

BEFORE THE GARDEN DESIGN REVIEW COMMITTEE  
GARDEN CITY, ADA COUNTY, IDAHO

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

In the Matter of:	)	SUBFY2022-0002
	)	
	)	
Preliminary Plat Subdivision	)	FINDINGS OF FACT
3900 N. Reed Street	)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho	)	ANDRECOMMENDATION
_____	)	

THIS MATTER, came before the Garden City Design Review Committee for consideration on February 22, 2022, March 21, 2022, April 18, 2022, May 2, 2022, June 6, 2022, June 20, 2022, July 18, 2022, August 16, 2022, September 8, 2022 and September 19, 2022. The Garden City Design Review Committee reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Design Review Committee makes the following Findings of Fact, Conclusions of Law and Recommendation:

**FINDINGS OF FACT**

1. The application is for a Preliminary Plat processed as a Planned Unit Development subdivision.
2. The applicant is Jeff Hatch.
3. The property owner of record is HONDO REED LLC.
4. The location of the project is 3900 N. Reed Street; Taxing Parcel Number: R2734560340; Property is described as PAR #0340 OF LOTS 30 & 31 BLK 3 FAIRVIEW ACRES SUB 7 #8800624 VIN # 4H8DS8189 TITLE B264065.
5. The subject property is 0.35 acres.
6. The project is located in the Mixed-Use Residential designation of the Comprehensive Plan Future Land Use Map.
7. The project is in the R-3 Zoning District.
8. The project is located in the floodplain according to the 2003 FIRM.

9. The project is located in the floodplain according to FEMA's most recent modeling of the Lower Boise River, adopted by resolution 1083-20.
10. There has been no denial of any application in the same form for the same use on this property within one year.
11. The following section of the Garden City Development Code apply to this proposal:
  - a. Garden City Code 8-5: Land Division Regulations
  - b. Garden City Code 8-2B: Base Zoning District Regulations
  - c. Garden City Code 8-4A: Design and Development Regulations – General Provisions
  - d. Garden City Code 8-4B: Design and Development Regulations – Design Provisions for Residential Structures
  - e. Garden City Code 8-4D: Parking and Off-Street Loading Provisions
  - f. Garden City Code 8-4E: Transportation and Connectivity Provisions
  - g. Garden City Code 8-4H: Flood Hazard
  - h. Garden City Code 8-4G: Sustainable Development Provisions
  - i. Garden City Code 8-4I: Landscaping and Tree Protection Provisions
  - j. Garden City Code 8-4L: Open Space Provisions
  - k. Garden City Code 8-6A: Administration – General Provisions
  - l. Garden City Code 8-6B-7 Planned Unit Development
  - m. Garden City Code 4-14: Storm Drainage and Erosion Control
  - n. Garden City Code Title 6: Public Water and Sewer Systems
12. The applicant provided the following application information:

<b>Materials Provided Per GCC Table 8-6A-2 Required Application Information</b>			
Provided			
Yes	No	Waived	
X			Compliance Statement
X			Preliminary Title Report
X			Neighborhood Map
X			Subdivision Map
	X		Master Plan
X			Site Plan PUD too
X			Landscape Plan
X			Schematic Drawings
X			Lighting Plan
x			Topographic Survey
		X	Grading Plan
X			Soils Report
		X	Hydrology
		X	Engineering drawing and Specifications
X			Natural Hazards and Resource Analysis

		X	Dedications and Easements
		X	Covenants and Deed Restrictions
X			Will Serve
	X		Subdivision Name Reservation
	X		Verification that address is an Ada County Approved Address*
<b>Other Materials Provided</b>			
			Floorplans PUD waiver requests

\*Items that may be required for reviews later.

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

Noticing Requirement	Required Date <sup>1</sup>	Completion Date
Receipt of application	01/11/2022	12/06/2022
Letter of Acceptance	01/06/2022	01/13/2022 <sup>2</sup>
Radius Notice	02/07/2022	01/21/2022
Interested Parties	n/a	n/a
Legal Notice	02/03/2022	01/25/2022
Agency Notice	02/07/2022	01/21/2022; Addendum 01/24/2022
Property Posting Sign	02/12/2022	02/09/2022
Affidavit of Property Posting and Photos	02/15/2022	02/09/2022

14. Agency Comments were received from:
- City Engineer; dated February 8, 2022
  - NACFR; dated December 27, 2022
  - NACFR; dated April 20, 2022
  - FAWULA; dated January 31, 2022
  - Republic Services; dated January 24, 2022
  - ACHD; dated February 16, 2022
15. Written Public Comments were received from:
- Coleen Stambaugh on December 6, 2021
16. On February 22, 2022, a public hearing before the Garden City Design Review Committee was held. A summary of that meeting is as follows:
- Condition Jeff Hatch presented the application.
  - Staff, Hanna Veal, presented the staff report.
  - Public testimony was heard from:
    - Helen Carnie in favor; interacts well with Heron Park and the Greenbelt. It matches the way the neighborhood is developing. It is

<sup>1</sup> This date is based on the date of the first of any public hearing scheduled.

<sup>2</sup> Applicant and staff were in conversation regarding required submittal materials and potential hearing dates.  
SUBFY2022-0002 FINDINGS OF FACT, CONCLUSIONS OF LAW AND DRC RECOMMENDATION -  
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in accordance with the Comprehensive Plan. Should provide a pedestrian connection from Reed Street, Heron Park and the Greenbelt as there are none currently.

- d. Jeff Hatch provided rebuttal:
  - i. The requested setback waivers are for the entire development.
  - ii. The garage is for residence's guests.
  - iii. The living quarters above the garage is for the guests of all the lots within the subdivision.
  - iv. Common access easement for all properties to utilize the common drive, common open space, and potential Greenbelt access point through back-yards.
    - 1. No reasoning behind having common areas on individual lots versus on common lots.
  - v. No interaction with the neighbor to the north.
  - vi. New subdivision would be required to meet fire safety standards.
  - vii. HOA would own the guest parking and residential dwelling structure. It would be for guests and residence to book and would be governed by the CC&Rs.
- e. Public testimony was closed.
- f. Discussion included:
  - i. It is recommended by staff to have all common areas on common lots.
  - ii. Pedestrian access and circulation are a major concern.
    - 1. Committee is opposed to the primary pedestrian entrance being from the garage.
  - iii. The units shall be compliant with Garden City Code standards 8-4B.
  - iv. The development's lack of focus on the street is not permitted. The units shall have more focus on Reed Street. Balance the street frontage components with the river frontage components.
  - v. Waiver request for the setbacks is permitted.
  - vi. Does more units and higher density as a product make it easier to achieve code compliance?
    - 1. Encourage to re-design the site to better meet the Garden City Code standards as set forth in Title 8 Development Code.
- g. Committee member Labrie moved to continue to a date certain of March 21<sup>st</sup>, 2022.
- h. Committee member Hurd seconded the motion.
- i. The motion carried unanimously.

17. On March 21, 2022, the Garden City Design Review Committee moved the application to the date certain of April 18, 2022 per the applicant's request.

18. On April 18, 2022, the Garden City Design Review Committee moved the application to the date certain of May 2, 2022, per the applicant's request.
19. On May 2, 2022, the Garden City Design Review Committee moved the application to the date certain of June 6, 2022, per the applicant's request.
20. On June 6, 2022, the Garden City Design Review Committee moved the application to the date certain of June 20, 2022, per the applicant's request.
21. On June 20, 2022, a public hearing was held with the Garden City Design Committee, discussion included:
  - a. Jeff Hatch presented the application.
    - a. New application renderings and site plans were shown to the Committee.
  - b. Staff Hanna Veal presented the staff report.
    - a. Staff reviewed the March 2, 2022, resubmittals. The March 2<sup>nd</sup> documents were the last submitted documents. The new site plans and renderings shown at the hearing were not included in the packet nor reviewed by staff.
  - c. There was no public testimony.
  - d. Jeff Hatch provided rebuttal:
    - a. Can waiver be permitted to allow for deviation from the public realm interaction?
  - e. Public testimony was closed.
  - f. Discussion included:
    - a. The development does not engage with the public realm.
      - i. Only providing a public plaza does not meet the relationship dynamic requirements between the development and the public realm.
      - ii. The public amenities only account for a small portion of the overall frontage that which is primarily dominated by the common drive.
      - iii. The pedestrian pathway through the development appears like an alleyway.
        1. Needs to be more intentional in nature. Become more of a focal point.
        2. Pedestrian pathway shall be a public amenity for the public to use.
        3. If waiver to frontage standards were to be granted, the pedestrian connection would need to be drastically enhanced.
          - a. Perhaps the common drive is separated into two with the pathway and plaza opens onto the Greenbelt
    - b. Moving the front doors to the forefront of the building façade better meets code requirements. Previous plans showing carports with

- front doors hidden behind parked vehicles does not meet code requirements.
- g. Committee Member Labrie moved to continue to a date certain of July 18, 2022.
  - h. Committee Member Hurd seconded the motion.
  - i. The motion carried unanimously.
22. On July 18, 2022, the Garden City Design Review Committee moved the application to the date certain of August 16, 2022.
23. On August 16, 2022, the Garden City Design Committee moved the application to the date certain of September 6, 2022.
24. On September 6, 2022, the Garden City Design Committee canceled the hearing and moved the application to the date certain of September 8, 2022.
25. A special meeting was held on September 8, 2022, discussion included:
- a. Jeff Hatch presented the application.
  - b. Staff Hanna Veal presented the staff report.
  - c. There was no public testimony.
  - d. Jeff Hatch provided rebuttal:
    - i. HOA would maintain the common drive and the guest unit.
    - ii. Everyone would have access to the guest parking garage, but would require HOA reservation process.
    - iii. Planned unit development (PUD) gives ability to ask for waivers.
    - iv. Private easement across the rear yards to allow for access to the public connection to the Greenbelt.
    - v. Formal agreement for public Greenbelt easement has not been reached.
    - vi. The application is meeting the intent of the planned unit development by providing a diverse type of units, creating usable open space by providing connection to the Greenbelt.
  - e. Public testimony was closed.
  - f. Discussion included:
    - i. Car-focused subdivision with almost more pavement than living space. Committee's request for a re-design has not been.
    - ii. Pedestrian alleyway is not adequate. Does not meet the intent of a "Gateway" to the Greenbelt. Does not feel public. Feels like alleyway.
    - iii. Street presence of the dwelling units is non-existent.
    - iv. Greenbelt access easement is needed.
    - v. Public access easement is needed.
    - vi. Road easement with guest parking easement needed.
    - vii. The application does not meet code in many different sections.
    - viii. Denial recommendation is based on non-code compliance as identified in the highlighted portions of the staff analysis.

1. Drafted decision document to be revised to include that missing information; or lack of information is cause for denial.
  - g. Committee Member Labrie moved to continue to a date certain of September 19, 2022.
  - h. Committee Member Hurd seconded the motion.
  - i. The motion carried unanimously.
  - j. The hearing was kept open.
26. On September 19, 2022 the Garden City Design Committee held a meeting. **The Garden City Design Committee recommended Approval/ Denial of the application subject to the following conditions:**
- a. **This will be filled out after the hearing.**
27. The record contains:
- a. Application
  - b. Noticing Documents
  - c. Agency Comments
  - d. Public Comments
  - e. Design Review Committee Minutes and Hearing Audio: February 22, 2022
  - f. Design Review Committee Minutes and Hearing Audio: March 21, 2022
  - g. Design Review Committee Minutes and Hearing Audio: April 18, 2022
  - h. Design Review Committee Minutes and Hearing Audio: May 2, 2022
  - i. Design Review Committee Minutes and Hearing Audio: June 6, 2022
  - j. Design Review Committee Minutes and Hearing Audio: June 20, 2022
  - k. Design Review Committee Minutes and Hearing Audio: July 18, 2022
  - l. Design Review Committee Minutes and Hearing Audio: August 16, 2022
  - m. Design Review Committee Minutes and Hearing Audio: September 6, 2022
  - n. Design Review Committee Minutes and Hearing Audio: September 8, 2022
  - o. Design Review Committee Minutes and Hearing Audio: September 19, 2022
  - p. Design Review Committee Recommendation
28. In consideration of a preliminary plat the decision maker shall make the following findings:

<b>The draft findings are written in denial. The Design Review Committee may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.</b>			
<b>GCC 8-5B-5: SUBDIVISION PROCESS: REQUIRED FINDINGS</b>			
Conclusion			
Compliant	Not Compliant	Not Applicable	Standard

		to this Application	
	X		<p><b>Finding 1.</b> The subdivision is in conformance with the Comprehensive Plan;</p> <p><b>Explanation:</b></p> <p><b>In Denial:</b></p> <p>The public path to the greenbelt is not designed to be obvious that it is intended to be for the public. Moreover, there is no assurances from the adjacent property that a connection to the greenbelt could be made at this location.</p> <p>The site is lacking public connections to amenities such as the adjacent park.</p> <p>The site design is not quality in that it is set back, and around a driveway and fails to address the public realm.</p> <p>Specific goals and objectives that are not met include:</p> <p>Goal 2. Improve the City Image</p> <p style="padding-left: 20px;">a.) 2.3 Objective: Promote quality design and architecturally interesting buildings.</p> <p>Goal 5. Focus on the River</p> <p style="padding-left: 20px;">a.) 5.2.2 Objective: Plant and maintain appropriate landscaping materials along the river. Based on hazardous conditions and riparian health, allow for limited pruning of vegetation and clean-up of riverbanks. Protect native plants and trees and prohibit any activity that would destabilize the river bank.</p> <p style="padding-left: 20px;">b.)5.5 Objective: Create more accessibility to the Boise River and Greenbelt.</p> <p style="padding-left: 20px;">c.) 5.5.2 Objective: Develop a city-wide pathway and sidewalk plan with links to the Boise River Greenbelt. Consider linear pathways adjacent to existing waterways such as the</p>



			<p>Thurman Mill Ditch and waterways to the Settler's Canal that can link to the river and provide alternative locations for parking and river activity staging.</p> <p>Goal 7. Connect the City</p> <p>a.) 7.1. Objective: Create pedestrian and bicycle friendly connections.</p>
	X		<p><b>Finding 2.</b> The subdivision is in conformance with all applicable provisions of this title;</p> <p><b>Explanation:</b>  <b>In Denial:</b> The application is either not in conformance with the applicable sections of Garden City Code or there was not enough information to review the application thoroughly. The application was found to not be in conformance with the applicable sections of Code 8-2B-3, 8-4B-3, 8-4D-5, 8-4I-7, 8-4L-4, 8-4L-3, and 8-6B-7.</p>
X			<p><b>Finding 3.</b> Public services are available or can be made available; and are adequate to accommodate the proposed development;</p> <p><b>Explanation:</b>  There are public services available that can accommodate the proposed development.</p>
X			<p><b>Finding 4.</b> The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program;</p> <p><b>Explanation:</b>  The subdivision does not undermine scheduled public improvements or the City's capital improvement program.</p>
X			<p><b>Finding 5.</b> There is public financial capability of supporting services for the proposed development</p> <p><b>Explanation:</b>  The application has provided an ability to serve letter. The City Engineer has stated</p>

			that the City is capable of providing water and sewer.
	X		<p><b>Finding 6.</b> The development will not be detrimental to the public health, safety, or general welfare;</p> <p><b>Explanation:</b>  <b>In Denial:</b> The lack of adherence to City Codes and the City's Comprehensive Plan is detrimental to the welfare of the city and its community members.</p> <p>The proposal is not in compliance with code sections identified in 8-5B-5 Finding 2 which is detrimental because:</p> <p>The lack of separated pedestrian access to and from the dwelling units to the public sidewalk through the common drive could lead to vehicular and pedestrian conflicts.</p> <p>The units do not adhere to the required setbacks or structural design standards.</p> <p>The proposed units are not in scale and form with the existing neighborhood.</p> <p>The development reduces access to the Greenbelt in that the access through the site is not adequately designed to demonstrate that the access is intended for the public. Moreover, it has not been demonstrated that access from the site to the greenbelt can be procured.</p> <p>As the site design is auto centric it does not contribute to safety and comfort of those walking adjacent to the site. This in turn diminishes the public's use of active transportation around the neighborhood, to the adjacent park, and adjacent greenbelt.</p> <p>The site plan does not engage or acknowledge the public realms of Reed</p>

			<p>Street and Heron Park, incumbering the public's use of the public facilities.</p> <p>The site lacks a streetlight. Streetlights provide light for safety at night.</p> <p>The site does not provide the connectivity as envisioned by the adopted Original Town Site Circulation Network Plan.</p> <p>Waivers from code are requested while not clearly demonstrating how the purpose of the Planned Unit Development is met.</p> <p>The proposal does not maintain the existing healthy trees.</p>
	X		<p><b>Finding 7.</b> The development preserves significant natural, scenic, or historic resources.</p> <p><b>Explanation:</b>  <b>In Denial:</b> The development does not adequately address the adjacent Heron Park, the Greenbelt, or the Boise River, nor does it provide complementary trees and vegetation for its location adjacent to the river. The application proposes to remove all existing trees, including the healthy calipers, despite the site layout and construction of the units allowing them to remain.</p>

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

<p><b>The draft findings are written in denial. The Design Review Committee may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.</b></p>			
<p><b>GCC 8-6B-7: PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS</b></p>			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard

			<p><b>Finding 1.</b> The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;</p> <p><b>Explanation:</b>  <b>In Denial:</b>  The application has not provided documentation that the development will be initiated within two years of the date of approval.</p>
		X	<p><b>Finding 2.</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;</p> <p><b>Explanation:</b>  <b>In Denial:</b>  The proposal fails to be compliant with provisions of code without demonstrating that a deviation to standards achieve the purpose of a planned unit development, 8-6B-7A.</p>
		X	<p><b>Finding 3.</b> The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;</p> <p><b>Explanation:</b>  <b>In Denial:</b>  The location of this project is an area where active transportation is highly utilized and becoming more popular. The site design does not provide adequate connectivity nor does it enhance the existing networks being utilized.</p>

	X		<p><b>Finding 4.</b> Any proposed commercial development can be justified at the locations proposed.</p> <p><b>Not applicable:</b> This development does not propose any commercial aspects.</p>
		X	<p><b>Finding 5.</b> Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council</p> <p><b>Explanation:</b>  <b>In Denial:</b>  The exception from standard district requirements are not warranted as there is inadequate demonstration that 8-6B-7A is achieved. Subsequently, the proposal has not achieved the ability to deviate from code standards. More specifically the application does not:</p> <p>Provide a maximum choice of living environments, create a more useful pattern of open space and recreational areas, establish a development pattern which preserves and utilizes geologic features, scenic vistas, trees and vegetation, utilize the land more efficiently than what is achieved through conventional development, or provide a land pattern in harmony with transportation and community facilities.</p> <p>Rather, the proposal results in a project that detracts from the required open spaces and recreational areas of The Greenbelt, Heron Park, and the Boise River.</p>
		X	<p><b>Finding 6.</b> The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;</p>

			<p><b>Explanation:</b>  <b>In Denial:</b>  The proposed development is not compatible with the surrounding uses nor is it in alignment with the Comprehensive Plan's neighborhood vision.</p>
		X	<p><b>Finding 7.</b> The PUD is in general conformance with the comprehensive plan;</p> <p><b>Explanation:</b>  <b>In Denial:</b>  See 8-5B-5 Finding 1.</p>
X			<p><b>Finding 8.</b> The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;</p> <p><b>Explanation:</b>  The ability to serve has been provided.</p>
<b>GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS</b>			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
		X	<p><b>Finding 1.</b> The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;</p> <p><b>Explanation:</b>  <b>In Denial:</b>  The application is not appropriate to the location or the neighborhood as the proposal is more intensive than what is envisioned by the Mixed-Use Residential designation of the Comprehensive Plan. Furthermore, the application cuts adjacent properties off, and ignores its special location adjacent to the Boise River, the Greenbelt and Heron Park.</p>

X			<p><b>Finding 2.</b> The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;</p> <p><b>Explanation:</b>  <b>In Approval:</b> The ability to serve has been provided. The city engineer has stated that the referenced project is eligible to receive water and sewer services from the city of Garden City from existing infrastructure.</p>
		X	<p><b>Finding 3.</b> The use will not unreasonably diminish either the health, safety, or welfare of the community;</p> <p><b>Explanation:</b>  <b>In Denial:</b> The lack of adherence to City Codes and the City’s Comprehensive Plan is detrimental to the welfare of the city.</p>
		X	<p><b>Finding 4.</b> The use is no in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p><b>Explanation:</b>  <b>In Denial:</b>  Refer to 8-5B-5 Finding 1 and Finding 2.</p>

30. The record was reviewed in its entirety by the Design Review Committee to render the decision.

**CONCLUSIONS OF LAW**

The Garden City Design Review Committee reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies/does not satisfy** the required findings under GCC 8-5B-5, 8-6B-2, and 8-6B-7.

**RECOMMENDATION**

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Recommendation, the Garden City Design Review Committee hereby recommends **APPROVAL/DENIAL** application SUBFY2022-0002 for a Preliminary Subdivision processed as a Planned Unit Development and subject to the following conditions:

**Prior to City Signature on Plat:**

1. The final plat shall be in conformance with this approval as reviewed and approved or otherwise conditioned through this approval.
2. Common driveways, open space, and other common areas shall be included in an easement or on a common lot noted as unbuildable.
  - a. A minimum of 10% of the gross site area shall be common open space.
3. A note must be provided on the final plat documenting:
  - a. The current flood zone in which the property or properties are located;
  - b. FEMA FIRM panel(s), FIRM effective date(s), flood zone(s), base flood elevation(s); and
  - c. A note: "Flood zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by this code."
4. Easements:
  - a. As required by the City Engineer or this decision easements shall be provided.
  - b. All easements must be noted on the plat either directly or by instrument number (generally preferred method) or otherwise recorded.
  - c. Easements shall define the grantee and adequate information to depict the location of the easement such as a legal description and illustration.
  - d. Easements shall be unobstructed unless otherwise specified.
  - e. At a minimum, the following easements shall be provided:
    - i. Flood protection dedicated to the City for any portion the property that may be within 70' of the Boise River ordinary high-water mark.
    - ii. Public utility
    - iii. Water and sewer
      1. If not otherwise designated by the City Engineer the total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
    - iv. Drainage
    - v. Connections to public right-of-way or pathways
    - vi. Greenbelt Access Easement
5. Provide a note on the final plat to read, "Building setback lines shall be in accordance with the approved planned unit development application, Garden City file number SUBFY2022-0002".
  - a. The approved reductions from code required setback are:
    - i. Lots 1-6:
      1. Front Setback: 12.5'
      2. Side Yard Setbacks: 5'



### 3. Rear Yard Setback: 5'

6. Common Lots
  - a. All common open spaces shall be located on an open space easement with the grantee being Honcik Subdivision Homeowners association or be located within a common lot.
  - b. The common open spaces shall not be altered or eliminated by individual property owners.
  - c. The subdivision shall maintain all open spaces in accordance with Garden City Code 8-1C Property Maintenance Provisions as well as Garden City Code 8-4L Open Space Provisions.
  - d. A minimum of 10% of the gross site area shall be common open space.
7. A building envelope within which future building footprints will be located shall be shown on the lots.
8. A binding contract that establishes the party or parties responsible for the repair and maintenance of the common lots including regulations for the funding shall be recorded with a final plat. No building permit shall be issued until the contract has been recorded.
9. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho".
10. Submit a sustainability checklist that demonstrate compliance with or an exemption from Garden City Code 8-4G for each anticipated lot and or structure prior to final plat signature.

#### **Prior to approval of construction plans:**

1. The site plan and subsequent construction shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. A Floodplain development permit is required.
3. Landscaping
  - a. Where there are conflicting landscape details, the approved Landscape Plan shall prevail.
  - b. A certified arborist letter shall be submitted to staff for mitigation review.
  - c. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
  - d. If any trees are to be removed from the site, a tree mitigation plan must be submitted and in compliance with GCC 8-41-7 Tree preservation provisions.
    - i. 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.

- e. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
    - i. The frontage of N. Reed Street shall have a total of 3 class II or III trees.
    - ii. Approval of trees shall be determined by the Garden City Development Services Department Staff prior to approval of construction plans.
  - f. Perimeter landscaping is required along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property.
    - i. Perimeter landscaping is required along the western property boundary line between the proposed development and Heron Park.
  - g. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
  - h. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.
  - i. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways, and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
  - j. All plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
  - k. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
  - l. The landscaping plan may be amended, and reviewed at a staff level, to ensure compliance with Garden City Code 8-4I Landscaping and Tree Protection Provisions, and 8-4L-4 Common Open Space provided that there is equal or greater landscaping provided and no reduction in tree canopy. All other changes to landscaping must be approved by the Design Review Committee or decision maker.
4. Pressurized irrigation shall be provided in conformance with Garden City Code 8-5A-5H. Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
5. All light fixtures must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.

6. All outdoor service and equipment areas shall be screened and comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
7. All utilities on the site and in the right-of-way adjacent to the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
8. Driveway openings in curbs shall comply with the requirements of the Transportation Authority.
9. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along N. Reed Street.
10. Vehicular parking
  - a. All parking spaces shall be a minimum of 10'X20'
  - b. The guest parking shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
11. Bicycle Parking
  - a. Bicycle parking spaces shall be placed in such a way that when mounting and dismounting the bicycles do not reverse into the sidewalk traffic area, the Greenbelt, or N. Reed Street.
  - b. All bicycle parking shall be located so as to not prevent the sidewalk traffic from maintaining a continuous momentum.
12. All outdoor living spaces must comply with Garden City Code 8-3C General Provisions- Living Space Requirements.
13. All stormwater systems must comply with Garden City Code 8-4A-7.
14. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications, and ordinances.
15. Approval from North Ada County Fire and Rescue shall be required.
  - a. Approval of the common drive width is required.
16. All buildings, accessory structures, garages, and carports shall be compliant with the design provisions set forth in Garden City Code 8-4B.
  - a. Materials used on the street facade of a residential structure shall wrap a minimum of two feet (2') around the facades not facing the street, or terminate at a perpendicular building element.
  - b. The front entry of a residential structure shall be clearly defined and identifiable as demonstrated by the following:

- i. Shall have a direct and permanent pathway that connects to the public sidewalk; and
- ii. Shall be clearly visible in the front elevation of the structure; and
  - 1. A front entry door with a covered porch, dormer, stoop, decorative posts or roof; or
  - 2. A front entry door may not be located flush with garage doors, but may be located in the portion of the building closer to the front property line with the garage setback a greater distance from the front property line.
- c. All elevations adjacent to public streets must contain:
  - i. Windows; and
  - ii. Shall have a direct and permanent pathway that connects to the sidewalk and an entrance with decorative posts or roof, or covered porch; and
  - iii. Modulation in the building facades.
- d. A garage and carport shall be deemphasized when viewed from the public street demonstrated by one (1) of the following:
  - i. The garage or carport shall not occupy more than fifty percent (50%) of the building line adjacent to any public street unless the garage has one (1) of the following: windows in or above the garage doors; and dormers, raised or recessed trim on the garage doors; or garage doors sized for a single automobile; and contains texture, color, and materials that match the residential structure; and
    - 1. The garage or carport is recessed at least six feet (6') behind the front building line of the residential structure; or
    - 2. The garage or carport is located with a side entrance;
  - ii. The garage or carport is located off a public street designated as an alley.

**Prior to approval of building permits for structures:**

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
  - a. All structures shall be found in compliance with Garden City Code 8-4B.
2. The floorplans shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
3. All structures shall adhere to the requirements of GCC 8-4H Flood Hazard should the FEMA flood insurance maps be updated prior to building permit submittal.
4. The subdivision must obtain Ada County Approved addresses for all new lots.
5. All HVAC systems and outdoor service and equipment areas shall be identified in building plans for permit review and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.

6. All units adjacent to streets shall have a primary entrance on the street.
  - a. The garage unit shall have a pedestrian scaled façade that which addresses N. Reed Street.
7. Setbacks for all lots shall be from the property lines.

**For the Duration of the Use:**

1. The fencing adjacent to the Greenbelt shall be made of made of open-vision material, cannot exceed four-feet in height and shall be set back a minimum of 2-feet from the Greenbelt.
2. Any landscaping adjacent to the Greenbelt taller than 18" must be trimmed back 18" or more from the Greenbelt. Tree limbs that are higher than 6.5' in height may encroach into the Greenbelt.
3. There shall be no landscaping work done beyond the parameters of the ownership of Honcik Subdivision without expressed permission of the ownership of the property owner, including on public property.
4. There shall be no removal of vegetation, alteration of land, or planning on the land north of the Greenbelt shall commence without an approved Riparian Permit.
5. Bicycle parking spaces shall be placed in such a way that when mounting and dismounting the bicycles do not reverse into the sidewalk traffic area, the Greenbelt, or N. Reed Street.
  - a. All bicycle parking shall be located so as to not prevent the sidewalk traffic from maintaining a continuous momentum.
6. All streets and driveways shall adhere to the standards of a clear vision triangle.
7. Landscaping:
  - a. The property owner is responsible for the maintenance of all landscaping and screening devices required.
  - b. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem.
  - c. Dead plant materials shall be replaced equal or larger species.
  - d. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
  - e. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
  - f. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.

- g. The landscape installation shall stabilize all soil and slopes.
- 8. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
- 9. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
- 10. Guest parking shall remain open for guests of all 6 dwelling units and not limited to that of Unit One's guests.
- 11. All common open spaces shall be located on an open space easement with the grantee being Honcik Subdivision or be located within a common lot.
  - a. The common open spaces shall not be altered or eliminated by individual property owners.
  - b. The subdivision shall maintain all open spaces in accordance with Garden City Code 8-1C Property Maintenance Provisions as well as Garden City Code 8-4L Open Space Provisions.
  - c. A minimum of 10% of the gross site area shall be in common open space.

**General:**

- 1. This approval is for a preliminary plat for a residential subdivision encompassing 6 lots – all 6 lots are to be designated for residential use.
- 2. This approval is based on the following plans:
  - a. Landscape Plan Submitted on March 3, dated July, 2021;
  - b. Architectural Elevation Plans and Floor Plans submitted on March 3, 2022, dated July, 2021;
  - c. Site Plan Submitted August 8, 2022 dated June, 2021.
- 3. Approved waivers to Garden City Code, Title 8 regulations include:
  - a. Setbacks, allowing for front setback to be 12.5ft and side and rear setbacks to be 5ft; and
  - b. More than 4 dwelling units being served through a common drive, allowing for 6 units to be served on a common drive.
- 4. The development shall be initiated within two (2) years of the date of approval.
- 5. The applicant shall comply with all requirements of the reviewing entities.
- 6. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape maintenance provisions 8-4I-9; and standards for transportation and connectivity provisions identified in 8-4E.

7. Approval of the subdivision does not constitute as the approval for any uses.
8. The approved addresses and a copy of the recorded plat must be provided to the city prior to the city considering the subdivision complete.
9. The approval is specific to the application provided and reviewed.
10. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained.
11. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
12. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction and recordation of the final plat. Any changes to the plans and specifications upon which this approval is based, other than those required by the conditions noted in this decision, will require submittal of an application for modification and approval of that application prior to commencing any change. Final approval is based on conformance with the plans reviewed and approved.
13. Any changes to the design of this project shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Other changes that are not in conformance with the approval shall be remanded to the decision-making body.
14. No subdivision plat required shall be recorded by the Ada County Recorder until such subdivision plat has received final approval by the Council. No public board, agency, Commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Title until final plat has received the approval by the Council.
15. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing any permits or signing the final plat.
16. In the event that an applicant and/or owner cannot complete the non-life, safety, and health improvements, within the time specified in the final subdivision approval or prior to occupancy, the City may require a surety agreement in accordance Garden City Code. Unless financial guarantees of improvement completion have been accomplished, no approval of the final subdivision or recording thereof shall

be permitted unless the applicant provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.

17. The Development Services Director may enter into a restricted build agreement on the City's behalf, provided the agreement is compliant with the approved restricted build agreement policies.
18. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code.
19. Approval shall become null and void if the applicant fails to record a final subdivision within one (1) year of the approval. If the timetable is not met and the applicant does not receive a time extension, the application will expire and become null and void.
20. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.
21. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
22. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
23. A takings analysis pursuant to Idaho Code may be requested on final decisions.
24. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

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This signature verifies that this decision document has been reviewed and approved by the Design Review Committee

Date

### **STANDARD CONDITIONS FOR DENIAL DECISION**

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-5B-5, 8-6B-2, and 8-6B-7. This project is not in compliance with 8-5B-5, 8-6B-2, and 8-6B-7 standard(s) for reasons stated in the findings. Compliance can be met by meeting all governing code standards or identify how



any requested waivers to code clearly implement the purpose of GCC 8-6B-7 Planned Unit Development.

2. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
3. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
4. A takings analysis pursuant to Idaho Code may be requested on final decisions.
5. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

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This signature verifies that this decision document has been reviewed and approved by the Design Review Committee

Date