



CITY OF GARDEN CITY

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File Number: SUBFY2021-0009 Wandering Trail Subdivision
For: Combined Preliminary and Final Plat and Planned Unit Development
A 20-lot residential subdivision
Location: 512 E 43rd Street
Applicant: Julie Miller
Report Date:
Design Review: February 22, 2022
Planning and Zoning: March 16, 2022
City Council: March 28, 2022



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) [SUBFY2021-0009 Wandering Trails application and materials](#)
 - b) [SUBFY2021-0009 Resubmittals 10/19/2021](#)
 - c) [SUBFY2021-0009 Resubmittals 11/03/2021](#)
 - d) [SUBFY2021-0009 Resubmittals 11/24/2021](#)
 - e) [SUBFY2021-0009 Geotech Report 11/03/2021](#)
 - f) [SUBFY2021-0009 Resubmittals 12/15/2021](#)
 - g) [SUBFY2021-0009 Renderings 12/15/2021](#)
 - h) [SUBFY2021-0009 Resubmittals 01/04/2022](#)
 - i) [SUBFY2021-0009 Resubmittals 02/07/2022](#)
2. Staff Reports
 - a) [Design Review Staff Report Dated December 20, 2021](#)
 - b) [Planning and Zoning Staff Report December 15, 2021](#)
 - c) [Design Review Staff Report Dated January 18, 2022](#)
 - d) [Planning and Zoning Staff Report Dated January 19, 2022](#)
 - e) Design Review Staff Report Dated February 22, 2022
 - f) Planning and Zoning Staff Report Dated March 16, 2022
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
7. Draft Decision Document

B. Recommendation Summary:

This summary will be updated to reflect the recommending bodies recommendations.

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: 512 E 43rd Street
- 2) Parcel Number(s): R2734521651
- 3) Subdivision: LOT 8 & N'ELY 1/2 LOT 7 BLK 18 FAIRVIEW ACRES SUB NO 03
- 4) Property Size: 1.033 acres
- 5) Zoning District: C-2 General Commercial
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Neighborhood Destination
 - b) Mixed Use Residential
- 8) Legal Parcel of Record: Unknown
- 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) Single Family Dwelling Units
 - b) School - Future School
 - c) Park
 - d) Greenbelt
- 11) Existing Use: Gem State Stone; stone yard and masonry supply.
- 12) Easements on site: There are no records on file with Garden City of existing easements
- 13) Site Access: 43rd Street

14) Sidewalks: There is an existing attached sidewalk on the site.

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: 21
 - a) Common: 1
 - b) Residential: 20
- 3) Density: 18 Dwellings per acre
- 4) Site Coverage: 44,997sqft
 - a) Building: 31,332sqft = 69% of the site
 - b) Landscaping: 2,498sqft = 5.5% of the site
 - c) Non-Permeable Areas: 10,861sqft = 24% of the site
 - d) Common Area: 4,536sqft = 10%
- 5) Access: Drive from 43rd Street
- 6) Total number of vehicular parking spaces: 47
 - a) Enclosed: 40
 - b) Surface: 7
- 7) Total number of bicycle parking: 8
- 8) Refuse: It is assumed that Republic Services will pick up individual services internal to the development. Republic services has provided comments.
- 9) Fencing: New 6ft tall vinyl fencing around the perimeter and 4ft wrought iron fencing around the common open area.
- 10) Sidewalk:
 - a) Existing attached sidewalks are proposed to stay.
- 11) Landscaping:
 - a) 414 of shrubs or bushes; turf and rock mulch
 - b) 56 Total number of trees
 - i) 40 Class I, 5 of which are street frontage trees
 - ii) 8 Class II, 0 of which are street frontage trees
 - iii) 0 Class III
 - iv) 8 Evergreen
 - c) Parameter Landscaping:
 - i) 6ft x 6ft vegetative buffer within the 7ft side setback
 - ii) Vegetative cover in the 6'-6" rear setback
- 12) City Utilities
 - a) Water and Sewer connection to lots
- 13) Proposed Easements:
 - a) Maintain existing 30' Sewer Easement along western boundary
 - b) Maintain existing 10' Idaho Power easement at southern boundary
 - c) Maintain existing 6' cross access easement along the southern property boundary per instrument number 2018-020181
 - d) Create a 6' wide cross access easement along the northern property boundary line.
- 14) PUD Waivers requested:
 - a) Waiver to guest parking requirements

C. Discussion

New discussion items for the February 22, 2022, DSR Hearing:

Below is a summary of the discussions had at the previous hearing:

- I. Sewer easement: there is not specific language in the sewer easement that precludes trees.
- II. Why is this application applying for a PUD versus a subdivision?
- III. Variety is achieved through colors and materials. However, architectural distinctness is not going as far as it should to meet the 8-6B Planned Unit Development standards.
- IV. Street trees need to be addressed. Larger trees need to be proposed. **Street trees remain the same. Trees are class I due to overhead powerlines. Per GCC, these overhead utilities are required to be underground and it has been conditioned to do such. There would be no height restriction on the street trees if these utilities were underground.**
- V. Terminal view needs to be the common open space, as opposed to the parking being the center of the terminus view. **Addressed. Common open space added towards the rear of the property with large Linden trees and grasses to complete the terminus view.**
- VI. Support a reduction of the guest parking if the terminus view is of that common open space. Terminus view needs to be more than just a landscape buffer. **Reduction of guest parking from 10 spaces to 7 spaces.**
- VII. Incorporate a distinct pedestrian material across the common drive to connect the two mid-subdivision common areas. **Not depicted, but conditioned.**
- VIII. 20ft dedicated lane for fire truck, 26ft is the clear width of the drive isle for the fire truck and refuse truck.

Previous Discussion items for the January 18th, 2022 DSR Hearing:

For code analysis and comments regarding non-compliance, please see the code/policy review in section G of the staff report.

The City Engineer provided comments regarding existing easements and drainage plans that might require the subdivision to be redesigned. There was a second review performed by the city engineer to which he stated that many of his original comments were not addressed by the resubmittals. Please read his comments.

This application (SUBFY2021-0009) is a subdivision application that is to be processed as a Planned Unit Development (PUD). As a PUD development, the applicant can submit waivers to code standards. The applicant has officially requested only one waiver to Garden City Code, Title 8 regulations, however, staff has listed additional waivers worth conditioning and/or discussing based off the analysis. See below:

- a. Setbacks, allowing for interior of the development 0'; and

- b. More than 4 dwelling units being served through a common drive, allowing for 20 units to be served on a common drive.
- c. Guest parking; allowing for 7 guest parking vs. the required 10. (*Formally requested*).

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 proposes a variety of housing types by providing a variety in floor plans. There is a mix of:**

- (8) 3-bedroom/3-bath**
- (4) 2-bedrrom/2.5-bath**
- (4) 2-bedroom/2-bath**
- (4) 2-bedroom/3.5-bath**

All units have an oversized garage, with one style (unit A1 & A2) providing for a large storage space. The remaining unit types provide either a ground floor bedroom, office, or main living room area. The dwelling units are all 3-story townhomes of similar architectural design, and all have rooftop decks with enclosed space on the third floor.

The applicant has claimed that “There will be a mixture of units to be sold and units to be rented by the applicant, River Trail, LLC. A variety of finishes and color schemes will attract home buyers and renters from singles to couples, small families, roommates, and those with live-in relatives.”

The Planning and Zoning Commission shall need to decide whether the different floor plans are providing enough variety to meet the PUD code.

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.

Notes

1. The applicant is aware that they have not provided an updated landscape plan to match the January 4, 2022, resubmittals. It has been adequately conditioned to require complete compliance with Garden City Code 8-4I, and further discussions with staff regarding the 43rd Street frontage trees is required to achieve the desired urban tree canopy.
2. The site consists of 4,536sqft = 10% of common open space. This is code compliant. However, the fenced in grassy area does not contain any trees. It has not been conditioned as staff wished for this topic to be discussed, but the addition of trees and shrubbery would help to enhance this common area. If the applicant were to plant a tree in the common area next to the adjacent parking lot, it would potentially help reach code compliance with 8-4I-6.

D. 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/Final Subdivision	Plat	Planning and Zoning Commission: Hearing December 15, 2021, January 19, 2022, March 16, 2022	City Council: Hearing January 10, 2021, February 14, 2022, March 28, 2022
And Planned Development	Unit	and Design Review Committee: Hearing December 20, 2021, January 18, 2022, February 22, 2022	

Required Findings:

For the approval of a COMBINED PRELIMINARY AND 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.

If there is a denial, state code requires that the decision maker identify what could be done to obtain approval.

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.

E. 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
Garden City Engineer Link to Full Comment Link to Email Comment	11/25/2021	<ul style="list-style-type: none"> • Please note that the “front” yards of these homes will almost be entirely taken up with steep storm water swales. • There is an existing cross-access easement along the project’s southerly boundary that will interfere with the proposed development as it is shown. • The landscape plan seems to have completely ignored the proposed drainage design. The swales will impact the landscaping for the project • The title report includes several existing easements and a cross-access agreement that cover the property. Please provide information on their purpose and location. Said easements may need to be relinquished prior to recording the final plat. Of particular interest is the cross-access easement along the southerly property line. How will this easement impact the project landscaping and storm water facilities? • The Preliminary Site Plan seems to ignore the cross-access easement along the southerly property line. What will be a disposition of this easement? • Please assure the landscaping plan includes the storm water facilities and how they will be landscaped. The plan does not appear to include the facilities. • The final plat must include easements specifically referencing Garden City for water/sewer and appurtenances for all public infrastructure.
Link to Full Comment	01/01/2022	<ul style="list-style-type: none"> • Material submitted did not include full construction plans. This is not an issue for this review, but additional comments should be expected when complete plans are provided.

		<ul style="list-style-type: none"> The additional material did not address many of the original comments. In fact, additional comments resulted.
Department of Environmental Quality Link to Full Comment	11/19/2021	<ul style="list-style-type: none"> Standard Comments
North Ada County Fire and Rescue Link to Full Comment	11/07/2021	<ul style="list-style-type: none"> Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. (IFC D105) The proposed heights for the townhouses exceed 30 feet. The common drive's width must be a minimum of 26-feet wide. (Only a 20-foot road width is shown on the site plan.) Dead-end fire apparatus access roads exceeding 150 feet in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5, IFC D103) Approved hammerhead is shown on the plans. Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 600-feet from the hydrant. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 Monument signage for addressing will be required at the entrance and at all intersections within the project.
Republic Services Link to Full Comment	11/09/2021	<ul style="list-style-type: none"> We were not able to find a trash plan which leads me to assume that this property will utilize cart service. The private road is only 20' wide leading to a hammerhead with parking in this area which is not in compliance with the design standards. Since there is insufficient room to turn around at the end of this complex we may be forced to have the residents place their trash and recycle carts out on the main road for service. One solution might be to increase the size of the road.

F. Public Comment

No public comments were provided as of the drafting of this document.

G. 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		May not be complaint	The project includes a re-subdivision of a portion of a lot within Fairview Acres Subdivision No. 3. Please provide evidence the split of said lot is an original parcel per Garden City Code
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose	PZ/CC	No compliance issues noted	The application just over 18 units per acre, under the 35 units per acre maximum within the R-3 Zoning District. The subdivision does not specifically request entitlements for any use in conjunction with this application, but assumes 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	<p>The required setbacks are: Front: 5'/20' Interior Side: 0'/5' Rear: 15' Street side: 5'</p> <p>The allowable maximum height is: n/a</p> <p>The minimum lot size is: n/a</p> <p>There are encroachments; as a PUD, the application can submit waivers to setback standards.</p> <p>All improvements are more than 70' from the Boise River.</p> <p>All properties meet the minimum street frontage.</p>
Title 8, Chapter 3: Overlay Zoning District Regulations			
8-3D Neighborhood Commercial Node	DC/PZ/CC	No compliance issues noted	Applicant does not wish to apply this overlay.
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DC/PZ/CC	No compliance issues noted	This proposal identifies a 6ft tall vinyl fence around the perimeter of the property. An addition 4ft tall wrought-iron fence is proposed around the large common open area towards the rear of the property.
8-4A-4 Outdoor Lighting	DC/CC	Compliant as conditioned	This proposal does not identify any outdoor lighting. There has been a waiver submitted to waive the lighting plan submittal. Any future outdoor lighting will be required to be in compliance with code at the time of development.

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 Stormwater Systems	DC/CC	May not be complaint	The City Engineer pointed out stormwater issues, including the fact that the landscape plan appears to disregard the stormwater management proposed. Please refer to the City Engineer review submitted on November 25, 2021 and January 1, 2022. A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
8-4A-8 Utilities	DC/CC	May not be complaint	The City Engineer had comments regarding on-site utilities. A draft condition of approval is provided requiring each lot to be connected to City services. The landscape plan proposes class I trees due to the overhead utilities found on the site. It shall be required that this overhead utility be underground per Garden City Code. Another draft condition of approval is provided requiring that all utilities be underground.
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 – Discussion Required	The front elevation of the two units closest to 43 rd street show a porch area with two sets of stairs. There is a direct pathway from the front porch to the public sidewalk. The front door of these units not face the street as requested by the Design Review Committee. The units most adjacent to 43 rd Street appear to lack a relationship with the street. All elevations adjacent to public streets must contain: <ul style="list-style-type: none"> 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.
8-4D Parking and Off Street Loading Provisions			
8-4D-3 Parking Design and Improvement Standards	DC/PZ/CC	No compliance issues noted	
8-4D-4 Parking Use Standards	DC/PZ/CC	No compliance issues noted	
8-4D-5 Required	DC/PZ/CC	Compliant as conditioned	Total Number of vehicular parking spaces required: 50 Total Provided: 47

Number of Off-Street Parking Spaces		and approved through PUD waiver	<p>Enclosed Required: 40 Enclosed Provided: 40 Guest Required: 10 Guest Provided: 7</p> <table border="1"> <thead> <tr> <th>Dwelling, Single Family attached</th> <th>Total Required Parking</th> <th>Required Within An Enclosed Garage</th> </tr> </thead> <tbody> <tr> <td>More than 1 bedroom</td> <td>2* 20 Units= 40</td> <td>2* 2 Units= 40</td> </tr> </tbody> </table> <p>For developments with more than 2 dwelling units there shall be 0.5 additional spaces/unit provided for guest parking.</p> <p>The site has eliminated the originally proposed 10 guest parking spaces in order to achieve compliant common open space. The applicant has asked for a waiver to guest parking standards.</p> <p>There is one bicycle space required for every 6 dwelling units resulting in the requirement of at least 2 bike parking spaces. It has been conditioned to require at least 2 bike parking spaces. The site provides 8 bicycle parking spaces.</p>	Dwelling, Single Family attached	Total Required Parking	Required Within An Enclosed Garage	More than 1 bedroom	2* 20 Units= 40	2* 2 Units= 40
Dwelling, Single Family attached	Total Required Parking	Required Within An Enclosed Garage							
More than 1 bedroom	2* 20 Units= 40	2* 2 Units= 40							
8-4D-6 Standards for Alternatives to On Site Parking	DC/PZ/CC	No compliance issues noted	None requested.						
8-4E Transportation and Connectivity Provisions									
8-4E-3 Public Street Connections	DC/PZ/CC	Compliant as conditioned	<p>Public street connection at E. 43rd Street for a common driveway to access all twenty buildable lots.</p> <p>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.</p>						
8-4E-4 Internal Circulation Standards	DC/CC	No compliance issues noted	The drive is 20' or greater in width.						
8-4E-6 Sidewalk Standards	DC/CC	No compliance issues noted	<p>The existing sidewalk meets the provision: C. Detached sidewalks shall be required unless in conflict with a street plan adopted by the transit authority and/or the city <u>or there is existing attached sidewalk on both sides adjacent to the property.</u></p> <p>There is an existing detached sidewalk across the street from this development.</p>						
8-4H Flood Hazard									
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 Sustainable		Compliant as conditioned	The development is required to provide 6 points. There is a condition to require that the sustainability checklist be submitted prior to construction.						

Development Provisions			
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, excluding areas for setback or perimeter landscaping.</p> <p>Interior Landscaping Provided: 2,498sqft = 5.5%. (As stated on the December 15, 2021, landscape plans and the January 4, 2021 site plan. Matching landscape and site plan sheets will be required prior to construction plan approval.</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.</p> <p>43rd Street Trees Required: 1 Street + 3 Frontage (150') = 4 trees Trees Provided: 1 Street + 4 Frontage = 5 trees</p> <p><i>* In the December 15, 2021, landscape plan resubmittals it is noted that there are 6 trees provided along the 43rd Street frontage, however, landscape plans show only 5.</i></p> <p>*Indian Magic Crab Apple trees are proposed, which are Class I trees with dimensions of 15' tall and 15' wide. At least one of the trees along this frontage is required to be a Class II tree. Class II or class III trees can be substituted at the rate of two (2) class I trees for every one class II or class III trees. If the applicant chooses to substitute the 1 Class II trees with 2 Class I trees, there shall be an additional tree placed along the 43rd frontage for a total of 6 Class I trees.</p> <p>It has been conditioned to require compliance with Garden City Code 8-4I, with street tree approval being determined by the Development Services Staff. This condition has been drafted to address the lack of tree canopy proposed by the Crab Apple 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. 2,498sqft of landscaping is provided. 2.4 Trees required; 56 trees provided 16 shrubs required; 414 shrubs provided</p>
8-4I-5 Perimeter	DRC/CC	No compliance issues noted	Required perimeter landscaping meeting the standards set forth in Garden City Code is required in the following situations:

Landscaping Provisions			<p>3. Along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property.</p> <p>It appears that there is a 5ft wide perimeter landscape buffer along all property boundary lines. The boundary consists of Crimson Pointe Flowering Plum and Jack Callery Pear trees; and Diablo Ninebark, Schipka Laurel shrubs.</p>
8-4I-6 Parking Lot Landscaping Provisions	DRC/PZ/CC	No compliance issues noted – See Discussion	<p>High branching, deciduous shade trees planted evenly at fifteen foot (15') intervals (or as appropriate to the selected species) to quickly establish continuous canopy coverage. Updated landscape plan from February 7, 2022 meets this code standard.</p> <p>Solid masonry or wood fencing a minimum of six feet (6') in height with landscaped screening shall be provided between parking lots and residential uses or vacant residentially zoned properties. 6ft tall ivory colored vinyl fence proposed.</p> <p>Plant high branching deciduous trees throughout the parking lot interior to provide shade for pedestrians, vehicles and surfaces.</p> <p>a. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied. Provided.</p> <p>b. Internal shade trees shall be planted such that no parking space is more than one hundred feet (100') from a tree.</p> <p>c. On small or narrow sites, shade trees provided in non-street facing perimeter planting areas can be counted toward the internal tree requirement, provided that the maximum distance from a parking space one hundred feet (100'), is met.</p> <p>Include landscaped islands with at least one tree at the beginning and end of each parking row and to break up longer rows or highlight special features. Updated landscape plans have been provided and show compliance.</p>
8-4I-7 Tree Preservation Provisions	DRC/CC	Compliant as conditioned	<p>Landscape plans do not indicate if any tree calipers are mitigated for. A certified arborist letter stating what trees shall be mitigated for will be required. Any trees that are determined dead, dying, or diseased, shall not have to be mitigated for. Any trees that appear to have been recently removed prior to the certified arborist examination of the site shall be determined to have been healthy and thus shall require mitigation.</p>
8-4L Open Space Provisions			
8-4L-3 General Open Space Standards	DRC/CC	No compliance issues noted – See discussion notes	<p>Common open space is specifically identified on the site map. There is an area where residents can sit on a bench, between the homes, and an open fenced in area toward the rear of the property. The site consists of 4,536sqft as stated on the site plans submitted on January 4, 2022.</p>
8-4L-4 Open Space Standards for	DRC/CC	No compliance issues noted – See	<p>Open space has been identified as approximately 4,536sqft = 10% of the overall site. Common open space can only be specific, qualifying areas. It can function either as</p>

Single-family, Townhouse, and Two-Family Duplex Developments		Discussion notes	<p>active or passive space, but it has to meet these specific requirements:</p> <ol style="list-style-type: none"> 1. Any open space, not less than four hundred (400) square feet in area, and with a minimum length and width dimension of twenty feet (20') that is active or passive in its intended use, and accessible by all residents of the development, including, but not limited to: <ol style="list-style-type: none"> a. Open grassy area of at least forty feet by ten feet (40' x 10') in area; b. Community garden; c. Ponds or water features; d. Plaza. 2. Additions to a public park, greenbelt or other public open space area; 3. A landscape buffer with a minimum of five feet (5') between the street and sidewalk and eighty feet (80') in linear distance; and 4. Stormwater detention facilities when designed in accord with article A, "General Provisions", of this chapter. 5. Pedestrian pathways of at least five feet (5') in width and eighty feet (80') in length along canals, watercourses or similar channels; or through the middle of long blocks. Required sidewalks adjacent to public right of way do not qualify as common open space.
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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>
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8-5A-6 Improvement Standards			<p>A subsequent application will be required for staff approval to ensure that the proposed improvements meet code standards and policies for storm drainage, water, sewer, utilities, and monuments and are otherwise in conformance with this approval.</p> <p>Common driveways shall serve a maximum of four (4) dwelling units, unless approved through a planned unit development.</p>
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8-5C-4 Subdivisions located within a Floodplain

8-5C-4 Subdivisions located within a Floodplain	PZ/DRC/CC	No compliance issues noted, provided the draft conditions of approval, or	There are proposed conditions coinciding with provisions found within code section.
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		similar are in place.	
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process	PZ/DRC/CC	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information	PZ/DRC/CC	No compliance issues noted	Application waivers requested pursuant to 8-6A-4A: 1. Lighting Plan
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	Waiver to required guest parking.

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 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. 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.
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	This application is in future land use designations of the Comprehensive Plan: a) Activity Node: Neighborhood Destination b) Mixed Use Residential

	<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>c.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</p> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <p>a.) 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 4. Emphasize the "Garden" in Garden City</p> <p>a.) 4.1 Objective: Beautify and Landscape</p> <p>Goal 6. Diversity in Housing</p>
<p>Garden City Sidewalk Policy</p>	<p>The site currently has an existing attached sidewalk which it proposes to keep.</p>
<p>Garden City Street Light Policy</p>	<p>A streetlight is installed along E. 43rd Street in accordance with the policy.</p>
<p>Garden City Transportation Needs List</p>	<p>There is a proposed pedestrian crossing at 43rd Street and W. Chinden. With a formalized pathway system from the Greenbelt to Ustick to connect with the Boise Bench.</p> <p><u>42nd Street: Adams to Chinden & Adams: Mid-Block between VMP and 42nd</u></p> <p>The 42nd Street node is a gateway from the River to 43rd Chinden . The roadway is one of the busiest- 4 - Adopted Resolution 1089-21 - 5 - Adopted Resolution 1089-21 pedestrian roads in Garden City and has three facilities that cater to children (Anser Charter School, Future Charter School, Boys and Girls Club, and Riverside Park).</p> <p>The vision for this area is for children to be able to move safely through the area. The destinations or existing key amenities are the Boys and Girls Club, the Riverfront Park and Anser Charter School. Since the site is adjacent to VMP there is also enough vehicular traffic to support retail along VMP and Adams. Additionally, there is a convenience store at the end of 42nd Street which acts as a neighborhood market. To reduce the vehicular prominence at this location a reconfiguration of Adams to remove center turning lane, add parking and landscape bulb outs on both sides of the street as close to VMP to 44th Street would be requested as part of the project.</p> <p>The node is identified in the Garden City Comprehensive Plan and there is zoning in place to support the nodes. The design portion of this project is in the concept phase along Adams Street within anticipated two-lane 40' face to face section with on street parking and landscaping corresponding to the design of 36th Street.</p> <p>Currently this node is redeveloping as envisioned by the City north of Adams Street. Improvements have been installed on 42nd North of</p>

	Adams, as shown in the photo below. Improvements would be requested to be consistent with the development already installed.
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