

BEFORE THE GARDEN CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	SUBFY2021-0008
)	
)	
Combined Preliminary and Final Plat)	
Subdivision)	FINDINGS OF FACT
305 E. 45 th Street)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER came before the Garden City Council for consideration on January 10, 2022. The Garden City Council reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The application is for a Combined Preliminary and Final Plat processed as a Planned Unit Development subdivision.
2. The applicant is Matt McAnulty with Chrysalis Architecture.
3. The property owner of record is 304 E. 45th ST Garden City LLC.
4. The location of the project is 304 E. 45th Street; Taxing Parcel Number: R4265400051; Property is described as Lots 01-04 of the Iota Subdivision #0020-0040-0060-0080-C.
5. The subject property is 0.680 acres.
6. The project is in the Mixed-Use Commercial designation of the Comprehensive Plan Future Land Use Map.
7. The project is in the R-3 Zoning District.
8. The project is not located in the floodplain according to the 2003 FIRM.
9. The project is in the floodplain according to FEMA's most recent modeling of the Lower Boise River.
10. There has been no denial of any application in the same form for the same use on this property within one year.

11. The following section of the Garden City Development Code apply to this proposal:
- a. Garden City Code 8-1: General Regulations
 - b. Garden City Code 8-5: Land Division Regulations
 - c. Garden City Code 8-2B: Base Zoning District Regulations
 - d. Garden City Code 8-4A: Design and Development Regulations – General Provisions
 - e. Garden City Code 8-4B: Design and Development Regulations – Design Provisions for Residential Structures
 - f. Garden City Code 8-4D: Parking and Off-Street Loading Provisions
 - g. Garden City Code 8-4E: Transportation and Connectivity Provisions
 - h. Garden City Code 8-4F: Sign Provisions
 - i. Garden City Code 8-4H: Flood Hazard
 - j. Garden City Code 8-4G: Sustainable Development Provisions
 - k. Garden City Code 8-4I: Landscaping and Tree Protection Provisions
 - l. Garden City Code 8-4L: Open Space Provisions
 - m. Garden City Code 8-6A: Administration – General Provisions
 - n. Garden City Code 8-6B-7 Planned Unit Development
 - o. Garden City Code 4-14: Storm Drainage and Erosion Control
 - p. Garden City Code Title 6: Public Water and Sewer Systems

12. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived	
X			Preliminary Title Report
X			Neighborhood Map
X			Subdivision Map
	X		Master Plan
X			Site Plan
X			Landscape Plan
X			Schematic Drawings
X			Lighting Plan
X			Topographic Survey
X			Grading Plan
X			Soils Report
X			Hydrology
X			Engineering drawing and Specifications
X			Natural Hazards and Resource Analysis
X			Dedications and Easements
X			Covenants and Deed Restrictions
		X	Will Serve
X			Subdivision Name Reservation
	X		Verification that address is an Ada County Approved Address*

Other Materials Provided			
			Architectural Unit Plans Neighborhood Meeting Sign-In Sheet Pre-Application Meeting Notes Statement of Intent

*Items that may be required for reviews later.

13. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Receipt of application	09/23/2021	09/16/2021
Letter of Acceptance	10/17/2021	09/17/2021
Radius Notice	10/03/2021	09/28/2021
Interested Parties	n/a	n/a
Legal Notice	09/29/2021	09/29/2021
Agency Notice	10/03/2021	09/28/2021
Property Posting Sign	10/08/2021/ 12/31/2021	10/08/2021/ 12/31/2021
Affidavit of Property Posting and Photos	10/11/2021/ 01/03/2022	10/11/2021/ 01/03/2022

14. Agency Comments were received from:

- a. Department of Environmental Quality dated October 7, 2021;
- b. ACHD dated October 22, 2021; October 27, 2021;
- c. Boise School District dated October 5, 2021;
- d. City Engineer dated October 6, 2021, and October 25, 2021; and
- e. Ada County Fire dated September 28, 2021.

15. Written public comments were received from:

- a. Cody Atkinson dated September 28, 2021; neutral.

16. On October 18, 2021, a public hearing before the Design Review Committee was held and continued to the date certain of November 15, 2021, if staff workload permits:

- a. This Matt McAnulty presented the application.
- b. Staff Hanna Veal presented the staff report.
- c. There was no public testimony.
- d. Matt McAnulty and Richard Wilmot provided rebuttal.
 - i. Concerned about code requiring a secondary access drive.
 - ii. Reason for requesting the Planned Unit Development was to allow for code flexibility.
 - iii. Open space is a usable open grassy area with a potential pergola.
- e. Public testimony was closed.
- f. Discussion included:
 - i. If Iota Street is a public right-of-way, then the lots can take direct access to and from Iota Street. If Iota Street is a private street, then

the applicant will need to provide a waiver requesting that more than 4 dwelling units can take access from a common drive. Reference Garden City Code 8-5A.

- ii. The dwelling unit closest to 45th Street needs to address the street. It shall create a pedestrian friendly relationship between the unit and the street.
- iii. There appears to be a lack of pedestrian level fenestrations along the frontage of each structure. Facades shall be improved to look less like a side elevation.
- iv. Facades of all units need to address the street and the pedestrian.
 - 1. Garage has too much of a presence.
- v. The development needs a variety of housing designs other than what was provided in the initial submittal. Current plans do not meet the requirements of the Planned Unit Development standards.
 - 1. Design Review Committee looks at the variety of housing styles and architectural features whereas the Planning and Zoning Commission looks at variety of housing types provided.
 - 2. Dwelling units are to be distinct from each other.
- vi. The waiver requesting to eliminate the variety of housing type standards and requirements shall not be permitted.
- vii. Pedestrian connection to the primary entrance of each dwelling unit shall be maintained regardless of whether Iota Street is public or private street.
 - 1. Double frontage, primary pedestrian access from 45th street and garage from Iota Street.
 - 2. Driveway cannot share connection with walkway.
 - 3. Walkway needs to be of different material or delineated somehow.
- viii. The Committee did like the development design, forms and materials being used. Clean and contemporary design is agreeable.
- g. Committee member Gresham moved to continue the application to the date certain of November 15, 2021, if staff workload permits.
- h. Committee member Labrie seconded the motion.
- i. The motion carried unanimously.

17. On October 20, 2021, a public hearing before the Garden City Planning and Zoning Commission was held:

- a. This Staff Hanna Veal presented the staff report.
- b. Richard Wilmot presented the application.
- c. There was no public testimony.
- d. Hanna Veal was given an opportunity to provide clarifications. No clarifications were needed.
- e. Richard Wilmot provided rebuttal.
- f. Public testimony was closed.

- g. Discussion included:
 - i. Lack of clarity if the classification of Iota Street is a public or private street;
 - ii. Parking;
 - iii. A variety of housing is required of Planned Unit Developments;
 - iv. Clarification of how the requirement for a variety of housing is interpreted as diversity of housing types or floor plans;
 - v. Sidewalk;
 - vi. The end unit will need to face 45th Street;
 - vii. Engineering plans;
 - viii. If the Planned Unit Development application is the best vehicle.
- h. Commissioner Rasmussen moved to continue to a date certain of November 17, 2021, if staff workload permits.
- i. Commissioner Wilde seconded the motion.
- j. The motion carried unanimously.

18. On November 15, 2021, a public hearing before the Design Review Committee was held:

- a. Richard Wilmot presented the application.
- b. Staff Hanna Veal presented the staff report.
- c. There was no public testimony.
- d. Richard Wilmot provided rebuttal:
 - i. Eliminated guest parking to provide for more common open space.
 - ii. Three-bedroom units are desired to meet housing needs of the Valley.
 - iii. Planned Unit Development is required because of proposed lot width, lot area, and to give the flexibility with waivers to code standards versus requested variances to the R-3 zoning district.
- e. Public testimony was closed.
- f. Discussion included:
 - i. Fire access is a major concern. Cul-de-sac might be required until Iota Street is completed. Approval from Ada County Fire and Rescue would be required prior to construction plan approval.
 - ii. The waiver requesting reduction in guest parking is a concern.
 - iii. One on street parking space a minimum of twenty feet (20') in length may qualify as a required parking space per Garden City Code.
 - iv. The proposal is deficient two guest parking spaces if the one on street space is counted.
 - v. The application is not meeting the Planned Unit Development standards of providing for a variety of housing types require. However, it meets the other Planned Unit Development objectives.
 - vi. The Planned Unit Development standards ask for a more useful pattern of common open space. The waiver requesting to provide less common open space than what is required does not meet the

- Planned Unit Development objectives. The waiver is not appropriate and should be omitted.
- vii. More fenestration on the façade facing 45th Street is required.
 - viii. Landscape plans shall be updated to reflect the new pedestrian connection from the end unit to 45th street.
 - ix. The use of a Planned Unit Development is not appropriate considering the base zoning district would allow for this subdivision.
- g. Committee Member Labrie moved to approve the application as drafted in the draft decision in the affirmative with draft conditions of approval with the following modifications to the conditions of approval:
- i. The Dwelling unit adjacent to 45th Street shall have a primary entrance onto the street. New site plans, elevations, and renderings shall be submitted for re-review by staff.
 - ii. The elevations shall include additional fenestrations to help address the street and the pedestrian public sphere.
 - iii. A waiver shall be granted to allow 9'x20' guest parking spaces.
 - iv. The development shall provide for the required six guest parking spaces on site.
 - v. A minimum of ten percent (10%) of the gross site area shall be in common open space.
- h. Committee Member Hurd seconded the motion.
- i. Additional Discussion Included:
- i. Maximum choice of living units should be looked at by staff, Design Review, Planning and Zoning, and the community. It is not just about different bedroom counts; it is about providing housing for different demographics.
 - ii. The historical lot configuration is different from the proposed. Historically, the site has faced 45th Street, with the front setback being towards 45th street and the side setback being along Iota and the Northern property boundary line. The proposed rear setbacks lay where the historic side setbacks were. Because the historic side setback was only 5 feet, the newly proposed rear setback of 5 feet is acceptable. There is no change to the setback width.
 - iii. The additional fenestrations along the dwelling unit closest to 45th Street cannot be obscured by fencing or landscaping.
- j. The motion passed on a 2/1 vote with Committee Member Gresham dissenting.

19. On November 17, 2021, a public hearing before the Garden City Planning and Zoning Commission was held:

- a. This Staff Hanna Veal presented the staff report.
- b. Matt McAnulty presented the application.
- c. There was no public testimony.
- d. Matt McAnulty did not provide a rebuttal.
- e. Public testimony was closed.

- f. Discussion included:
 - i. Only one dwelling unit is different from the rest.
 - ii. Applicant would consider designing a two-bedroom later.
 - iii. Not in favor of recommending approval of the Planned Unit Development because it does not satisfy the variety of housing types.
 - iv. Modifying one unit is not enough variety.
 - v. If it came back with a more significant variety of housing, then recommendation for approval would more likely be granted.
 - vi. No objection to the parking waiver allowing for the one required parking space being in the driveway.
 - vii. Agree with the Design Review Committee regarding waivers omitted and added.
 - viii. In the drafted decision document, Garden City Code 8-5B-5 findings 1,2, and 6 were found in denial.
 - ix. In the drafted decision document, Garden City Code 8-6B-7 findings 2 and 5 were found in denial.
- g. Commissioner Rasmussen moved to approve the application as drafted in the draft decision for denial.
- h. Commissioner Wilde seconded the motion.
- i. The motion carried unanimously.

20. On November 8, 2021, a public hearing before the Garden City Council was noticed. This hearing was continued to a date certain of December 13, 2021, then to January 10, 2022.

21. On January 10, 2022, a public hearing before the Garden City Council was held:
- a. Mayor Evans introduced the application.
 - b. Richard Wilmot presented the application on behalf of the applicant.
 - c. Jenah Thornborrow provided a staff report.
 - d. There was no one present who wished to provide public testimony.
 - e. Richard Wilmot provided rebuttal.
 - f. Council Member Jorgensen moved to sustain the Design Review Committee's recommendation and approve the application as drafted in the affirmative draft potential decision.
 - g. Council Member Heller seconded the motion.
 - h. The motion passed 3/1 with Council Member Page dissenting.

22. The record contains:
- a. Application
 - b. Noticing Documents
 - c. Agency Comments
 - d. Public Comments
 - e. Staff Review
 - f. Design Review Committee Minutes and transcribable record: October 18, 2021; November 15, 2021

- g. Planning and Zoning Commission Minutes and transcribable record: October 20, 2021; November 17, 2021
- h. Design Review Committee Recommendation
- i. Planning and Zoning Commission Recommendation

23. In consideration of a combined preliminary and final plat subdivision the decision maker shall make the following findings:

GCC 8-5B-5: SUBDIVISION PROCESS: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X			<p>Finding 1: The subdivision is in conformance with the Comprehensive Plan;</p> <p>Explanation: The application is cohesive with the Comprehensive Plan's Mixed-Use Commercial land use designation as it proposes a higher density of dwelling units that are urban in character.</p>
X			<p>Finding 2: The subdivision is in conformance with all applicable provisions of this title;</p> <p>Explanation: As conditioned, the application is in conformance with the applicable sections of Garden City Code.</p>
X			<p>Finding 3: Public services are available or can be made available; and are adequate to accommodate the proposed development;</p> <p>Explanation: There are public services available that can accommodate the proposed development.</p>
X			<p>Finding 4: The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program;</p>

			<p>Explanation: The subdivision does not undermine scheduled public improvements or the City's capital improvement program.</p>
X			<p>Finding 5: There is public financial capability of supporting services for the proposed development</p> <p>Explanation: The application has provided a waiver for the ability to serve letter and a condition of approval for the submittal of this letter has been made.</p>
X			<p>Finding 6: The development will not be detrimental to the public health, safety, or general welfare;</p> <p>Explanation: The installment of a pedestrian sidewalks along 45th Street and Iota Street provides a better bicycle and pedestrian connection than what currently exists. The enhanced connectivity between the Greenbelt and 45th Street helps to promote the general welfare of the community and provides a safe path that which pedestrians and bicyclists can use.</p>
X			<p>Finding 7: The development preserves significant natural, scenic, or historic resources.</p> <p>Explanation: The application integrates with the surrounding urban area and proposes to landscape and beautify the development site.</p>

24. In consideration of a Planned Unit Development, the decision maker shall make the following findings:

GCC 8-6B-7: PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X			<p>Finding 1: The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;</p> <p>Explanation: Approval of this application is conditioned that the development shall be initiated within two years of the date of approval.</p>
X			<p>Finding 2: Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses 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;</p> <p>Explanation: The proposed development and each structure can successfully exist independently of the surrounding area and will not be detrimental to the surrounding neighborhood.</p>
X			<p>Finding 3: The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the Planned Unit Development;</p> <p>Explanation: The proposed development uses Iota Street that is capable of handling anticipated traffic which will provide ingress/egress onto 45th Street the</p>

			Planned Unit Development is not large enough to trigger a traffic impact analysis.
	X		<p>Finding 4: Any proposed commercial development can be justified at the locations proposed.</p> <p>Not Applicable: There is no commercial development proposed.</p>
X			<p>Finding 5: Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the Planned Unit Development and the adopted policy of the council</p> <p>Explanation: The requested waivers assist in providing for a more useful pattern of open space and recreation areas within the development, as well as convenience in the location of residential uses.</p> <p>The application provides a choice of living environments by providing a variety of floorplans and intended price points that will address diverse needs of different individuals and families. The buildings provide architectural variation.</p>
X			<p>Finding 6: The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;</p> <p>Explanation: The proposal is compatible with the surrounding uses and the neighborhood vision.</p> <p>The proposal is a component of the overall neighborhood. The types of housing and uses will provide for more comprehensive variety of residential options in the neighborhood.</p>

X			<p>Finding 7: The Planned Unit Development is in general conformance with the comprehensive plan;</p> <p>Explanation: The application is cohesive with the Comprehensive Plan's Mixed-Use Commercial land use designation as it proposes a higher density of dwelling units that are urban in in character.</p>
X			<p>Finding 8: The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;</p> <p>Explanation: Approval of this application is conditioned in that the ability to serve shall be provided prior to signature of the plat or approval of construction plans.</p>
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X			<p>Finding 1: The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;</p> <p>Explanation: A residential use is compatible with the surrounding uses, is a permitted use within the R-3 zoning district and meets most zoning setback and density standards.</p>
X			<p>Finding 2: The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;</p> <p>Explanation:</p>

			Approval of this application is conditioned in that the ability to serve shall be provided prior to signature of the plat or approval of construction plans.
X			<p>Finding 3: The use will not unreasonably diminish either the health, safety, or welfare of the community;</p> <p>Explanation: The installment of a pedestrian sidewalks along 45th Street and Iota Street provides a better bicycle and pedestrian connection than what currently exists. The enhanced connectivity between the Greenbelt and 45th Street helps to promote the general welfare of the community and provides a safe path that which pedestrians and bicyclists can use.</p>
X			<p>Finding 4: The use is no in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p>Explanation: As conditioned and with the waivers granted, the application is in conformance with Garden City code regulations. The application is cohesive with the Comprehensive Plan's Mixed-Use Commercial land use designation as it proposes a higher density of dwelling units that are urban in in character.</p>

CONCLUSIONS OF LAW

The Garden City Council 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 and GCC 8-6B-7.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Garden City Design Council hereby does **SUSTAIN** the Design Review Committee's recommendation as modified and does **APPROVE** Torne Flats, application SUBFY2021-0008 for a Combined Preliminary and Final Plat Subdivision processed as a Planned Unit Development and subject to the following conditions:

General Application Specific Conditions of Approval:

1. This approval is for a combined preliminary and final plat for a residential subdivision encompassing 13 lots – 12 lots are to be designated for residential use and 1 lot is to be designated as common lots.
2. This approval is based on the following plans:
 - a. Landscape Plan Submitted on November 1, 2021, dated October 29, 2021, as amended by the conditions of this approval;
 - b. Architectural Elevation Plans submitted on November 1, 2021, dated August 10, 2021, as amended by the conditions of this approval;
 - c. Site Plan Submitted November 1, 2021, dated August 10, 2021, as amended by the conditions of this approval;
 - d. Floorplans submitted December 28, 2021.
3. Approved waivers to Garden City Code, Title 8 regulations include:
 - a. Enclosed vehicular parking for every dwelling unit, allowing for one of the required two enclosed parking spaces to be located on the unit's driveway.
 - b. Reduced setbacks:
 - i. Rear Setback of 15 feet; allowing for a 5 feet rear setback.
 - ii. Side Setback of 0' for lots 2,7,13 (to the common lot)
 - iii. Front Setback for Lot 13 allowing for a 0, setback (to the common lot)
4. **RECOMMENDATION:** As of the date of this writing, the Federal Emergency Management Agency has issued Digital Federal Insurance Rate Maps (DFIRM) which identifies Garden City in seclusion. The most current flood mapping model proposes to delineate the subject properties to be within the 100-year Floodplain once the seclusion is lifted. The applicant should consider that any new structures must have the top of the lowest floor 2' above BFE (as defined by adopted FIRM) pursuant to current Garden City Code. We request that you build at least to at or above the anticipated BFE for future insurance rates. Stricter standards may be required in the future for building permit approval.

Prior to City Signature on Plat:

1. A note must be provided on the final plat documenting:
 - a. Flood zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by this code.
 - i. The seventy-foot (70') setback line from the ordinary high-water mark shall be depicted on the plat if any section of the plat is within seventy feet (70') of the ordinary high-water mark.
2. Provide a note on the final plat to read, "Building setback lines shall be in accordance with the approved planned unit development application, Garden

City file number SUBFY2021-0008". The approved reductions from code required setback are:

- a. Lots 2-7 and 8-13
 - i. Rear Setback: 5'
 - ii. Side Yard Setbacks: 0'
 - b. Lot 13
 - i. Front Setback 0' (being that adjacent to lot 1 facing 45th Street)
3. All common open spaces shall be located on common lots and noted as unbuildable on the plat.
 4. As required by the City Engineer or this decision, easements shall be provided.
 - a. Easements must either be on the plat and or provided in a recordable document that includes a legal description and illustration.
 5. A building envelope within which future building footprints will be located shall be shown on the lots.
 6. The CC&Rs shall state that the use of solar panels or solar collectors are permitted.
 7. The final plat shall state, "Torne Flats" instead of 45th Place Flats".

Prior to approval of construction plans:

1. All submitted construction plans shall be corrected to state, "Torne Flats" instead of 45th Place Flats".
2. A tree mitigation plan must be submitted and in compliance with GCC 8-4I-7 Tree preservation provisions.
 - a. Any trees removed prior to the certified arborist's report being submitted will be considered to have been healthy, and thus, mitigation will be required.
3. Where discrepancies between the provided landscape square footage arise, the approved landscape plans submitted on November 1st, 2021, shall prevail.
 - a. The landscape plans submitted on November 1st, 2021, do not accurately show the pedestrian entry pathway to the sidewalk along 45th Street. This shall be corrected in updated plans prior to the approval of construction plans.
 - b. The conversion of the three parking spaces on the common lot into "grasscrete" or other similar a fire rated cellular caste system in which plants can grow, or a conversion otherwise compliant with 8-4L-4(B) is a required change.
 - c. The lot lines of the common area of lot 1 may be reduced by up to 5' to accommodate building code requirements to allow for fire penetrations

adjacent to the common area. If the lot line is adjusted for this purpose, an easement shall be granted to the subdivision for area between the proposed and approved lot line and the new lot line for the purpose of common open space.

4. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
 - a. At least three (3) Class II or III trees are required along the frontage of 45th Street in accordance with Garden City Code 8-4I-4.
 - b. Tree species may be substituted provided that there is equal or greater canopy provided and there is not a reduction in tree class.
5. A minimum of five percent (5%) of the gross site area shall be landscaped areas of 70% or more living material, excluding areas for setback or perimeter landscaping.
6. A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.
 - a. Identification of the exact quantity of shrubs and trees is required on the landscape plans prior to approval of construction plans.
7. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
8. Sidewalks a minimum of 5' in width shall be installed along 45th Street and Iota Street:
 - a. The sidewalks shall either be within the public right-of-way, or a public easement shall be provided.
 - b. All installed sidewalks must be compliant with the GCC 8-4E-6.
 - c. The sidewalk shall be constructed of concrete.
 - d. Curb and gutter shall be provided consistent with the requirements of the transportation agency.
 - e. There shall be no intrusions of mailboxes, streetlights, fencing, or any other structure in the required 5' sidewalk.
 - f. The buffer between sidewalk and the travel lane shall be large enough to accommodate Class III Street trees per ACHD standards.
 - g. A pedestrian pathway shall connect all units to the sidewalk.
 - i. Lots 2-7 and 8-12 shall connect to the Iota Street sidewalk.
 - ii. Lot 13 may connect to the Iota sidewalk and shall connect to the 45th Street sidewalk.
 - h. The sidewalks shall be installed to the edge of the property lines so that future development of adjacent sidewalks can tie into the sidewalk without a gap.

- i. Contrasting hardscape material shall be installed across Iota Street so that sidewalk is installed from property line to property line along 45th Street.
9. There shall be at least two bicycle parking spaces provided within the common area of the subdivision.
 - a. Bicycle parking spaces shall be placed in such a way that when mounting and dismounting the bicycles do not reverse into the sidewalk traffic area, Iota Street, nor 45th Street.
 - b. All bicycle parking shall be located to not prevent the sidewalk traffic from maintaining a continuous momentum.
10. The Dwelling unit adjacent to 45th Street shall have a primary entrance onto 45th street. New site plans, elevations, and renderings shall be submitted for re-review by the Staff.
 - a. The elevations shall include additional pedestrian level fenestrations to reduce the front façade adjacent to 45th street from appearing to be a side façade.
 - b. The additional fenestrations along the dwelling unit closest to 45th Street cannot be obscured by fencing or landscaping.
11. The ability to serve shall be provided prior to approval of construction plans.
12. All vehicular parking spaces shall be at least 10'x20' per Garden City Code 8-4D-3 Parking Design and Improvement Standards.
13. The common open space shall be a usable space, whether active or passive in nature and in conformance with Garden City Code 8-4-3 General Open Space Standards:
 - a. Common open space shall be designed as an integral part of a residential development project by demonstrating adherence to the following standards:
 - i. Areas on the site of mature landscaping, trees, and natural features have been incorporated into the common open space area;
 - ii. The common open space area provides connectivity with other open areas, public spaces, trails, or water features within and off the site; and
 - iii. The common open space area is located and designed to serve a passive or recreational function.
14. A minimum of ten percent (10%) of the gross site area shall be in common open space.
 - a. The landscaping located within individual unit's backyards shall not count towards the common open space minimum requirements. Recalculations of the common open space shall be required if the private yards have been included in the overall common open space calculation. Updated

calculations shall be submitted and found in conformance with Garden City Code 8-4L-4.

- b. The area that is intended to double as a fire turn-around (identified as guest parking in previous iterations of the site plan) may be considered common open space, provided that it is maintained in landscaping, such as “grasscrete” as proposed, or other qualifying design.

15. The application shall comply with all the Garden City Engineer Comments.

16. Approval from Ada County Fire and Rescue is required prior to construction plan approval.

Prior to approval of building permits for structures:

1. All structures shall adhere to the requirements of GCC 8-4H.
2. All structures except for those dedicated solely to storage, access, or parking, and utilities thereof, shall be built with the lowest floor at or above the anticipated base flood elevation, refer to Garden City resolution 1083-20.
 - a. An elevation certificate shall be submitted to the City verifying compliance with this condition.
3. The subdivision must obtain Ada County Approved addresses for all new lots prior to submitting for a building permit.
4. All HVAC systems shall be identified on site plans and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.

For the Duration of the Use:

1. Bicycle parking spaces shall be placed in such a way that when mounting and dismounting the bicycles do not reverse into the sidewalk traffic area, Iota Street, nor 45th Street.

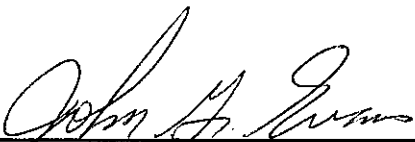
General Requirements:

1. The development shall be initiated within two (2) years of the date of approval.
2. The applicant shall comply with all requirements of the reviewing entities.
3. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape maintenance provisions 8-4I-9; and standards for transportation and connectivity provisions identified in 8-4E.
4. Approval of the subdivision does not constitute as the approval for any uses.
5. The CC&Rs must state: “The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho.”

6. The approved addresses and a copy of the recorded plat must be provided to the city prior to the city considering the subdivision complete.
7. 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.
8. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
9. The property owner is responsible for the maintenance of all landscaping and screening devices required.
10. 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.
11. 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.
12. 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.
13. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
14. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
15. 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.
16. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
17. 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.
18. 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 tree species.
19. 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.
20. The landscape installation shall stabilize all soil and slopes.
21. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
22. System Installation Required: Each 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.

23. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to final plat signature.
24. The approval is specific to the application provided and reviewed.
25. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained.
26. The property owner is responsible for the maintenance of all landscaping and screening devices required.
27. All outdoor living spaces must comply with Garden City Code 8-3C General Provisions- Living Space Requirements.
28. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
29. All stormwater systems must comply with Garden City Code 8-4A-7.
30. 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.
31. 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.
32. Unobstructed easements, including but not limited to, drainage, water, sewer, and connections to public right-of-way or pathways shall be provided as required by the City.
33. 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 if there is no immediate threat to life or safety.
34. 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 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 conformance with the plans reviewed and approved.
35. Any changes to the design of this project shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Other changes that are not in conformance with the approval shall be remanded to the decision-making body.
36. 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.

37. 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.
38. If 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 have 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.
39. The Development Services Director may enter into a restricted build agreement on the City's behalf, provided the agreement is compliant with the approved restricted build agreement policies.
40. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code.
41. 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.
42. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.
43. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
44. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
45. A takings analysis pursuant to Idaho Code may be requested on final decisions.
46. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.



Mayor, John G. Evans

1-13-22

Date

