



CITY OF GARDEN CITY

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File Number: SUBFY2021-0008 Torne Flats

For: Combined Preliminary and Final Plat processed as a Planned Unit Development
A 12-lot residential subdivision

Location: 305 E. 45th Street

Applicant: Matt McAnulty

Report Date:

Design Review: November 15, 2021

Planning and Zoning: November 17, 2021

City Council: December 13, 2021



45TH ST FLATS

Staff Report
Report prepared by Hanna Veal

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A. Record Documents ([link to all file documents](#))

Individual links:

1. Application Materials
 - a) [SUBFY2021-0008 Initial Submittal 09162021](#)
 - b) [SUBFY2021-0008 Subdivision Name Reservation 09272021](#)
 - c) [SUBFY2021-0008 Additional Submittals 09272021](#)
2. Staff Reports
 - a) [Design Review Staff Report Dated October 18, 2021](#)
 - b) Design Review Staff Report Dated November 15, 2021
 - c) [Planning and Zoning Staff Report October 20, 2021](#)
 - d) Planning and Zoning Staff Report Dated November 17, 2021
3. Agency Comments: linked in [Section F](#)
4. Public Comments: linked in [Section G](#)
5. Noticing Documents
 - a) [City Noticing](#)
 - b) [Property Posting for Design Review Committee](#)
 - c) [Property Posting for Planning and Zoning](#)
6. Recommendations
 - a) [Design Review Committee](#)
 - b) [Planning and Zoning](#)

B. Recommendation Summary:

The Design Review committee met with the applicant on October 18, 2021. The items discussed included:

1. Matt McAnulty presented the application.
2. Staff Hanna Veal presented the staff report.
3. There was no public testimony.
4. Matt McAnulty and Richard Wilmot provided rebuttal.
 - a. Concerned about code requiring a secondary access drive.
 - b. Reason for requesting the PUD was to allow for code flexibility.
 - c. Open space is a usable open grassy area with a potential pergola.
5. Public testimony was closed.
6. Discussion included:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. Facades of all units need to address the street and the pedestrian.
 - e. Garage has too much of a presence.

- f. The development needs a variety of housing designs other than what was provided in the initial submittal. Current plans do not adequately meet the requirements of the planned unit development standards.
 - i. 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.
 - ii. Dwelling units are to be distinct from each other.
 - g. The waiver requesting to eliminate the variety of housing type standards and requirements shall not be permitted.
 - h. Pedestrian connection to the primary entrance of each dwelling unit shall be maintained regardless of whether or not Iota Street is public or private street.
 - i. Double frontage, primary pedestrian access from 45th street and garage from Iota Street.
 - i. Driveway cannot share connection with walkway.
 - ii. Walkway needs to be of different material or delineated somehow.
 - j. The Committee did like the development design, forms and materials being used. Clean and contemporary design is agreeable.
7. Committee member Gresham moved to continue the application to the date certain of November 15, 2021, if staff workload permits.
 8. Committee member Labrie seconded the motion.
 9. The motion carried unanimously.

The Planning and Zoning Commission met with the applicant on October 20, 2021. Items discussed were:

1. Staff Hanna Veal presented the staff report.
2. Richard Wilmot presented the application.
3. There was no public testimony.
4. Hanna Veal was given an opportunity to provide clarifications. No clarifications were needed.
5. Richard Wilmot provided rebuttal.
6. Public testimony was closed.
7. Discussion included:
 - a. Lack of clarity if the classification of Iota Street is a public or private street;
 - b. Parking;
 - c. A variety of housing is required of planned unit developments;
 - d. Clarification of how the requirement for a variety of housing is interpreted as diversity of housing types or floor plans;
 - e. Sidewalk;
 - f. The end unit will need to face 45th Street;
 - g. Engineering plans;
 - h. If the planned unit development application is the best vehicle.
8. Commissioner Rasmussen moved to continue to a date certain of November 17, 2021, if staff workload permits.
9. Commissioner Wilde seconded the motion.
10. The motion carried unanimously.

C. Project Information

Proposed Scope of Work:

This application is for a subdivision and a Planned Unit Development 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

Planned Unit Development: Property planned as a whole that demonstrates innovation in design to protect natural features or create public amenities through more flexible standards, such as lot sizes, densities and setbacks, than those restrictions that would normally apply under these regulations.

Review Process	Notes
8-5B-4 Combined Preliminary and Final Subdivision Process	
8-6B-7 Planned Unit Development	A Planned Unit Development and a Subdivision can be processed concurrently

Special Provisions	Notes
Subdivisions located within a Floodplain 8-5C-4	A floodway development application will be reviewed in conjunction with construction plans provided approval of the requested application.

Site Conditions:

- 1) Street Address: 304 E. 45th Street
- 2) Parcel Number(s): R4265400051
- 3) Subdivision: LOTS 01-04 IOTA SUB #0020-0040-0060-0080-C
- 4) Property Size: 0.680 acres
- 5) Zoning District: R-3 Medium Density Residential
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designation:
 - a) Mixed Use Commercial
- 8) Legal Parcel of Record: Yes
- 9) Floodplain Designation:
 - a) 2003 FIRM: Outside of the Special Flood Hazard Area
 - b) 2017 Draft FIRM: 100 Year
- 10) Surrounding Uses within 600 feet:
 - a) Mobile Home Park
 - b) Single Family Dwelling Units
 - c) Industry Light
 - d) Vehicle Services
 - e) Water Reservoir – Garden City Public Works Facility
 - f) Vacant Land
- 11) Existing Use: Manufactured Home/ Mobile Home Park
- 12) Easements on site:

- a) 5' Public Utilities Easement along all 3 sides of Iota Subdivision
 - b) 40' wide by 300' long Private Roadway easement – dedicated to ACHD.
- 13) Site Access: Iota Street
- 14) Sidewalks: No existing sidewalk
- 15) Wetlands on site: None identified

Project Details:

- 1) Proposed development: Residential/ - Combined Preliminary and Final Plat – Processed as a Planned Unit Development
- 2) Total number of lots: 13
 - a) Common: 1
 - b) Residential: 12
- 3) Density: 8 Dwellings per acre
- 4) Site Coverage: 29,620.80sqft (total) 24,234sqft (after dedication of Iota ROW)
 - a) Building: 9,289sqft = 31% of the site
 - b) Landscaping: 9,680sqft = 32% of the site
 - c) Paved Areas: 4,831sqft = 16% of the site
- 5) Access: Iota Street
- 6) Total number of vehicular parking spaces: 27
 - a) Enclosed: 12
 - b) Driveway: 12
 - c) Surface Guest: 3
 - d) On-Street: 0
- 7) Total number of bicycle parking: 2
- 8) Refuse: The refuse will be individual services and picked up from the street
- 9) Fencing: 6ft tall wood fence
- 10) Sidewalk:
 - a) Attached proposed
- 11) Landscaping: 9,505.47sqft
 - a) 232 shrubs proposed
 - b) 34 trees proposed
 - i) 2 Class II Street trees
 - c) Perimeter Landscaping: 16ft wide perimeter landscaping along the northwest and northeast property boundaries.
- 12) City Utilities
 - a) Water and Sewer connection to lots
- 13) Proposed Easements:
 - a) Lot 7, Block 1 is a common Lot having a Blanket Easement for public utilities, pressure irrigation, storm drainage and for Placement and Maintenance of Water Lines;
- 14) PUD Waivers requested:
 - a) Enclosed Parking Requirement
 - b) Guest Parking
 - c) Rear Setback
 - d) Common Open Space – suggested by staff

D. Discussion

Discussion for the November 15th DSR Hearing and November 17th P&Z Hearing:

The applicant submitted new documents on November 1st, 2021. The resubmittal included new site plans, landscape plans and elevations. Items addressed in the resubmittals included:

1. Iota Street has been confirmed as a public street maintained by ACHD. Thus a 5ft wide detached sidewalk is required, and has been provided for.
2. Accommodation of the detached sidewalk along Iota Street has shifted the dwelling units back (north). Resulting in a smaller back yard, and the applicant to request for a waiver to rear setback code standards. Code requires a 15ft rear setback, the waiver asks for a 5ft rear setback.
3. 45th Street now shows a code compliant detached sidewalk.
4. The end unit (lot 13) now has a pedestrian entrance facing 45th Street. Elevations of what this new design looks like have not been included in the resubmittals. Staff was not able to perform an analysis on the new façade.
5. The end unit (lot 13) is the only unit to have a different floorplan. With the first floor consisting of a "Bonus Room" with a powder room vs. a master bedroom and bath.
 - a. With only 1 dwelling unit being different than the rest, does this meet the intent of PUD variety of housing code? Does it meet the Commissions expectations based off the comments from October?
6. The new landscape plans and site plans have square footage discrepancies. Staff has conditioned that the landscape plans submitted on November 1, 2021 showing 9,680sqft shall prevail over all other plans.
7. Updated waivers list:
 - 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.
8. Staff has omitted the original waiver requesting that the subdivision not have to provide for a variety of housing types based on the fact that both the Planning and Zoning Commission and the Design Review Committee did not find it appropriate as it is a requirement of the PUD. In other words, the PUD standards as set forth by Garden City Code 9-6B-7 cannot be waived.
9. The Garden City Engineer was able to review new plans. He provided an updated comment on October 15, 2021. Updated comments have been provided in the Agency Comments section below. In total, there are 44 comments, not uncommon for a subdivision. However, main comments include:
 - a. Please provide a landscape plan signed and dated by the design professional.

Commented [HV1]: Drafted by staff based off application being noncompliant. Applicant will need to formally request this waiver.

Conflicts with condition #16 under "Prior to Construction Plan Approval".

- b. Please provide a preliminary plat signed and dated by the design professional.
- c. Please provide a completed storm water agreement and a stamped and signed, by the design professional, O&M manual for the project.
- d. The soils report submitted with the application is a report generated from the NRCS database and not a project specific report. A site-specific report from a qualified geotechnical firm is required that assesses the site.

10. It has been conditioned to require that the application be compliant with all of the Garden City Engineer Comments prior to the construction plan approval.

Discussion for the October 18th DSR Hearing and October 20th P&Z Hearing:

This application (SUBFY2021-0008) is a subdivision application that is to be processed as a Planned Unit Development (PUD). As a PUD development, the applicant can and has submitted waivers to code standards. Requested waivers to Garden City Code, Title 8 regulations include:

- a. More than 4 dwelling units being served through a common drive, allowing for 12 units to be served on a common drive;
- b. 0.5 guest parking spots for every dwelling unit, allowing for one guest space per every 4 units;
- c. 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;
- d. Variety of housing types; allowing for the same floorplan and bedroom count for every unit.

A section of PUD code requires that in any development that which proposes 10 or more dwelling units shall provide a variety of housing types. The proposed variety shall include attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units; provided, that the overall density limit of the district is maintained. **This application does not propose a variety of housing types in that all units are 3-story townhomes of similar architectural design and floor plans. The applicant has submitted a waiver for this standard. The question is, by choosing to do a PUD, the applicant is allowed to request waivers to code standards, but are they allowed to ask for waivers to the PUD standards?**

Please note, during the January 19, 2021 meeting the Design Review Committee discussed the criteria related to the requirement for a variety of housing to be provided when utilizing the Planned Unit Development ordinance. The Design Review Committee members agreed that it was within their purview to review and recommend that a variety of housing include architectural variety and aesthetics. They concluded that the Planning and Zoning Commission should make recommendations as to how proposals meet a variety of housing needs.

Purpose of a Planned Unit Development

A. Purpose: The intent of this section is to provide for well planned developments which conform to the objectives of this title, but may deviate in certain respects from the zoning map and the district regulations. It is not the intent that the planned unit development process be

used solely for the purposes of deviation from the dimensional standards in the district unless the following objectives are also achieved:

1. Provide a maximum choice of living environments by allowing a variety of housing and building types, and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements.
2. Create a more useful pattern of open space and recreation areas; and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses and services.
3. Establish a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns.
4. Use land more efficiently than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
5. Develop a land pattern in harmony with land use density, transportation, and community facilities objectives of the comprehensive plan.

As a final note, The Planning and Zoning Commission and Design Review Committee are recommending bodies for this application. **If either recommending body feels that the application is not yet ready for approval, but does not want to deny the application, there is the option to request that the applicant return with revised materials.**

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.

If this development is denied, no submittal in the same form or the same use it can be reapplied for within a one-year time frame.

E. 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
Combined Preliminary and Final Plat	Planning and Zoning Commission: Hearing October 20, 2021, November	City Council: Hearing November 8, 2021, December 13, 2021

Subdivision	17, 2021	
And Planned Unit Development	and Design Review Committee: Hearing October 18, 2021, November 15, 2021	

Required Findings:

For the approval of a PRELIMINARY PLAT OR COMBINED PRELIMINARY/FINAL 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;
- H. There has been no denial of any application on this property within one year.

PLANNED UNIT DEVELOPMENT: To approve a planned unit development, the decision-making body must find the application meets the following findings, found in GCC 8-6B-7.E:

- A. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;
- B. 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;
- C. 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;

- D. Any proposed commercial development can be justified at the locations proposed;
- E. 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;
- F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- G. The PUD is in general conformance with the comprehensive plan; and
- H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
- I. There has been no denial of any application on this property within one year.

Decision:

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

F. Agency Comments

The following is a summary of the agency comments that were provided at the time of the drafting of this report. All comments are included in their entirety as a part of the record.

Agency	Comment Date	Summary
Ada County Highway District Link to Full Review	10-06-201	<ul style="list-style-type: none">• Will not be able to provide comment by the requested date of 10/08/2021.
Boise School District Link to Full Review	10-06-2021	<ul style="list-style-type: none">• Elementary School: Mountain View• Junior High School: Riverglen• High School: Capital
Garden City Engineer Link to Full Review	10-06-2021	<ul style="list-style-type: none">• The soils report submitted with the application is a report generated from the NRCS database and not a project specific report. A site specific report from a qualified geotechnical firm is required that assesses the site. The assessment must include soil profiles, depth to seasonal high groundwater and recommendations for long-term infiltration rates for storm water disposal.• The project is a re-subdivision of a portion of Iota Subdivision. The plat of Iota Subdivision notes that the internal road is a private roadway for the use of all the lots within the project. The subdivision plat provided named "45th Street Flats" (that name was not approved by Ada County – the name that was approved is "Torne Flats") notes the roadway is public. Please advise if all landowners will allow the road to be public.• Will the project utilize a Restricted Build Agreement (RBA) process? Due to the density and proposed improvements, a RBA may be necessary. Please note that construction or storage of combustible materials on the site will not be allowed until adequate fire suppression water and access is provided as required by the NACFRD.

		<ul style="list-style-type: none"> • Stamped and signed, by the design professional construction plans, drainage report, O&M manual and storm water agreement must be submitted for review and approval by the city prior to commencement of any construction. • As the construction plans are marked “preliminary”, we will not review the plans. Have the professional in responsible charge seal, sign and date the plans so the city may perform a review. • As the storm water report is marked as “preliminary”, we will not review the information. Have the professional in responsible charge seal, sign and date the report so the city may perform a review. The report must adhere to the requirements of the Boise storm water design manual, except that Garden City only requires three vertical feet of separation to high groundwater, unless permeable pavers are utilized. In that case the separation requirements of the Boise manual must be met. • Additional Comments
Garden City Engineer Second Comment Link to Full Review	10-25-2021	<ul style="list-style-type: none"> • Please provide a landscape plan signed and dated by the design professional. • Please provide a preliminary plat signed and dated by the design professional. • Please provide a completed storm water agreement and a stamped and signed, by the design professional, O&M manual for the project. • The soils report submitted with the application is a report generated from the NRCS database and not a project specific report. A site specific report from a qualified geotechnical firm is required that assesses the site. • The project must be conditioned upon approval of the North Ada County Fire and Rescue District (NACFRD). It is recommended the applicant begin assessing the impacts of this comment as soon as possible. • Please add a narrative to the storm water report describing the various drainage basins and what mitigation effort is being proposed for each basin area. • Additional Comments
North Ada County Fire and Rescue Link to Full Review	09-29-2021	<ul style="list-style-type: none"> • Additional Comments • For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking

		<p>signs shall be installed in accordance with the requirements of the IFC.</p> <ul style="list-style-type: none"> The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Dead-end fire apparatus access roads exceeding 150 feet in length shall be provided with an approved area for turning around fire apparatus.
Department of Environmental Quality Link to Full Review	10-07-2021	<ul style="list-style-type: none"> Additional comments Standard comments.

G. Public Comment

All public comments provided as of the drafting of this document are below:

Name	Date	Comment
Cody Atkinson Link to Comment	09/28/2021	<p>I think this is a great idea. I own the house at 411 East 45th street which lord knows I will never sell the property for any price. But this will only bring up property values.</p> <p>I just have one issue and that is the folks who current live in the trailers on this proposed construction site. I believe and with any future building they should be compensated with another place to live.</p> <p>Most people who love around this area are in the poverty line and have children and this would put them on the street's.</p>

H. Code/Policy Review

The below serves as an analysis of applicable provisions 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.
8-1B-1 Nonconforming Properties		No compliance issues noted	No comment

8-1B-2 Nonconforming Structures		No compliance issues noted	No comment
8-1B-3 Nonconforming Uses		No compliance issues noted	No comment
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose	PZ/CC	No compliance issues noted	The application just over 17 units per acre, under the 35 units per acre maximum within the R-2 Zoning District. The subdivision request entitlements for single family attached residential units, which is consistent with the purpose identified for the R-3 Zoning District.
8-2B-2 Allowed Uses	PZ/CC	No compliance issues noted	Single Family Attached Dwellings are a permitted use.
8-2B-3 Form Standards	PZ/CC	No compliance issues noted	The required setbacks are: Front: 5'/20' Interior Side:0'/5' Rear: 15' Street side: 5' The allowable maximum height is: n/a The minimum lot size is: n/a There are encroachments into the base zoning district rear setback. A waiver has been requested to allow for a 5ft setback vs. 15ft. All improvements are more than 70' from the Boise River.
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DC/CC	No compliance issues noted	6ft tall wood fence proposed.
8-4A-4 Outdoor Lighting	DC/CC	No compliance issues noted	
8-4A-5 Outdoor Service and Equipment Areas	DC/CC	Compliant as conditioned	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.
8-4A-7	DC/CC	Compliant as	A draft condition of approval has been provided requiring that

Stormwater Systems		conditioned	the stormwater systems be built in compliance with provisions of 8-4A-7.
8-4A-8 Utilities	DC/CC	Compliant as conditioned	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	There does not appear to be Boise River irrigation facilities to the site.

8-4B Design Provisions for Residential Structures

8-4B-3 Single Family and Two-Family Attached and Detached Dwelling	DC/CC	May not be complaint	The unit adjacent to 45 th Street now appears to address the street. However, the elevations are not provided and thus it is not clear what the applicant has done. Garden City Code states "All elevations adjacent to public streets must contain: a. Windows; and b. Shall have a direct and permanent pathway that connects to the sidewalk and an entrance with decorative posts or roof, or covered porch; and c. Modulation in the building facades."
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8-4D Parking and Off Street Loading Provisions

8-4D-3 Parking Design and Improvement Standards	DC/CC	Compliant as conditioned	It is not clear in the site plans how wide the parking spaces are. The size of the parking space for a residential unit shall be at least ten feet by twenty feet (10' x 20'). Garage spaces shall be measured from the exterior dimensions.
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8-4D-4 Parking Use Standards	DC/CC	No compliance issues noted	
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8-4D-5 Required Number of Off-Street Parking Spaces	DC/CC	May not be complaint	<i>These calculations are based on the one vehicular parking spot located within the unit's garage, the one vehicular parking spot located in the driveway, and the surface guest parking provided in the common lot.</i> Number of residential vehicular parking spaces required: 24 Total provided: 24* <i>* 24 parking spaces are provided for by counting the unit's driveway as one parking spot.</i> Number of enclosed residential spaces required: 12 Total provided: 12 Number of guest parking spaces required: 6 Total provided: 3 <i>*A waiver to guest parking standards has been requested.</i>
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Dwelling, multi-family	Total Required Parking	Required	Within an Enclosed
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			<table border="1"> <tr> <td></td> <td></td> <td>Garage</td> </tr> <tr> <td>More than 1 bedroom</td> <td>2*12 Units= 24</td> <td>1*12 Units= 12</td> </tr> <tr> <td colspan="3">For developments with more than 2 dwelling units there shall be 0.5 additional spaces/unit provided for guest parking.</td> </tr> </table>			Garage	More than 1 bedroom	2*12 Units= 24	1*12 Units= 12	For developments with more than 2 dwelling units there shall be 0.5 additional spaces/unit provided for guest parking.		
		Garage										
More than 1 bedroom	2*12 Units= 24	1*12 Units= 12										
For developments with more than 2 dwelling units there shall be 0.5 additional spaces/unit provided for guest parking.												
			There is one bicycle space required for every 6 dwelling units necessitating at least 2 bicycle spaces. These bicycle parking spaces shall be accessible to the entire subdivision and any guests. 2 bike parking spaces have been provided within the common area.									
8-4D-6 Standards for Alternatives to On Site Parking	DC/CC	No compliance issues noted	Not requested.									
8-4E Transportation and Connectivity Provisions												
8-4E-3 Public Street Connections	DC/CC	Compliant as conditioned	Appears to be code compliant. However, 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 site takes access from Iota Street, which is a 40ft wide private drive identified in the Iota Subdivision plat as an easement that has been dedicated to ACHD. There is no direct access to/from 45 th Street.									
8-4E-5 Private Street Standards	DC/CC	No compliance issues noted										
8-4E-6 Sidewalk Standards	DC/CC	No compliance issues noted	A 5' wide detached sidewalk with landscape buffer is proposed along 45 th Street. Iota Street is required to have 5' wide detached sidewalk as well due to it being a public street. The application proposes a 5ft wide detached sidewalk with street trees.									
8-4F Sign Provisions												
8-4F-13 Master Sign Program	DC	No compliance issues noted	Not required per GCC 8-4F-13 applicability.									
8-4H Flood Hazard	Planning Official	Compliant as conditioned	The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.									
8-4G Sustainable Development Provisions												
8-4G		No	A sustainability check list has been submitted.									

Sustainable Development Provisions		compliance issues noted	<p>All new development and additions to existing development shall be required to provide for sustainable development practices based on a point system as follows:</p> <p>a. All new residential developments over four (4) dwelling units: six (6) points/units.</p> <p>Each unit is required to score at least 6 points. Those points can be repeated for each dwelling unit.</p>
8-4I Landscaping and Tree Protection Provisions			
8-4I-3 General Landscaping Standards and Irrigation Provisions	DRC/CC	No Compliance Issues Noted	
8-4I-4 Landscaping Provisions for Specific Uses	DRC/CC	Compliant as conditioned	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, <u>excluding areas for setback or perimeter landscaping.</u> Landscape Provided: 9,680 = 32% of the site.</p> <p>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. 45th Street Trees Required: 1 Street + 2 Frontage = 3 trees 45th Street Trees Provided: 1 Street + 2 Frontage = 2 trees <i>* The trees proposed in this location are proven to be good street trees, providing a large tree canopy with lots of shade.</i></p> <p>Iota Street Trees Required: 1 Street + 6 Frontage = 7 trees Trees Provided: 1 Street + 6 = 7 trees</p> <p>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. Trees Required (9,680sqft landscape): 9.5 trees Trees Provided: 34 as stated in the landscape plans submitted on November 1, 2021</p> <p>Shrubs Required: 63 shrubs Shrubs Provided: 232 – as stated in the landscape plans submitted on November 1, 2021.</p>
8-4I-5 Perimeter Landscaping Provisions	DRC/CC	No compliance issues noted	Not required.
8-4I-7 Tree Preservation Provisions	DRC/CC	Not Compliant – Compliant as conditioned	<p>There are existing trees on the site. A tree mitigation plan has not been submitted to identify the calipers of existing trees. A certified arborists letter will be required prior to any construction permits being issued. There is a statement on the landscape plans stating:</p> <p>"All feasible attempts have been made to preserve existing</p>

			<p>trees on this site as previous versions allowed for saving one or more of the larger trees. The most recent city requirements however, have made it impossible to save any of them. As such, these trees will not require mitigation.</p> <p>Although there are no existing trees within the ACHD right of way or on city property an effort has been made to mitigate for the trees being removed. Six additional trees are to be planted over and above the city landscape requirements. Any more would hinder the functionality of the outdoor spaces and detract from the overall desirability of the proposed landscaping. No additional mitigation shall be necessary unless determined so by the city forester prior to issuance of any construction permits.”</p> <p>Please note that 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.</p>
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8-4L Open Space Provisions

8-4L-3 General Open Space Standards	DRC/CC	No compliance issues noted	
8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments	DRC/CC	May not be complaint	<p>A minimum of ten percent (10%) of the gross site area shall be in common open space.</p> <p>There is 2,587sqft of common open space identified in the site plan. This accounts for about 8% of the overall site. The site is deficient by about 2%.</p> <p>The landscaping found in the individual unit's backyards cannot count towards the common open space minimum. Recalculations will be required if these areas have been included in the overall calculations.</p> <p>The applicant has not indicated whether or not they wish to include the deficiency as a waiver through the PUD.</p> <p>There is currently a conditioned drafted for the site to be code compliant with GCC 8-4L-3. This would require the extra 2% of common open space.</p>

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	<p>See discussions on Design Review 8-4 B&C; Driveways 8-4-E; Floodplain 8-4H; 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</p> <p>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.</p>
8-5A-5 Design Standards		No compliance issues noted	<p>Interior lots shall be configured so that no front yard shall be adjacent to a rear yard on an adjoining property. Lot 13 currently has its rear yard facing the adjacent property's front yard. However, common lot 1 is between lot 13 and the adjacent property.</p>

8-5A-6 Improvement Standards		No compliant issues identified	
<u>8-5C-4 Subdivisions located within a Floodplain</u>			
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 code section.
Title Chapter Article Administration	8, 6, A:		
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	Compliant as conditioned	Application waivers requested pursuant to 8-6A-4A: 1. Will Serve Letter It has been conditioned to require that the will serve letter be provided prior to the approval of construction plans.
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 more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.
8-6B-7 Planned Unit Development	DC/CC	May not be complaint – Discussion Required	Application waivers requested pursuant to 8-6B-7: 1. Enclosed Parking Requirement 2. Guest parking 3. Common open space – suggested by staff 4. Rear setback

Other Items Reviewed

Plan/Policy	Discussion/ Analysis
Idaho Code 67-6513 Local Land Use Planning Subdivision Ordinance	Garden City has, by ordinance, adopted hearing procedures compliant with section 67-6509 , Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329 , Idaho Code. This statute enables Garden City regulations to provide for mitigation of the effects of subdivision development on the ability of political

	<p>subdivisions of the state, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.</p> <p>This section notes that denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.</p>
Idaho Code 67-6515 Local Land Use Planning Planned Unit Developments	This statute enables Garden City to process applications for planned unit developments.
Garden City Comprehensive Plan	<p>This application is in future land use designations of the Comprehensive Plan:</p> <p>a.) Mixed Use Commercial</p> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <p>a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.</p> <p>Goal 2. Improve the City Image</p> <p>a.) 2.1 Objective: Encourage new and distinctive neighborhoods.</p> <p>b.) 2.3 Objective: Promote quality design and architecturally interesting buildings.</p> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <p>a.) 4.1 Objective: Beautify and Landscape</p> <p>b.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p> <p>Goal 7. Connect the City</p> <p>a.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</p> <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <p>a.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</p> <p>Goal 6. Diversity in Housing</p>
Garden City Sidewalk Policy	The application has proposed an attached sidewalk, this is not permitted. A detached sidewalk shall be required.
Garden City Street Light Policy	A streetlight is installed along Iota Street and 45th Street in accordance with the policy.