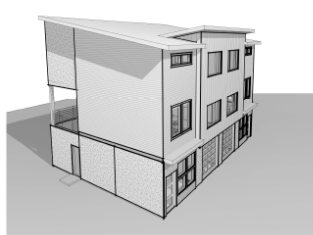




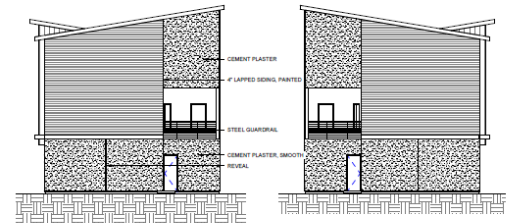
## CITY OF GARDEN CITY

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

**File Number:** SUBFY2021-0001  
**For:** Combined Preliminary Plat processed as a Planned Unit Development  
 A residential townhouse development consisting of 16 units  
**Location:** 3945 & 3947 Reed Street  
**Applicant:** Richard Wilmont  
**Report Date:** DSR: December 7, 2020 continued to January 4, 2021.  
 P&Z: December 16, 2020  
**Updated to Include Recommendations:** TBD

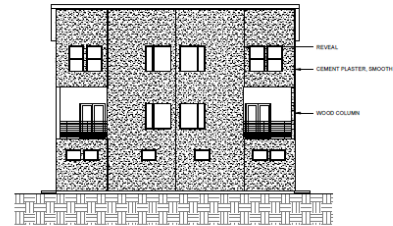


Elevation 1 - n



Elevation 2 - n

Elevation 4 - n



Elevation 3 - n

Staff Report  
 Report prepared by Hanna Veal

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## A. Recommendation Summary:

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

The Design Review Committee met with the applicant at the October 19, 2020 hearing to discuss [DSRFY2021-01](#). The application was neither accepted nor denied, as it was only a pre-application meeting. DSRFY2021-01 consisted of the same application materials, however, some changes have been made based on the Committees pre-application requests. Those changes are shown in SUBFY2021-0001 site plans, landscaping plans, and architectural plans.

A Summary of the pre-application meeting held on October 19, 2020 includes:

1. Orient the primary entrances of the street side units toward Reed Street.
2. Provide a sidewalk that which promotes connectivity between Reed Street and the primary entrances of each unit as well as throughout the entire development.
3. Concerns of privacy over the height of the building as well as the proposed deck locations of each unit in relation to the adjacent properties.
4. An internal vista or community area with a landscape buffer should be at the end of the drive isle towards the rear of the property. This can serve as open space for the community.

A hearing with the Design Review Committee was scheduled for December 7, 2020. A summary of the hearing is as follows:

1. Richard Wilmont presented the application.
2. Staff, Hanna Veal, presented the staff report
3. Richard Wilmont provided a rebuttal. The subjects that which were discussed included:
  - a. Increasing the length of the tandem parking garages would push the building into the open space.
  - b. Different housing styles in a few lots by not having tandem garages. Different townhomes might have different architectural designs based off ownership of individual townhome.
  - c. Maximize common open space by not proposing adequate guest parking spaces.
4. No public Testimony was heard.
5. Committee Member Gresham moved to request the applicant return with revised material. Conditions of approval from the Committee Included:
  - a. Common drive is to become its own lot within the subdivision.
  - b. Provide separate waivers for a reduction in guest parking standards, and tandem garage measurement standards.
  - c. Provide a public access easement from Reed Street to the rear of the property for future connection to adjacent parcel.
  - d. Provide a sidewalk to the rear property line from the common area to allow for future public access.
  - e. Provide revised landscape plans to correct for inaccurate tree placement in the sidewalk.
  - f. Provide bicycle parking for subdivision that is code compliant.
  - g. Address 3<sup>rd</sup> story windows and 2<sup>nd</sup> story balcony privacy concerns.
  - h. Schematic designs of end units that which abut Reed Street must be submitted.
  - i. Details of common lots are to be identified in site plans.

- 
6. Committee Member Hurd seconded the motion.
  7. The application was continued to the date certain of January 4, 2021.

A public hearing with the Planning and Zoning Commission is scheduled for December 16, 2020.

A public hearing with the Design Review Committee is scheduled for January 4, 2021.

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

Individual links:

1. Application Materials
  - a) [SUBFY2021-0001 application and materials received November 2, 2020, November 16, 2020 and November 20, 2020](#)
  - b) [SUBFY2021-0001 Geotechnical report submitted November 24, 2020](#)
2. Staff Reports
  - a) [DSRFY2021-0001 Pre-application materials](#)
  - b) [Design Review Staff Report December 7, 2020](#)
  - c) Planning and Zoning Staff Report December 16, 2020
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 Commission](#)
6. Draft Potential Recommendations
  - a) [Design Review Committee](#)
  - b) [Planning and Zoning Commission](#)

## 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
<a href="#">8-5B-4</a> Combined Preliminary and Final Subdivision Process	
<a href="#">8-6B-7</a> Planned Unit Development	A Planned Unit Development and a Subdivision can be processed concurrently

Special Provisions	Notes
Subdivisions located within a Floodplain <a href="#">8-5C-4</a>	<p>A floodway development application will be reviewed in conjunction with construction plans provided approval of the requested application.</p> <p>A potential draft condition of approval notes that the application being in the floodplain does not require special development considerations that cannot be addressed through the floodplain development permit and construction plan review.</p>

### **Site Conditions:**

- 1) Street Address: 3945 & 3947 Reed Street
- 2) Parcel Number(s): R2734560070 & R2734560080
- 3) Property Description:
  - a) LOT 8 EXC NE 10' FOR RD BLK 1 FAIRVIEW ACRES SUB 7
  - b) LOT 9 EXC NE 10' FOR ROAD BLK 1 FAIRVIEW ACRES SUB 7
- 4) Property Size: 0.31 and 0.32 acres
- 5) Zoning District: R-3 Medium Density Residential
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designation:
  - a) Mixed Use Residential
- 8) Legal Lot of Record: Yes
- 9) Floodplain Designation:
  - a) 2003 FIRM: 100 Year
  - b) 2017 Draft FIRM: 100 Year

- 10) Surrounding Uses within 600 feet:
  - a) Single Family Dwelling Units
  - b) Public Use: Heron park
  - c) Manufactured home/mobile home park
- 11) Existing Use: Vacant - It appears to be a double wide manufactured home; however, record of the use was identified in 1996. The applicant has stated that the manufactured home has been demolished, but there is no record of a demo permit. Therefore, verification of appropriate capping would be needed.
- 12) Easements on site:
  - a) There are no records on file with Garden City of existing easements on the site.
  - b) Easements adjacent to the property that affect the application:
    - i) FA07 B1 L1-13 B2 L14-16 B3 L22-36 ROW
    - ii) Fairview Acres Sub 07 Plat: utility, drainage, irrigation easement
- 13) Site Access: Reed Street
- 14) Sidewalks: No sidewalks on or adjacent to 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: 16 residential lots with no proposed common lots. There is proposed common space in the development, but it is located within the individual residential lots.
  - a) Common: None
  - b) Residential: 16
- 3) Density: 25.39 Dwellings per acre
- 4) Site Coverage:
  - a) Building: 46% of the site
  - b) Landscaping: 27.6% of the site
  - c) Paved Areas: 26.4% of the site
- 5) Access: N. Reed Street
- 6) Total number of vehicular parking spaces: 34
  - a) Enclosed: 32
  - b) Surface: 2
- 7) Total number of bicycle parking: Unknown. Applicant has stated that bicycle parking has been provided within the garages.
  - a) Enclosed: unknown
  - b) Surface: unknown
- 8) Refuse: Republic Services will pick up individual services internal to the development
- 9) Fencing: Proposed 6' tall tan vinyl fencing along perimeter of the property
- 10) Sidewalk:
  - a) Detached proposed
- 11) Landscaping: 7,596 sq. ft.
  - a) Mulch and lawn area proposed
  - b) Unknown number of shrubs or bushes
  - c) 12 Total number of trees
    - i) 9 Class I, 0 of which are street trees
    - ii) 2 Class II, 2 of which are street trees

iii) 0 Class III

iv) 1 Coniferous tree

d) Parameter Landscaping: 5' perimeter landscaping with mulch and some trees and bushes. 6' high vinyl fencing along the perimeter.

**12) City Utilities**

a) Water and Sewer connection to lots

b) No fire hydrant proposed

**13)** There are no records on file with Garden City of existing easements on the site.

**14) Proposed Easements:**

a) 5,630sqft Access and Public Utilities Easement being portions of Lots 8 & 9, Block 1 of Fairview Acres Subdivision No. 7.

b) Perpetual ingress/egress easement on shared drive.

**15) PUD Waivers requested:**

a) Waiver for 0' interior side lot line setbacks

b) Waiver for more than 4 dwelling units being served through a common drive

c) Waiver for the setbacks between buildings to be 6.0 minimum

d) Waiver submitted to waive the PUD requirement of providing a diversity of housing types when more than 10 dwelling units are proposed



## D. Discussion

SUBFY2021-0001 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 such as minimum setbacks to allow for the 0' interior side setback, and for allowing a greater number of lots to be accessible off a common drive. The applicant has also submitted waivers to required application documents such as the ability to serve, Ada County approved addresses, irrigation/ditch company information form, natural hazard and resources analysis and a master sign plan.

The application, while submitting some waivers, has failed to submit waivers to other Garden City PUD Code. The application proposes that the setback between proposed buildings is to be between 6.0' (between lots 10 & 11, and 14 & 15) and 6.3' (between lots 2 & 3, and lots 6 & 7). PUD code requires that the minimum setback between buildings be at least 10'. Staff has identified this nonconformity in the proposed plans and has included it in the drafted decision document as a requested waiver to standards.

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 plan. Staff has identified this nonconformity in the proposed plans and has included it as a waiver to code standards in the drafted decision document.

Staff would also like to note that the subdivision proposes 16 total lots, with all 16 lots being residential. On the submitted subdivision plat the lots are shown to extend out into the common drive, which will mean that the individual property owner of that lot is responsible for maintaining that section of the common drive. In addition to the lots having portions of the common drive within them, some lots, for example lots 8 and 9, have portions of the common open space located within. This would mean that the property owners of those lots would also have to maintain the common open space. Staff recommend turning the common drive isle, as well as the common open space, into common lots that which the subdivision's HOA can maintain and be responsible for. Thus, turning the now 16 residential lots into 16 residential lots with at least 2 common lots. It has been drafted as "all common open spaces shall be located on common lots and notes as unbuildable on the plat" in the potential conditions of approval.

All lot frontage is to be considered adjacent to the common drive except for lots 1 and 16 as their frontage is to be considered Reed Street.

Garden City has [The Original Town Circulation Network Plan](#) where it would require this subdivision to provide a connection from Reed Street to Adams. The ordinance is not specific in what kind of connection, whether it is vehicular or pedestrian, but it does require connection. The addition of a public access easement through the development would be sufficient to meet this requirement and has been added as a drafted potential condition of approval.

## 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/Final Subdivision	Plat	Planning and Zoning Commission: Hearing December 16, 2020 and Design Review Committee: Hearing December 7, 2020 continue to the date certain of January 4, 2021.	City Council: Hearing January 25, 2021
And Planned Development	Unit		

### 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

**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.

**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**

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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. Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section [67-8003](#), Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section [67-6521\(1\)\(a\)](#), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by [chapter 52, title 67](#), Idaho Code.

## 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.

<b>Agency</b>	<b>Comment Date</b>	<b>Summary</b>
Ada County Highway District	None received to date	
Boise School District	11/18/2020	Elementary School: Whittier Junior High School: North High School: Boise  No comments regarding traffic nor safe routes to school impact.  <a href="#">HERE</a>
Central District Health	11/20/2020	After written approvals from appropriate entities are submitted, CDH can approve the proposal for central sewage and central water.  Central sewage and water plans must be submitted to the Idaho Department of Environmental Quality.  Infiltration beds for storm water disposal are considered shallow injection wells. Application fee must be submitted to CDH.  <a href="#">HERE</a>
COMPASS		
Garden City Engineer	11/21/2020	<a href="#">HERE</a>
Idaho Transportation Department	None received to date	
Irrigation: Fairview Acres	11/19/2020	FALWUA does not currently provide irrigation water to this property.  <a href="#">HERE</a>
North Ada County Fire and Rescue	None received to date	
Meridian School District	None received to date	
Department of Environmental Quality	11/27/2020	Standard Comments

## G. Public Comment

The following is a summary of the public comments and testimony that were provided by November 30, 2020 in accordance with [Resolution 1053-18](#). All comments are included in their entirety as a part of the record.

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<b>Commenter</b>	<b>Comment Date</b>	<b>Summary</b>
Barbara Decker	11/24/2020	Curious as to the name of the subdivision. Is it Violets Crossing or Violet's Crossing?

## 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.

<b>Garden City Title 8 Code Sections</b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</a>			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	
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2B-1 Purpose	PZ/CC	No compliance issues noted	The application just over 25 units per acre, under the 35 units per acre maximum within the R-3 Zoning District. The subdivision specifically requests entitlements for single family attached dwelling units in conjunction with this application, 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 dwelling units are permitted within the R-3 zoning district.
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  All improvements are more than 70' from the Boise River.  All properties meet the minimum street frontage
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>	DC/CC	No compliance issues noted	Proposed 6' tall, tan, vinyl fencing along the perimeter of the property.
<a href="#">8-4A-4 Outdoor Lighting</a>	DC/CC	No compliance issues noted	Wall mounted LED light fixture proposed. Measures 6" wide and 1' tall.
<a href="#">8-4A-5 Outdoor Service and</a>	DC/CC	No compliance issues noted	The proposal includes garage space for roll-away trash carts for Republic Services to pick up internal to the development

<a href="#">Equipment Areas</a>			
<a href="#">8-4A-7 Stormwater Systems</a>	DC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	A draft condition of approval has been provided in the general requirements requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
<a href="#">8-4A-8 Utilities</a>	DC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	A general requirement draft condition of approval is provided requiring each lot to be connected to City services.  Another general draft condition of approval is provided requiring that all utilities be underground.
<b><a href="#">8-4B Design Provisions for Residential Structures</a></b>			
<a href="#">8-4B-3 Single Family and Two-Family Attached and Detached Dwelling</a>	DC/CC	No compliance issues noted	
<b><a href="#">8-4D Parking and Off Street Loading Provisions</a></b>			
8-4D-3 Parking Design and Improvement Standards	DC/CC	May not be complaint	The architectural plans show the tandem garage parking dimensions as 10'- 3" wide and 34' long. Code requires garages to be at least 10' X 20". However, the applicant is proposing tandem parking, which, has been interpreted in previous applications to require 10' X 40' parking. Applicant must be code compliant or submit a waiver to these standards.  Two potential conditions for approval has been drafted in the decision document for the waiver to standards as well as for the requirement of meeting code standards.
8-4D-4 Parking Use Standards	DC/CC	No compliance issues noted	
8-4D-5 Required Number of Off-Street Parking Spaces	DC/CC	Not Compliant	32 Enclosed parking spaces required: standards were met.  8 Guest parking spaces required: standards were not met. Site plan only proposes 2 guest parking spaces. It is also unclear as to where those guest parking spaces are in the development. No waivers to standards have been submitted.  Bicycle parking facilities are noted to be in the tandem garage of each dwelling unit.
<b><a href="#">8-4E Transportation and Connectivity Provisions</a></b>			



8-4E-3 Public Street Connections	DC/CC	No compliance issues noted	Public street connection at N. Reed Street for a private common driveway to access all buildable lots.  There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.
8-4E-4 Internal Circulation Standards	DC/CC	Compliant as conditioned. May warrant discussion.	Proposed common drive is the required 20' wide.  This common drive, however, is not a common lot. The City has witnessed situations where disputes occur because the individual property owners are responsible for maintenance of the drive. Staff suggests that maintaining the common drive as a commonly owned lot is a better practice.  This application requests a waiver allowing than four lots be allowed on the common drive.  A potential condition for approval has been drafted in the decision document.
8-4E-5 Private Street Standards	DC/CC	No compliance issues noted	No private street has been proposed. If the common drive were to become a private street, the width would need to be increased to 26'.
8-4E-6 Sidewalk Standards	DC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	Detached sidewalks proposed along N. Reed St., however the width is not depicted in the site plans. Compliance with GCC 8-4E-6 is drafted as a condition of approval.
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	A 3' wide pedestrian pathway has been proposed throughout development. Code requires that all pedestrian pathways be at least 4' in width. Compliance with GCC 8-4E-7 is drafted as a condition of approval.
<b>8-4H Flood Hazard</b>			
8-4H Flood Hazard	Planning Official	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	The subdivision is located in the floodplain and must conform floodplain development standards.  Draft conditions of approval have been suggested to ensure that the subdivision and future structures adhere to the regulations identified in 8-4F.
<b>8-4G Sustainable Development Provisions</b>			
8-4G Sustainable		No compliance issues noted,	All new development and additions to existing development shall be required to provide for sustainable development practices based on a point system. For all new residential

Development Provisions		provided the draft conditions of approval, or similar are in place.	developments over 4 dwelling units at least 6 points must be achieved. The applicant has not submitted <a href="#">a sustainability checklist</a> , nor have they provided a waiver to these standards. Compliance with GCC 8-4G has been drafted as a condition of approval.
<b>8-4I Landscaping and Tree Protection Provisions</b>			
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	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	A minimum of 5% of the gross site area shall be landscaped: A total of 27.6% of the overall gross area is proposed to be landscaped.  7,596 sq. ft. of landscaping is proposed, which requires at least 7 trees and 50 shrubs. Trees and shrubs may be substituted for: 1 tree equals 10 shrubs or vice versa. The submitted landscape plan does not specifically identify the quantity of tree or shrub types. Verification of compliance with GCC 8-4I-3 by staff has been made a drafted condition of approval.
8-4I-5 Perimeter Landscaping Provisions	DRC/CC	No compliance issues noted	Perimeter landscaping not required by code; however, the applicant has stated that landscaping buffers will be provided along all sides of the development with the addition of a 6' tan vinyl fence.
8-4I-6 Parking Lot Landscaping Provisions	DRC/CC	No compliance issues noted	
8-4I-7 Tree Preservation Provisions	DRC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	In the submitted Civil plans, the demolition plan notes that the existing trees are to be removed and disposed of. A tree mitigation plan has not been submitted. Compliance with GCC 8-4I-7 Tree Preservation Provisions has been drafted as a condition of approval.
<b>8-4L Open Space Provisions</b>			
8-4L-3 General Open Space Standards	DRC/CC	May not be compliant – Compliant as conditioned	Common open space has not been identified in submitted site plans. A potential condition of approval has been drafted in the decision document for detailed identification of all open space that has been approved by the Design Review Committee and in compliance with GCC 8-4L.
8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments	DRC/CC	May not be compliant – Compliant as conditioned	Site might not have adequate common open space as it was not identified on submitted site plans.  A minimum of ten percent (10%) of the gross site area shall be in common open space. Any open space, no less than 400 square feet in area, with a minimum width and length dimension of 20' that is active or passive in its intended use, and accessible by all residents of the development shall count as common open space. Other qualified open spaces include:

			<ul style="list-style-type: none"> <li>• 2. Additions to a public park, greenbelt or other public open space area;</li> <li>• A landscape buffer with a minimum of five feet (5') between the street and sidewalk and eighty feet (80') in linear distance; and</li> <li>• Stormwater detention facilities when designed in accord with article A, "General Provisions", of this chapter.</li> <li>• 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.</li> </ul> <p>A potential condition of approval has been drafted in the decision document for detailed identification of all common open space that has been approved by the Design Review Committee and in compliance with GCC 8-4L.</p>
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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&amp;C; Driveways 8-4-E; Floodplain 8-3-B 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 construction plan submittal 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>A fire hydrant has not been proposed. However, a fire turn-around has been proposed. There has been no comment from either the City Engineer or by Public Works.</p> <p>At least 2 streetlights are installed along Reed Street in accordance with the policy.</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 similar are in place.	There are proposed conditions coinciding with provisions found within code section.
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Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>	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.
<a href="#">8-6A-4 Required Application Information</a>	PZ/DRC/CC	No concerns noted	Application waivers requested pursuant to 8-6A-4A. The applicant requested waivers to the ability to serve, approved addresses, irrigation/ditch company information form, natural hazards and resources analysis, and the master sign plan documentation.
<a href="#">8-6A-7 Public Hearing Process</a>	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.
<a href="#">8-6B-7 Planned Unit Development</a>	DC/CC	May not be complaint	<p><a href="#">See Discussion</a></p> <p>PUD Waivers requested:</p> <ul style="list-style-type: none"> <li>• 0' lot line interior side setbacks</li> <li>• More than 4 dwelling units being served through a common drive</li> <li>• Setbacks between buildings to be 3.0' minimum</li> <li>• Waiver to the requirement of offering a variety of housing types</li> </ul> <p>With 10 or more dwelling units, a variety of housing types shall be included so long as the overall density limit of the district is maintained. The proposal is for 16 townhomes, each with 4 bedrooms, 3.5 baths, and all about 1,800 square feet. There was not a waiver, nor was there an explanation as to why a variety of housing types was not proposed. However, single family attached dwelling units such as townhomes, would not be permitted in R-3 zoning districts without asking for the subdivision to be processed as a PUD due to the required setbacks of the R-3 zoning.</p> <p>As noted by the City Engineer, this application is lacking in the following easements:</p> <ol style="list-style-type: none"> <li>1. Drainage</li> <li>2. Water mains</li> <li>3. Water meters,</li> <li>4. Fire hydrants,</li> <li>5. Sanitary sewer services,</li> <li>6. Manholes</li> </ol> <p>A recommended potential condition of approval includes requiring these easements to be on the plat or otherwise adopted prior to signature of the final plat.</p>

			The minimum separation between detached structures shall be ten feet (10') unless greater separation is required by fire or building codes.
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<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Idaho Code 67-6513</a> Local Land Use Planning Subdivision Ordinance	<p>Garden City has, by ordinance, adopted hearing procedures compliant with section <a href="#">67-6509</a>, Idaho Code, for standards and for the processing of applications for subdivision permits under sections <a href="#">50-1301</a> through <a href="#">50-1329</a>, Idaho Code.</p> <p>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.</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 <a href="#">67-8003</a>, Idaho Code, consistent with the requirements established thereby.</p>
<a href="#">Idaho Code 67-6515</a> Local Land Use Planning Planned Unit Developments	<p>This statute enables Garden City to process applications for planned unit developments.</p>
Previous entitlement that might affect this project	<p><a href="#">DSRFY2021-01</a>: A pre-application meeting was held with the DSR Committee for the intended subdivision. It was neither confirmed nor denied, as it was only a pre-application conference, however the materials submitted for SUBFY2020-01 addressed the concerns the committee made during the DSRFY2021-01 conference.</p>
<a href="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>a) Mixed Use Residential</li> </ul> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> <li>a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li>a.) 2.1 Objective: Encourage new and distinctive neighborhoods.</li> <li>b.) 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li>c.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> <li>a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> <li>a.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul> <p>The application may not be supported by:</p> <p>Goal 5. Focus on the River</p>

	<p>a.) 5.5 Objective: Create more accessibility to the Boise River and Greenbelt.</p> <p>b.) 5.8 Objective: Plan for the Future of the Greenbelt Pathway and the Boise River.</p>
<a href="#">Garden City Sidewalk Policy</a>	Applicant proposes a 5' wide detached sidewalk
<a href="#">Garden City Street Light Policy</a>	At least 2 streetlights are installed along Reed Street in accordance with the policy.