



## CITY OF GARDEN CITY

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**File Number:** SUBFY2022-0002  
**For:** Preliminary Plat and Planned Unit Development  
A 6-lot residential subdivision  
**Location:** 3900 Reed Street  
**Applicant:** Jeff Hatch  
**Planning and Zoning:** September 21, 2022  
**Design Review:** September 19, 2022  
**City Council:** October 10, 2022



Staff Report  
Report prepared by Hanna Veal

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

Individual links:

1. Application Materials
  - a) [SUBFY2022-0002 Submittal Materials 12062022](#)
  - b) [SUBFY2022-0002 Resubmittals 01272022](#)
  - c) [SUBFY2022-0002 Resubmittals 03032022](#)
  - d) [SUBFY2022-0002 Resubmittals 08082022](#)
  - e) [SUBFY2022-0002 Resubmittals 09192022](#)
  
2. Staff Reports
  - a) [Design Review Staff Report Dated February 22, 2022](#)
  - b) [Design Review Staff Report Dated March 21, 2022](#)
  - c) [Design Review Staff Report Dated April 18, 2022](#)
  - d) [Design Review Staff Report Dated September 8, 2022](#)
  - e) [Planning and Zoning Staff Report March 16, 2022](#)
  - f) [Planning and Zoning Staff Report April 20, 2022](#)
  - g) [Planning and Zoning Staff Report September 21, 2022](#)
  
3. Agency Comments: linked in Section G
4. Public Comments: linked in Section H
  
5. Noticing Documents recommendation
  - a) [City Noticing](#)
  - b) [Property Posting for Design Review Committee](#)
  - c) [Property Posting for Planning and Zoning](#)
  
6. Recommendations
  - a) [Design Review Committee](#)
  - b) [Planning and Zoning](#)
  
7. [City Council Potential Decision – Denial](#)
8. [City Council Potential Decision – Approval](#)

## B. Recommendation Summary:

The Planning and Zoning Commission recommended **approval** of the application. The Design Review Committee recommended **denial** of the application.

The applicant has requested a waiver to minimum code setback standards. This waiver would allow for an 11' front setback, deviating from the base zoning district standard of 5'/20', and a 5' rear setback, deviating from code which would require 15'.

Garden City Code 8-6B-7 Planned Unit Development's purpose statement mentions that it is not the intent of the planned unit development process be used solely for the purposes of deviation from the dimensional standards in the district unless certain development objectives are achieved such as using land more efficiently than generally achieved through conventional development and developing a land pattern in harmony with land use density, transportation, and community facilities objectives of the Comprehensive Plan.

The Design Review Committee recommended denial based on the subdivision's inability to address Staff's code compliance concerns and the Committee's design recommendations. The Committee specifically noted the pathway's design through the development to the greenbelt, the lack of completed materials, pedestrian access through the common drive, in relation to potential vehicular conflicts, and the design's inability to address and interact with Reed Street. The Design Review Committee determined that the application does not meet the purpose(s) of the Planned Unit Development.

The Planning and Zoning Commission recommended approval based on the applications ability to provide a unique development on an irregular lot, the variety of housing being met through different floorplans, and with the conditions as drafted in the affirmative. As a note, this application is not required to provide for a variety of housing as it proposes less than 10 dwelling units.

### **C. Reconciliation**

As the Planning and Zoning Commission and Design Review Committee made conflicting recommendations, there is a draft decision document provided in both the affirmative and in denial.

There was a late submittal packet received on Monday, September 19, 2022, to which consists of consistent plan information between the landscape plans, site plans, and schematic drawings. Additionally, the common open space has been identified by the applicant as 13.3% of the site. There is a condition drafted in the affirmative to require further analysis of the common open space area(s).

The CC&Rs have not been updated to include the maintenance and management of the three enclosed guest parking spaces and guest suite. Conditions regarding the public easement, the connection to the greenbelt, and guest parking have been augmented. There is a condition drafted in the affirmative to require the necessary verbiage of HOA maintenance and ownership of this structure despite it currently being located on Lot 1 per the preliminary plat. There is an additional condition drafted in the affirmative to require that all common open spaces and structures be within common lots. This condition would require the reconfiguration of the preliminary plat lot lines. The late submittal Sheet A-1.0 site plan shows an attempt to identify what that reconfiguration might look like.

### **D. Project Information**

#### **Proposed Scope of Work:**

This application is for a subdivision and a Planned Unit Development per Garden City Code 8-7A-2 Definition of Terms:

Subdivision: The result of an act of dividing an original lot, tract, or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which may also include easements and the dedication of a public street or designation of private lanes or rights-of-way, and the addition to, or creation of, a cemetery

Planned Unit Development: Property planned as a whole that demonstrates innovation in design to protect natural features or create public amenities through more flexible standards, such as lot sizes, densities, and setbacks, than those restrictions that would normally apply under these regulations.

Review Process	Notes
<a href="#">8-5B-2</a> Preliminary Subdivision Process	For the subdivision entitlement to be completed a final plat will be required per <a href="#">8-5B-3</a> at a later date
<a href="#">8-6B-7</a> Planned Unit Development	A Planned Unit Development and a Subdivision can be processed concurrently

Special Provisions	Notes
Subdivisions located within a Floodplain <a href="#">8-5C-4</a>	A floodway development application will be reviewed in conjunction with construction plans provided approval of the requested application.

**Site Conditions:**

- 1) Street Address: 3900 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: 0.35 acres
- 5) Zoning District: R-3 Medium Density Residential
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designation:
  - a) Mixed Use Residential
- 8) Legal Parcel of Record: Unknown
- 9) Floodplain Designation:
  - a) 2003 FIRM: 100 Year
  - b) 2017 Draft FIRM: 100 Year/ Floodway
- 10) Surrounding Uses within 600 feet:
  - a) Heron Park
  - b) Single Family Detached Dwelling Units
  - c) Single Family Attached Dwelling Units
  - d) The greenbelt
  - e) Mobile Home Park
  - f) ACHD (Ada County Highway District) operations and maintenance property
- 11) Existing Use: Vacant
- 12) Site Access: N. Reed Street
- 13) Sidewalks: No existing sidewalk
- 14) Wetlands on site: none identified

### **Project Details<sup>1</sup>:**

- 1) Proposed development: Residential subdivision - Preliminary Plat – Processed as a Planned Unit Development
- 2) Total number of lots: 6
  - a) Common: 0
  - b) Residential: 6
- 3) Density: Six (6) dwelling units are shown, which would result in a density of 15.9 units/acre.
- 4) Site Coverage: 16,442sqft
  - a) Building: 6,095sqft = 37% of the site
  - b) Landscaping: 4,622sqft = 28% of the site
  - c) Paved Areas: 5,725sqft = 34.8% of the site
- 5) Access: Drive from N. Reed Street
- 6) Total number of vehicular parking spaces:
  - a) Enclosed: 15
- 7) Total number of bicycle parking: 4
  - a) Enclosed: 0
  - b) Surface: 4
- 8) Refuse: Curbside trash pickup proposed off N. Reed Street
- 9) Fencing:
  - a) 4ft tall wrought iron fence along greenbelt
  - b) 6ft tall vinyl fence along western perimeter
  - c) Existing fence proposed to remain along eastern perimeter
- 10) Sidewalk:
  - a) Detached proposed
- 11) Landscaping:
  - a) 18 Total number of trees
    - i) 2 Class I, 2 of which are street trees
    - ii) 13 Class II, 0 of which are street trees
    - iii) 3 Class III, 0 of which are street trees
  - b) Parameter Landscaping: None
- 12) City Utilities
  - a) None identified
- 13) Pathway: New connection to greenbelt
- 14) Proposed Easements:
  - a) Easement to greenbelt connection
  - b) Public Access Easement through property to greenbelt
- 15) PUD (Planned Unit Development) 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

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<sup>1</sup> All information is from the March 3, 2022, resubmittal packet. New submittal packet information from August 8, 2022 either did not change from the March packet, or was not addressed in the new materials.

## E. Historical Discussions

This application (SUBFY2022-0002) is a subdivision application that is to be processed as a Planned Unit Development (PUD). As a PUD development, the applicant can submit waivers to code standards. Waivers included in the drafted decision document include:

1. More than 4 dwelling units being served through a common drive, allowing for 6 units to be served on a common drive; and
2. Setbacks, allowing for front setback to be 11', side setbacks to be 5ft, and rear setbacks of 5';

This application is not required to provide for a variety of housing as it proposes less than 10 dwelling units.

### Discussion for September 6, 2022, DSR Hearing:

The most recent discussion with the Design Review Committee was on June 20, 2022. The most recent resubmittal packet was received August 8, 2022. The packet addresses some of the Design Review Committee's concerns and comments, but the application continues to lack enough detail to review or is not code compliant. This staff report reflects the most recent changes to the plans.

Previous discussion topics remain in the report to allow for continued conversation. Staff continues to have major concerns regarding the plans to clear-cut the property when there could be better plans set forth to preserve the existing trees on site, especially the trees closest to the greenbelt. The application's current plan to demolish all trees on site is in direct conflict with Garden City Code 8-4I-7 Tree preservation provisions, 8-5B-5 Required Subdivision Findings, 8-6B-7 Planned Unit Development Findings and the Comprehensive Plan's Goal 5 Focus on the River.

### Code Compliance Issues

Staff's major concerns include but are not limited to:

1. **Common open space:** There was not enough information provided for staff to thoroughly review the common open space details. Although staff conditioned that the application be in conformance with Garden City Code 8-4L prior to construction plan approval, identification of these spaces should be prioritized. If the site is not compliant with common open space standards, then site re-design and re-approval would be required.

As a Planned Unit Development, the application is required to create a more useful pattern of open space and recreation areas. Additionally, Garden City Code 8-6B-7(A) requires that every PUD establish a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation and prevents the disruption of natural drainage patterns. By proposing a fence between the development, the greenbelt, and Heron Park, the subdivision is turning its back, and eliminating what could become a pleasant common open area and natural feature.

- a. Planned Unit Developments are required to have all housing units adjacent to common open space, submitted materials have not provided evidence of compliance.

- b. Common open space has been conditioned to either be on a common lot, or an easement.
- c. The common drive is not on a common lot, nor easement. The common drive square footage shall not count towards common open space requirements.

2. **Structure design standards:**

New site plans show pedestrian pathways from the public sidewalk to the primary entrances of the dwelling units in the form of pavers or stamped concrete to resemble pavers.

The resubmittal packet lacked updated schematic drawings of the guest parking/dwelling unit; thus, staff was unable to review for further compliance. Additionally, staff does not believe that the dwelling units adequately address N. Reed Street, nor do they create a dynamic relationship between the front facing façade and the public realm.

For reference, Garden City Code 8-4C speaks to pedestrian level design and how to address the public realm by having a “frontage” zone. This frontage zone is measured from the property line and is between the minimum setback (per base zoning district standards) and the maximum setback of 20ft. By proposing such a large setback between Reed Street and the front entry of the dwelling units, this subdivision has ignored the pedestrian, and limited accessibility and design to that of a vehicle.

3. **Landscaping: The** landscape plan submitted in March included a mitigation plan, but it did not include an arborist letter. The site proposes to remove all existing trees on site despite some being determined healthy. The mitigation plan accounts for all calipers removed which is code compliant, however, it is against the subdivision findings and goals of the Comprehensive Plan. Both speak to preserving the natural, scenic, and historic resources of a development site when possible. Especially when considering the property’s proximity to Boise River greenbelt area.

The proposed Cockspur Hawthorn street trees along N. Reed Street, are presented as Class I trees in the Treasure Valley Tree Selection Guide, and exhibit a short round canopy. This street tree will not provide for a dense urban tree canopy as the overall square footage of canopy is significantly less than that of a different varietal tree. While the tree might fit well under power lines or in smaller planting areas, they do little for providing the impacts that the street trees are intending to provide. It has been conditioned to require different Class II or Class III trees, and approval from the Development Services Staff prior to construction plan approval.

The rest of the development, specifically the area in between the greenbelt and the proposed homes, have two different tree types, both of which are columnar in character. It might be suggested that larger trees, even Class III trees could be planted here or at least the retention of the existing healthy Elm trees.

4. **Lots & Common Drive**

The proposed subdivision does not dedicate a common lot for the common drive or the common area at the front of the property. It has been conditioned to require all common



areas are on a common lot, or at least have an easement with and HOA to maintain all common areas.

Staff has major concerns regarding the functionality of the guest parking and guest unit located on Unit One’s property. There have been no drafted CC&Rs or agreements submitted for preliminary legal review.

The applicant has expressed interest in having a private easement from the development to the greenbelt. However, this is not shown on the preliminary plat. There has not been any submittal of a drafted easement for staff to review. The City owns the adjacent parcel in which the pathway would connect to the greenbelt.

**5. Parking**

The resubmittals from August 8, 2022, show the enclosed parking spaces. This revision has caused function and legal questions to arise. For example, how are guests to know that they can utilize the enclosed garage spaces on Unit One’s lot? Who is responsible for maintaining such areas? Because it is located on lot one and there are no drafted CC&Rs or easements, the owner of Unit one would own and maintain such spaces.

Total number of vehicular parking spaces required: 15  
 Total provided: 15

**Residential Units**

Number of enclosed spaces required: 12  
 Total provided: 15

**Guest Spaces**

Number of guest spaces required: 3  
 Total Provided: 3

*\*The guest parking spaces are provided within a garage on site.*

**F. Decision Process**

**General Provisions**

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

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

Decision		Recommendation Authority/ Hearing Date	Decision Authority
Preliminary Subdivision	Plat	Planning and Zoning Commission: Hearing February 16, 2022, March 16, 2022, April 20, 2022, June 15, 2022, July 20, 2022, August 17, 2022, and September 21, 2022.	City Council: Hearing March 14, 2022, May 9, 2022, June 27, 2022, July 11, 2022, August 8, 2022, September 12, 2022, and October 10, 2022.
And Planned Unit Development		and	

	Design Review Committee: Hearing 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 6, 2022, and September 19, 2022.	
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**Required Findings:**

For the approval of a PRELIMINARY PLAT SUBDIVISION, the decision-making body must find the application meets the following findings, found in GCC 8-5B-5:

- A. The subdivision is in conformance with the comprehensive plan;
- B. The subdivision is in conformance with all applicable provisions of this title;
- C. Public services are available or can be made available; and are adequate to accommodate the proposed development;
- D. The subdivision is in conformance with scheduled public improvements in accord with the city’s capital improvement program;
- E. There is public financial capability of supporting services for the proposed development;
- F. The development will not be detrimental to the public health, safety, or general welfare; and
- G. The development preserves significant natural, scenic, or historic features;
- H. There has been no denial of any application on this property within one year.

PLANNED UNIT DEVELOPMENT: To approve a planned unit development, the decision-making body must find the application meets the following findings, found in GCC 8-6B-7. E:

- A. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;
- B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;
- C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
- D. Any proposed commercial development can be justified at the locations proposed;
- E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council;
- F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- G. The PUD is in general conformance with the comprehensive plan; and
- H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
- I. There has been no denial of any application on this property within one year.

**Decision:**

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied. The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

The Planning and Zoning Commission and Design Review Committee are recommending bodies for this application.

#### Recommendation

The Recommending Authority may take one of the following actions:

1. Recommend the City Council grant/ approve the application as applied;
2. Recommend the City Council grant/ approve the application with conditions as drafted or as amended to the City Council;
3. Recommend the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

The City Council is the final decision maker for this application.

#### Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation with conditions;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

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

#### Appeal of Decision:

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Design Committee and Planning and Zoning Commission are recommending authorities and the City Council is the final decision maker for the requested application. The recommendations of the Design Committee and the Planning and Zoning Commission do not constitute a final decision on the application.

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

### G. Agency Comments

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

Agency	Comment Date	Summary
Garden City Engineer <a href="#">Link to Full Comment</a>	01/08/2022	<ul style="list-style-type: none"> <li>• Detailed construction plans for the proposed subdivision improvements should be submitted for review and approval.</li> <li>• Easements shall be provided for all proposed sanitary sewer and water systems to be owned and operated by the City of Garden City</li> <li>• The proposed improvements include shared drive aisles. The following requirements related to the shared drive aisles should be submitted: a. The construction plans should show signage for the drive aisles.</li> <li>• The applicant should provide a maintenance and operations plan and schedule, including a mechanism for replacement of the drive aisles.</li> <li>• The CC&amp;Rs should address the perpetual maintenance of the drive aisles.</li> <li>• Revise the Preliminary Plat to include the following:               <ul style="list-style-type: none"> <li>a. Label proposed lots with lot and block number.</li> <li>b. Provide proposed dimensions of each lot.</li> <li>c. Indicate location of proposed utilities to each lot.</li> <li>d. Indicate bicycle parking location(s).</li> </ul> </li> </ul>
Irrigation: Fairview Acres <a href="#">Link to Full Comment</a>	01/31/2022	<ul style="list-style-type: none"> <li>• Yes, in FALWUA service area.</li> </ul>
North Ada County Fire and Rescue <a href="#">Link to Full Comment</a>	12/27/2021	<ul style="list-style-type: none"> <li>• All units are greater than 30' in height and will require aerial access. The current site plan shows an access road with a 22' width. This will need to be increased to 26' to afford aerial access. Unit 1 on the site plan will not be within the required 30' maximum distance from the aerial apparatus access road. Changes need to be made to comply with this code requirement.</li> <li>• Monument signage for addressing will be required at the entrance and at all intersections within the project.</li> <li>• For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side, for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides, and all portions of the turn-around. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the Boise City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC.</li> <li>• Additional comments were made.</li> </ul>
North Ada County Fire and Rescue Comment #2 <a href="#">Link to Full Comment</a>	04/20/2022	<ul style="list-style-type: none"> <li>• Given the revised site plan showing the 26-foot-wide fire access lane and the applicant proposing the installation of non-required fire sprinklers for these single-family dwelling townhomes; the proposed design would meet the performance-based design of the fire code and adopted ordinances. This is regarding the required hose reach distances and the aerial apparatus access requirements noted in the original NACFR comment letter by Mike Bisagno.</li> </ul>

		Fire sprinklers will be required to meet these performance-based requirements
Republic Services <a href="#">Link to Full Comment</a>	01/25/2022	<ul style="list-style-type: none"> <li>This project looks good. The U-shaped driveway will give Republic Services plenty of room to provide service to this community.</li> </ul>
ACHD <a href="#">Link to Full Comment</a>	02/16/2022	<ul style="list-style-type: none"> <li>Staff notes Reed Street adjacent to the site is in the IFYWP for a sidewalk project. Also, the area is in the 2026 Chip-seal area.</li> <li>The applicant should be required to pave both proposed 20-foot-wide shared driveways their full width and 30-feet into the site beyond the edge of pavement of Reed Street.</li> <li>A Traffic Impact Fee will be assessed by ACHD and will be due prior to issuance of a building permit. Please contact the ACHD Planner (see below) for information regarding impact fees.</li> </ul>

## H. Public Comment

The following public comments were provided:

Commenter	Comment Date	Summary
Coleen Stambaugh	12/06/2021	In Opposition; Complete obstruction of view, parking garage can have an extra family above the two car garage, proposal is too dense.

## I. Code/Policy Review

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

<b>Garden City Title 8 Code Sections</b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</a>			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-1B-1 Nonconforming Properties		No compliance issues noted	The property is described as PAR #0340 OF LOTS 30 & 31 BLK 3 FAIRVIEW ACRES SUB 7 #8800624 VIN # 4H8DS8189 TITLE B264065.  Staff have not confirmed whether the lot was legally created. The issue shall be resolved when the new subdivision is recorded.
8-1B-2 Nonconforming Structures		No compliance issues noted	
8-1B-3 Nonconforming Uses		No compliance issues noted	

8-1C-3 Property Maintenance Standards		No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.
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**Title 8, Chapter 2: Base Zoning District Regulations**

8-2B-1 Purpose	PZ/CC	No compliance issues noted	<p>Land Use Calculations table indicates that five (5) residential lots are proposed, and the resulting density is 13.15 units/acre. It appears that six (6) lots are shown, which would result in a density of 15.9 units/acre.</p> <p>Both calculations are under the 35-dwelling unit per acre maximum, and proposes single family attached dwelling units which is consistent with the required density and purpose identified for the R-3 zoning district.</p> <p>The unit above the garage was not included in this calculation as the unit is intended for guests only, and not to be a permanent living space. Additionally, it is located on the same lot as Unit 1, which was already included in the calculation and density is not calculated off bedroom counts.</p>
8-2B-2 Allowed Uses	PZ/CC	No compliance issues noted	Single Family Attached Dwelling are a permitted use.
8-2B-3 Form Standards	PZ/CC	Waiver requested for setback standards	<p>The required setbacks are: Front: 5'/20' Interior Side: 0'/5' Rear: 15' Street side:5'</p> <p>The allowable maximum height is n/a</p> <p>The minimum lot size is n/a</p> <p>There are encroachments within the rear setback; however, a waiver has been requested utilizing the PUD code. The request is to make the backyard setback 5' vs. 15'. The rear of the proposed buildings encroaches into the 15' setback.</p> <p>All improvements are more than 70' from the Boise River.</p> <p><b>The property does not meet the minimum street frontage requirements per GCC 8-2B-3. F.2. standards.</b></p>

**Title 8, Chapter 4: Design and Development Regulations**

<a href="#">8-4A-3 Fences and Walls</a>	DC/CC/PZ	No compliance issues noted	<p>The application identifies three fences.</p> <ol style="list-style-type: none"> <li>1. Proposed 4ft tall wrought iron fence along property line adjacent to the greenbelt.</li> <li>2. Proposed 6ft tall vinyl fence along the western property boundary.</li> <li>3. Maintenance of existing 6ft tall fence along the eastern property boundary line.</li> </ol> <p>See discussion regarding activating the adjacent park and PUD requirements of common open space.</p>
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<a href="#">8-4A-4 Outdoor Lighting</a>	DC/CC/PZ	No compliance issues noted	
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	DC/CC/PZ	Compliant as conditioned	This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with the code at the time of development.
<a href="#">8-4A-7 Stormwater Systems</a>	DC/CC	Compliant as conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
<a href="#">8-4A-8 Utilities</a>	DC/CC/PZ	Compliant as conditioned	A draft condition of approval is provided requiring each lot to be connected to City services.  Any overhead utilities located on site or in adjacent ROW will be required to be underground. Undergrounding utilities is not just limited to new construction, it is applicable to all existing utilities. A draft condition of approval is provided requiring that all utilities be underground.

**[8-4B Design Provisions for Residential Structures](#)**

<a href="#">8-4B-3 Single Family and Two-Family Attached and Detached Dwelling</a>	DC/CC/PZ	Compliant as conditioned	<p><b>Updated schematics submitted September 19, 2022, were not reviewed by staff. The Design Review committee recommended denial of the application.</b></p> <p>Submitted Elevations show non-compliance:</p> <ol style="list-style-type: none"> <li>1. There is a pedestrian pathway identified in the new site plan. Pavers will be used to delineate the drive lane from the concrete sidewalks.</li> <li>2. There does not appear to be any modulation on the front façade.</li> <li>3. The garage is not deemphasized from the public street. 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: <ol style="list-style-type: none"> <li>a. 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; <u>and</u> <ol style="list-style-type: none"> <li>i. (1) The garage or carport is recessed at least six feet (6') behind the front building line of the residential structure; or</li> <li>ii. (2) The garage or carport is located with a side entrance.</li> </ol> </li> <li>b. The garages and carports occupy more than 50% of the building line adjacent to Reed</li> </ol> </li> </ol>
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			<p>Street. While the garage doors do have windows and recessed trim, and contain texture, color, and materials similar to that of the residential structure, they are not recessed at least 6' behind the front building line and they are not side entrances.</p> <p>4. Northwest elevation needs design features to provide articulation and variety. These features shall include, but are not limited to, windows, bays and offsetting walls that extend at least two feet (2'); recessed entrances; and changes in material types. Changes in material types shall have a minimum dimension of two feet (2') and minimum area of twenty-five (25) square feet.</p> <p>5. Southeast Elevation needs design features as this is the façade that is to face the public park and parking lot.</p>
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**8-4D Parking and Off Street Loading Provisions**

<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	DC/CC/PZ	No compliance issues noted							
<a href="#">8-4D-4 Parking Use Standards</a>	DC/CC/PZ	No compliance issues noted							
<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	DC/CC/PZ	Compliant as conditioned	<p>Total number of vehicular parking spaces required: 15 Total provided: 15</p> <p><b>Residential Units</b> Number of enclosed spaces required: 12 Total provided: 15</p> <p><b>Guest Spaces</b> Number of guest spaces required: 3 Total Provided: 3 <i>*The guest parking spaces are provided within a garage on site.</i> <i>**The legalities of the guest parking and guest dwelling unit on unit one's property could present problems.</i> <i>***Guest parking is to be within enclosed garage, which does not read as guest parking.</i></p> <table border="1"> <thead> <tr> <th>Dwelling, Single Family Attached</th> <th>Total Required Parking</th> <th>Required Within an Enclosed Garage</th> </tr> </thead> <tbody> <tr> <td>More than 1 bedroom</td> <td>2* 6 Units= 12</td> <td>2* 6 Units= 12</td> </tr> </tbody> </table> <p>For developments with more than 2 dwelling units there shall be 0.5 additional spaces/unit provided for guest parking.</p> <p>There is one bicycle space required for every 6 dwelling units necessitating 1 bicycle spaces. The site has proposed 4 bicycle parking spaces.</p>	Dwelling, Single Family Attached	Total Required Parking	Required Within an Enclosed Garage	More than 1 bedroom	2* 6 Units= 12	2* 6 Units= 12
Dwelling, Single Family Attached	Total Required Parking	Required Within an Enclosed Garage							
More than 1 bedroom	2* 6 Units= 12	2* 6 Units= 12							
<a href="#">8-4D-6 Standards for Alternatives to</a>	DC/CC/PZ	No compliance issues noted	None proposed						



<a href="#">On Site Parking</a>			
<b><u>8-4E Transportation and Connectivity Provisions</u></b>			
<a href="#">8-4E-3 Public Street Connections</a>	DC/CC/PZ	No compliance issues noted	Public street connections at N. Reed Street for a common driveway to access all six buildable lots. There are two curb cuts along N. Reed Street. ACHD has approved of the two curb cuts so long as they are each only 20ft wide.  There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.
<a href="#">8-4E-4 Internal Circulation Standards</a>	DC/CC/PZ	Compliant as conditioned	Ada County Fire and Rescue has provided a comment regarding the drive isle width. Please see the “agency comments” section of this staff report.
<a href="#">8-4E-5 Private Street Standards</a>	DC/CC/PZ	No compliance issues noted	No private street was proposed.
<a href="#">8-4E-6 Sidewalk Standards</a>	DC/CC/PZ	No compliance issues noted	5ft wide detached sidewalk proposed with 6ft landscape buffer for street trees.
<a href="#">8-4H Flood Hazard</a>	Planning Official	May not be complaint – compliant as conditioned	The City highly encourages that the applicant builds to the best available data identified in the FIS (Flood Insurance Study) study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.  Comment from the Garden City Engineer: “The property is located within the floodplain of the Boise River. A floodplain development application will be required. The applicant should be aware that recent studies by FEMA (Federal Emergency Management Agency) have concluded, and Garden City has been placed in a seclusion area. Seclusion can be considered a “holding” designation where FEMA desires to further study the floodplain in the city during an interim period of several years. Under the seclusion area, FEMA mapping duplicates the prior 2003 mapping. All land developments must be aware of possible impacts of FEMA’s future studies adopting Base Flood Elevations (BFEs) higher than those currently shown in the seclusion area. The applicant should refer to the “work maps” available from the City for potential future BFE (Base Flood Elevation) in this area and is strongly advised to construct homes at least to elevations protected from flooding in the event FEMA adopts BFEs as indicated by the work maps.”  There are conditions drafted in the decision document regarding this section of code.
<b><u>8-4G Sustainable Development Provisions</u></b>			
<a href="#">8-4G Sustainable</a>	DC/CC/PZ	Compliant as conditioned	A sustainability checklist was not submitted. The application is required to score at least 6 points. A condition has been drafted to require the submittal of a sustainability checklist.

<a href="#">Development Provisions</a>			
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>	DRC/CC/PZ	No compliance issues noted	18 trees provided, requires 4 distinct species; site provides 5 distinct species.
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	DRC/CC/PZ	Compliant as conditioned	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. <b>4,622sqft = 28%<sup>2</sup></b></p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p><b>Reed Street</b>  Required Trees (127'): 1 Street + 2 Frontage = 3 Trees  Provided Trees: 1 Street + 1 Frontage = 2 Trees (<b>Deficient 1 Class II tree</b>)  <i>*The trees provided along N. Reed Street are both Class I trees, this is not code compliant in that at least one of the three required trees shall be Class II.</i>  <i>**The application does not propose to maintain the existing trees onsite. There is at least one large existing tree found within the proposed frontage area that should be maintained so long as it is not dead, dying, or diseased.</i>  <i>***It has been conditioned to require at least three Class II Street trees along the frontage of N. Reed Street. The applicant will be required to work with staff regarding the varietal of street tree. The intent of this condition is to better meet the intent of code regarding urban tree canopy as it is related to health and safety benefits.</i></p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.  <b>4,622sqft of landscaping provided = 4.6 trees required.  16 trees provided.</b></p> <p><b>4,622sqft of landscaping provided = 30 shrubs required.  50 shrubs provided.</b></p>
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	DRC/CC/PZ	May not be compliant – Compliant as conditioned	<p>Perimeter landscaping is required along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property.</p> <p>Perimeter landscaping is required along the western property boundary line between the proposed development and Heron Park. Perimeter landscaping is proposed; however, the landscape plans are from the March resubmittal packet and</p>

<sup>2</sup> New site plan submitted on August 8, 2022, shows new landscaping calculations. The landscape plan submitted in March shows 5,725sqft. Landscape plans and site plans should match so not to have conflicts.

			<p>may or may not match the updated site plans submitted in August.</p> <p>The application proposes to keep the 6ft tall vinyl fencing along this property boundary line which would assist in screening the site.</p>
<a href="#">8-4I-7 Tree Preservation Provisions</a>	DRC/CC/PZ	Compliant as conditioned	<p><b>All existing trees are to be removed from the site. Arborist letter and mitigation plan has yet to be submitted for review. Conditions have been drafted to require a 1:1 caliper mitigation plan.</b></p> <p>The application proposes the removal of 105 caliper tree inches, 22 of which require mitigation. The application proposes 36" to be planted.</p> <p>A note from the landscape architect states:</p> <p>“The method of mitigation will be to add additional trees beyond city requirements to meet mitigation calculations. Twelve (12) additional trees have been proposed with 2" caliper. This results in 24 caliper inches not including the caliper inches of the required proposed trees.”</p> <p>Based on the most recent landscape plans submitted in March, the site does appear to propose an adequate number of calipers. It has been conditioned to require a certified arborist letter prior to the approval of construction plans to ensure that all necessary calipers are mitigated for.</p>
<b>8-4L Open Space Provisions</b>			
<a href="#">8-4L-3 General Open Space Standards</a>	DRC/CC/PZ	Compliant as conditioned	<p>Common open space shall be designed as an integral part of a residential development project by providing:</p> <ol style="list-style-type: none"> <li>1. Areas on the site of mature landscaping, trees, and natural features. <ol style="list-style-type: none"> <li>a. <b>The site proposes to remove all existing mature landscaping and trees. There is a proposal for a private greenbelt access easement for the residence to access the greenbelt on the northern side of the property. There are no drafted easement agreements between the developer and the city to create this access. At this point in time the proposed pathway dead ends at the rear of the property.</b></li> </ol> </li> <li>2. The common open space area provides connectivity with other open areas, public spaces, trails, or water features within and off the site; and <ol style="list-style-type: none"> <li>a. <b>The proposed development is adjacent to Heron Park, but the development does not engage or acknowledge the park. It proposes to keep the 6ft tall perimeter fence between the park and the development.</b></li> <li>b. <b>The site provides a common area with a pet park, bike station, and washing hose.</b></li> </ol> </li> <li>3. The common open space area is located and designed to serve a passive or recreational function. <ol style="list-style-type: none"> <li>a. <b>The common open space is designed to be active in function.</b></li> </ol> </li> </ol>

<a href="#">8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments</a>	DRC/CC/PZ	Compliant as conditioned	A minimum of ten percent (10%) of the gross site area shall be in common open space. <b>Not enough information to review.</b>  <b>Staff has conditioned that the preliminary plat be updated to have all common areas on one lot. All common open space shall be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon.</b>
<b><a href="#">Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</a></b>			
<a href="#">8-5A-4 General Standards</a>	PZ/DRC/CC	No compliance issues noted	See discussions on Design Review 8-4 B&C; Driveways 8-4-E; Floodplain 8-3-B 8-4H; Landscaping 8-4-I; Open Space 8-4-L; Parking 8-4-D; Planned Unit Development 8-6B; Private Streets 8-4-E; Sidewalks 8-4-E; Street design and development standards 8-4-G; Sustainable development provisions 8-4-G; Utilities 8-4-A; Zoning Provisions 8-2-B  There are general conditions of approval that the application must be in conformance with the requirements of Garden City Code Erosion Control 4-15; Public water and sewer systems Title 6; Storm drainage and discharge control 4-14 prior to the approval of the subdivision.
<a href="#">8-5A-6 Improvement Standards</a>			A subsequent application will be required for staff approval to ensure that the proposed improvements meet code standards and policies for storm drainage, water, sewer, utilities, and monuments and are otherwise in conformance with this approval.  There is a streetlight located at N. Reed Street.
<b><a href="#">8-5C-4 Subdivisions located within a Floodplain</a></b>			
8-5C-4 Subdivisions located within a Floodplain	PZ/DRC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	There are proposed conditions coinciding with provisions found within code section.
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>	PZ/DRC/CC	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<a href="#">8-6A-4 Required Application Information</a>	PZ/DRC/CC	No concerns noted	Application waivers requested pursuant to 8-6A-4A.
<a href="#">8-6A-7 Public Hearing Process</a>	PZ/DRC/CC	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho

			Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.
<a href="#">8-6B-7 Planned Unit Development</a>	DC/CC/PZ	May not be complaint	Waivers requested include: 1. Waiver to setback standards; allowing for side front setbacks to be 11' and rear setback to be 5'.

<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Idaho Code 67-6513</a> Local Land Use Planning Subdivision Ordinance	<p>Garden City has, by ordinance, adopted hearing procedures compliant with section <a href="#">67-6509</a>, Idaho Code, for standards and for the processing of applications for subdivision permits under sections <a href="#">50-1301</a> through <a href="#">50-1329</a>, Idaho Code.</p> <p>This statute enables Garden City regulations to provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.</p> <p>This section notes that denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section <a href="#">67-8003</a>, Idaho Code, consistent with the requirements established thereby.</p>
<a href="#">Idaho Code 67-6515</a> Local Land Use Planning Planned Unit Developments	This statute enables Garden City to process applications for planned unit developments.
<a href="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <p style="padding-left: 20px;"><b>a)</b> Mixed Use Residential</p> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <p style="padding-left: 20px;"><b>a.)</b> 1.4 Objective: Create a premier destination place to live, work, and recreate.</p> <p>Goal 2. Improve the City Image</p> <p style="padding-left: 20px;"><b>a.)</b> 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</p> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <p style="padding-left: 20px;"><b>a.)</b> 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p> <p>Goal 7. Connect the City</p> <p style="padding-left: 20px;"><b>a.)</b> 7.4 Objective: Maintain and improve standards for sidewalks, curbs, and gutters.</p> <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <p style="padding-left: 20px;"><b>a.)</b> 2.3 Objective: Promote quality design and architecturally interesting buildings.</p> <p>Goal 5. Focus on the River</p>

	<p>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 riverbank.</p> <p>b.) 5.5 Objective: Create more accessibility to the Boise River and greenbelt.</p> <p>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 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>
<a href="#">Garden City Sidewalk Policy</a>	<p>A detached sidewalk is proposed.</p>
<a href="#">Garden City Street Light Policy</a>	<p>A streetlight is installed along N. Reed Street in accordance with the policy.</p> <p>The streetlight appears to be located on the proposed property, or within the ROW in front of the development. Site plans do not indicate the location of this streetlight.</p>
<a href="#">Old Town Circulation Network Plan</a>	<p>A multi-use trail is proposed through the development.</p>
<a href="#">Garden City Transportation Needs List</a>	<p>Right of way for the realignment has been produced by ACHD. While the City is not opposed to the realignment of Reed Street, it should be done at time of, and in conjunction with the redevelopment of adjacent properties. The vacation of Reed Street as it is currently configured should not occur until both sides of the realigned Reed Street has redeveloped.</p>