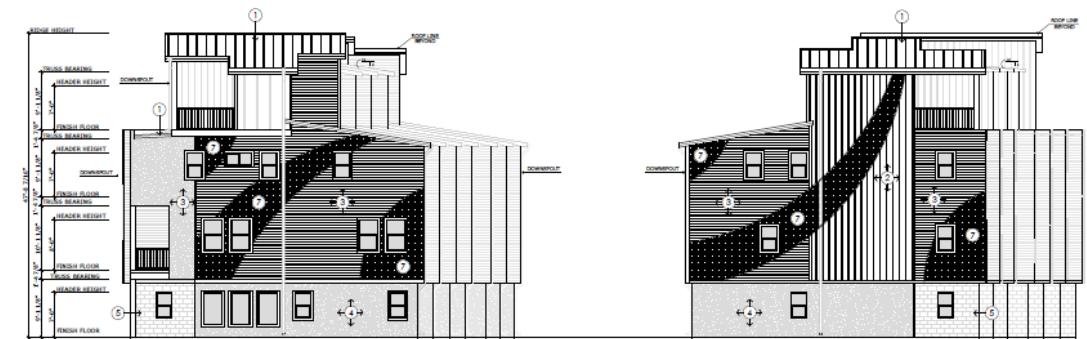




## CITY OF GARDEN CITY

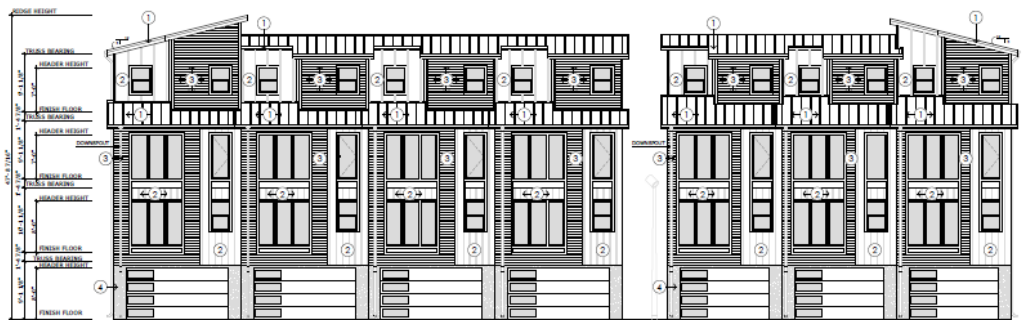
6015 Glenwood Street □ Garden City, Idaho 83714  
 Phone (208)472-2921 □ Fax (208)472-2926

**File Number: PUDFY2021-0001**  
**Location: 116, 118, and E. 33<sup>rd</sup> Street**  
**Applicant: Jeff Hatch**  
**Planning and Zoning: June 16, 2021 moved to July 21, 2021**  
**Design Review Committee Pre-Application Conference: June 21, 2021**  
**Design Review Formal Hearing: July 19, 2021**  
**City Council: July 12, 2021 moved to August 9, 2021**



SOUTHWEST ELEVATION

SCALE: 1/8"=1'-0"



NORTHWEST ELEVATION - PRIVATE STREET

SCALE: 1/8"=1'-0"

Staff Report  
 Prepared by Hanna Veal

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## A. Meeting Summary:

This summary will be updated to reflect the previous meetings as this application progresses.

- The Planning and Zoning Hearing will be held on June 16, 2021. **The applicant requested to move to the date certain of July 21, 2021.** A summary of the items discussed will follow.
- The Design Review Pre-application conference will be held on June 21, 2021. A summary is as followed:
  - a. Jeff Hatch presented the application.
  - b. Comments from the Committee included:
    - i. The CC&R's shall include that art is installed along the 1<sup>st</sup> story façade front wall plain. The art shall be maintained so as to not look worn.
    - ii. The wire metal mesh is about 60-70% transparent.
    - iii. In the pedestrian walkway through the development, the facades of the buildings need to focused on the pedestrian scale through glazing, fenestrations, landscaping, lighting, and/or artwork.
    - iv. The units adjacent to Clay Street shall have an increased relationship with the street. This can be achieved by either re-orienting the entrance to face Clay Street, or increasing architectural features to enhance the side façade.
      - 1. Comfort of sidewalk users shall be considered in the design.
    - v. If the units are to contain commercial activities, the structure shall be compliant with building code, and provide ADA parking.
    - vi. Alleyway is not to be used as a development access alley, rather for the utilities above.
      - 1. Alley could potentially be continued to adjacent properties and promote pedestrian oriented pathway system to the Greenbelt.
    - vii. Perimeter landscaping along the Southeast property line is acceptable so long as there is additional structural design to help meet the intent of perimeter landscaping.
    - viii. Metal mesh will be about 2ft off the building façade to create shadow-play.
- **A Public hearing will be scheduled for July 19, 2021.** A summary of the items discussed will follow.
- The City Council Hearing will be held on July 12, 2021. **Moved to the date certain of August 9, 2021.** A summary of the items discussed will follow.

## **B. Project Information**

This application is for a Planned Unit Development per Garden City Code 8-7A-2 Definition of Terms:

Planned Unit Development: Property planned as a whole that demonstrates innovation in design to protect natural features or create public amenities through more flexible standards, such as lot sizes, densities and setbacks, than those restrictions that would normally apply under these regulations.

### **Project Details:**

- 1) Proposed development: New construction of a 14 unit townhome development. The application is to be processed as a multi-family development.
- 2) Site Coverage:
  - a) Building: 49% of the site
  - b) Landscaping: 14.9% of the site
  - c) Total Impervious Surface: 15.3%
  - d) Permeable Hard Surface: 20.7%
- 3) Square footage dedicated to uses:
  - a) Residential: 38,806sqft
- 4) Number of Structures: 4 Residential
  - a) Three-bedroom units: 6
  - b) Four-bedroom units: 8
- 5) Total number of vehicular parking spaces: 30
  - a) Enclosed: 22
  - b) Surface: 0
  - c) On-Street: 8
  - d) Off-site with a cross parking agreement: 0
- 6) Total number of bicycle parking: 13
  - a) Enclosed: 0
  - b) Surface: 13
- 7) Trash Enclosure: Trash carts will be stored individually in garages. Carts will be brought curbside for pickup.
- 8) Fencing:
  - a) 3' tall decorative screen fence.
- 9) Sidewalk:
  - a) Detached proposed along Clay and 33<sup>rd</sup> Street.
- 10) Landscaping:
  - a) Street Trees: 9 Class I and II street trees.
  - b) Parameter Landscaping:
    - i) South Property boundary: 4' wide perimeter landscape buffer
    - ii) West Property Boundary: 5' wide perimeter landscape buffer
- 11) PUD Waivers requested:
  - a) More than four units on a drive
  - b) 10' setback between structures
  - c) 10' minimum perimeter landscaping
  - d) 5' rear setback minimum
  - e) Minimum 10'x20' parking space dimension

- f) Minimum enclosed vehicular parking spots
- g) Common open space

**Site Conditions:**

- 1) Street Address: SW corner of E. 33<sup>rd</sup> Street and Clay Street.
  - a) 116 E. 33<sup>rd</sup> Street, Garden City Idaho, 83714; Ada County Parcel Number R2734541190. LOT 9 BLK 33 FAIRVIEW ACRES SUB NO 5
  - b) 118 E. 33<sup>rd</sup> Street, Garden City Idaho, 83714; Ada County Parcel Number R2734541200. LOT 10 BLK 33 FAIRVIEW ACRES SUB NO 5
  - c) E. 33<sup>rd</sup> Street, Garden City Idaho, 83714; Ada County Parcel Number R2734541210. LOT 11 BLK 33 FAIRVIEW ACRES SUB NO 5
- 2) Legal Lot of Record: Yes
- 3) Property Size: 0.516 acres
- 4) Zoning District: C-2
- 5) Zoning Overlay(s): None
- 6) Comprehensive Plan Land Use Map Designation:
  - a) Activity Node: Neighborhood Destination
  - b) Live-Work-Create
- 7) Floodplain Designation:
  - a) 2003 FIRM: Outside of the Special Flood Hazard Area
  - b) 2017 Draft FIRM: 100 Year
- 8) Adjacent Uses:
  - a) Vacant Land
  - b) Professional Services
  - c) Research and Development
  - d) Accessory Use: Artist Studio
  - e) Food Store
  - f) Vehicle Services
- 9) Existing Use: Vacant
- 10) Easements on site:
  - a) Fairview Acres Lateral Water Association running through the site.
- 11) Site Access:
  - a) Front: N. Clay Street
  - b) Side: n/a
  - c) Rear: n/a
- 12) Sidewalks: There are no sidewalks.
- 13) Wetlands on site: none identified

**C. Discussion**

**Multi-Family Planned Unit Development – Live, Work, Create Designation**

PUDFY2021-0001 is an application for a 14-unit townhome development located in the Live, Work, Create Designation of the Comprehensive Plan. The applicant does not wish to apply the LWC overlay. The application has been processed a multi-family PUD. As a multi-family development under 20 units, it is not required to provide for a property management office, however it is still required to provide for at least two amenities. There is a requirement for the

approval of a Lot Line Consolidation or a Subdivision process to be applied for and approved prior to the issuance of a building permit.

### **Parking**

The parking is deficient 13 parking spaces if on-street is not included. If on-street parking is included, the site is still deficient by 5 vehicular parking spaces. The site needs a total of 35 parking spaces while it only provides for 22 on-site. The resubmittal document labeled "City Comment Response PUDFY2021-0010", mentions using the Sural Mitchell Work-Live-Create Overlay parking requirements, but these requirements are not applicable when the applicant has not requested to apply the overlay. Without the overlay, Garden City Code 8-4D governs parking requirements.

### **Common Open Space**

Without the Live-Work-Create overlay, Garden City Code 8-4L Open Space Provisions governs the requirements of both common open space and private open space. The proposed unit styles are 2,476sqft or 2,241sqft. Requiring at least 4,900sqft of common open space. The site does not appear to meet this minimum requirement as it is not identified on the site plans. The applicant has not requested a waiver to common open space standards. This information should be provided prior to approval or at least prior to building permit issuance as the layout of the site, and the amount of common open space provided, could drastically change the way the site is arranged.

### **Perimeter Landscaping**

Committee comment for pre-application conference: "Perimeter landscaping along the Southeast property line is acceptable so long as there is additional structural design to help meet the intent of perimeter landscaping." The southwest façade has changed from the original proposal by including additional architectural features. These features include varying materials, wire mesh accents and a public art wall the corner nearest to 33rd St. The perimeter landscaping has not changed. The applicant has not officially requested a waiver for perimeter landscaping standards; however, staff has included it in the decision document.

### **Rear Setback Waiver Requested**

The applicant has requested a waiver to rear setback standards. Code requires a minimum of 5ft in the C-2 zoning district, while the applicant is requesting only 3 – 11 ½ft. This setback area also happens to be the required area for perimeter landscaping. Code requires that there be at least 10ft of perimeter landscaping, but the Committee has allowed for only 5ft knowing that the adjacent property would be required to install the other 4ft when it redevelops.

BLDFY2021-0143 is a building permit going through the process of review currently, it is a proposal for a three-story (34ft), single-family dwelling unit adjacent to the PUDFY2021-0001 southern property boundary line. The structure is proposed to be about 7ft away from their northern property boundary line. If both permits were to be approved, there would be a 10 – 11½ ft separation between the proposed structures.

The proposed perimeter shrubbery of PUDFY2021-0001 might not be sufficient enough to help block the car lights of those residents in either the PUD or the BLD permit. The way the drive isles alight look as if the headlights from adjacent properties might shine into the windows of

either development. Additionally, the pedestrian pathway proposed in the PUD will terminate at the proposed detached garage of the BLD permit.

## D. Decision Process

### General Provisions

A formal application will be processed per [GCC 8-6A-5 Administrative with Notice](#).

**Required Decisions:** The following decision processes are required for the project as governed by [GCC Table 8-6A-1](#):

Decision	Unit	Recommendation Authority/ Hearing Date	Decision Authority
Planned Development		Planning and Zoning Commission: Hearing June 16, 2021 moved to July 21, 2021  and  Design Review Committee: Pre-application conference June 21, 2021. Formal Hearing July 19, 2021.	City Council: Hearing July 12, 2021 moved to August 9, 2021.

### Required Findings:

**CONDITIONAL USE PERMIT:** To approve a conditional use permit, the Planning and Zoning Commission must find the application meets the following findings found in [GCC 8-6B-2](#):

1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;
2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;
3. The use will not unreasonably diminish either the health, safety or welfare of the community; and
4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.

**PLANNED UNIT DEVELOPMENT:** To approve a planned unit development, the decision-making body must find the application meets the following findings, found in GCC 8-6B-7.E:

1. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;
2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses

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proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;

3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
4. Any proposed commercial development can be justified at the locations proposed;
5. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council;
6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
7. The PUD is in general conformance with the comprehensive plan; and
8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
9. There has been no denial of any application on this property within one year.

**Decision:**

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.

The Planning and Zoning Commission and Design Review Committee are recommending bodies for this application.

**Recommendation**

The Recommending Authority may take one of the following actions:

1. Recommend the City Council grant/ approve the application as applied;
2. Recommend the City Council grant/ approve the application with conditions as drafted or as amended to the City Council;
3. Recommend the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

The City Council is the final decision maker for this application.

**Decision**

The City Council may take one of the following actions:



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

Appeal of Decision:

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Design Committee and Planning and Zoning Commission are recommending authorities and the City Council is the final decision maker for the requested application. The recommendations of the Design Committee and the Planning and Zoning Commission does not constitute a final decision on the application.

The applicant or someone with standing may request City Council to reconsider their decision. A reconsideration request may be made within 14 days of the formal decision being rendered. 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.

E. Agency Comments

The following agency comments were provided:

Agency	Comment Date	Summary
Garden City Engineer <a href="#">Link to Full Comment</a>	05/28/2021	<ul style="list-style-type: none"> <li>• We note the parcels apparently have at least partial 50% tenant in common ownership with entities other than THS Custom Homes LLC. Do the affidavits of legal interest cover all owners?</li> <li>• Approval of the project by the North Ada County Fire and Rescue District will be required. Should fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans.</li> <li>• Approval of the project by the Ada County Highway District will be required.</li> <li>• The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs.</li> <li>• The applicant is responsible to verify that adequate sewer capacity is available and that the existing system depth is adequate to serve the site.</li> <li>• Numerous items required for the application submittal were asked to be waived. We have no objection to waiving the requirements. However, the applicant is advised that once the</li> </ul>

		items requested to be waived are provided (all are necessary for the review and approval of the project with construction plans) and if the items require changes to the development, the applicant may have to alter the project and seek a modification approval.
ACHD <a href="#">Link to full comment</a>	06/14/2021	<ul style="list-style-type: none"> <li>• Provide ACHD with a road trust deposit in the amount of \$15,000 for future improvements to Clay Street.</li> <li>• Construct 33rd Street as ½ of a 36-foot wide local commercial street section to include pavement widening to total 18-feet from centerline, vertical curb, gutter, a 7-foot wide planter strip, and 5-foot wide detached sidewalk. If street trees are desired, then an 8-foot wide planter strip should be provided.</li> <li>• Permeable pavers are allowed in the parking areas on 33rd Street, provided they are designed in accordance with ACHD Policy and BMP and located a minimum of 50-feet from Clay Street.</li> <li>• Provide a permanent right-of-way easement for detached sidewalk located outside of the dedicated right-of-way to extend to 2-feet behind back of sidewalk.</li> <li>• Prior to plan submittal, revise the site plan to remove the alley from the plan or provide documentation of the alley right-of-way for staff to review and determine if it is public right-of-way.</li> <li>• Construct a 22-foot wide curb return type driveway from the site onto Clay Street located approximately 92-feet west of the intersection of Clay Street and 33rd Street, as proposed</li> </ul>

## F. Public Comment

The following public comments were received:

Name	Date	Comment
Georgina Baronian	06/21/2021	Neutral; Arial apparatus questions in relation to the width of the street.

## G. Code/Policy Review

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

<b>Garden City Title 8 Code Sections</b>			
<b>Code Section</b>	<b>Review Authority</b>	<b>Compliance Issues</b>	<b>Analysis/ Discussion</b>
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</a>			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.
<a href="#">8-1B-1 Nonconforming Properties</a>		No compliance issues noted – A Lot Line Consolidation or a subdivision will be the method of correction.	We note the site is comprised to several lots of record. The existing parcels of ground may need to be consolidated into one parcel via an application process with the city.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2B-1 Purpose		No compliance issues noted	The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.
<a href="#">8-2B-2 Allowed Uses</a>		No compliance issues noted	Single Family Attached Dwellings, Multifamily Dwellings are permitted uses.
<a href="#">8-2B-3 Form Standards</a>	DC	Complaint as Approved through the PUD	<p>The required setbacks are:            Front: 5'            Interior Side: 5'            Rear: 5'            Street side: 5'</p> <p>The allowable maximum height is: n/a</p> <p>The minimum lot size is: n/a</p> <p>There are encroachments.</p> <ul style="list-style-type: none"> <li>- The rear setback is 3ft 11 ½ inches. The applicant has requested a waiver to the minimum 5ft rear setback.</li> </ul> <p>All properties meet the minimum street frontage.</p>
<a href="#">8-2C-15 Multi-Family</a>		Compliant as approved through the PUD	<p>Buildings within site are setback 7.0 feet, not meeting the ten feet (10') requirement. The applicant has requested a waiver to allow for the distance between buildings within the site to be 7.0ft</p> <p>All multi-family developments shall provide amenities. This proposal is not complaint with this requirement.</p>

			<p>The number of amenities required for multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.</p> <ol style="list-style-type: none"> <li>1. Quality of life amenities: public art visible by the public</li> <li>2. Open space: ponds or water features;</li> <li>3. Recreation amenities: walking trails along the open canal</li> </ol> <p>All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features. A draft potential condition of approval requiring that such documentation be provided to the City has been included.</p>
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**Title 8, Chapter 4: Design and Development Regulations**

<a href="#">8-4A-3 Fences and Walls</a>	DC	No compliance issues noted	3' tall decorative screen fence.
<a href="#">8-4A-4 Outdoor Lighting</a>	DC	Complaint as Conditioned	
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	DC	Complaint as Conditioned	
<a href="#">8-4A-7 Stormwater Systems</a>	DC	Complaint as Conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
<a href="#">8-4A-8 Utilities</a>	DC	Complaint as Conditioned	Another draft condition of approval is provided requiring that all utilities be underground.
<a href="#">8-4B-4 Multi-family Residential Dwelling Units</a>	DC	Complaint as Conditioned	<p>Entrances shall be adequately covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.</p> <p>Multiple Buildings On One Site: Development of multiple structures on one site shall comply with the requirements set forth in subsection <a href="#">8-4C-4B</a>, "Multiple Nonresidential Structures On One Development Site", of this chapter.</p>
<a href="#">8-4C-4 Special Provisions for Specific</a>	DC	Complaint as Conditioned	HVAC equipment, trash dumpsters, trash compaction, and other service functions should be incorporated into the overall design of buildings and landscaping so that the visual and

<a href="#">Nonresidential Development</a>			<p>acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.</p> <p>All on site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults should be located in an area not visible from a public street or adjoining property, or should be fully screened from view from a public street and adjoining property with a privacy fence.</p>						
<a href="#">8-4C-5 Prohibitions</a>	DC	No compliance issues noted	<p>There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.</p> <p>There is no crushed colored rock/crushed tumble glass utilized on the site.</p>						
<b>8-4D Parking and Off Street Loading Provisions</b>									
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	DC	Complaint as Conditioned	<p>Parking spaces are required to be at least 10'x20'. Making side-by-side garages at least 20'x'20. Units 5,6,7, &amp; 14,15, 16 are only 18'x21'. The width of the garage is not code compliant. This has not been requested as a waiver to code standards, however, staff has drafted it as a requested waiver.</p>						
<a href="#">8-4D-4 Parking Use Standards</a>	DC	No compliance issues noted							
<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	DC	Not Compliant	<p>Total number of vehicular parking spaces required: 35 Total provided: 22 on site + 8 on-street = 30 <b>Site is deficient 13 parking spaces if on-street is not included. If on-street parking is included, the site is still deficient by 5 vehicular parking spaces.</b></p> <p>Number of enclosed spaces required: 14 Total provided: 22 Number of surface spaces required: 6 Total Provided: 0 on site, 8 on-street <b>While the development offers an adequate amount of enclosed parking for the residences, the remaining 6 required surface spots are not accounted for.</b></p> <p>Guest Parking required: 7 Guest parking provided: 0 on-site, 8 on-street. <b>Guest parking is not provided for on site.</b></p> <p>The 13 missing required parking spaces are differed to the 8-on street parking spaces. Residents, their guests, and neighboring guests are forced to use the 8 provided spots along Clay and 33<sup>rd</sup>.</p> <table border="1" data-bbox="743 1696 1463 1812"> <thead> <tr> <th>Dwelling, multi-family</th> <th>Total Required Parking</th> <th>Required Within An Enclosed Garage</th> </tr> </thead> <tbody> <tr> <td>More than 1 bedroom</td> <td>2* 14 Units= 28</td> <td>1* 14 Units= 14</td> </tr> </tbody> </table> <p>For developments with more than 2 dwelling units there shall be 0.5 additional spaces/unit provided for guest parking.</p>	Dwelling, multi-family	Total Required Parking	Required Within An Enclosed Garage	More than 1 bedroom	2* 14 Units= 28	1* 14 Units= 14
Dwelling, multi-family	Total Required Parking	Required Within An Enclosed Garage							
More than 1 bedroom	2* 14 Units= 28	1* 14 Units= 14							

			There is one bicycle space required for every 6 dwelling units necessitating 4 bicycle spaces. There are 13 bike parking spaces provided.
<b>8-4E Transportation and Connectivity Provisions</b>			
<a href="#">8-4E-3 Public Street Connections</a>	DC	Complaint as Conditioned	Public street connection at Clay Street for a private drive to access all residential units.  There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.
<a href="#">8-4E-4 Internal Circulation Standards</a>	DC	No compliance issues noted	The drive is 20' or greater in width. There is clear pedestrian access from the public sidewalk to the entrance.
<a href="#">8-4E-5 Private Street Standards</a>	DC	Compliant as conditioned	All private streets shall be designed and constructed to the following standards: <ul style="list-style-type: none"> <li>A. The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot that provides access to all applicable properties.</li> <li>B. The private street shall be constructed within the easement and shall have a travel lane width of twenty six feet (26').</li> <li>C. The private street shall provide sufficient maneuvering area for emergency vehicles as determined and approved by the fire authority.</li> <li>D. The private street name(s) shall obtain approval from the Ada County street name committee.</li> <li>E. A binding contract that establishes the party or parties responsible for the repair and maintenance of the private street including regulations for the funding shall be recorded with a final plat. No building permit shall be issued until the contract has been recorded.</li> </ul>
<a href="#">8-4E-6 Sidewalk Standards</a>	DC	No compliance issues noted	This project is located along 33 <sup>rd</sup> and Clay Street. These streets have been designated under resolution NO. 1062-19 for having detached sidewalks. The resolution states "A 5' wide concrete sidewalk sits behind a 6' planting strip next to the vertical curbs. The planting strip here will not be planted with lawn but with trees and drought tolerant low shrubs. The trees will be within a root barrier. This section will be used at 33rd Street, 35th Street, and Clay Street."  This streetscape is not too dissimilar from the standard sidewalk requirements. Except, the streetscape plans asks for Artistic furnishings such as street lights and bicycles are provided above minimums to add to a strong theme and feel of the development, which has been proposed.
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	DC	No compliance issues noted	
<b>8-4F Sign Provisions</b>			
<a href="#">8-4G Sustainable</a>		No compliance issues noted	The development is required to provide 6 points. The application has met this requirement.

<a href="#">Development Provisions</a>			
<a href="#">8-4H Flood Hazard</a>	Planning Official	Complaint as Conditioned	The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>	DRC	No compliance issues noted	11 trees are required throughout the development, including street trees. The proposal has only 9 trees, all of which are street trees along the frontage of Clay and 33 <sup>rd</sup> .  The property has proposed 3 species, which is code compliant.
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	DC	Complaint as Conditioned	A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.  Clay Street Required (166.8ft): 1 Streetside + 3 Frontage 33 <sup>rd</sup> Street Required (166.2ft): 1 Streetside + 3 Frontage  Clay Street Provided: 1 Streetside + 2 Frontage ( <b>Deficient 1</b> ) 33 <sup>rd</sup> Street Provided: 1 Streetside + 5 Frontage ( <b>Surplus of 2</b> ) <b>Net surplus of 1 street tree.</b>  A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.  Landscape provided: 3,357sqft = 3 trees and 22.38 required. There are no additional trees provided throughout the site. There is only the 1 additional street tree. <b>Site is deficient 2 trees.</b> <ul style="list-style-type: none"> <li>- Trees may be substituted for up to one-half (1/2) of the required shrubs at the rate of one tree for ten (10) shrubs and vice versa.</li> <li>- 179 shrubs/perennials/ornamental grasses provided.</li> <li>- <b>If the substitution rule applies, 20 shrubs could meet the requirement of 2 trees while still providing the required minimum amount of shrubs.</b></li> </ul>
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	DC	May not be complaint – Discussion required	Required along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property.  Required along the common property line between a multi-family residential use and a single-family or two-family residential use or vacant single-family or two-family zoned property.

			<p>The South Property boundary is required to have at least 5' wide perimeter landscaping, this is not provided. The application proposes 3'-11 1/2" perimeter area within the setback. The applicant has not formally requested a waiver to rear setback standards through the PUD either. This perimeter landscaping is taking up the entirety of the rear setback which consists of shrubs, perennials, and ornamental grasses. Most of which do not reach 6' in height. <b>Based off the pre-application discussion, the applicant has added architectural features to increase the aesthetic.</b></p> <p><b>Typical conditions driven by code standards include the following:</b></p> <ol style="list-style-type: none"> <li>1. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity;</li> <li>2. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.</li> </ol> <p><a href="#">See Discussion</a></p>
<a href="#">8-4I-7 Tree Preservation Provisions</a>	DC	Complaint as Conditioned	<p>Site development shall make all feasible attempts to maintain existing trees four inch (4") caliper or greater within their design.</p> <p>Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed or damaged from the site.</p> <ul style="list-style-type: none"> <li>- Mitigation is required for all such trees removed within eighteen (18) months prior to issuance of the building permit for construction on the site or damaged during construction.</li> <li>- Mitigation shall be replacement of the total calipers lost on site up to an amount of one hundred percent (100%) replacement. (Example: Two 10-inch caliper trees removed may be mitigated with four 5-inch caliper trees, five 4-inch caliper trees, or seven 3-inch caliper trees.)</li> <li>- No mitigation is required in the following: 1) existing prohibited trees as specified in the "Garden City Design And Construction Guide" within the street buffer or parking lot; 2) existing dead, dying, or hazard trees certified prior to removal by a certified arborist; 3) trees that are required to be removed by another governmental agency having jurisdiction over the project.</li> </ul>
<b>8-4L Open Space Provisions</b>			
<a href="#">8-4L-3 General Open Space Standards</a>	DC	No compliance issues noted	
<a href="#">8-4L-5 Open Space Standards for Multi-family Developments</a>	DC	Not Compliant	<p>A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit.</p> <ul style="list-style-type: none"> <li>- Unit One: 328sqft of private open space through patio/ deck, and rooftop deck.</li> </ul>



			<ul style="list-style-type: none"> <li>- Units 2-4, 8-11: 328sqft of private open space through patio/ deck, and rooftop deck.</li> <li>- Units 5, 6, 12-14 276sqft of private open space through patio/ deck, and rooftop deck.</li> <li>- Unit 7 276sqft of private open space through patio/ deck, and rooftop deck.</li> </ul> <p>For any new multi-family development: A minimum area of outdoor common open space shall be provided as follows: Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.</p> <p><b>The two-unit types are 2,476sqft or 2,241sqft. Requiring at least 4,900sqft of common open space. The site does not appear to meet this minimum requirement as it is not identified on the site plans. The applicant has not requested a waiver to common open space standards.</b> But staff has included it in the list for them.</p> <p>All common open space shall be the responsibility of the owner or an owners' association for the purpose of maintaining the common area and improvements.</p>
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>		No compliance issues noted	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.
<a href="#">8-6A-4 Required Application Information</a>			Application waivers requested pursuant to 8-6A-4A: <ul style="list-style-type: none"> <li>- Topographic Survey</li> <li>- Grading Plan</li> <li>- Hydrology Report</li> <li>- Natural Hazard and Resources Analysis</li> <li>- Covenants and Deeds Restrictions</li> <li>- Approved Addresses</li> <li>- Dedications and Easements</li> </ul>
<a href="#">8-6A-5 Administrative Process with Notice</a>		No compliance issues noted	<p>A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>If no objections are filed within 15 days, the Design Review Committee's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>

<a href="#">8-6B-7 Planned Unit Development</a>	DC	Complaint as Conditioned	<p>Note waivers requested * Make sure there is a corresponding condition of approval in the decision document:</p> <ul style="list-style-type: none"> <li>- 5' Minimum rear setback line</li> <li>- 10' setback between structures</li> <li>- 10' minimum perimeter landscaping</li> <li>- Minimum 10'x20' parking space dimension</li> <li>- More than four units on a drive</li> <li>- Minimum enclosed vehicular parking spaces</li> <li>- Common open space</li> </ul>
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<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li><b>a)</b> Activity Node: Neighborhood Destination</li> <li><b>b)</b> Live-Work-Create</li> </ul> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> <li><b>a.)</b> 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> <li><b>b.)</b> 1.5.4: Establish a program which would allow for trees, benches, streetlamps, public art and gardens, to be dedicated in tribute to the historical, cultural, or artistic life of the city.</li> </ul> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li><b>a.)</b> 2.1 Objective: Encourage new and distinctive neighborhoods.</li> <li><b>b.)</b> 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li><b>c.)</b> 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> <li><b>d.)</b> 2.4.4: Encourage permeable, pervious, or porous paving, especially in areas in the floodplain.</li> </ul> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> <li><b>a.)</b> 4.1.3 Adopt an ordinance that establishes minimum standards for tree requirements, and tree protection and maintenance on all property. Work to resolve conflicting objectives for tree protection with the street and storm drainage maintenance requirements of the ACHD.</li> <li><b>b.)</b> 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> <li><b>c.)</b> 4.3.1: Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites.</li> <li><b>d.)</b> 4.1.4: Improve the landscaping standards for all new development. The standards should address minimum size, plant materials, maintenance requirements, irrigation, and landscape design that complement the urban environment.</li> </ul> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> <li><b>a.)</b> 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> <li><b>b.)</b> 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul> <p>The application may not be supported by:</p> <p>Goal 3. Create a Heart for the City</p>

	<p>a.) 3.2.2 Amend the Land Use Code to require public gathering spaces in all new developments.</p> <p>Goal 4. Emphasize the “Garden” in Garden City</p> <p>a.) Improve the landscaping standards for all new development. The standards should address minimum size, plant materials, maintenance requirements, irrigation, and landscape design that complement the urban environment.</p> <p>Goal 6. Diversity in Housing</p> <p>a.) 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing.</p> <p>b.) 6.3.1 Provide for a variety of housing types in the Land Use Code including smaller cottage and second housing units. Allow for housing that attract niche markets such as senior housing, live-work structures, and cooperative housing.</p> <p>c.) 6.3.2 Continue to explore opportunities that encourage mixed income housing in new developments.</p>
<a href="#">Garden City Sidewalk Policy</a>	Clay and 33 <sup>rd</sup> Street are part of the 34 <sup>th</sup> streetscape resolution.
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along E. 33 <sup>rd</sup> Street in accordance with the policy.
<a href="#">Garden City Transportation Needs List</a>	<p><b><u>Clay: 32nd to 37<sup>th</sup></u></b>          Provide a road section that match on Clay from 32nd to 37th. This project is important to the mobility and functionality of the neighborhood and contains a waterline that is slated by the Public Works Department for upgrade. The improvements should provide detached sidewalk and landscaping with Class II or III street trees to adhere to Garden City Code. A portion of this project is noted in the ACHD IFYWP.</p> <p><b><u>33rd Street: Greenbelt to Brown</u></b>          Provide a road section that matches the improvements being on 36th Street with bulbouts meeting the detached sidewalk requirement. This will tie into the requested crossing of Chinden at 33rd Street. This road contains several properties that have already redeveloped in the manner that will encourage redevelopment. As seen on 36th Street, street improvements act as a public private partnership making infill more probable.</p>