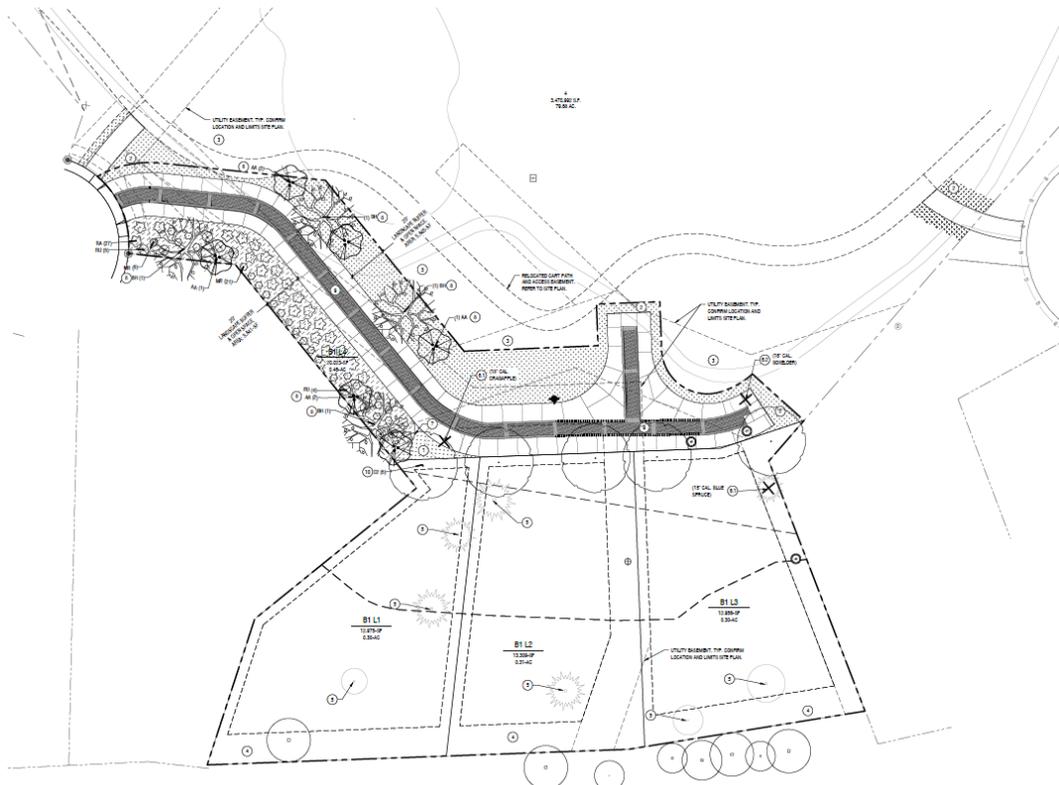


CITY OF GARDEN CITY

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

File Number: SUBFY2020-6
For: Preliminary Plat Subdivision, Glass Island View Subdivision
A 4-lot residential subdivision
Location: 6515 W. State Street
Applicant: Robert Taunton for Glass Creek, LLC
Report Date: June 10, 2020 updated June 29, 2020
Updated to Include Recommendations: July 22, 2020
City Council Hearing Date: July 27, 2020



Staff Report
Prepared by Jenah Thornborrow

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A. File Document Links:

The below links include the record materials:

[Planning and Zoning Commission Recommendation](#)

[Design Review Committee Recommendation](#)

[Application and Materials, Initial](#)

[Application Materials, Supplement, Special Power of Attorney](#)

[Application Materials, Supplement, Affidavit of Legal Interest](#)

[Application Materials, Supplement, Floodplain documents, received July 1, 2020](#)

[Application Materials, Supplement, revised documents received July 21, 2020](#)

[Applicant PowerPoint Presentation DC July 6, 2020](#)

[Applicant PowerPoint Presentation PZ July 15, 2020](#)

[Agency Comments](#)

[Public Testimony, All, as of June 10, 2020](#)

[Public Testimony, Bush, June 17, 2020](#)

[Public Comment, Hollar, June 29, 2020](#)

[Public Comment, V. Heusinkveld, July 8, 2020](#)

[Public Comment, Bush, July 8, 2020](#)

[Public Comment, V. Heusinkveld, July 8, 2020 #2](#)

Design Review Committee Hearing Exhibits, July 6, 2020* three images were provided via zoom testimony from the Heusinkvelds. Staff has requested these, but has not received them as of the date of the drafting of this report

[Staff Presentation DC July 6, 2020](#)

[Staff Presentation PZ July 15, 2020](#)

[Minutes, PZ June 17, 2020](#)

[Noticing Documents](#)

[Property Posting for June 17, 2020 PZ Meeting](#)

[Property Posting for July 6, 2020 DC Meeting](#)

[Property Posting for July 27, 2020 City Council Meeting](#)

B. Recommendation Summary:

On June 17, 2020 the Planning and Zoning Commission continued the scheduled hearing to a date certain of July 15, 2020. On July 6, 2020 the Design Review Committee recommended approval unanimously. On July 15, 2020 the Planning and Zoning Commission recommended approval unanimously. There are no conflicting conditions of approval in the recommendations that need to be reconciled.

During discussion, the Design Review Committee noted that the applicant indicated that the 70' setback could change due to refinement of the 6500 CFS location prior to the application being heard by the City Council. The applicant clarified that it would not significantly change.

During discussion, one or more of the Planning and Zoning Commissioners noted:

1. Commendation of the developer and the neighbors for working together and addressing concerns and issues during the continuance.
2. The public pathway proposal was eliminated.
3. Comment that there are no concerns with the vehicular trip counts.
4. History of the 6,500 CFS line.
5. Concern with cohesiveness of governance, based on potentially different CC&Rs.
6. Parking:
 - a. There is room on the buildable lots for additional parking.
 - b. Parking will not be allowed in the hammer head per fire department requirements.
7. The lot size is consistent with other lots in the vicinity.

Public testimony from the hearings is summarized in the [Public Testimony](#) section of this report.

C. Summary of Revised Application Documents:

The applicant provided revised application documents on July 21, 2020. These documents were not reviewed by the Planning and Zoning Commission or Design Review Committee. Below is a summary of these documents.

The revised plans, dated July 20, 2020, include:

- Sheet PP-2 Existing Conditions-Topographic Survey-Project Area
- Sheet PP-3 Preliminary Plat & Site Plan
- Sheet PP4 Landscape Plan
- Sheet PP-5 Landscape Details

The plans were updated to reflect the following changes:

- Revised the 6500 CFS line to the 2623 elevation contour
- Revised the 70' building setback line
- Extended the Lots 1-3 lot lines north to create a 20' front setback including a 10' public utility easement (PUE) south of the shared drive
- Reduced the area of common Lot 4 by including a portion of the shared drive as an easement on Lots 1-3
- Adjusted the width, square footage and building pad size of Lots 1-3
- Reduced the landscaped area slightly and the open space percentage from 16.3% to 16% due to the extended lot line on Lot 1
- Relocated a planned tree adjacent Lot 1
- Removed the proposed 10' public access pathway

These changes do not affect code compliance with regard to the Garden City Development Code, Title 8, nor do they affect the recommended conditions of approval.

D. Project Information

Proposed Scope of Work:

This application is for a subdivision per [Garden City Code 8-7A-2 Definition of Terms](#):

Subdivision: The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which may also include easements and the dedication of a public street or designation of private lanes or rights-of-way, and the addition to, or creation of, a cemetery

Review Process	Notes
8-5B-2 Preliminary Subdivision Process	A final plat will be required per 8-5B-3 at a later date.

Special Provisions	Notes
Subdivisions located within a Floodplain 8-5C-4	The applicant has provided a concurrent Floodplain Development application. This will be reviewed in conjunction with construction plans provided approval of the requested application.

Site Conditions:

- 1) Street Address: 6515 W. State Street
- 2) Parcel Number:
- 3) Property Description: A parcel of land being a Re-Subdivision of a portion of Lot 70, Block 1 of "The Amended Plat of a Portion of Lot 1, and all of Lots 2, 3, 4, 5 and 6, Block 1 of The Plantation No. 2" (Subdivision), located in Government Lot 2 in the Southwest Quarter of Section 30, Township 4 North, Range 2 East, Boise Meridian, Garden City, Ada County, Idaho
- 4) Property Size: 1.36 acres (of the 18.1 acre parcel as identified through the Ada County Assessor's site parcel R7100480125)
- 5) Zoning District: R-2 Low Density Residential
- 6) Zoning Overlay(s): GCC 8-3B Flood Hazard
- 7) Comprehensive Plan Land Use Map Designation:
 - a) Residential Low Density
- 8) Legal Lot of Record: Yes
- 9) Floodplain Designation:
 - a) 2003 FIRM: Predominantly Floodway, some AE
 - b) 2017 Draft FIRM: Part of Floodway removed
- 10) Surrounding Uses within 600 feet:
 - a) Dwelling Unit, Single Family, Detached
 - b) Plantation Country Club-Golf Course
- 11) Existing Use: Plantation Country Club-Golf Course
- 12) Easements on site:
 - a) 30' Sewer, Drainage, and Public Utilities Easement
 - b) 40' Sewer, Drainage, and Public Utilities Easement located at northern boundary
 - c) 10' Drainage at easterly boundary
- 13) Site Access: Gramarcy Lane
- 14) Sidewalks: Existing attached sidewalk on Gramarcy with rolled curbing

Project Details:

- 1) Proposed development: Residential Preliminary Plat

- 2) Total number of lots: 4
 - a) Common: 1
 - b) Residential: 3
 - c) Non-Residential: 0
 - d) Mixed-Use: 0
 - e) Live-Work: 0
- 3) Density: 2.2 units/ acre
- 4) Site Coverage:
 - a) Building: up to 12,088 sq. ft.
 - b) Landscaping: 9,509 sq. ft. in subdivision easement/ 16% of site. The residential lots landscaping not determined
 - c) Common lot: 20,023 sq. ft. including the 9,509 sq. ft. of landscaping and drive.
- 5) Access: Private drive access for all units. Private drive access from Gramarcy Lane.
- 6) Total number of vehicular parking spaces: Unknown
- 7) Total number of bicycle parking: Unknown
- 8) Refuse: Individual services and picked up from the drive.
- 9) Fencing: No fence has been proposed
- 10) Sidewalk: There is an existing attached sidewalk with rolled curb on Gramarcy Lane.
- 11) Pathway: New public path proposed outside of project parameters to Gramarcy Lane to a future 10' Public Access/ cart access, to a 10' pathway connect to Plantation River Drive
- 12) Landscaping:
 - a) Street Trees: 5 class II (included in counts below)
 - b) Parameter Landscaping: 9,686 sq. ft on either side of drive
 - i) 62 woody shrubs, turf and rock mulch
 - ii) 6 class I trees
 - iii) 9 class II trees
 - iv) 7 existing trees to be retained
- 13) City Utilities:
 - a) Water and Sewer connection to lots
 - b) 16" water service
 - c) Hydrant
- 14) Proposed Easements:
 - a) Maintain existing 30' Sewer, Drainage, and Public Utilities Easement
 - b) Maintain existing 10' drainage easement at easterly boundary
 - c) 20' water easement for a proposed 16" water relocate to connect to the 20' water easement crossing the Boise River
 - d) 20' landscape and open space consisting of 3,687 square feet to the south of the proposed drive
 - e) Landscape and open space consisting of 5,822 square feet to the north of the proposed drive
 - f) Perpetual ingress/egress easement on shared drive.

E. Discussion

While the path discussed in this section is no longer a part of the application, during the Planning and Zoning Commission hearing the path was referenced in 3 of the 4 testimonies. As such staff has kept the discussion in this report as presented to the Planning and Zoning Commission and Design Review Committee.

The preliminary plat sheet PP-3, of the initial submittal, depicts a relocation of a 10' cart path within a 12' public access easement as well as new public access connection from the path to Gramarcy Lane and add public access to an existing 10' private connection at Plantation River Drive. This path and the connections are outside of the confines of the proposed subdivision parameters.

There was concern noted by members of the public related to this connection.

On page 6 of the Compliance Statement and Statement of Intent document it states: "The applicant is proposing a public 10-foot ped/bike/golf cart connection between W. Gramarcy Ln. and N. Plantation River Dr. on the golf course within a 12-foot public access easement. Garden City staff has requested the connectivity. This staff proposal for connection, however, is subject to the Investors Plantation on the River Homeowner's Association recording a public access easement within the 10- foot pedestrian walkway easement on Lot 90 of Investor's Plantation subdivision. If that Association declines to take that action, the applicant will withdraw the proposal for the connection and public access, and the existing safety fence restricting access to the golf course from N. Plantation River Dr. will remain."

The City has received a letter from the Investors Plantation on the River Homeowner's Association stating: "We, the undersigned members have been fully advised and hereby disapprove of this aspect of the project."

Following the City's receipt of the Investors Plantation on the River Homeowners Association letter opposing the public access connection within the Homeowners Pedestrian Walkway between the golf course and Plantation River Dr., the applicant advised City staff that it will no longer pursue a pedestrian/bicycle/golf cart connection between Gramarcy Lane and Plantation River Drive.

Points of Clarification

While it is understood that the subject connection will not be pursued, points of clarification related to the subject connection have not been omitted from the staff report for benefit of the record.

1. Garden City has received confirmation from Ada County Highway District that both Gramarcy Lane and Plantation River Drive are public roads.
2. The subject public access connection was not intended for motor vehicles.
3. The applicant has indicated that during a preapplication meeting with Glass Creek, LLC representatives, Garden City staff member, Chris Samples, noted that connectivity is a component that the Garden City Code and the Garden City Comprehensive Plan aspire.
4. Garden City staff member, Jenah Thornborrow, has also had similar discussions in very cursory verbal discussions related to any potential golf course redesign. She has indicated that from a system planning approach future connectivity would ideally provide a better safe and comfortable route to school for the Pierce Park elementary and Riverglen Junior High students. The current connection from the Greenbelt is a 1.4 mile

stretch along Plantation River Drive and State Street without comfortable access to cross State Street.

5. While Garden City Code [8-5A-5 E. Design Standards for Pathways and Trails](#) allows for the exaction of right-of-way for pathways and trails, this provision does not extend beyond the parameters of the proposed subdivision and could not require that the public access or improvements or easement be extended onto the property located at 3411 N. Plantation River Drive.
6. Garden City Code does not preclude Glass Creek, LLC from relocating the cart path and granting public access on the portion of Glass Creek’s property that is outside the parameters of the subdivision.

The City has received additional public testimony voicing concerns related to many other aspects of this application. These comments are summarized in the [Public Testimony](#) section of this report. All comments are included in their entirety as a part of the record.

F. Decision Process

General Provisions

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

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

Decision	Recommendation Authority/ Hearing Date	Decision Authority
Preliminary Plat Subdivision	Planning and Zoning Commission: Hearing June 17, 2020 continued to July 15, 2020 and Design Review Committee: Hearing July 6, 2020	City Council: Hearing July 27, 2020

Required Findings:

For the approval of a PRELIMINARY PLAT SUBDIVISION, the decision making body must find the application meets the following findings, found in GCC 8-5B-5:

- A. The subdivision is in conformance with the comprehensive plan;
- B. The subdivision is in conformance with all applicable provisions of this title;
- C. Public services are available or can be made available; and are adequate to accommodate the proposed development;

- D. The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program;
- E. There is public financial capability of supporting services for the proposed development;
- F. The development will not be detrimental to the public health, safety or general welfare; and
- G. The development preserves significant natural, scenic or historic features

Decision:

After hearing the evidence and considering the application, the decision maker shall make its 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.

G. Agency Comments

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District	6/4/2020 6/11/2020	<p>1. Verification from Austin Miller that Gramarcy Lane and Plantation River Drive are public roads.</p> <p>Site Specific Conditions:</p> <p>1. Coordinate with District Development Review staff on the relocation and design of the storm drain facilities and easement location.</p> <p>2. Construct a 22-foot wide curb cut type driveway onto Gramarcy Lane abutting the site.</p> <p>3. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.</p> <p>4. Payment of impact fees is due prior to issuance of a building permit.</p> <p>5. Comply with all Standard Conditions of Approval.</p>
Boise School District	6/2/2020	<p>Elementary: Pierce Park Junior High: River Glen High: Capital</p> <p>No traffic impact noted</p>
Department of Environmental Quality	6/10/2020	Standard comments
Flood Control District No. 10	6/9/2020	<p>1. The 6500 CFS line does not appear to be clearly outlined which establishes the 70' setback</p> <p>2. Can provide 2019 green Lidar</p>
Garden City Engineer	6/9/2020	<p>For final approval the following items are needed:</p> <p>1. Affidavit of Legal Interest (submitted)</p>

		<ol style="list-style-type: none"> 2. ACHD approval 3. NACFRD approval 4. Water and Sewer review, services, and easements 5. FEMA LOMA approval 6. Grading and Drainage review and approval 7. O&M agreement
Idaho Transportation Department	6/2/2020	No objections

H. Public Testimony

The following public comments and testimony were provided to the recommending bodies in written format or via phone conversation with staff:

Commenter	Comment Date	Summary
Investors Plantation on the River Subdivision Homeowners Association (IPOR- HOA)	6-1-2020	<ul style="list-style-type: none"> • The Homeowners Pedestrian Walkway crosses over 3411 North Plantation River Drive. • The identified connection requires the IPOR-HOA approval. • IPOR-HOA does not approve of the connection.
Rife	6-5-2020	<ul style="list-style-type: none"> • Opposed
Hutton	6-5-2020	<ul style="list-style-type: none"> • Support
Brown	6-8-2020	<p>Concerns regarding:</p> <ul style="list-style-type: none"> • Congestion and safety related to proposed drive • Emergency and school bus access • Connection to Gramarcy Lane • Proximity to golf course
Bush	6-3-2020 6-8-2020 6-17-2020 7-8-2020	<ul style="list-style-type: none"> • Phone conversation with staff member, Thornborrow requesting rescheduling to a later date for adequate time to provide comment. • Request to continue all hearings for a 45 day window to review and respond to materials • Additional written request to continue application <p>Concerns regarding:</p> <ul style="list-style-type: none"> • Timing of noticing • Order of hearings • Previous easement vacation did not mention intent of subdivision • Taunton may not have signatory rights on behalf of Glass Creek LLC • Lack of master plan with regards to the Specific Area Plan application code amendment change potential request • Ability to complete an approved LOMA • Proposed Public Easement not pertinent to the subdivision proposal • Affidavit of Legal Interest • Whether the property can be subdivided

		<ul style="list-style-type: none"> • Soils report and floodplain issues
Stenshoel	6-1-2020 6-8-2020	<p>Requested that hearing be postponed allowing for outside consultation to possibly be sought.</p> <p>Concerns regarding:</p> <ul style="list-style-type: none"> • Size of lots and square footage of proposed homes • Parking • Traffic • Pedestrian Safety • Lack of CC&Rs • Redevelopment of golf course holes 15 and 16
Massman	6-9-2020	<p>Concerns regarding:</p> <ul style="list-style-type: none"> • Lot size • Consistency with adjacent properties • Guest Parking
Hauser	6-9-2020	<p>Request delay in public hearings</p> <ul style="list-style-type: none"> • Concerns regarding adequate time to review application materials and consult with professionals and neighbors
Wilper	6-9-2020	<p>Concerns regarding:</p> <ul style="list-style-type: none"> • Public connection across property • Parking • Size of lots • Timing to contact engineering firm to review application
Ellis	6-10-2020	<p>Concerns regarding:</p> <ul style="list-style-type: none"> • Removal of trees and habitat • Parking • Fire access • Health and safety issues regarding connectivity • Liability • Future additional development of golf course
Gordon	6-10-2020	<ul style="list-style-type: none"> • Request to continue all hearings for one month • Concurrence with letters submitted by Bush, Snowden, Wilper, and Heusinkvelds <p>Concerns regarding:</p> <ul style="list-style-type: none"> • Dates different than told verbally by Charles Wadams • Project is complex • Mis-located mean high-water mark • Misrepresentation • Dumping in area between proposed lots and river • Need for a setback from the proposed road • Tree preservation • Adequacy of proposed road • Misleading geotechnical soil survey • Public easement
Heusinkvelds	6-10-2020 7-8-2020	<p>Concerns regarding:</p> <ul style="list-style-type: none"> • Material errors in the application • Floodway • The 6500 cfs is misrepresented in the application • Fill is in the floodway

		<ul style="list-style-type: none"> • Application does not meet standards of GCC 8-3B-5-4 Floodways • LOMA cannot be utilized in this application • Site remains in the floodway based on the 2017 FIS maps • Intent to reinforce riverbank • Preliminary Plat engineering reports lacking fill materials • Unable to identify original purpose of subject property • Previously vacated easement was intended to be a part of the greenbelt system • Vegetation is contributor to stability of riverbank • Lack of tree protection • Lack of communication with Glass Creek LLC • Requested additional review considerations • Tree preservation recommendations
Lake	6-10-2020	<p>Concerns regarding:</p> <ul style="list-style-type: none"> • Lack of parking • Density • Lack of CC&Rs • Safety Concerns related to 16th hole tee box
Martin	6-10-2020	<p>Concerns regarding:</p> <ul style="list-style-type: none"> • Compatibility with neighborhood • High water table • Poor drainage • Increased risk of property damage • Identified connection
Snowden	6-10-2020	<ul style="list-style-type: none"> • Request to continue all hearings for one month <p>Concerns regarding:</p> <ul style="list-style-type: none"> • Two houses rather than three • Dumped material in the 70' setback • Potential tree removal • Value of proposed homes • Public Access connection • HOA membership requirements
Williams	6-10-2020	<p>Concerns regarding:</p> <ul style="list-style-type: none"> • Expectations of existing homeowners • Parking • Emergency services
Hollar	6-29-2020	Opposed

The following public comments and testimony were provided to the recommending during a public hearing:

Commenter	Hearing	Summary
Heusinkveld, Jake	DC July 6, 2020	Opposition related to landscaping, incompatibility with the neighborhood, and noted that a takings analysis can be requested per LLUPA.
Heusinkveld, Valerie	DC July 6, 2020	Opposition related to tree/landscaping preservation and

		protection, compatibility with the neighborhood, floodplain concern, and covenants.
Snowden	DC July 6, 2020	Opposition related to CC&R standards not being required of new homes and compatibility with the neighborhood.
Houser	DC July 6, 2020	Opposition related to too many homes being proposed in the designated space, damage to existing landscaping, compatibility with neighborhood, and lack of HOA oversight
Stenshoel	DC July 6, 2020	Opposition related to parking, HOA regulations, congestion, and headlights shining onto her property.
Heusinkveld, Jake	PZ July 15, 2020	Neutral: Thanked Commission for continuance as it allowed time to review the application with experts. Mr. Heusinkveld also noted concerns with the previously proposed bike path that was removed from the application.
Heusinkveld, Valerie	PZ July 15, 2020	Neutral: Thanked the members of Glass Creek LLC and Commission. Ms. Heusinkveld also noted concerns with the previously proposed bike path that was removed from the application.
Ball	PZ July 15, 2020	Neutral: Questioned if Garden City will require the subdivision to be governed by a Homeowners Association.
Hauser	PZ July 15, 2020	Opposition: Thanked the Commission for additional time. Concerns related to the parking. Noted desires to have the subdivision governed by the CC&Rs. She noted concerns with the previously proposed bike path that was removed from the application.

I. Code/Policy Review

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

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations			

8-1A-4 Applicability		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
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Title 8, Chapter 2: Base Zoning District Regulations

8-2B-1 Purpose	PZ/CC	No compliance issues noted	The application just over 2 units per acre, under the 6 units per acre maximum within the R-2 Zoning District. The subdivision does not specifically request entitlements for any use in conjunction with this application, but assumes single family detached residential units, which is consistent with the purpose identified for the R-2 Zoning District.
8-2B-2 Allowed Uses	PZ/CC	No compliance issues noted	There are no specific uses identified, but the application identifies residential. Single family dwelling unit is a permitted use within the zoning district.
8-2B-3 Form Standards	PZ/CC	No compliance issues noted	The required setbacks are: Front: 15'/20', Interior Side: 0'/5', Rear: 15', Street side: 20' The allowable maximum height is: 35' The minimum lot size is: 6,000 sq. ft. There are no encroachments noted in this application The 70' setback from the Boise River is noted on the plat. All properties meet the minimum required street frontage.

Title 8, Chapter 3: Overlay Zoning District Regulations

8-3B Flood Hazard	PZ/CC	No compliance issues noted, provided the draft condition of approval, or similar is in place.	The applicant will be required to complete a floodplain development application in conjunction with this application. No construction can occur until after approval of the application. The application will be processed during the review of subdivision construction plans following the approval of the preliminary plat. A draft condition of approval has been proposed that the applicant will be required to meet all requirements of the floodplain development permit, including reviewers' conditions prior to final approval of the subdivision.
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Title 8, Chapter 4: Design and Development Regulations

[8-4A General Provisions](#)

8-4A-3 Fences and Walls		N/A	This proposal does not identify any fence or wall. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.
8-4A-4 Outdoor Lighting		N/A	This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development.
8-4A-5 Outdoor Service and		NA	This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.

Equipment Areas			
8-4A-6 Self-Service Uses		NA	This proposal does not identify any self-service uses. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.
8-4A-7 Stormwater Systems	DC/CC	No compliance issues noted, provided the draft condition of approval, or similar is in place.	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
8-4A-8 Utilities	DC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	A draft condition of approval is provided requiring each lot to be connected to City services. Another draft condition of approval is provided requiring that all utilities be underground.
8-4A-9 Waterways	DC/CC	No compliance issues noted, provided the draft condition of approval, or similar is in place.	Any alteration to the Boise River or the floodway will be required to comply with an approved floodplain development permit. There does not appear to be Boise River irrigation facilities to the site.
<u>8-4B Design Provisions for Residential Structures</u>			
8-4B Design Provisions for Residential Structures		N/A	The applicant did not provide building designs for review. These provisions will be reviewed in conjunction with the subsequent individual building permits.
<u>8-4C Design Provisions for Nonresidential Structures</u>			
8-4C Design Provisions for Nonresidential Structures		N/A	This application does not contemplate nonresidential structures or uses.
<u>8-4D Parking and Off Street Loading Provisions</u>			
8-4D Parking and Off-Street Loading Provisions	DC/CC	No compliance issues noted, provided the draft condition of approval, or similar is in place.	Parking information was not provided with the application. There is a draft condition of approval: Each lot shall provide a minimum of 2 parking spaces, at least one of which must be in an enclosed garage. An additional 2 spaces shall be provided for guest parking within the subdivision. This may be achieved by providing parking on the common lot or by providing

			additional spaces on the buildable lots. Parking spaces shall meet the requirements of Garden City Code 8-4D-3 at the time of submittal of a building permit.
8-4E Transportation and Connectivity Provisions			
8-4E-3 Public Street Connections	DC/CC	No compliance issues noted	Public street connection at Gramarcy Lane for a common driveway to access all three buildable lots. 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.
8-4E-4 Internal Circulation Standards	DC/CC	No compliance issues noted	The drive is 20' or greater in width.
8-4E-5 Private Street Standards		N/A	
8-4E-6 Sidewalk Standards	DC/CC	No compliance issues noted	There is an existing attached sidewalk on Gramarcy Street. As the sidewalk is attached for the entire cul-de-sac the existing sidewalk meets the provision: C. Detached sidewalks shall be required unless in conflict with a street plan adopted by the transit authority and/or the city <u>or there is existing attached sidewalk on both sides adjacent to the property.</u>
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC/CC	No compliance issues noted	The drive is concrete with permeable pavers in the middle. The concrete portions can be utilized to provide access through the site for pedestrians. In general, this has been an acceptable approach to achieve access.
8-4E-8 Transit Facilities		N/A	
8-4G Sustainable Development Provisions			
8-4G Sustainable Development Provisions		N/A	There are less than four dwelling units proposed.
8-4I Landscaping and Tree Protection Provisions			
8-4I-3 General Landscaping Standards and Irrigation Provisions	DRC/CC	No compliance issues noted, provided the draft condition of approval, or similar is in place.	The planting size meets or exceeds code requirements, and the landscaping areas exceed the 70% coverage requirement. There are general conditions that the spacing, planting, watering, etc. design meets 8-4I requirements.
8-4I-4 Landscaping Provisions for Specific Uses	DRC/CC	No compliance issues noted	Five total class II or III trees are required. Each lot is required to have a class II or III tree in the front yard.
8-4I-5 Perimeter Landscaping Provisions	DC/CC	Staff report to Design Review Committee noted discussion	Code requires perimeter landscaping along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property. The purpose identified in code may not align with the conditions of this application:

		required, Design Review Committee recommended approval	<p>A. Purpose: The perimeter landscaping shall provide the following benefits:</p> <ol style="list-style-type: none"> 1. To provide a visual barrier between different land uses; 2. To enhance the streetscape; 3. To provide privacy; and 4. To protect uses from wind, dust, noise, traffic, glare, visual disorder, and harmful or noxious effects. <p>While there is a buffer between the proposed residential lots that far exceeds the 10' requirement, it is proposed to be turf rather than a screening plant material of 6' X 6', which may be challenging to achieve within the parameters of the easements.</p> <p>Code does not specify the use of a 'golf course'. It is very common for homes to be integrated with golf courses and not screened from view where the golf course becomes an extension of the residential composition, including at Plantation Country Club-Golf course.</p> <p>The requiring perimeter landscaping may conflict with Garden City Code 8-5A-5 Design Standards:</p> <p>G. Public Sites:</p> <ol style="list-style-type: none"> 2. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots and similar irreplaceable assets) should be preserved in the design of the subdivision. <p>The Design Review Committee recommended approval of the application as proposed in the application.</p> <p>Additionally, to ensure compliance with GCC 8-4I-5 provisions there are general conditions of approval requiring that:</p> <ol style="list-style-type: none"> 1) Water delivery be in compliance with Idaho Code and Garden City Code, as approved by the Garden City Engineer. 2) Pressurized Irrigation be provided in compliance Garden City Code, as approved by the Garden City Engineer. The applicant has advised that they will submit a waiver, as permitted by code, with the subdivision construction plans.
8-4I-6 Parking Lot Landscaping Provisions		N/A	
8-4I-7 Tree Preservation Provisions	DRC/CC	No compliance issues noted	The application proposes the removal of 49" caliper tree, 33" of which requires mitigation. The application proposes 35" to be planted.

8-4L Open Space Provisions

8-4L-3 General Open Space Standards	DRC/CC	No compliance issues noted	There is 16% dedicated to landscaping in an easement exceeding the 10% requirement
8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments	DRC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	The proposed landscape easements are greater than 400 feet of greater than 20' in width and length along the drive. Identification of ownership and maintenance responsibility is required. There is a draft condition of approval that ownership and maintenance shall be identified by final plat approval.

Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards

8-5A-4 General Standards	PZ/DRC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	See discussions on Design Review 8-4 B&C; Driveways 8-4-E; Floodplain 8-3-B; Landscaping 8-4-I; Open Space 8-4-L; Parking 8-4-D; Planned Unit Development 8-6B; Private Streets 8-4-E; Sidewalks 8-4-E; Street design and development standards 8-4-G; Sustainable development provisions 8-4-G; Utilities 8-4-A; Zoning Provisions 8-2-B There are general conditions of approval that the application must be in conformance with the requirements of Garden City Code Erosion Control 4-15; Public water and sewer systems Title 6; Storm drainage and discharge control 4-14 prior to the approval of the subdivision.
8-5A-5 Design Standards	PZ/DRC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	Please refer to the <u>discussion</u> section related to the public concern related to the pathway. The application to the Planning and Zoning Commission and Design Review Committee had a front setback of 5' noted. Code requires that the setback be 20'. This was not a compliance concern in that at the shortest depth there is still roughly 40' of buildable space. The applicant has revised this to where a portion of the drive is contained within the lots, and the 20' setback is depicted from the revised property line. There are general conditions of approval related to easement as well as pressurized irrigation system requirements.
8-5A-6 Improvement Standards			A subsequent application will be required for staff approval to ensure that the proposed improvements meet code standards and policies for storm drainage, water, sewer, utilities, and monuments and are otherwise in conformance with this approval. A hydrant and a fire turn-around have been proposed. Street improvements are not necessary. The only portion of the application that contains a street is the access onto Gramarcy Lane. Gramarcy Lane is already constructed with a 5' attached sidewalk with rolled curbing. There is a streetlight located at the end of Gramarcy Lane.

8-5C-4 Subdivisions located within a Floodplain

8-5C-4 Subdivisions located within a Floodplain	PZ/DRC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	There are proposed conditions coinciding with provisions found within this code section.
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process	PZ/DRC/CC	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.
8-6A-4 Required Application Information	PZ/DRC/CC	No compliance issues noted	Application waivers requested pursuant to 8-6A-4A The requested waiver of code required application information includes a waiver request of a lighting plan as no lighting is proposed and schematics as the architecture of the structures are not determined. The applicant has requested waivers of application information required by the Garden City Land Division application form: CC&Rs (noting none proposed), Ability to Serve (noting that it has been requested by a separate application), Irrigation/Ditch Company information (noting N/A), Master Sign Plan (noting N/A). The applicant also requested a waiver for the Affidavit of Legal Interest and provided a Appointment of Designated Agent and Special Power of Attorney in its place.
8-6A-7 Public Hearing Process	PZ/DRC/CC	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit of property posting more than 7 days in advance of each hearing that the property was posted more than 10 days prior to the hearings.
8-6B-7 Planned Unit Development	DC/CC	N/A	Garden City Code 8-5A-4 notes that review of a subdivision shall include review of 8-6B-7 Planned Unit Development. This application is not requesting nor is required to be processed under these provisions, and therefore, Garden City Code 8-6B-7 Planned Unit Development is not applicable.

Other Items Reviewed

Plan/Policy	Discussion/ Analysis
Garden City Comprehensive Plan	This application is in future land use designations of the Comprehensive Plan: a) Residential Low Density

	This designation notes that the area is intended to be 'predominately single-family detached housing, although some areas of attached housing may be appropriate near major arterials and public facilities.'
Garden City Street Light Policy	No issues noted. There is a streetlight located at the end of Gramarcy Lane.