

BEFORE THE GARDEN PLANNING AND ZONING
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 Planning and Zoning for consideration on February 16, 2022, March 16, 2022, and April 20, 2022. The Garden City Planning and Zoning reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Planning and Zoning 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 FEMAs 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:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
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*
Other Materials Provided			
			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 ¹	Completion Date
Receipt of application	01/11/2022	12/06/2022
Letter of Acceptance	01/06/2022	01/13/2022 ²
Radius Notice	02/01/2022	01/21/2022
Interested Parties	n/a	n/a
Legal Notice	01/28/2022	01/25/2022
Agency Notice	02/01/2022	01/21/2022; Addendum 01/24/2022
Property Posting Sign	02/06/2022	02/03/2022
Affidavit of Property Posting and Photos	02/09/2022	02/03/2022

14. Agency Comments were received from:

- a. City Engineer; dated February 8, 2022
- b. NACFR; dated December 27, 2022
- c. FAWULA; dated January 31, 2022
- d. Republic Services; dated January 24, 2022
- e. ACHD; dated February 16, 2022

15. Written Public Comments were received from:

- a. Coleen Stambaugh on December 6, 2021

16. On February 16, 2022, a public hearing before the Planning and Zoning Commission was held and per the applicant's request, was moved to the date certain of March 16, 2022.

17. On March 16, 2022, a public hearing before the Planning and Zoning Commission was held and per the applicant's request, was moved to the date certain of April 20, 2022.

18. On April 20, 2022, a public hearing before the Planning and Zoning Commission

¹ This date is based on the date of the first of any public hearing scheduled.

² Applicant and staff were in conversation regarding required submittal materials and potential hearing dates.
SUBFY2022-0002 FINDINGS OF FACT, CONCLUSIONS OF LAW AND PZ RECOMMENDATION -
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was held. The Commission provided the following comments and requests:

- a. Summary will be updated after the hearing.

19. The record contains:

- a. Application
- b. Noticing Documents
- c. Agency Comments
- d. Public Comments
- e. Planning and Zoning Minutes and Hearing Audio: February 16, 2022
- f. Planning and Zoning Minutes and Hearing Audio: March 16, 2022
- g. Planning and Zoning Minutes and Hearing Audio: April 20, 2022
- h. Planning and Zoning Commission Recommendation

20. In consideration of a preliminary plat the decision maker shall make the following findings:

The draft findings are written both in approval and in denial. The Planning and Zoning Commission may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.			
GCC 8-5B-5: SUBDIVISION PROCESS: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<p>Finding 1. The subdivision is in conformance with the Comprehensive Plan;</p> <p>Explanation: In Approval: The application is cohesive with the Comprehensive Plan’s Mixed-Use Residential land use designation as it proposes a dense residential subdivision development that is more urban in character. The site provides improvements to N. Reed Street that will help beautify the streetscape by providing sidewalk and landscaping. Such improvements will help maintain and improve the city’s urban setting.</p> <p>In Denial: The application is not cohesive with the Comprehensive Plan’s Mixed-Use</p>

			Residential land designation. The proposal does not achieve the necessary design standards to generate an enjoyable neighborhood location. Additionally, the proposal does little to highlight the Boise River and Greenbelt.
X	X		<p>Finding 2. The subdivision is in conformance with all applicable provisions of this title;</p> <p>Explanation: In approval: As conditioned, the application is in conformance with the applicable sections of Garden City Code.</p> <p>In Denial: The application is not in conformance with the applicable sections of Garden City Code as there was not enough information to review thoroughly. The application was found to not be in conformance with the applicable sections of Code.</p>
X	X		<p>Finding 3. Public services are available or can be made available; and are adequate to accommodate the proposed development;</p> <p>Explanation: In Approval: There are public services available that can accommodate the proposed development.</p> <p>In Denial: There is inadequate information provided to verify that public services can accommodate the proposal.</p>
X			<p>Finding 4. The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program;</p> <p>Explanation: In Approval: The subdivision does not undermine scheduled public improvements or the City's capital improvement program.</p>
X			Finding 5. There is public financial capability of supporting services for the proposed development

		<p>Explanation: The application has provided an ability to serve letter. The City Engineer has stated that the City is capable of providing water and sewer.</p>
X	X	<p>Finding 6. The development will not be detrimental to the public health, safety, or general welfare;</p> <p>Explanation: In Approval: The installment of pedestrian sidewalks along N. Reed Street provides a better bicycle and pedestrian connection than what currently exists. The on-site amenities such as the bike air station, washing hose, and pet park help to enhance the health, safety and welfare of the community.</p> <p>In Denial: The lack of adherence to City Codes and the City's Comprehensive Plan is detrimental to the welfare of the city and its community members. North Ada County Fire and Rescue has stated that the proposed height of the buildings will require a wider road than what is provided for service. Furthermore, the lack of pedestrian access to and from the proposed units could lead to vehicular and pedestrian conflicts.</p>
X	X	<p>Finding 7. The development preserves significant natural, scenic, or historic resources.</p> <p>Explanation: In Approval: The application integrates with the surrounding urban area, the Greenbelt, and proposes to landscape the development site. Despite removing all existing trees from the site, the replacement calipers will eventually provide a greater urban canopy than what currently exists.</p> <p>In Denial: The development does not adequately address the Greenbelt and</p>

			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, even though the site layout would permit them to stay.
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21. In consideration of a planned unit development, the decision maker shall make the following findings:

The draft findings are written both in approval and in denial. The Planning and Zoning Commission may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.			
GCC 8-6B-7: PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X		X	<p>Finding 1. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;</p> <p>Explanation: In Approval: Approval of this application is conditioned that the development shall be initiated within two years of the date of approval. In Denial: The application has not provided documentation that the development will be initiated within two years of the date of approval.</p>
X		X	<p>Finding 2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will</p>

			<p>have a beneficial effect which would not be achieved under standard district regulations;</p> <p>Explanation:</p> <p>In Approval: The proposed development and each structure can successfully exist independently of the surrounding area and will not be detrimental to the surrounding neighborhood.</p> <p>In Denial: If the entire project fails to be completed the components of the development cannot sustainably continue.</p>
X		X	<p>Finding 3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;</p> <p>Explanation:</p> <p>In Approval: The proposed development has a private drive that is capable of handling anticipated traffic which will provide ingress/egress onto N. Reed Street and N. Carr Street. The PUD is not large enough to trigger a traffic impact analysis.</p> <p>In Denial: The function of the PUD subdivision will cause an increase of traffic density on N. Reed Street, causing an overload to the street network. ACHD has not yet provided a comment regarding the proposed subdivision and its two access points onto N. Reed Street.</p>
	X		<p>Finding 4. Any proposed commercial development can be justified at the locations proposed.</p> <p>Not applicable: This development does not propose any commercial aspects.</p>

X		X	<p>Finding 5. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council</p> <p>Explanation: In Approval: This application meets the provisions identified by the planned unit development process. The requested waivers provide for a more useful pattern of open space and recreation areas, as well as convenience in the location of nonresidential uses.</p> <p>Despite not being required by the PUD code, the application provides a choice of living environments through providing a variety of floorplans that will address different needs of different individuals and families.</p> <p>In Denial: The exception from standard district requirements is not warranted as they result in a proposal that is over taxing of the location and detracts from the required open spaces and recreational areas of The Greenbelt, Heron Park, and the Boise River that already exist.</p> <p>The layout of the project does not attempt to preserve and utilize the natural features of the site and preserves existing trees.</p>
X		X	<p>Finding 6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;</p> <p>Explanation: In Approval: The proposal is compatible with the surrounding uses and the neighborhood vision.</p>

			<p>The proposal is a component of the overall neighborhood. The types of housing and uses will provide for more comprehensive variety of residential options in the neighborhood.</p> <p>In Denial: The proposed development is not compatible with the surrounding uses nor is it in alignment with the Comprehensive Plan's neighborhood vision.</p>
X		X	<p>Finding 7. The PUD is in general conformance with the comprehensive plan;</p> <p>Explanation: In Approval: With the unique design of the dwellings and increase in density, this development may be considered compatible with the existing residential uses in the neighborhood.</p> <p>In Denial: The application cannot be found in conformance with the comprehensive plan as it does not adequately focus on the river, does not provide appropriate landscaping materials along the river, does not adequately provide connectivity to and through the development, it disregards existing natural features, and disconnects itself from the existing public park and existing open areas.</p>
X			<p>Finding 8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;</p> <p>Explanation: In Approval: The ability to serve has been provided.</p>
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable	Not Compliant	Standard

	to this Application		
X		X	<p>Finding 1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;</p> <p>Explanation: In Approval: The townhome development is compatible with the surrounding uses and is permitted within the R-3 zoning district. The application meets the setback standards set forth in Garden City Code, and any deviations have been conditioned for compliance or waived as part of the Planned Unit Development.</p> <p>In Denial: 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>Finding 2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;</p> <p>Explanation: In Approval: 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	X	X	<p>Finding 3. The use will not unreasonably diminish either the health, safety, or welfare of the community;</p> <p>Explanation:</p>

			<p>In Approval: There is no evidence that the proposal is detrimental to the public health, safety, or general welfare of the community.</p> <p>In Denial: The lack of adherence to City Codes and the City’s Comprehensive Plan is detrimental to the welfare of the city.</p>
X		X	<p>Finding 4. The use is no in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p>Explanation:</p> <p>In Approval: The reviewed sections are in conformance with this finding. The comprehensive plan objectives reviewed, and land use designation support this application.</p> <p>In Denial: The project is not complaint with Garden City Code 8-4B; 8-4E; 8-4I; 8-4L. The project is not complaint with the Garden City Comprehensive Plan Goal 2; 2.3; Goal 5; 5.2.2; 5.5.5; 5.5.2; and Goal 7; 7.1.</p>

22. The record was reviewed in its entirety by the Planning and Zoning Commission to render the decision.

CONCLUSIONS OF LAW

The Garden City Council 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 Planning and Zoning Commission 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 in 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 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 in 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. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - c. If any trees are to be removed from the site, a tree mitigation plan must be submitted and in compliance with GCC 8-4I-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.
 - d. 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.
 - e. Perimeter landscaping is required along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property.
 - f. 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. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.
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. 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. 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, 2022, dated July, 2021;
 - b. Architectural Elevation Plans and Floor Plans submitted on March 3, 2022, dated July, 2021;
 - c. Site Plan Submitted March 3, 2022, dated July, 2021.
- 3. Approved waivers to Garden City Code, Title 8 regulations include:
 - a. Setbacks, allowing for front setback to be 12.5ft, rear setback and side 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.
 - c. Enclosed vehicular parking spaces; allowing for 6 covered carport spaces to count towards the minimum enclosed vehicular parking spaces.
- 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.

Chairman, Planning and Zoning Commission

Date

STANDARD CONDITIONS FOR DENIAL DECISION

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-5B-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) because it is not in compliance with the Garden City Comprehensive Plan Goal 2 improve the City Image, Goal 5 Focus on the River, and Goal 7 Connect the City and Garden City code sections 8-4B; 8-4E; 8-4I; 8-4L, 8-5B-5, and 8-6B-7. Compliance can be met by providing maintaining existing healthy trees; adhering to setbacks; adhering to structural

design standards for residential dwelling units, providing a scale and form more align with the existing and planned neighborhood, providing better pedestrian connectivity to and from the site and addressing Heron park better.

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.

Chairman, Planning and Zoning Commission

Date