

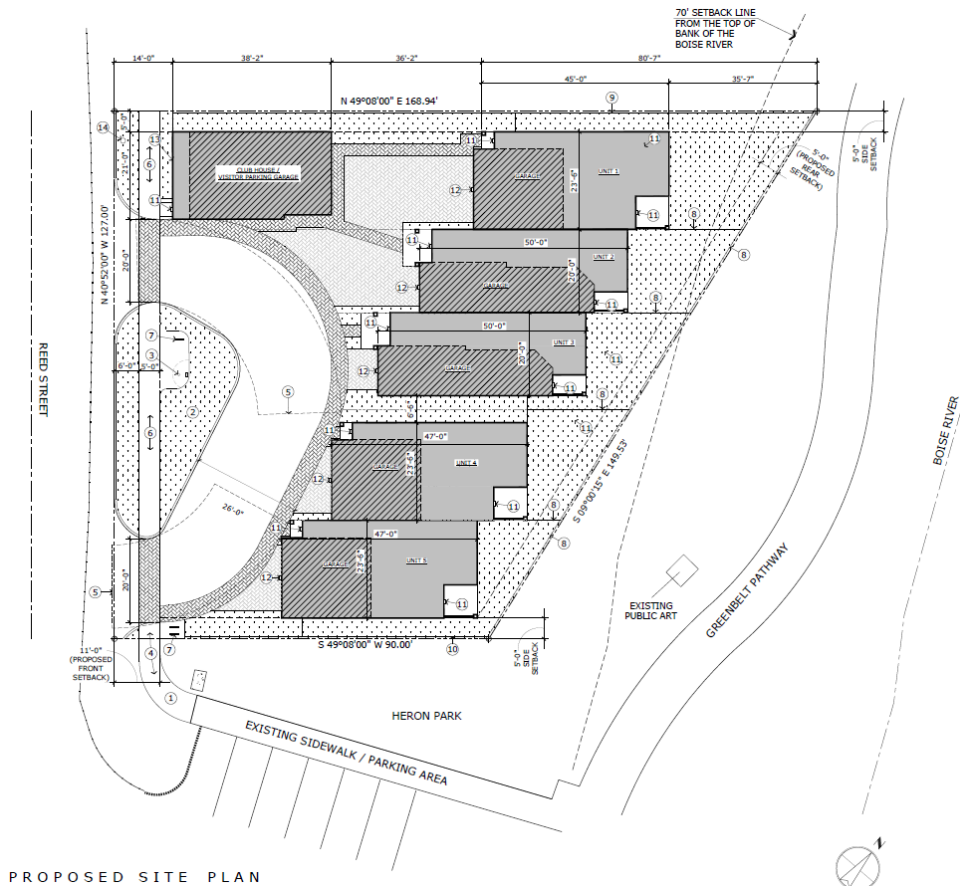


# CITY OF GARDEN CITY

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

**STAFF REPORT**

**File Number:** SUBFY2022 - 0002, Honcik Townhomes  
**For:** Final Plat and Planned Unit Development  
 A 7-lot residential subdivision  
**Location:** 3900 N. Reed Street  
**Applicant:** Jeff Hatch  
**City Council Preliminary Plat Approval:** October 24, 2022  
**Report Date:** Date finalized for CC November 12, 2024



PROPOSED SITE PLAN

Staff Report  
 Report prepared by Mariia Antonova

---

## Table of Contents

<b>A. Record Documents .....</b>	<b>3</b>
<b>B. Recommendation and Discussion .....</b>	<b>3</b>
<b>C. Project Information .....</b>	<b>3</b>
<b>D. Decision Process .....</b>	<b>6</b>
<b>E. Agency Comment .....</b>	<b>8</b>
<b>F. Public Comment.....</b>	<b>8</b>
<b>G. Code/Policy Review .....</b>	<b>9</b>

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

Individual links:

1. Final Plat Application Materials
  - a) SUBFY2022 - 0002 [Application and materials](#)
  - b) SUBFY2022 - 0002 [Additional Submittals](#)
2. Historical Decision
  - a) [City Council Preliminary Plat Decision](#)
3. Agency Comments: linked in [Section E](#)
4. Public Comments: linked in [Section F](#)
5. Noticing Documents
  - a) [City Noticing](#)
  - b) [Property Posting for City Council](#)
6. Draft Potential Decision
  - a) [City Council Final Plat Draft Potential Decision](#)

## B. Recommendation and Discussion:

The process governing the final subdivision procedure is found in [G.C.C. § 8-5B-3](#). Pursuant to the code, a final plat is reviewed by the planning official, which is the recommending authority, and the city council is the final decision-making body. G.C.C. §§ [8-5B-3.D](#); [8-6A-2.E](#); [Table 8-6A-1](#); [Table 8-6A-3](#).

The planning official reviewed this final subdivision submittal, for “substantial compliance” with the preliminary subdivision.

This application is not clearly in substantial compliance with the approved preliminary plat. The application proposes removal of a pathway that was a provision required during the preliminary plat to find the preliminary plat in compliance.

### **June 18, 2022, Design Review Committee Meeting Summary is below.**

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. It needs to be more intentional in nature. Become more of a focal point.
- ii. Pedestrian pathway shall be a public amenity for the public to use.
- iii. 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

The plans were updated to address these comments by enhancing the public pathway through the development. The pathway has now been removed in its entirety and replaced with vegetation. The applicant is proposing that the public utilize the city's Heron Park interior sidewalk. While this is sufficient for public access to the Greenbelt, it removes the component of the subdivision that was included to have the subdivision address Reed Street.

Because of the removal of the pathway, not all of the conditions of approval will be able to be adhered to. For this reason, the planning official has not found that the final plat is in substantial compliance with preliminary plat. The planning official notes that the matter should be remanded to the Design Review Consultants to address this issue.

The city has anticipates providing a sidewalk in front of Heron Park in the near future. This will tie into the applicant's required sidewalk.

## C. Project Information

### Proposed Scope of Work:

This application is for a final plat subdivision 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

Plat: The drawing, mapping, or planning of a subdivision, cemetery, town site or other tract of land or a replating of such, including certifications, descriptions, and approvals.

Final Plat: The final and formal presentation by drawings of an approved subdivision development, the original and one (1) copy of which are filed with the county clerk and recorder.

### Review Process:

This application is reviewed under Garden City Code, [8-5B-3](#) Final Plat Subdivision Process.

### Site Conditions:

- 1) Street Address: 3900 N. Reed Street
- 2) Parcel Number(s): R2734560340
- 3) Subdivision: PAR #0340 OF LOTS 30 & 31 BLK 3 FAIRVIEW ACRES SUB 7 #8800624 VIN # 4H8DS8189 TITLE B264065
- 4) Property Size: 0.350 acres. According to the Assessor's website. **(The applicant indicates 0.377 acres on the site plan)**
- 5) Zoning District: R-3 Medium density residential
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designations:
  - a) Mixed Use Residential
- 8) The project is in the:

- a) 100 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
- b) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 9) Surrounding Uses within 600 feet:
  - a) Dwelling unit, single family detached
  - b) Dwelling unit, single family attached
  - c) Manufactured/mobile home park
  - d) Heron Park
  - e) The Greenbelt
  - f) ACHD (Ada County Highway District) operations and maintenance property
- 10) Existing Use: Vacant
- 11) Easements on site :
  - a) **From GIS**
    - i) EASEMENTS: FA07 B1 L1-13 B2 L14-16 B3 L22-36 ROW: 200600050; ROW
    - ii) EASEMENTS: FA07 B3 L32-36 GIFT DEED; 200600050; FOR SENIOR CENTER
    - iii) EASEMENTS: FA07 B3 L22 TITLE DOCUMENTS; 200600050; SEWER AND DRAINAGE EASEMENT 50'
  - b) **Proposed**
    - i) Public Cross Access Easement **(on city property)**
    - ii) Ingress/Egress easement to serve Lot 2
    - iii) 8' ACHD sidewalk easement
    - iv) 10' wide public utility easement
- 12) Site Access: N Reed Street
- 13) Sidewalks: No sidewalk
- 14) Wetlands on site: None identified

**Project Details:**

- 1) Proposed development: Final Plat – Processed as a Planned Unit Development
- 2) Total number of lots: 7
  - a) Common: 2
  - b) Residential: 5
- 3) Density: Five (5) dwelling units are shown, which would result in a density of 14.3 units/acre.
- 4) Site Coverage: **based on 0.377 acres on the site plan**
  - a) Building: 5,722 SF; 35% of the site
  - b) Landscaping: 4,897 SF; 30% of the site
  - c) Paved Areas: 5,823 SF; 35% of the site
- 5) Access: N Reed Street
- 6) Total number of vehicular parking spaces: 13
  - a) Enclosed: 13
- 7) Total number of bicycle parking: 6
  - a) Surface: 6
- 8) Refuse: Curbside trash pickup proposed off N. Reed Street
- 9) Fencing:
  - a) 4' height wrought iron fence

- b) 6' height vinyl fence
- c) Existing fence proposed to remain along eastern perimeter
- 10) Sidewalk:
  - a) detached proposed
- 11) Landscaping: 4,897 SF
  - a) # of shrubs or bushes; turf and rock mulch
  - b) 19 Total number of trees
    - i) 2 Class I, 2 of which are street trees
    - ii) 17 Class II, 1 of which is a street tree
  - c) Parameter Landscaping: shrubs, ornamental grasses, perennials, and trees
- 12) City Utilities
  - a) None identified
- 13) Pathway:
  - a) **The proposed connection to the Greenbelt through development has been removed**
  - b) all proposed buildings are connected by paths with a sidewalk.
- 14) PUD Waivers requested:
  - a) Waiver to setback standards; allowing for a 11' front setback and 5' rear setback.
  - b) More than four units on a common drive.
  - c) Garage standards
  - d) Front entry standards

## D. Decision Process

### General Provisions

This application is processed per GCC 8-6A-7 Public Hearing.

**Required Decisions:** The following decision processes are required for the project as governed by GCC Table 8-6A-1:

Decision	Recommendation Authority	Decision Authority
Final Plat Subdivision	Planning Official	City Council: Hearing November 12, 2024

### **Required Findings:**

For the approval of a final subdivision application the planning official or designee shall review the final subdivision for substantial compliance with the approved or conditionally approved preliminary subdivision. The final subdivision shall be determined in substantial compliance with the preliminary subdivision, notwithstanding the following changes:

- A. The number of buildable lots is the same or fewer;
- B. The amount of common open space is increased;
- C. The amount of open space is relocated with no reduction in the total amount;
- D. The number of open space lots has been increased;
- E. The transportation authority has required minor changes; or
- F. The general configuration has changed by less than ten percent (10%).

---

If the number of buildable lots has increased or there has been an overall reduction in the amount of open space, the final subdivision shall be determined not to be in substantial compliance with the preliminary subdivision. If the planning official determines that there is substantial difference in the final subdivision than that which was approved as a preliminary subdivision or conditions which have not been met, the planning official may require that a new preliminary subdivision be submitted to the city.

### **Required 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.

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the City Council is the final decision maker for the requested application.

### **City Council Decision**

The City Council may take one of the following actions:

1. Grant the request;
2. Grant the request with conditions;
3. Deny the request.

A reconsideration request may be made within 14 days of the formal decision being rendered by the City Council. Final decisions are subject to a 28-day right to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code. A takings analysis pursuant to Idaho Code may be requested on final decisions.

## E. Agency Comments

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

Agency	Comment Date	Summary
Republic Services <a href="#">Link to Comment</a>	10/09/2024	This property appears to have a service loop in which to empty residential carts. We are fine with that concept if that is the plan.
City Engineer <a href="#">Link to Comment</a>	11/4/2024	The engineer <b>does not recommend approval of the requested waiver</b> regarding various engineering materials which are required by the City for a final plat application as he is unable to complete his review.  In general the items identified in the preliminary plat prior to signature should be completed. Upon the submittal of those materials additional comments may be made.
DEQ <a href="#">Link to Comment</a>	10/23/2024	General comments provided
Central District Health <a href="#">Link to Comment</a>	10/24/2024	After written approvals from appropriate entities are submitted, we can approve this proposal for <ul style="list-style-type: none"> <li>• central sewage</li> <li>• central water</li> </ul> The following plans must be submitted to and approved by the Idaho Department of Environmental Quality: <ul style="list-style-type: none"> <li>• central sewage</li> <li>• central water</li> </ul>

## F. Public Comment

The following public comments were provided: None provided as of the drafting of this document.



## G. Code/Policy Review

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

<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.
<a href="#">8-5B-3 Final Subdivision Process</a>			
8-5B-3 B Contents of final Subdivision	PO/CC	Not compliant	<p>B. Contents Of Final Subdivision: The final subdivision shall include and be in compliance with all items required under Idaho Code section 50-1301 et seq. The final subdivision submittal shall include at least:</p> <ol style="list-style-type: none"> <li>1. A written application for approval of such final subdivision as stipulated by the city;</li> <li>2. Proof of current ownership of the real property included in the proposed final subdivision and consent of recorded owners of the subdivision;</li> <li>3. Such other information as the planning official or city engineer may deem necessary to establish whether or not all proper parties have signed and/or approved said final subdivision;</li> <li>4. A statement of conformance with the approved preliminary subdivision and meeting all requirements or conditions thereof;</li> <li>5. A statement of conformance with all requirements and provisions of this title;</li> <li>6. A statement of conformance with acceptable engineering, architectural and surveying practices, and local standards; and</li> <li>7. A copy of the CC&amp;Rs for recording.</li> </ol> <p><b>The applicant has requested a waiver of engineering materials. The acting city engineer has not recommended approval of this waiver. Additionally, the materials do not include the requirements as set forth in the preliminary plat decision document.</b></p>
8-5B-3C.2 Substantial Compliance	PO/CC	May not be compliant	<p>a. The planning official or designee shall review the final subdivision for substantial compliance with the approved or conditionally approved preliminary subdivision. The final subdivision shall be determined in substantial compliance with the preliminary subdivision, notwithstanding the following changes:</p> <ol style="list-style-type: none"> <li>(1) The number of buildable lots is the same or fewer;</li> <li>(2) The amount of common open space is increased;</li> <li>(3) The amount of open space is relocated with no reduction in the total amount;</li> <li>(4) The number of open space lots has been increased;</li> <li>(5) The transportation authority has required minor changes; or</li> </ol>

			<p>(6) The general configuration has changed by less than ten percent (10%).</p> <p>The preliminary plat approved 6 buildable residential lots and 1 buildable non-residential lot. The number of buildable residential lots in the final plat was reduced to 5 lots. The proposed lots consist of 5 buildable residential, 1 common, and 1 buildable common. This amendment is within the parameters of substantial compliance.</p> <p>The condition for approval of the final plat was to provide common open space of a minimum of 10% of the gross site area. The latest plans shown to the City Council on October 24, 2022, reflected 10.8% in total square footage of common open space. The calculation did not include the square footage of the clubhouse. In the final plat submittals the calculation of the total common open space, the applicant indicates 12.7%. The calculation includes a pet park, a bike washing and air station, and a clubhouse with a patio. This has also been found to be in substantial compliance.</p> <p>In the Final Plat, the Survey Narrative section lists only one lot as a common lot. So as long as common open space, etc. has not been reduced, this is in substantial compliance.</p> <p>However, an important aspect of the Preliminary Plat and part of the project approval was the provision of a public pathway through the site connecting Greenbelt and Reed Street. This connection was removed from the Final Plat.</p> <p>The applicant provided information that the changes amounted to 3.5%. However, the removal of the pathway connection from Reed Street to the Greenbelt is a difficult matter to qualify in terms of percentage.</p> <p>Generally, if a final plat is consistent with the law, the comprehensive plan, the preliminary plat and the changes and conditions required at the preliminary plat stage, the city council should approve the final plat. With that being said if conditions have not been met, the planning official may require that a new preliminary subdivision be submitted to the city. As the condition of the pathway was a matter of significant discussion during the preliminary plat. Removal of this pathway may make the application non-compliant with code.</p> <p>In lieu of a new preliminary plat, staff has suggested that the applicant meet with the Design Review Consultants prior to a public hearing regarding the final plat. The reason for this is that there may be a solution that is less toilsome than filing for a new preliminary plat.</p>
--	--	--	---

Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>		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>		<b>Not Compliant</b>	<p>Application waivers have been requested pursuant to 8-6A-4A.</p> <p><b>Waiver of application materials may be appropriate if reviewers can complete reviews without the information. The applicant requested that the Dedications and Easements documents be provided during occupancy for the project.</b></p> <p><b>The applicant also requested that the Engineering Drawings and Specifications be provided when issuing building permits.</b></p> <p><b>The acting City Engineer has indicated the he is unable to complete a review without these materials.</b></p>
<a href="#">8-6A-7 Public Hearing Process</a>		No compliance issues noted	The City provided a radius notice, legal notice, and notifications to agencies with jurisdiction. 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.

Other Items Reviewed	
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	This statute enables Garden City to process applications for planned unit developments.