
		<p>The layout provides for interconnectivity within blocks and between lots of record.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial: LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>

			<p>The layout creates an incentive for residential development that is designed with consideration for future development on adjoining lots and for combining lots of record.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial: LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>

15. In order to approve a minor planned unit development application, the Design Committee shall make the following findings:

<p><b>The draft findings are written both in approval and in denial. The Design Committee will select the corresponding findings in their motion for a decision.</b></p>			
<p><b>GCC 8-6B-8 MINOR PLANNED UNIT DEVELOPMENT – REQUIRED FINDINGS</b></p>			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
			<p><b>Standard:</b> The minor PUD is in general conformance with an adopted site layout template and any deviations are minor as defined in this section.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial:</b></p>

			<b>LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b>
			<p>The minor PUD meets all findings for a site layout template as set forth in this subsection G.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial:</b> <b>LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>
			<p>The minor PUD complies with requirements of the city and other agencies with jurisdiction.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial:</b> <b>LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>
			<p>The minor PUD has been designed to minimize impacts on adjacent properties.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial:</b></p>

			<b>LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b>
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16. The record was reviewed by the Design Committee to render the decision.

**CONCLUSIONS OF LAW**

The Design Review Committee reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application **meets/ does not meet** the standards of approval under **GCC 8-6B-3 Design Review Committee**.

**DECISION**

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Design Review Committee hereby **APPROVES/DENIES** the application, subject to the following conditions:

Conditions for approval are in grey  
**Conditions for denial are in red**

**IN APPROVAL**

**Site Layout Template**

1. The site layout template labeled “PUD 2.0” is adopted as a template for minor planned unit development applications.

**Minor Planned Unit Development**

1. The minor planned unit development shall adhere to the requirements of the site layout template entitled “PUD 2.0”.
2. Compliance with the conditions of approval for subdivision application SUBFY2020 – 2 is required.

**General Requirements**

1. This review and approval is specific to the design of the project. Final approval is subject to the approval of other reviewing agencies. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail. This approval shall not annul any portion of Garden City Code or other applicable regulation unless specifically noted.
2. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
3. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis

of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape Maintenance Provisions 8-4I-9; and Standards for Transportation and Connectivity Provisions identified in 8-4E.

4. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
5. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.
6. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
7. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
8. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
10. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
13. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
14. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
18. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to a Certificate of Occupancy.
19. Property Maintenance Standards shall be maintained as required by Garden City Code.

20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. System Installation Required: Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
22. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
23. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction. Final approval is based on substantial conformance with the plans reviewed and approved.
24. Any substantial changes to the design shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
25. Occupying the site prior to Certificate of Occupancy is a criminal offense.
26. There is a 15 day right to appeal to City Council. The applicant or any interested parties may appeal the decision or a part of the decision. An appeal shall be made on the form provided by the City and filed with the City Clerk within 15 days after the action of the decision.
27. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

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This signature verifies that this decision document has been reviewed and approved by the Design Review Committee

Date

**IN DENIAL**

1. There is a 15 day right to appeal to City Council. The applicant or any interested parties may appeal the decision or a part of the decision. An appeal shall be made on the form provided by the City and filed with the City Clerk within 15 days after the action of the decision.
2. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected

thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

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This signature verifies that this decision document has been reviewed and approved by the Design Review Committee

Date

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