

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

**THIS IS NOT A PREDETERMINED DECISION. ALL EVIDENCE WILL BE
CONSIDERED. A DIFFERENT DECISION MAY RESULT IN AN UPDATE OF THE
FINDINGS OF FACT, CONCLUSIONS OF LAW, OR CONDITIONS**

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)	ANDRECOMMENDATION
_____)	

THIS MATTER, came before the Garden City Planning and Zoning Commission for consideration on October 20, 2021 and November 17, 2021. The Garden City Planning and Zoning Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Recommendation:

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.
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 located in the Mixed-Use Commercial designations 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 located 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	10/05/2021	09/28/2021
Interested Parties	n/a	n/a
Legal Notice	10/01/2021	09/27/2021; published 09/29/2021
Agency Notice	10/05/2021	09/28/2021
Property Posting Sign	10/11/2021	10/08/2021
Affidavit of Property Posting and Photos	10/13/2021	10/08/2021

14. Agency Comments were received from:

- a. Department of Environmental Quality dated October 7, 2021
- b. ACHD dated October 6, 2021
- c. Boise School District dated October 6, 2021
- d. City Engineer dated October 8, 2021 and October 25, 2021
- e. Ada County Fire dated September 29, 2021

15. Written public comments were received from:

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

16. 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.

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

- a. This portion will be filled in after the hearing.

18. The record contains:

- a. Application
- b. Noticing Documents
- c. Agency Comments
- d. Public Comments
- e. Planning and Zoning Minutes and Hearing Audio: October 20, 2021
- f. Planning and Zoning Minutes and Hearing Audio: November 17, 2021
- g. Planning and Zoning Commission Recommendation

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

The draft findings are written both in approval and in denial. The Planning and Zoning Commission may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.			
GCC 8-5B-5: SUBDIVISION PROCESS: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X		X	Finding 1: The subdivision is in conformance with the Comprehensive Plan;

			<p>Explanation: In Approval: 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. Additionally, the subdivision's common open space can act as a small grassy park for its residents and their guests. While the development is not mixed-use in nature, it does not distract from the goals of the Mixed-Use Commercial designation of the Comprehensive plan.</p> <p>In Denial: The application is not cohesive with the Comprehensive Plan's future land use designation of Mixed-Use Commercial as it does not propose a mixed-use development. The proposal does not achieve the necessary variety of residential, office, retail, and small scale industrial that the designation calls for in this area.</p>
X		X	<p>Finding 2: The subdivision is in conformance with all applicable provisions of this title;</p> <p>Explanation: In approval: As conditioned, the application is in conformance with the applicable sections of Garden City Code.</p> <p>In Denial: The application is not in conformance with the applicable sections of Garden City Code. The application is not in conformance with Garden City Code 8-4D-5, 8-4I-7, and 8-4L.</p> <p>Additionally, the application is not meeting the Planned Unit Development purposes of providing a variety of housing and building types, creating a more useful pattern of open space as found in Garden City Code 8-6B-7.</p>

X		X	<p>Finding 3: Public services are available or can be made available; and are adequate to accommodate the proposed development;</p> <p>Explanation: In Approval: There are public services available that can accommodate the proposed development.</p> <p>In Denial: There is inadequate information provided to verify that public services can accommodate the proposal.</p>
X		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: In Approval: The subdivision does not undermine scheduled public improvements or the City's capital improvement program.</p> <p>In Denial: The subdivision undermines the scheduled public improvements and 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		X	<p>Finding 6: The development will not be detrimental to the public health, safety, or general welfare;</p> <p>Explanation: In Approval: 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</p>

			use. In Denial: The lack of adherence to City Codes, specifically that of Garden City Code 8-4L Common Open Space, 8-4I Tree Preservation, 8-4D Parking and Off-Street Loading Provisions is detrimental to the general welfare of the community.
X			Finding 7: The development preserves significant natural, scenic, or historic resources. Explanation: The application integrates with the surrounding urban area and proposes to landscape and beautify the development site.

20. In consideration of a planned unit development, the decision maker shall make the following findings:

<p>The draft findings are written both in approval and in denial. The Planning and Zoning Commission may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.</p>			
<p>GCC 8-6B-7: PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS</p>			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X		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: In Approval: Approval of this application is conditioned that the development shall be initiated within two years of the date of approval. In Denial: The application has not provided documentation that the development will</p>

			be initiated within two years of the date of approval.
X		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:</p> <p>In Approval: The proposed development and each structure can successfully exist independently of the surrounding area and will not be detrimental to the surrounding neighborhood.</p> <p>In Denial: If the entire project fails to be completed, the components of the development cannot sustainably continue.</p>
X		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 PUD;</p> <p>Explanation:</p> <p>In Approval: The proposed development uses Iota Street that is capable of handling anticipated traffic which will provide ingress/egress onto 45th Street. The PUD is not large enough to trigger a traffic impact analysis.</p> <p>In Denial: The PUD subdivision development does not propose adequate parking and thus will cause congestion on the street. The functionality of the single car garage spaces with the intent of using the</p>

			driveways as additional parking spaces will cause an increase of traffic density and on-street parking to which will cause an overload to the street network.
	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		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 PUD and the adopted policy of the council</p> <p>Explanation:</p> <p>In Approval: This application meets the provisions identified by the planned unit development process. The requested waivers provide 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 through providing a variety of floorplans and intended price points that will address different needs of different individuals and families. The buildings provide architectural variation.</p> <p>In Denial:</p> <p>The exemption from standard district requirements is not warranted as they result in a proposal that is over taxing of the location and detracts from the required code standards that which make for better developments in Garden City.</p> <p>The layout of the project does not preserve or utilize the natural features of the site nor does it preserve existing trees.</p>

			The application does not provide a choice of living environments through offering a variety of floorplans and intended price points that will address different needs of different individuals and families. The buildings do not provide architectural variation.
X		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:</p> <p>In Approval: 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> <p>In Denial: The proposed development is not compatible with the surrounding uses nor the neighborhood vision for the Mixed Use Commercial future land use designation.</p>
X		X	<p>Finding 7: The PUD is in general conformance with the comprehensive plan;</p> <p>Explanation:</p> <p>In Approval: With the unique design of the dwellings and increase in density, this development may be considered compatible with the existing residential uses in the neighborhood. The PUD is in general conformance with the Comprehensive Plan's future land use designation of Mixed-Use Commercial by providing three-story residential dwelling units more urban in character with a</p>

			<p>common open space area that will act as a pocket park for the community.</p> <p>In Denial: The application cannot be found in conformance with the Mixed-Use Commercial future land use designation of the Comprehensive Plan as it does not adequately provide for a mix of uses. The proposal consists of only residential dwelling units whereas the Comprehensive Plan calls for a mix of residential, retail, and small-scale industrial uses. Additionally, the development conflicts with Goal 6 Diversity in Housing as it consists primarily of one floorplan with the exception of one unit being different.</p>
X		X	<p>Finding 8: The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;</p> <p>Explanation: In Approval: 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> <p>In Denial: Without ability to serve information the application does not meet this finding.</p>
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X		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: In Approval: The development is compatible with the surrounding uses, is a permitted use within the R-3 zoning district and meets most zoning setback</p>

			<p>and density standards. Where it does not meet Title 8 Development code, a waiver to code standards has been requested.</p> <p>In Denial: The application is not appropriate to the location or the neighborhood as the proposal is a higher density than its surrounding uses. Additionally, the waivers that have been requested through the PUD conflict with what the PUD requires of a development. Furthermore, the application cuts adjacent properties off, and ignores its location adjacent to 45th Street.</p>
X		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> <p>In Approval: 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> <p>In Denial: The subdivision does not meet this finding as the Ability to Serve Letter was never submitted reviewed. Furthermore, the proposal is under parked.</p>
X		X	<p>Finding 3: The use will not unreasonably diminish either the health, safety, or welfare of the community;</p> <p>Explanation:</p> <p>In Approval: There is no evidence that the proposal is detrimental to the public health, safety, or general welfare of the community.</p> <p>In Denial: The lack of adherence to City Codes and the City's Comprehensive Plan is detrimental to the welfare of the city.</p>

X		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:</p> <p>In Approval: The reviewed sections are in conformance with this finding. The comprehensive plan objectives reviewed, and land use designation support this application. The development aligns with the goals of the Mixed-Use Commercial land use designation by providing a higher density residential project, with three story buildings and a high percentage of lot coverage.</p> <p>Additionally, it aligns with the Comprehensive Plan's Goal 1 Nurture the City, Goal 2 Improve the City Image, Goal 4 Emphasize the "Garden" in Garden City, and Goal 7 Connect the City.</p> <p>In Denial: The proposal is not appropriate to the neighborhood as the Mixed-Use Commercial land use designation calls for developments that are mixed-use in nature. This application is not mixed-use, it only provides for residential dwelling units similar in architectural features, floorplans, and height. The application continues to cut adjacent properties off and ignores its proximity to 45th Street. Furthermore, the application as proposed is deficient in parking pushing the burden of parking the subdivision to the street and thus the public realm.</p> <p>The project is not complaint with Garden City Code 8-4B; 8-4D;8-4G; 8-4I; 8-4L. The project is not complaint with the Goals and Objective of the Comprehensive Plan, specifically that of Goal 2 Improve the City Image; Objective 2.4 and Goal 6 Diversity in Housing.</p>
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CONCLUSIONS OF LAW

The Garden City Planning and Zoning Commission reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies/does not satisfy** the required findings under GCC 8-5B-5.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Recommendation, the Garden City Planning and Zoning Commission hereby recommends **APPROVAL/DENIAL** 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. Approved waivers to Garden City Code, Title 8 regulations include:
 - a. 0.5 guest parking spots for every dwelling unit, allowing for one guest space per every 4 units;
 - b. 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;
 - c. A minimum of 10 percent common open space; allowing for less than 10% but greater than or equal to 8% of the site to be common open space.
 - d. Rear Setback of 15ft; allowing for a 5ft rear setback.
 - e. Parking space dimensions; allowing for 9'x20' guest parking spaces.
3. **RECOMMENDATION:** As of the date of this writing, the Federal Emergency Management Agency has issued Draft Digital Federal Insurance Rate Maps (DFIRM) which proposes to delineate the subject properties to be within the 100-year Floodplain. The applicant should consider that any new structures must have the top of the lowest floor at or above BFE (as defined by adopted FIRM) pursuant to current Garden City Code. 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.

Commented [HV1]: DSR did not approve of this waiver. They required that the development provide all 6 guest parking spaces on site.

Commented [HV2]: Drafted by staff based off application being noncompliant. Applicant will need to formally request this waiver.

Conflicts with condition #15 under "Prior to Construction Plan Approval".

DSR required that the application provide at least 10% common open space and did not approve of the waiver.

Commented [HV3]: This is a new waiver that the DSR Committee granted.

- 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 current Garden City Code or the following":
 - a. Lots 2-12
 - i. Front Setback: 5/20'
 - ii. Rear Setback: 5'
 - iii. Interior Side Setbacks between townhomes within a building envelope: 0'
 - iv. Side Yard Setbacks: 0'
 - b. Lot 13
 - i. Front Setback: 0'
 - ii. Rear Setback being that of the back-yard: 5'
 - iii. Interior Side Setbacks between single family dwelling units: 0'
 - iv. Side Yard Setbacks being that of the garage facing side: 20'
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. All easements must be noted on the plat or otherwise adopted.
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.

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.

4. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
 - a. At least three Class II or III trees are required along the frontage of 45th Street in accordance with Garden City Code 8-4I-4.
5. A minimum of five percent (5%) of the gross site area shall be landscaped areas, 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. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along Iota 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 so as to not prevent the sidewalk traffic from maintaining a continuous momentum.
10. The ability to serve shall be provided prior to approval of construction plans.
11. All vehicular parking spaces shall be at least 10'x20' per Garden City Code 8-4D-3 Parking Design and Improvement Standards.
12. A 5' wide detached sidewalk shall be installed adjacent to 45th Street. The buffer between sidewalk and the travel lane shall be large enough to accommodate Class II and Class III street trees per ACHD standards. All installed sidewalks must be compliant with the GCC 8-4E-6.
13. A 5' wide detached sidewalk shall be installed adjacent to Iota Street. The buffer between sidewalk and the travel lane shall be large enough to accommodate Class II and Class III street trees per ACHD standards. All installed sidewalks must be compliant with the GCC 8-4E-6.

14. 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.
15. 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.

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

17. The development shall provide for the required six guest parking spaces on site.

Commented [HV4]: Drafted by staff to ensure that the site provides the code required 10% of common open space.

Conflicts with the staff suggested waiver as found in condition #3 under "General Application Specific Conditions of Approval".

DSR required that the application provide at least 10% common open space and did not approve of the waiver.

Commented [HV5]: New condition based off DSR's conditions.

Prior to approval of building permits for structures:

1. All structures shall adhere to the requirements of GCC 8-4H.
2. The subdivision must obtain Ada County Approved addresses for all new lots.
3. 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. Required easements must either be on the plat and or provided in a recordable document that includes a legal description and illustration.
9. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
10. The property owner is responsible for the maintenance of all landscaping and screening devices required.
11. 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.
12. 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.
13. 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.
14. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
15. 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.
16. 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.
17. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
18. 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.
19. 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.

20. 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.
21. The landscape installation shall stabilize all soil and slopes.
22. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
23. 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.
24. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to final plat signature.
25. The approval is specific to the application provided and reviewed.
26. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained.
27. The property owner is responsible for the maintenance of all landscaping and screening devices required.
28. All outdoor living spaces must comply with Garden City Code 8-3C General Provisions- Living Space Requirements.
29. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
30. All stormwater systems must comply with Garden City Code 8-4A-7.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.

36. 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.
37. 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.
38. 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.
39. 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 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.
40. 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.
41. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code.
42. 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.
43. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.
44. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
45. 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.
46. A takings analysis pursuant to Idaho Code may be requested on final decisions.
47. 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.

Chairman, Planning and Zoning Commission

Date

STANDARD CONDITIONS FOR DENIAL DECISION

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-5B-3. This project is not in compliance with 8-5B-3 standard(s) because it is not in compliance with the Garden City Comprehensive Plan's Goal 6 Diversity in Housing, the Future Land Use Designation of Mixed-Use Commercial and Garden City code section 8-6B-7 Planned Unit Development. Compliance can be met by providing additional housing types and providing a scale and form more aligned with the existing and planned neighborhood.
2. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
3. Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.
4. 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.
5. A takings analysis pursuant to Idaho Code may be requested on final decisions.
6. 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.

Chairman, Planning and Zoning Commission

Date