BEFORE THE PLANNING AND ZONING COMMISSION
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	SAPFY2019-1
Specific Area Plan	)	PUDFY2019 - 1
Planned Unit Development	)	
Master Site Plan	)	FINDINGS OF FACT
E 34th Street, et al.	)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho	)	AND DECISION
	)	

THIS MATTER, came before the Garden City Planning and Zoning Commission for consideration on July 17, 2019. The Planning and Zoning Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Commission makes the following Findings of Fact, Conclusions of Law and Recommendation:

FINDINGS OF FACT

1. The applicant is Sherry McKibben with McKibben and Cooper Architects.

2. The property owners are Urban Willow, LLC, Jerry Ahlberg, and Dana Kevin Bowes.

3. The location of the project are properties located along E. 33rd, E. 34th, E. 35th, Carr, and Clay Streets and W. Chinden Blvd, assigned to the following Ada County Parcel Numbers:
    a. R2734540550
    b. R2734540570
    c. R2734540580
    d. R2734540701
    e. R2734540730
    f. R2734540751
    g. R2734540760
    h. R2734540770
    i. R2734540790
    j. R2734541125
    k. R2734541150
    l. R2734541180
    m. R2734541190
    n. R2734541200
    o. R2734541210

p. R2734541250
q. R2734541221
r. R2734541395
s. R2734541400
t. R2734541420
u. R2734541500
v. R2734541520

4. The subject property is 7.33 acres.

5. The application is for a Specific Area Plan, a Master Site Plan, and a Planned Unit Development. The Specific Area Plan includes the adoption of street section designs proposed with the application.

6. The project is in the Mixed Use Residential, Live Work Create, Green Boulevard Corridor and TOD Node Comprehensive Plan Land Use Designations.

7. The project is in the C-1 Highway Commercial, C-2 General Commercial and the R-3 Medium Density Residential Base Zoning Districts.

8. The project is in the Boise River and Greenbelt Overlay District.

9. The following section of the Garden City Development Code apply to this proposal:
    a. Specific Area Plan Title 8 – Chapter 6, Article B, Section 6
    b. Planned Unit Development Title 8 – Chapter 6, Article B, Section 7
    c. Conditional Use Title 8 – Chapter 6, Article B, Section 2
    d. Design Provisions for Residential Structures Title 8-Chapter 4, Article A
    e. Design Provisions for Nonresidential Structures Title 8-Chapter 4, Article B
    b. Parking Title 8-Chapter 4, Article D;
    c. Transportation and Connectivity Provisions: Title 8-Chapter 4, Article E;
    d. Landscaping and Tree Protection Provisions: Title 8-Chapter 4, Article I;
    e. Sustainable Development Provisions Title 8-Chapter 4, Article G;
    f. Flood Hazard Title 8 – Chapter 3, Article B
    g. Storm Drainage and Erosion Control Title 4-Chapter 14;
    h. Public Water and Sewer Systems Title 6;
    i. Utilities: Title 8-Chapter 4, Article A.

10. A copy of the application and plans were transmitted to interested and affected public agencies and written comments were received from:
    a. Idaho Transportation Department

11. The record contains:
    a. Application Materials;
    b. SAP Book
    c. Neighborhood meeting materials;
    d. Agency Referral Notice;

e. Agency Comments;
f. Property Owner Notices;
g. Legal Advertisements in Idaho Statesman for hearings;
h. Affidavit of property posting;
i. Staff report;
j. Planning and Zoning Commission Hearing Sign-Up Sheet.

12. In accordance with GCC 8-6B-6 (Specific Area Plan), the following pre-application meetings were held:

    a. Development Services Staff: March 7, 2019
    b. Planning and Zoning Commission: May 15, 2019

13. A pre-application meeting with the Design Committee was held June 3, 2019 but was not required by GCC 8-6B-6 (Specific Area Plan).

14. The application was received June 5, 2019.

15. The applicant was scheduled for a Commission Public Hearing on July 17, 2019.

16. The Commission Public Hearing was held within sixty (60) days of receipt of the application.

17. A public hearing notice for the proposed application was published on June 29, 2019 and alternative noticing was completed on June 29, 2019 due to more than 200 property owners requiring notice, in accordance with the public notice requirements of Section 8-6A-7 of the Garden City Municipal Code.

18. The applicant provided an affidavit that the property was posted on premise in accordance with Garden City Code.

19. During the Planning and Zoning Commission Hearing on July 17, 2019:

    a. Hannah Ball and Sherry McKibben presented the application.
    b. Staff Chris Samples presented the staff report.
    c. Public testimony was received in support of Louis Landry and Jerry Ahlberg.
    d. Hannah Ball provided rebuttal testimony.
    e. Public testimony was closed.
    f. Commissioner Page moved to recommend approval of the project as drafted in the findings of fact, conclusions of law, and decision, with the following modifications:
        i. Condition # 7 under Planned Unit Development Site Specific Conditions shall be stricken in its entirety.
    g. Commissioner Brown seconded. The motion passed unanimously.

20. In consideration of a specific area plan, master site plan, and planned unit development, the Planning and Zoning Commission shall make the following findings:

GCC 8-6B-6 SPECIFIC AREA PLAN - REQUIRED FINDINGS			
Compliant			
Yes	No	N/A	City Standards and Conclusions
X			Finding: The SAP, 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;
			Conclusion: The SAP, as conditioned, is in general conformance with the Comprehensive Plan, including the following goals, objectives, and action steps: Goal 1: Nurture the City 1.4 Objective: Create a premier destination place to live, work and recreate. Goal 2. Improve the City Image 2.1 Objective: Encourage new and distinctive neighborhoods. 2.3 Objective: Promote quality design and architecturally interesting buildings. 2.4 Objective: Improve the appearance of street corridors. Goal 3. Create a Heart for the City 3.2 Objective: Create public gathering places at multiple locations throughout the city. Goal 4. Emphasize the "Garden" in Garden City 4.1 Objective: Beautify and landscape. 4.2 Objective: Promote community gardens. 4.3 Objective: Beautify sidewalks and gateways with landscaping and trees. Goal 5. Focus on the River 5.4 Objective: Develop a river walk. 5.5 Objective: Create more accessibility to the Boise River and greenbelt. 5.7 Objective: Maintain and protect the greenbelt. Goal 6. Diversity in Housing 6.3 Objective: Maintain the diversity of housing.

			Goal 7. Connect the City 7.1. Objective: Create pedestrian and bicycle friendly connections. 7.2 Objective: Promote public transportation along State, Chinden, Glenwood and Adams with stops in neighborhoods. Goal 10. Plan for the Future 10.2 Objective: The Old Town site is a live-work district. 10.5 Objective: Create a "Main Street" commercial district along portions of Adams Street and other neighborhood locations. 10.6 Objective: Continue to support commercial and industrial land uses. Goal 11. Serve the City 11.3 Objective: Upgrade and maintain water services. 11.5 Objective: Support a positive business environment The SAP is in general conformance with the Live/Work/Create, TOD Node and Green Boulevard Corridor Comprehensive Plan Land Use Map Designations: Live/Work/Create: The proposed development includes live/work units that appear intended for individuals to both live and work onsite. Live/work units are placed on smaller lots that create variety within the development. TOD Node: The proposed development proposes mixed use development in a compact form between 2 – 5 stories tall that creates a corridor along 34th Street. Walkability and public spaces have been included. The proposed development's parking meets the requirements of code, but are encouraged to be lower by this designation. Green Boulevard Corridor: The property along Chinden meets the intent of this designation through site design, pedestrian connectivity and landscaping improvements. The site improvements appear to be oriented toward future uses that do not create high volumes of traffic.
X			Finding: Create a more useful pattern of open space and recreation areas; and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses and services;

			Conclusion: The SAP, as conditioned, meets the requirements of this finding. The proposed development's pattern incorporates open space throughout, including a mixed-use plaza and the pedestrian plaza at the 34th St. Greenbelt entrance. Open space is incorporated throughout the development as well. Commercial uses are integrated throughout the development, conveniently connected through pedestrian, bicycle, and vehicle connectivity. The proposed streetscape designs, as conditioned, meet this finding.
X			Finding: Establish a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
			Conclusion: The SAP, as conditioned, meets this finding. Due to required compliance with GCC 8-3B (Flood Hazard), the proposed development is limited in its ability to comply with this finding. Natural topography and natural drainage patterns can be disrupted if fill is required to raise the development sites as required by GCC 8-3B. Specific scenic vistas have not been identified in the record. Evidence has not been found on the record that demonstrates a disruption to these vistas.
X			Finding: The SAP has been noticed and public hearing held in accordance with this code;
			Conclusion: The SAP has been noticed in accordance with GCC 8-6B-6 and GCC 8-6A-7. Public hearings have been scheduled in accordance with GCC 8-6B-6, GCC 8-6A-3, and GCC 8-6A-7.
X			Finding: The SAP complies with all city zoning regulations and codes in effect at the time of the SAP application.
			Conclusion: The proposal complies with all applicable city zoning regulations and codes. Except for the waivers to the 70' setback from the Ordinary High Water Mark (GCC 8-3-4D) and GCC 8-6B-7C-4 (Planned Unit Development), the waivers requested under the PUD application would be found to be compliant if granted.

GCC 8-3E-4B MASTER SITE PLAN - REQUIRED FINDINGS			
Compliant			
Yes	No	N/A	City Standards and Conclusions

X			Finding: Creation of an attractive mixed-use environment focused on the river and greenbelt through the use and inter-relationship of open spaces, building locations, building scale and design, and pedestrian-bicycle connections.
			Conclusion: The master site plan, as conditioned, meets this finding. The proposed development creates an attractive mixed use, river and Greenbelt focused development by integrating a mix of design styles and accommodating a mix of uses. Streetscape design helps to unify the components of the proposed development and accommodate pedestrian and bicycle connectivity.
X			Finding: Provision of access and free movement of non-motorized mobility to and through the site in a manner that maximizes exposure to the Boise River and greenbelt.
			Conclusion: The master site plan, as conditioned, meets this finding. The pedestrian plaza located at the end of 34th Street is intended to integrate pedestrian and bicycle connectivity to the Boise River and greenbelt. The plaza is proposed to be sited on a portion of 34th Street and within additional right of way that the applicant has proposed to vacate. The plaza is intended to be a private open space that provides public non-motorized access.
X			Finding 3: Reducing to a minimum any negative impacts of the proposed development on the natural environment.
			Conclusion: The master site plan, as conditioned, meets this finding. Except for the waiver to the 70' setback from the Ordinary High Water Mark (GCC 8-3-4D), no evidence was found on the record that the proposed development would have a negative impact on the natural environment.

GCC 8-6B-7B-1 PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS			
Compliant			
Yes	No	N/A	City Standards and Conclusion
X			Finding: The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval.
			Conclusion: The PUD, as conditioned, meets this finding. The applicant has provided a phasing dividing the project into eight phases. The phasing plan organizes the project into specific, consecutive steps that can be initiated within two years of the approval. Approval of this application is conditioned that the development shall be initiated within two years of the date of approval.

X			Finding: 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 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.
			Conclusion: The proposed development, as conditioned, meets this finding. The proposed project is intended to function as a unified development. Each phase of the development can function as an independent unit through a balance of mixed and commercial uses and design elements. Each phase contains a unique part of the development creates desirability by integrating a balanced land use approach that connects river side development and public spaces near the Boise River and Greenbelt to residential, live/work and mixed-use development along the local streets and finishing with a commercial focused development on W. Chinden Blvd. The phasing plan ensures stability through a logical approach to development.
X			Finding: 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.
			Conclusion: The PUD, as conditioned, meets this finding. No comments from ACHD or ITD were provided.
X			Finding: Any proposed commercial development can be justified at the locations proposed.
			Conclusion: The PUD, as conditioned, meets this finding. The commercial development along W. Chinden Blvd. is justified by its location along this arterial. Commercial components of mixed-use development are justified by providing commercial services within neighborhoods instead of forcing residents elsewhere.
X			Finding: 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.
			Conclusion: The following exceptions are warranted by the design and other amenities incorporated in the final development plan: **Overall Development**

Requested Waiver	Affected Code Section
50 % tree canopy coverage	GCC 8-3E-4E
Fairview Acres Sub No. 5, Block 30, Lots 1 – 7 and Fairview Acres Sub No. 5, Block 35, Lots 31-34	
Requested Waiver	Affected Code Section
Increase maximum building height within 30' of Greenbelt from 4 – 5 stories	GCC 8-3E-4D
Front setback reduction from 5' to 0' along Carr Street	GCC 8-3E-4D
Side setbacks reduced from 5' to 0'	GCC 8-3E-4D
Fairview Acres Sub No. 5, Block 31, Lots 4-7, 27, and 28	
Requested Waiver	Affected Code Section
5' setbacks reduced to 0' on all sides	GCC 8-3E-4D
Fairview Acres Sub No. 5, Block 34, Lots 8, 27 – 30	
Requested Waiver	Affected Code Section
5% gross landscaping requirement (Lots 8, 27, and 28)	GCC 8-4I-4B1
5' interior side, street side, and rear setbacks reduction to 0', 0', and 2' respectively (Lots 27 and 28)	GCC 8-3E-4D
5' setback reduced to 0' on all sides (Lots 29 and 30)	GCC 8-3E-4D
One class 1 tree in corresponding setback adjacent to street	GC 8-4I-4B2
Fairview Acres Sub No. 5, Block 33, Lots 5, 8-11	
Requested Waiver	Affected Code Section
5' rear setback reduced to 3'	GCC 8-3E-4D
Fairview Acres Sub No. 5, Block 33, Lots 24-31	
Requested Waiver	Affected Code Section
5% gross landscaping requirement	GCC 8-4I-4B1
One class 1 tree in corresponding setback adjacent to street	GC 8-4I-4B2
Fairview Acres Sub No. 5, Block 33, Lots 2, 3, 32-34; Block 31, Lots 1 and 2	
Requested Waiver	Affected Code Section
5% gross landscaping requirement	GCC 8-4I-4B1

			One class 1 tree in corresponding setback adjacent to street — GC 8-4I-4B2 The following exceptions are not authorized by GCC 8-6B-7C and GCC 8-3E-4D: **Overall Development** Requested Waiver — Affected Code Section 10' setback between detached structures — GCC 8-6B-7C-4b **Fairview Acres Sub No. 5, Block 30, Lots 1 – 7 and Fairview Acres Sub No. 5, Block 35, Lots 31-34** Requested Waiver — Affected Code Section Encroach into 70' Ordinary High Water Mark Setback — GCC 8-3E-4D
X			Finding: The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
			Conclusion: The PUD, as conditioned, meets this finding. The surrounding area of the project can be planned and zoned in coordination and substantial compatibility with the proposed development. The proposed development sets a specific development pattern within its scope. Evidence on the record cannot be found suggesting that future planning of the surrounding area could not be coordinated or compatible with the proposed development. Consistent streetscape improvements extended to the surrounding area further ensure coordination and compatibility.
X			Finding: The PUD is in general conformance with the comprehensive plan.
			Conclusion: The PUD, as conditioned, is in general conformance with the Comprehensive Plan, including the following goals, objectives, and action steps: Goal 1: Nurture the City 1.4 Objective: Create a premier destination place to live, work and recreate. Goal 2. Improve the City Image 2.1 Objective: Encourage new and distinctive neighborhoods. 2.3 Objective: Promote quality design and architecturally interesting buildings. 2.4 Objective: Improve the appearance of street corridors.

			Goal 3. Create a Heart for the City 3.2 Objective: Create public gathering places at multiple locations throughout the city. Goal 4. Emphasize the "Garden" in Garden City 4.1 Objective: Beautify and landscape. 4.2 Objective: Promote community gardens. 4.3 Objective: Beautify sidewalks and gateways with landscaping and trees. Goal 5. Focus on the River 5.4 Objective: Develop a river walk. 5.5 Objective: Create more accessibility to the Boise River and greenbelt. 5.7 Objective: Maintain and protect the greenbelt. Goal 6. Diversity in Housing 6.3 Objective: Maintain the diversity of housing. Goal 7. Connect the City 7.1. Objective: Create pedestrian and bicycle friendly connections. 7.2 Objective: Promote public transportation along State, Chinden, Glenwood and Adams with stops in neighborhoods. Goal 10. Plan for the Future 10.2 Objective: The Old Town site is a live-work district. 10.5 Objective: Create a "Main Street" commercial district along portions of Adams Street and other neighborhood locations. 10.6 Objective: Continue to support commercial and industrial land uses. Goal 11. Serve the City 11.3 Objective: Upgrade and maintain water services. 11.5 Objective: Support a positive business environment The SAP is in general conformance with the Live/Work/Create, TOD Node and Green Boulevard Corridor Comprehensive Plan Land Use Map Designations: Live/Work/Create: The proposed development includes live/work units that appear intended for individuals to both live

			and work onsite. Live/work units are placed on smaller lots that create variety within the development. TOD Node: The proposed development proposes mixed use development in a compact form between 2 – 5 stories tall that creates a corridor along 34th Street. Walkability and public spaces have been included. The proposed development's parking meets the requirements of code but are encouraged to be lower by this designation. Green Boulevard Corridor: The property along Chinden meets the intent of this designation through site design, pedestrian connectivity and landscaping improvements. The site improvements appear to be oriented toward future uses that do not create high volumes of traffic.
X			Finding: The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
			Conclusion: The PUD, as conditioned, meets this finding. Conditions of approval have been required to ensure that all utilities are adequate and all requiremented utility improvements must be installed.

GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Compliant			
Yes	No	N/A	City Standards and Conclusion
X			Finding: The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district.
			Conclusion: The PUD, as presented, meets this finding. The proposed development is appropriate and compatible with the uses permitted in the Boise River and Greenbelt Overlay District by creating an integrated site design along the 34th St. corridor that can incorporate a mix of uses.
X			Finding: The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts.
			Conclusion: The PUD, as conditioned, meets this finding. Conditions of approval have been required to ensure development will make all necessary improvements to ensure adequate services are provided.
X			Finding: The use will not unreasonably diminish either the health, safety or welfare of the community.

			Conclusion: The PUD, as conditioned, is designed to protect the health, safety and welfare of the community by meeting all applicable standards of the code and by accommodating public services.
X			Finding: The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.
			Conclusion: The PUD, as conditioned, is compliant with the comprehensive plan, city code, and all applicable city policies.

CONCLUSIONS OF LAW

The Planning and Zoning Commission reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies** the required findings under GCC 8-6B-6, GCC8-6B-7, and GCC 8-6B-2.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Decision, the Garden City Planning and Zoning Commission hereby recommends **approval** of SAPFY2019 -1, for a Specific Area Plan and Master Site Plan and approval of PUDFY2019 – 1, for a Planned Unit Development, subject to the following conditions:

Specific Area Plan:

Plan Specific Conditions:

1. The approval is for a specific area plan (SAP) that includes the properties listed in this decision and as depicted in the SAP book.
2. The SAP is intended to be a guide for future development within the scope of work presented in the SAP book.
3. Depictions of landscaping, hardscape materials, artwork, street furniture, fences, and other elements are intended to provide guidance. Elements selected during the implementation and permitting process should conform to the overall image, materials, size, and configuration of these elements. Substitution of these elements with elements that are substantially conforming is allowed.
4. Building footprints, driveways, alleys, pedestrian plaza, open space, and

streetscapes shall be in substantial conformance with the SAP.

5. The SAP approval is contingent upon the vacation of the portion of E. 34th Street depicted in the SAP book as the multi-use plaza adjacent to the Boise River Greenbelt.
6. The street sections depicted on page 22 and 36-37 and as located on pages 34 and 35 of the SAP book are approved as the adopted street sections for the SAP.
7. The landscaping selection is not approved and must be reviewed during the Design Review process.
8. The SAP will be rendered invalid if an individual property or properties within the scope of this decision are approved for a new SAP separate from this decision.

Modification of the SAP:

1. Major And Minor Amendments: An approved SAP may be amended at any time using the process, and may be amended simultaneously with the processing of a development application. The planning official shall decide whether a proposed amendment is a "major" or "minor" amendment. In order to initiate an amendment, the applicant shall submit to the planning official an application on those items that would change if the proposed amendment were approved.

   a. Major Amendments: Changes of the following types shall define an amendment as major:

      (1) Changes which would modify or reallocate the allowable building height, mix of uses, or density of a development; or
      (2) Changes which would alter the location or amount of land dedicated to open space, amenities, trails, natural areas or public facilities; or
      (3) Modify any other aspect of the SAP that would significantly change its character; or
      (4) A series of minor amendments that cumulatively change the overall character of the SAP.

   b. Minor Amendments: Amendments that are not major amendments shall be termed "minor amendments" and shall be reviewed by the planning official. The planning official shall approve, approve with conditions, or deny said amendments.
2. The Design Committee shall decide major amendments pertaining to the allowable building height, density, changes that alter the location and amount of land dedicated to open space, amenities, trails, natural areas, and/or public facilities, and changes to design aspects of the development.
3. All other major amendments shall be decided by the City Council in accordance with Garden City Code.

Master Site Plan:

Plan Specific Conditions:

1. The approval is for master site plan (MSP). The MSP shares the same scope of plan as the SAP.
2. Amendments of the MSP shall be administered in conjunction with amendments to the SAP and PUD. Major and minor amendments shall be decided in accordance with SAP specific set of conditions noted in condition section "Modification of the SAP."
3. The MSP will be rendered invalid if an individual property or properties within the scope of this decision are approved for a new MSP separate from this decision.

Planned Unit Development:

Site Specific Conditions:

1. The approval is for a planned unit development (PUD) for a mixed-use development as depicted in the application materials.
2. Amendments of the PUD shall be administered in conjunction with amendments to the SAP and MSP. Major and minor amendments shall be decided in accordance with SAP specific set of conditions noted in condition section "Modification of the SAP."
3. The PUD approval is contingent upon the vacation of the portion of E. 34th Street depicted in the SAP book as the multi-use plaza adjacent to the Boise River Greenbelt.
4. Street sections shall be developed in accordance with the adopted street section requirements. Each street section shall be completed for an adjacent structure or use prior to the issuance of a certificate of occupancy or certificate of compliance.
5. Prior to the vacation of the portion of E. 34th Street right of way depicted in the SAP book as a multi-use pedestrian plaza along the Boise River Greenbelt, a recorded, perpetual public access easement shall be provided to the City.
6. Prior to the issuance of building or public works permits for properties and structures located along alleys depicted in the applications materials, recorded, perpetual access easements shall be provided to the public when street closures affect pedestrian access and to properties adjacent to the alleys to enable future access as redevelopment occurs.
7. To qualify as a mixed-use development and qualify for applicable waivers under Title 8 of the City Code, a minimum of 50% of the gross floor area of all buildings shall be developed as residential uses and at least 20% of the gross floor area of all buildings shall be developed as nonresidential uses.
8. The landscaping selection is not approved and must be reviewed during the Design Review process.
9. A copy of the recorded CC&R's must be provided prior to the issuance of building permits.
10. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho.
11. The approval of this PUD allows for more than four (4) units to access a driveway.

12. No parking areas shall be located between any structure and the Boise River.
13. Dumpsters, mechanical equipment, and outdoor storage shall not be visible from the Boise River and Greenbelt.
14. No property shall be gated from public streets.

Timing of Development:

1. The phasing plan depicted in the application materials shall be considered the development's phasing plan.
2. The approval period of the PUD extends until buildout of the entire development is complete, as depicted in the phasing plan. The development must be commenced within two years of the date of this decision or the PUD will be rendered invalid and a new application will be required. Commencement shall be considered as initiated when building, public works, grading, or similar city issued permits are obtained.
3. Each development phase must be commenced within two years of the completion of the previous phase.
4. The phasing plan can be altered if the changes can help the development develop more efficiently, safely and/or quickly.

Waivers to Code:

1. The following code waivers are granted:

Overall Development	
Requested Waiver	Affected Code Section
50 % tree canopy coverage	GCC 8-3E-4E
Fairview Acres Sub No. 5, Block 30, Lots 1 – 7 and Fairview Acres Sub No. 5, Block 35, Lots 31-34	
Requested Waiver	Affected Code Section
Increase maximum building height within 30' of Greenbelt from 4 – 5 stories	GCC 8-3E-4D
Front setback reduction from 5' to 0' along Carr Street	GCC 8-3E-4D
Side setbacks reduced from 5' to 0'	GCC 8-3E-4D
Fairview Acres Sub No. 5, Block 31, Lots 4-7, 27, and 28	
Requested Waiver	Affected Code Section
5' setbacks reduced to 0' on all sides	GCC 8-3E-4D
Fairview Acres Sub No. 5, Block 34, Lots 8, 27 – 30	
Requested Waiver	Affected Code Section
5% gross landscaping requirement (Lots 8, 27, and 28)	GCC 8-4I-4B1
5' interior side, street side, and rear setbacks reduction	GCC 8-3E-4D

to 0', 0', and 2' respectively (Lots 27 and 28)	
5' setback reduced to 0' on all sides (Lots 29 and 30)	GCC 8-3E-4D
One class 1 tree in corresponding setback adjacent to street	GC 8-4I-4B2
Fairview Acres Sub No. 5, Block 33, Lots 5, 8-11	
Requested Waiver	Affected Code Section
5' rear setback reduced to 3'	GCC 8-3E-4D
Fairview Acres Sub No. 5, Block 33, Lots 24-31	
Requested Waiver	Affected Code Section
5% gross landscaping requirement	GCC 8-4I-4B1
One class 1 tree in corresponding setback adjacent to street	GC 8-4I-4B2
Fairview Acres Sub No. 5, Block 33, Lots 2, 3, 32-34; Block 31, Lots 1 and 2	
Requested Waiver	Affected Code Section
5% gross landscaping requirement	GCC 8-4I-4B1
One class 1 tree in corresponding setback adjacent to street	GC 8-4I-4B2

2. The following code waivers are not granted:

Overall Development	
Requested Waiver	Affected Code Section
10' setback between detached structures	GCC 8-6B-7C-4b
Fairview Acres Sub No. 5, Block 30, Lots 1 – 7 and Fairview Acres Sub No. 5, Block 35, Lots 31-34	
Requested Waiver	Affected Code Section
Encroach into 70' Ordinary High Water Mark Setback	GCC 8-3E-4D

   a. The PUD, SAP, and MSP can be amended though an administrative design review to comply with these requirements provided there is not a substantial change to the approved configuration.

Parking Requirements:

1. A minimum of 403 spaces shall be provided as follows:
   a. Off Street – Residential: 203

b. Off Street Commercial: 126
c. On Street Spaces: 75

2. Prior to the issuance of a building permit or occupancy permit, each use shall provide a parking analysis in accordance with GCC 8-4D-5B demonstrating how many spaces the use requires. The Planning Official can require additional parking spaces be developed for the use and/or parking alternatives as allowed in GCC 8-4D-6.

Street Light Requirements:

1. Streetlights shall be installed in accordance with the Garden City Street Light Policy.
2. LED street lighting or more energy efficient, comparable streetlight fixtures shall be required for all streetlights.

Multi-Modal Pathway – Original Townsite Circulation Network Plan:

1. A recorded, perpetual public access easement shall be provided for a multi-modal, non-motorized pathway prior to the vacation of E. 34th Street in accordance with the Original Townsite Circulation Network Plan (OT-CNP). The pathway shall be located along property adjacent to the Boise River Greenbelt as depicted in the OT-CNP.
2. The minimum width dimension of this easement shall be dimensioned to the minimum paved width required for the Greenbelt.
3. The pathway shall be completed prior to the issuance of a certificate of occupancy or certificate of compliance for a structure and/or use located onsite.
4. Reconfiguration of the SAP, MSP, and PUD to accommodate this easement is authorized and shall be approved by the Design Committee.

General Requirements for the SAP, MSP and PUD:

1. The applicant shall comply with all requirements of the reviewing entities.

2. 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.

3. 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.

4. All utilities shall adequately serve the development and shall be improved as needed to provide adequate service.

5. Required easements must be provided in a recordable document that includes a legal description and illustration.

6. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.

7. The property owner is responsible for the maintenance of all landscaping and screening devices required.

8. 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.

9. 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.

10. 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.

11. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.

12. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan.

13. 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.

14. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.

15. 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.

16. 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.

17. 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.

18. The landscape installation shall stabilize all soil and slopes.

19. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.

20. System Installation Required: Each and every property within the scope of this decision 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.

21. The approval is specific to the application provided and reviewed.

22. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained

23. The property owner is responsible for the maintenance of all landscaping and screening devices required.

24. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.

25. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the City Engineer. Total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.

26. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City.

27. 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.

28. 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. Any changes to the plans and specifications upon which this approval is based, other than those required by the conditions noted in this decision, will require submittal of an application for modification and approval of that application prior to commencing any change. Final approval is based on substantial conformance with the plans reviewed and approved.

29. 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.

30. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing any permits or signing the final plat.

31. In the event that an applicant and/or owner cannot complete the non-life, safety and health improvements prior to occupancy, the City may require a surety agreement in accordance Garden City Code. Unless financial guarantees of improvement completion has been accomplished, no building or occupancy permits shall be issued unless the applicant provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.

32. Final decisions are subject to a 28-day right to judicial review.

33. A takings analysis pursuant to Idaho Code may be requested on final decisions.

23 July 2019

Chairman, Planning and Zoning Commission Date