BEFORE THE DESIGN COMMITTEE
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	SUBFY2019-4
	)	
Coffee House Subdivision	)	FINDINGS OF FACT
E. 34th, E. 35th, and Carr Streets	)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho	)	AND DECISION
	)	

THIS MATTER, came before the Garden City Design Committee for consideration on October 7, 2019 The Design Committee reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Design Committee 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 owner is Urban Willow, LLC

3. The location of the project is 208 E. 34th Street, 209 E. 34th Street, 210 E. 34th Street, 212 E. 35th Street, 213 E. 35th Street, Garden City, ID 83714. Assigned Ada County Parcel #: R2734540790, R2734540770, R2734540760, R2734540751, R2734540730, R2734541420.

4. The subject property is 1.49 acres.

5. The application is for a Preliminary Plat subdivision.

6. The project is located in the Mixed Use Residential and TOD Node of the Comprehensive Plan.

7. The project is in the C-2 General Commercial Zoning District.

8. The following section of the Garden City Development Code apply to this proposal:
    a. Design Review Title 8-Chapter 4, Articles A and B;
    b. Parking Title 8-Chapter 4, Article D;
    c. Sidewalks: Title 8-Chapter 4, Article E;
    d. Sustainable Development Provisions Title 8-Chapter 4, Article G;
    e. Landscaping: Title 8-Chapter 4, Article I;

f. Open Space: Title 8-Chapter 4, Article L;
g. Planned Unit Development Title 8-Chapter 6, Article B;
h. Storm Drainage and Erosion Control Title 4-Chapter 14;
i. Public Water and Sewer Systems Title 6;
j. Utilities: Title 8-Chapter 4, Article A.
k. Subdivision: Title 8-Chapter 5, Articles A and B

9. The subdivision was reviewed for compliance under Specific Area Plan SAPFY2019 – 1 and Planned Unit Development PUDFY2019 – 1. Those decisions have vested rights under ordinance 996-18 (Boise River and Greenbelt Overlay District).

10. A copy of the application and plans were transmitted to interested and affected public agencies and written comments were received from:
    a. Ada County Highway District
    b. Idaho Department of Environmental Quality
    c. Boise School District

11. The record contains:
    a. Neighborhood meeting materials;
    b. Application Materials;
    c. Agency Referral Notice;
    d. Agency Comments;
    e. Property Owner Notices;
    f. Legal Advertisements in Idaho Statesman for hearings;
    g. Affidavit of property posting;
    h. Staff report;

12. The application was received June 5, 2019.

13. The application was not complete at the time of submittal. Revised application materials were received on June 25, 2019. The application was determined to be complete on July 15, 2019

14. The applicant was scheduled for a Committee Public Hearing on October 7, 2019

15. The Committee Public Hearing was scheduled within sixty (60) days of receipt of the application.

16. A public hearing notice for the proposed application was published on September 19, 2019, and on September 19, 2019, notice was mailed to all property owners within a 300-foot radius of the said property in compliance with the public notice requirements of Section 8-6A-7 of the Garden City Municipal Code.

17. The applicant provided an affidavit on or before September 27, 2019 that the property was posted in accordance with Garden City Code.

18. During the Design Committee Hearing on October 7, 2019:

    a. Hannah Ball presented the proposed subdivision.
    b. Chris Samples provided the staff report.
    c. Public testimony was heard from no one.
    d. Public testimony was closed.
    e. Committee member Gresham moved to recommend approval of the subdivision to the City Council as proposed in the draft findings of fact, conclusions of law, and decision.
    f. Committee member Hurd seconded the motion.
    g. The motion carried unanimously.

19. In consideration of a preliminary subdivision or combined preliminary and final subdivision, the Committee shall make the following findings:

GCC 8-5B-5 SUBDIVISION PROCESS: REQUIRED FINDINGS			
Compliant			
Yes	No	N/A	City Standards and Conclusions
X			Finding: The subdivision is in conformance with the Comprehensive Plan.
			Analysis: The proposed subdivision is in conformance with the Garden City Comprehensive Plan. The proposed subdivision meets the requirements of the 34th Street Master Plan, which was determined to be compliant with the Comprehensive Plan.
X			Finding: The subdivision is in conformance with all applicable provisions of the Development Code.
			Analysis: The proposed subdivision is in conformance with the requirements of Garden City Code as conditioned herein. The proposed subdivision does not meet the requirements of the 34th Street Master Plan. The requirements of Garden City Code 4-14, 4-15, Title 6, and 8-3B are reviewed administratively.
X			Finding: Public services are available or can be made available; and are adequate to accommodate the proposed development.
			Analysis: Services are available to serve the site and the proposed development. The subdivision is directly modeled after the

			34th Street Master Plan and PUDFY2019 – 1. The approvals provided for those entitlements were based on the availability of public services.
X			Finding: The subdivision is in conformance with scheduled public improvements in accord with the City's capital improvement program.
			Analysis: The subdivision complies with the 34th Street Master Plan and PUDFY2019 – 1. The proposed subdivision does not appear to impact the city's capital improvement plan.
X			Finding: There is public financial capability of supporting services for the proposed development.
			Analysis: The subdivision complies with the 34th Street Master Plan and PUDFY2019 – 1. The approvals provided for those entitlements were based on the ability to support services for the development.
X			Finding: The development will not be detrimental the public health, safety, or general welfare.
			Analysis: The subdivision complies with the 34th Street Master Plan and PUDFY2019 – 1. The approvals provided for those entitlements were based on the entitlements not being detrimental to the public health, safety or general welfare.
X			Finding: The development preserves significant natural, scenic or historic features
			Analysis: Not applicable. No significant natural, scenic or historic features were identified in the record.

CONCLUSIONS OF LAW

The Design Committee 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 8-5B-5.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Decision, the Garden City Design Committee hereby recommends approval of SUBFY2019-4 for a Preliminary Plat subdivision to be located at 208 E. 34th Street, 209 E. 34th Street, 210 E. 34th Street, 212 E. 35th Street, 213 E. 35th Street, Garden City, ID 83714 and assigned Ada County Parcel #: R2734540790, R2734540770, R2734540760, R2734540751, R2734540730, R2734541420 and subject to the following conditions:

Site Specific Requirements:

1. This approval is for a preliminary plat processed as a planned unit development for a residential subdivision encompassing 33 lots – 31 designated for residential use, and 2 common lots. This approval does not preclude other uses as allowed by Garden City Code.

2. If the final plat is in substantial compliance with the preliminary plat, an additional final plat hearing is not required.

3. The final plat shall not be signed until all conditions identified in Specific Area Plan SAPFY2019 – 1 and Planned Unit Development PUDFY2019 – 1 have been satisfied to initiate the plan.

4. The subdivision must comply with the requirements of Specific Area Plan SAPFY2019 – 1 and Planned Unit Development PUDFY2019 – 1.

5. There shall be a 10' setback between detached structures as required by Garden City Code 8-6B-7 and Specific Area Plan SAPFY2019 – 1 and Planned Unit Development PUDFY2019 – 1.

6. Structural design shall be reviewed by the Design Review Committee in accordance with Garden City Code 8-6B-3.

7. The final plat will not be signed, construction documents will not be approved, nor shall any approval be given that would affect the physical or legal nature of the

subject property until confirmation that Urban Willow LLC is in agreement with the subdivision.

8. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho."

9. Cross access easements across the common lots must be provided prior to the issuance of building permits.

General Requirements:

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. Required easements must either be on the plat or provided in a recordable document that includes a legal description and illustration.

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

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

7. 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.

8. 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.

9. 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.

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

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

12. 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.

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

14. 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.

15. 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.

16. 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.

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

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

19. 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.

20. Demonstrate compliance with 8-4G-1 prior to signing of the plat.

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 and recordation of the final plat. 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. No subdivision plat required shall be recorded by the Ada County Recorder until such subdivision plat has received final approval by the Council. No public board, agency, Commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Title until final plat has received the approval by the Council.

31. 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.

32. In the event that an applicant and/or owner cannot complete the non-life, safety and health improvements, within the time specified in the final subdivision approval or 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 approval of the final subdivision or recording thereof shall be permitted unless the applicant provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.

33. Approval shall become null and void if the applicant fails to record a final subdivision within one (1) year of the approval. If the timetable is not met and the applicant does not receive a time extension, the application will expire and become null and void.

34. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.

35. The Planning Official may authorize a single extension of time to record the final subdivision not to exceed one (1) year. Additional time extensions up to one (1) year as determined and approved by the City Council may be granted. With all extensions, the Planning Official or City Council may require the preliminary subdivision or combined preliminary and final subdivision to comply with the current regulations.

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

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

10/8/2019

Design Committee. Date