



DEVELOPMENT SERVICES DEPARTMENT

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DESIGN REVIEW REPORT AND DECISION

File Number: SUBFY2022-0004

Review Status: INITIAL REVIEW- NOT APPROVED – RESUBMITTALS REQUIRED

Plan Review Number: 1

Reviewer: Hanna Veal

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: January 16, 2024

Applicant: Maria Neu, EVstudio



REPORT CONTENT

SITE INFORMATION	3
PROJECT INFORMATION	4
AGENCY COMMENTS	4
PUBLIC COMMENT	6
MEETING SUMMARY	7
CODE AND POLICY REVIEW.....	7
DECISION AND RECOMMENDATION PROCESS	18
REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION	18
IMAGES	26

SITE INFORMATION

- 1) Street Address: 4800 N. Adams St. (2022). 406 E. 48th Street (2024)¹
- 2) Parcel Number: R2734523137
- 3) Subdivision: PAR #3137 OF LOTS 1 & 2 BLK 23 FAIRVIEW ACRES SUB NO 03 #3131-C #3133-C VIN#162994D3917 TITLE#B012577
- 4) Property Size: 0.632 acres
- 5) Zoning District: R-3 Medium Density Residential
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designations:
 - a) Main Street Corridor
 - b) Mixed Use Residential
- 8) Legal Parcel of Record: unknown
- 9) Floodplain Designation:
 - a) The project is located in the floodplain according to the 2003 FIRM.
 - b) The project is not located in the floodplain according to FEMA's most recent modeling of the Lower Boise River, adopted by resolution 1083-20.
- 10) Surrounding Uses within 600 feet:
 - a) Public Service Facility
 - b) Manufactured Home/Mobile Home Park
 - c) Vehicle Wrecking Yard
- 11) Existing Use: Mobile Homes
- 12) Easements on site:
 - a) ACHD Easement 200,900,062 Instrument 105,012,438
 - b) Utility, Drainage, Irrigation Easement 200,600,047
- 13) Site Access:
 - a) East 48th St
- 14) Sidewalks: Sidewalks are installed and are in good repair.
- 15) Wetlands on site: None identified

¹ Changed address between 2022 and 2024. Everything else remained the same.

PROJECT INFORMATION

- 1) Noticing was completed on: November 20th, 2023
- 2) The neighborhood meeting was held on: December 7, 2023
- 3) Proposed development: Residential Combined Preliminary and Final Plat – Processed as a Planned Unit Development
- 4) Total number of lots: 15
 - a) Common: 1
 - b) Residential: 14
- 5) Density: 14 Dwellings per acre
- 6) Site Coverage: 27,530sqft
 - a) Building: 7,920sqft - 34% of the site
 - b) Landscaping: 5,308sqft – 19.28%
 - c) Paved Areas: 14,301sqft – 51%
- 7) Access: Drive from East 48th St
- 8) Total number of vehicular parking spaces: 34
 - a) Enclosed: 28
 - b) Surface: 6
- 9) Total number of bicycle parking: 3
 - a) Enclosed: 0
 - b) Surface: 3
- 10) Refuse: Unknown
- 11) Fencing: 6' fence and 3'-6" fence proposed atop a retaining wall
- 12) Sidewalk:
 - a) Existing Attached Sidewalk
- 13) Landscaping: Unknown
 - a) 209 of shrubs or bushes
 - b) 15 Total number of trees
 - i) 5 Class I
 - ii) 10 Class II
 - c) Parameter Landscaping: None
- 14) City Utilities
 - a) Water and Sewer connection to lots
 - b) 16" water service
- 15) Proposed Easements:
 - a) Maintain existing 10' drainage easement at easterly boundary
 - b) Maintain existing ingress/egress access easement on western property boundary
- 16) PUD Waivers requested: More than four units on a drive; setbacks; etc.
 - a) Reduced setbacks
 - b) More than 4 Units Access off Common Drive

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
Ada County Highway District	4/28/2022	<ul style="list-style-type: none"> • Repair or replace any damaged or deteriorated portions of vertical curb, gutter, and sidewalk on Adams Street and 48th Street abutting the site. • Close the two existing driveways onto Adams Street with vertical curb, gutter and 7-foot wide attached

		<p>concrete sidewalk to tie into the existing improvements on either side, as proposed.</p> <ul style="list-style-type: none"> • Close the two existing driveways onto 48th Street with vertical curb, gutter and 5-foot wide attached concrete sidewalk to tie into the existing improvements on either side, as proposed. • Construct a 20-foot wide curb-cut type shared access driveway onto 48th Street located at the site's northeast property line. Pave the driveway its full width and at least 30-feet into the site. • Standard conditions required
Boise School District	4/26/2022	<p>The schools currently assigned to the proposed project area are:</p> <p>Elementary School: Mountain View Junior High School: Riverglen High School: Capital</p>
Department of Environmental Quality	4/22/2022	<ul style="list-style-type: none"> • DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply.
Garden City Engineer	10/03/2022	<ul style="list-style-type: none"> • Preliminary Plat document does not contain required information to review such as: <ul style="list-style-type: none"> ○ Approved subdivision name ○ Notes defining housing lots and common lots ○ Define the access to the units and materials proposed ○ Depict a method of storm water mitigation ○ Depict proposed improvements including water and sewer ○ Describe the proposed irrigation system • Please address the easements described in Instrument Numbers 8905457 and 102053501 noted in the title report. • The land is portions of Lots 1 and 2 of Block 23 of FAS #3. Please provide evidence the land is an original parcel per city code. • Plan sheet 2 of 3 depicts two gate valves at the 90° bend in the project. With the current line layout, neither valve is necessary. And the 90° bend should be two 45° flange bends. • Plan sheet 2 of 3 depicts a separate 6-inch water "service" line to serve the common area. Is 6-inch necessary? We usually see a much smaller service connected internally to the mainline in the project. • Please provide a drainage basin map for the project. There appears to be more than two drainage basins. However, any discharge to ACHD right-of-way would be another basin? • There is text noting roof drainage; but, from the grading plan, it is not clear how said drainage will be intercepted and carried to the internal storm water system along 48th and Adams. Drainage is expected to remain on-site, unless some area is specifically approved to leave the site by the ACHD (to right-of-way). • We note a masonry retaining wall within the site that is referenced as keynote 7, and "618-3". What is this? If the wall contains a footing (as it appears), will the footing be able to be installed without impacting adjoining properties. When the wall needs repair/replacement in the future, will said

repair be possible without impacting adjoining properties?

PUBLIC COMMENT

Public Testimony

When a design review consultation is required as part of an application that requires a public hearing, public testimony regarding design will be heard by the planning and zoning commission at the planning and zoning commission's scheduled hearing.

The following public comments were provided:

Commenter	Comment Date	Summary
Justin Cranney	10/13/2022	Objects to any improvements, whether a retaining wall, fence or otherwise, within the 15' western easement.
Justin Fredin	12/15/2023	<p>This firm represents Bliss Properties, LLC ("Bliss"), the owner of the property located at 4810 N. Adams Street, Garden City, Idaho ("Bliss Property"). Accordingly, out of an overabundance of caution, Bliss respectfully asks the City to reject any design that does not satisfy the following criteria:</p> <ul style="list-style-type: none">- The Easement should be labelled as "4810 Adams Driveway Easement" on all plan sheets.- There should be a continuous fence, with no gates, depicted along the entire eastern boundary of the Easement, such that Elle Estates residents, guests and pets will not have access to the Easement or the Bliss Property.- Exterior elevations should demonstrate that the retaining wall/fence will be a minimum of six (6) feet in height above the finished grade of Elle Estates along the entire eastern boundary of the Easement.- To ensure there are no encroachments into the Easement, plan sheets should depict the distance between the Easement and the retaining wall/fence along the entire eastern boundary of the Easement.- Any drainage directed toward the Easement should be minimal, such that the driveway within the Easement will not be eroded by runoff.

MEETING SUMMARY

This is a summary of the discussions that occurred at the Design Review Committee Hearings in 2022. The Planning and Zoning Commission opted to delay the application's hearing date until all compliance issues were resolved, and the Design Review Committee had a formal recommendation.

October 17th, 2022, Design Review Committee Hearing:

1. Repetitive structural design and lack of engagement with N. Adams Street.
2. Additional elevation fenestrations are required to create a better sense of place.
3. The end of the drive, ending facing N. Adams, does not appear pedestrian friendly for those utilizing the sidewalk. Screening element, landscaping, and coordination with building design to create an "end" feature is required.
4. Pedestrian pathways from public sidewalk on N. Adams Street to primary entrances of dwelling units are required.
5. On-site storm water mitigation such as swales can be utilized as common open space so long as it meets code provisions.
6. A private rooftop deck cannot count towards common open space requirements.
7. The application does not meet variety of housing types, but Planning and Zoning is to determine if it does or does not, as it is not within the Design Review Committee overview to determine.
8. What is the application proposing to do, or provide, to help mitigate for the lack of parking.

On December 19, 2022, the Design Review Committee moved the application to a date uncertain/undetermined. On December 21st, 2022, the Planning and Zoning Commission moved the application to a date uncertain/undetermined. The reasoning behind the continuance was due to the unresolved easement issue with the property to the northwest. The applicant requested that the application be put on hold.

The application has since been re-noticed to the public, interested parties, and other agencies.

CODE AND POLICY REVIEW

The Garden City Design Review Committee has changed to be a Design Review Consultation process since the original submittal of this application. Because the application was continued to a date uncertain, the older hearing processes are no longer applicable. The application is being reviewed and proceeding through the current Garden City Code public hearing processes for combined preliminary and final plats processed as a PUD. Please refer to section "Decision and Recommendation Processes" found later in this report.

2022 Discussions

October 17th & 19th 2022 Discussions

Planned Unit Development This application (SUBFY2022-0004) 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 such as minimum setbacks to allow for the 0' interior side setback, for allowing a greater number of lots to be accessible off a common drive, and proposing noncompliant parking space sizes, however, the applicant has only requested one waiver formally.

A list of the drafted waivers to Garden City Development code includes:

1. Setbacks, allowing for 0' side setbacks and 5' rear setbacks; and

2. More than 4 dwelling units being served through a common drive, allowing for 14 units to be served on a common drive;
- ~~3. 0.5 guest parking spots for every dwelling unit, allowing for only 3 guest parking spaces;~~
- ~~4. Parking stall dimensional standards, allowing for 9' x 18' parking stalls;~~
- ~~5. Common open space requirements, allowing for private rooftop patios to count towards common open space requirements;~~
- ~~6. Perimeter landscaping, allowing for none of the required perimeter landscaping.²~~

A section of PUD code requires that in any development that which proposes 10 or more dwelling units shall provide a variety of housing types. The proposed variety shall include attached units (townhouses, duplexes), detached units (patio homes), single-family and multifamily units; provided, that the overall density limit of the district is maintained. This application does not propose a variety of housing types in that all units are three-story townhomes of similar architectural design. The townhomes, while appearing similar in exterior elevations, provide a variety of two-bedroom and three-bedroom floor plans.

Please note, during the January 19, 2021, meeting the Design Review Committee discussed the criteria related to the requirement for a variety of housing to be provided when utilizing the Planned Unit Development ordinance. The Design Review Committee reviews architectural variety, design, and aesthetics whereas the Planning and Zoning Commission reviews the variety of housing types (multi-family, townhome, single family, etc.) proposed. The Planning and Zoning Commission makes their approval or denial recommendation based on how well the proposal meets the variety of housing needs of our community.

PUD's also require that all housing units be adjacent to common open space. The common open space information has been provided in the submitted documents, however, staff is concerned about site plans providing adequate open space square footage as it has not been specifically identified on the site plans. Additionally, the applicant has requested a waiver to Common open space standards, to allow for the private rooftop patios to count towards the common open space minimum requirements. Please see the 8-4L staff analysis for further commentary regarding this waiver.

Easement

There has been an ongoing discussion between the applicant and the adjacent property owner regarding an access easement. Original plans show the subdivision constructing over this access easement located along the northwestern property boundary line. New plans show corrections, by not proposing to develop on the easement. However, the legitimacy of this easement is still in question. As such, staff has drafted a condition of approval for the resolution of this easement prior to the signing of the final plat.

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

<u>Garden City Title 8 Code Sections</u>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion

² Strikethrough of previous waiver requests not applicable based on new parking code, and changes to site plans submitted September 2023.

Title 8, Chapter 1: General Regulations			
8-1A-4 Applicability			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		Not compliant	<p>Undetermined at this point in time. Legal lot descriptions appear that they are portions of the same lots. As a subdivision, any nonconforming lot will be rectified through the subdivision process.</p> <p>Adjacent property to the northwest appears to be a portion of lots 1 & 2. Please provide evidence that the land is an original parcel per city code.</p> <p>Record of Survey's on file: RS_12800 & RS_12664 show two separate parcels bisecting Lots 1 & 2, Block 23, of Fairview Acres Sub. #3. These surveys were not reviewed nor signed by the City. Property Deeds showing current property configuration prior to 1988 are required to determine legal lots of record.</p>
8-1B-3 Nonconforming Uses		No compliance issues noted	<p>Single family attached dwelling units are permitted uses. The property has since demolished or removed an existing shed, and two mobile home structures on the site. Demo and removal permits were issued by the City.</p> <p>There is one remaining mobile home on site, to be demolished or removed as part of this application.</p>
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose	DC/PZ/CC	No compliance issues noted	<p>The purpose of the four (4) residential districts is to provide a full range of housing products within the city in areas that are exclusively for residential uses. The four (4) districts are contrasted by the density and housing products that are allowed within each district.</p> <p>R-3 is considered medium density residential. Allowing for a maximum of 35 dwelling units per acre, and housing products like single family, two-family, and multi-family residences.</p>
8-2B-2 Allowed Uses	PZ/CC	No compliance issues noted	Single Family Attached Dwellings are a permitted use.
8-2B-3 Form Standards	DC/PZ/CC	Not Compliant	<p>The required setbacks are: Front: 5'/20' Interior Side: 5' Rear: 15' Street side: 5' The allowable maximum height is: n/a The minimum lot size is: n/a</p> <p>There are encroachments into the setbacks. A waiver has been requested to allow for a 0' side setback to allow for townhomes. Waivers have been drafted to allow for a 0' side setback, and 5' rear setback</p> <p>The intent of code's rear setbacks will be met as the common lot is acting as the setback. The draft condition allows for this waiver, provided that an easement is granted for the common drive. The reason that this condition is suggested is so that the applicant will have more flexibility with regards to fire penetrations.</p>

			All properties meet the minimum street frontage.
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DC/PZ/CC	Not compliant	<p>There is currently a retaining wall and fence proposed along the northwest property boundary line, adjacent to the easement. The combination of the retaining wall and the fence equals 7'-6".</p> <p>Anyone constructing a fence or wall over six feet (6') in height shall first obtain design review consultant(s) recommendation for approval followed by approval from the planning official and a building permit from the city prior to construction. Any fence located in the floodway shall secure a floodplain permit from the city prior to construction.</p> <p>A 6' wrought iron fence is proposed along the north eastern property boundary line. This is compliant, but it is also on a retaining wall. Details were not shown in the plans for this fence/retaining wall combination. More details required.</p>
8-4A-4 Outdoor Lighting	DC/PZ/CC	Complaint as Conditioned	This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development.
8-4A-5 Outdoor Service and Equipment Areas	DC/PZ/CC	Compliant as conditioned	<p>This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of the formal review.</p> <p>HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.</p> <p>Trash bins shall be collected from the internal common drive, and shall not be collected from the public streets of Adams nor 28th Street.</p> <p>All other utilities, including Idaho Power transformers, shall be screened from the public right of way.</p>
8-4A-7 Stormwater Systems	DC/PZ/CC	Complaint 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.
8-4A-8 Utilities	DC/PZ/CC	Complaint as Conditioned	All existing and new utilities shall be installed underground. For the purposes of this section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services. Another draft condition of approval is provided requiring that all utilities be underground.
8-4B Design Provisions for Residential Structures			
8-4B-3 Single Family and Two-Family Attached and	DC/PZ/CC	Not Complaint	The development proposes three-story townhome units within two 7-plex buildings. Each townhome structure consists of two different floor plan layouts, with a mix of two and three

Detached Dwelling			<p>bedrooms. Each dwelling unit consists of a two-car garage and a rooftop patio.</p> <p>The third bedroom on the ground level has small dimensions. This space could also act as an office space.</p> <p>Resubmittals were provided on 09/22/2023 showing architectural features to help the end unit address Adams Street. The new feature only consists of a new porch roof that carries over to the Adams streetside.</p> <p>Adams St. elevations still appear like side elevations. Some of the previous comments are still applicable.</p> <p>Previous Comments: The end units closest to Adams Street do not address the street. Code requires that elevations facing public streets shall contain windows; modulation; a direct and permanent pathway that connects the main entrance to the sidewalk, and an entrance with decorative posts or roof, or covered porch. To be code compliant, the end units facing Adams Street shall not appear to be side elevations.</p> <p>Additionally, the structural design has not taken advantage of the corner of Adams and 48th by orienting itself to address both streets.</p> <p>The front entries do not appear to have a front entry porch, dormer, stoop, decorative posts or roof. The front elevations appear flat.</p>						
<p>8-4D Parking and Off Street Loading Provisions</p>									
8-4D-3 Parking Design and Improvement Standards	DC/PZ/CC	No compliance issues noted	<p>New Parking Code: Parking space dimensions are required to be 9' x 9', to which the application provides both for the garage stalls and the guest parking stalls. The applicant is requesting parking stall dimensions of 9' x 19'.</p> <p>Bicycle parking is provided on-site.</p> <p>Previous Garden City Code (Not Applicable): Parking space dimensions were required to be 10' x 20', the site plan shows some spaces being 9' x 18'. As a PUD application, a waiver to dimensional standards could be requested. Staff has drafted this compliance issue as a waiver.</p>						
8-4D-4 Parking Use Standards	DC/PZ/CC	No compliance issues noted							
8-4D-3 Parking Design and Improvement Standards	DC/PZ/CC	No compliance issues noted	<p>New Parking Code: Dwelling Unit, Single Family Attached Requirements:</p> <table border="1" data-bbox="743 1654 1463 1850"> <thead> <tr> <th data-bbox="743 1654 984 1793">Dwelling, single family attached</th> <th data-bbox="984 1654 1224 1793">Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)</th> <th data-bbox="1224 1654 1463 1793">Required Covered Parking Per Each Dwelling Unit</th> </tr> </thead> <tbody> <tr> <td data-bbox="743 1793 984 1850">More than 1 bedroom</td> <td data-bbox="984 1793 1224 1850">2* 14 Units= 28</td> <td data-bbox="1224 1793 1463 1850">1* 14 Units= 14</td> </tr> </tbody> </table> <p>For developments with more than two (2) dwelling units there shall be one-half (0.5) additional parking space/unit provided</p>	Dwelling, single family attached	Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)	Required Covered Parking Per Each Dwelling Unit	More than 1 bedroom	2* 14 Units= 28	1* 14 Units= 14
Dwelling, single family attached	Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)	Required Covered Parking Per Each Dwelling Unit							
More than 1 bedroom	2* 14 Units= 28	1* 14 Units= 14							

			<p>for guest parking for the first ten (10) dwelling units. There shall be one-tenth (0.1) parking space/unit provided for guest parking for every unit after the first ten (10) units.</p> <p>Enclosed residential parking spaces required: 14 Total Provided: 28</p> <p>Number of guest parking spaces required: 5 Guest parking provided: 6</p> <p>On-street parking cannot count towards the minimum parking requirements. The waiver requested is not applicable, nor grantable.</p> <p>No bicycle parking spaces are required.</p> <p>Previous Parking Code (Not Applicable): Dwelling Unit, Single Family Attached Requirements:</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* 14 Units= 28</td> <td>2* 14 Units= 28</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>Enclosed residential parking spaces required: 28 Total provided: 28 <i>*The project is required to provide 2 parking spaces within an enclosed garage for each unit. Each unit includes a two-car garage within the floor plans.</i></p> <p>Number of guest spaces required: 7 Total provided: 3 + 1 on-street. (Deficient 3) <i>*The site is deficient 3 guest parking spaces. A waiver has been drafted by staff to allow for the deficiency.</i></p> <p>There is one bicycle space required for every 6 dwelling units necessitating at least 2 bicycle spaces. Bicycle parking has been identified on the site plans.</p>	Dwelling, single family attached	Total Required Parking	Required Within An Enclosed Garage	More than 1 bedroom	2* 14 Units= 28	2* 14 Units= 28
Dwelling, single family attached	Total Required Parking	Required Within An Enclosed Garage							
More than 1 bedroom	2* 14 Units= 28	2* 14 Units= 28							
8-4D-6 Standards for Alternatives to On Site Parking	DC/PZ/CC	No compliance issues noted	<p>New Parking Code: A parking demand study was not submitted. No alternatives to on site parking were proposed.</p>						
8-4E Transportation and Connectivity Provisions									
8-4E-3 Public Street Connections	DC/PZ/CC	No compliance issues noted							
8-4E-4 Internal Circulation Standards	DC/PZ/CC	No compliance issues noted							
8-4E-6 Sidewalk Standards	DC/PZ/CC	No compliance issues noted	<p><u>Adams Street</u> An existing attached sidewalk along N. Adams Street is to remain. ACHD will require that the two existing driveways onto Adams Street to be closed and replaced with vertical curb, gutter and 7-foot wide attached concrete sidewalk.</p> <p><u>48th Street</u> An existing attached sidewalk along 48th Street is to remain. ACHD will require that the two existing driveways onto Adams</p>						

			Street to be closed and replaced with vertical curb, gutter and 5-foot wide attached concrete sidewalk.
8-4E-8 Transit Facilities	DC/PZ/CC	No compliance issues noted	<p>Bus pullouts, shelter pads, shelters, and related right of way and easements may be required when a development is adjacent to an existing or planned bus stop or transit station. These facilities shall be integrated into the overall pedestrian plan of a project, and designed consistent with the requirements of the Valley Regional Transit authority.</p> <p>There does not appear to be a bus stop located at this site. Valley Regional Transit has removed the bus line that previously serviced Adams Street.</p>
8-4H Flood Hazard			
8-4H Flood Hazard	Planning Official	Complaint as Conditioned	The City highly encourages that the applicant build to the best available data identified in the FIS 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.
8-4G Sustainable Development Provisions			
8-4G Sustainable Development Provisions	Planning Official	Not Compliant	The development is required to provide 6 points. A sustainability checklist was not submitted for review.
8-4I Landscaping and Tree Protection Provisions			
8-4I-3 General Landscaping Standards and Irrigation Provisions	DC/PZ/CC	No compliance issues noted	<p>When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, perimeter landscaping, parking lot landscaping and other landscape guidelines) a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required.</p> <p>Tree species required: 3 Tree species provided: 3</p>
8-4I-4 Landscaping Provisions for Specific Uses	DC/PZ/CC	No compliance issues noted	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Landscape Area required (site sqft = 27,530): 1,376sqft Landscape Area proposed: 1,954sqft (October 2023 Resubmittals)</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. 1,954sqft Landscaping Provided: 2 trees required 13 shrubs required</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 tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p><u>N. Adams Street (144LF)</u> Trees required: 1 Street + 3 Frontage = 4 trees Trees provided: 5 trees</p>

			48 th Street (204LF) Trees required: 1 Street + 4 Frontage = 5 trees Trees provided: 6
8-4I-5 Perimeter Landscaping Provisions	DC/PZ/CC	No compliance issues noted	Perimeter landscaping is not required. Previous comments pertaining to the perimeter landscaping being required were due to a potential CUP application on the adjacent property at 4810 N. Adams St. That CUP was not approved, and the current use appears to remain residential.
8-4I-6 Parking Lot Landscaping Provisions	DC/PZ/CC	No compliance issues noted	Not applicable.
8-4I-7 Tree Preservation Provisions	DC/PZ/CC	Not Compliant	<p>Evidence of tree removal receipt with date stamp required.</p> <p>Certified arborist report was not submitted. The compliance statement mentions that the site has been cleared of all existing trees by a tree removal company since the survey was conducted. Mitigation is required for all such trees removed within eighteen (18) months of the application.</p> <p>No mitigation is required for dead, dying, or hazard trees certified prior to removal by a certified arborist or trees that are required to be removed by another governmental agency having jurisdiction over the project.</p> <p>If it was the utilities company that removed the trees due to conflicts with the utilities, the trees would not require mitigation. However, any trees that were removed and not associated with the utilities will have to be mitigated for.</p>
8-4L Open Space Provisions			
8-4L-3 General Open Space Standards	DC/PZ/CC	No compliance issues noted	Common areas on the site shall consist of mature landscaping, trees, and natural features and shall be active or passive in recreational function.
8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments	DC/PZ/CC	Not Compliant	<p>A minimum of ten percent (10%) of the gross site area shall be in common open space. 2,753sqft of common open space shall be provided. The comment response letter states 2,893sqft is provided, and architectural plans demonstrate where the common space is via dark green squares.</p> <p>Proposed common open space <u>does</u> appears to meet the minimal dimensional standards set forth in code (not less than four hundred (400) square feet in area, and with a minimum length and width dimension of twenty feet (20')).</p> <p>Portions of the common area appear to be within individual private lots, not completely on common lot(s) within the subdivision. An update plat was not submitted for review, nor was a common maintenance agreement.</p> <p>Code states that common open space shall be located on a common lot or an area with a common maintenance agreement.</p> <p>The applicant has requested that the rooftop patios of each unit counts as common open space. The individual rooftop patios do not meet the intent of the common open space code. The rooftop patios are not meant to be utilized by anyone except the individual property owners. At the October 17th,</p>

			2022, Design Review Committee Hearing, the Committee determined that the private patios could not count towards the common open space requirements.
<u>Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</u>			
8-5A-4 General Standards	PZ/DC/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.
8-5A-6 Improvement Standards		Not Compliant	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. In accordance with the Planned Unit Development diversity of housing types, GCC 8-5A-6 also requires A variety of lot sizes as allowed by the zoning district is encouraged to accommodate a range of housing types and sizes. Common driveways shall serve a maximum of four (4) dwelling units, unless approved through a planned unit development.
<u>8-5C-4 Subdivisions located within a Floodplain</u>			
8-5C-4 Subdivisions located within a Floodplain	PZ/DC/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			
8-6A-3 General Application Process	PZ/DC/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.
8-6A-4 Required Application Information	PZ/DC/CC	No concerns noted	Application waivers requested pursuant to 8-6A-4A: <ul style="list-style-type: none"> - Lighting Plan - Natural Hazard and Resources Analysis
8-6A-7 Public Hearing Process	PZ/DC/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.

8-6B-7 Planned Unit Development	DC/PZ/CC	May not be complaint	Application waivers requested pursuant to 8-6B-7: <ol style="list-style-type: none"> 1. Reduced setbacks 2. More than 4 lots on a Common Drive <p>There has been significant discussion whether the application provides adequate diversity of housing to qualify for the planned unit development.</p>
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Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6513 Local Land Use Planning Subdivision Ordinance	<p>Garden City has, by ordinance, adopted hearing procedures compliant with section 67-6509, Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329, 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 67-8003, Idaho Code, consistent with the requirements established thereby.</p>
Idaho Code 67-6515 Local Land Use Planning Planned Unit Developments	<p>This statute enables Garden City to process applications for planned unit developments.</p>
Garden City Comprehensive Plan	<p>This application is in future land use designations of the Comprehensive Plan:</p> <p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.</p> <ol style="list-style-type: none"> 1. MIXED USE RESIDENTIAL: The mixed-use residential area is north of Adams/ Alworth Street. This designation allows for residential and commercial uses in a form and scale that is residential in character and design. A mix of residential; small scale office and retail; and public and semi-public uses are appropriate in this district. Regulations for this area should focus on form more than use, with a maximum height of two stories. 2. MAIN STREET CORRIDOR: Create a “Main Street” corridor as a principle street with a mix and concentration of uses along Adams/ Alworth Street with a possible alignment through a redeveloped Idaho Expo site connecting with the Activity Node at Glenwood and Marigold Streets. The corridor should have activity nodes along the street that connect the main street to the arterial roadways and/or the Boise River. The activity nodes should be limited so as to not dilute their function as a center. The focus of development should be on minimum front yard setbacks, parking on the street and behind buildings, and pedestrian

amenities. The center of the activity nodes on the Main Street corridor should be integrated vertically with more height at the principle main street intersection of the node.

The application may be supported by:

Goal 1. Nurture the City

- a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.

Goal 2. Improve the City Image

- a.) 2.3 Objective: Promote quality design and architecturally interesting buildings.
- b.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting.

Goal 4. Emphasize the “Garden” in Garden City

- a.) 4.1 Objective: Beautify and landscape.
- b.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.
- c.) 4.3.1 Objective: Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites.

Goal 7. Connect the City

- a.) 7.1. Objective: Create pedestrian and bicycle friendly connections.
- b.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.

The application may not be supported by:

Goal 2. Improve the City Image

- a.) 2.1 Objective: Encourage new and distinctive neighborhoods.
- b.) 2.1.2 Objective: Encourage high quality design and landscaping, including the use of water features, in new development.
- c.) Amend the Land Use Code to expand planned unit development (PUD) requirements to all sizes of parcels through a design review process. Amend the PUD standards to encourage a variety of housing, including well-designed smaller units; flexibility in setbacks and parking requirements to meet the needs of specific dwellings; and requirements for pedestrian amenities, including parks, open spaces and pathways.
- d.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting.

Goal 6. Diversity in Housing

- a.) 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing.
- b.) 6.3 Objective: Maintain the diversity of housing.
- c.) 6.3.1 Objective: Provide for a variety of housing types in the Land Use Code including smaller cottage and second housing units. Allow for housing that attract niche markets such as senior housing, live-work structures, and cooperative housing.
- d.) 6.3.2. Objective: Continue to explore opportunities that encourage mixed income housing in new developments.

[Garden City Sidewalk Policy](#)

Existing sidewalks proposed to remain.

[Garden City Street Light Policy](#)

A streetlight is installed along E. 48th Street in accordance with the policy.

[Garden City Transportation Needs List](#)

Adams: 36th – 37th Street

Connect Adams between 36th and 37th Streets. Boise School District has indicated that they are interested in this connection for Safe Routes to School. This will likely be done in conjunction with redevelopment of the property located at 317 E. 37th. There are draft options of roundabouts at this location that have been developed by ACHD. With the anticipated rebuild of Adams 38th-40th Streets being two lanes with parking and 36th Street two lanes with parking, the section connecting the two should match.

DECISION AND RECOMMENDATION 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](#). The City Council has decision authority once a Design Review Consultation has occurred, and the Planning and Zoning Commission has made a recommendation.

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](#), a Design Review Consultation is required, the Planning and Zoning Commission is the recommending authority, and City Council is the final decision maker for the requested application.

The Recommending Authority may take one of the following actions:

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

The recommendations of the Design Review Consultants and the Planning and Zoning Commission do not constitute a final decision of the application. Their recommendations cannot be appealed, as they will be heard by the City Council. The City Council is the final decision maker for this application.

City Council 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;
3. Reject the recommendation; or
4. Remand the application to a recommending body for additional proceedings and findings.

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.

REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION

Required Findings

In order to approve a combined preliminary and final plat, processed as a planned unit development, the decision maker shall make a determination with written reasoned statements on the following findings:

The application shall meet 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.

The application shall meet 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.

Because the application is a Planned Unit Development, the Decision Maker must also find compliance with Conditional Use Permit findings, found in GCC 8-6B-2. D:

- 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;
- 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
- 3. The use will not unreasonably diminish either the health, safety, or welfare of the community; and
- 4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.

POTENTIAL CONDITIONS OF APPROVAL

The Garden City Planning Official 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.

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Recommendation, the Garden City Planning Official hereby recommends **APPROVAL/DENIAL** of application SUBFY2022-0004 for a Combined Preliminary and Final Plat Subdivision processed as a Planned Unit Development and subject to the following conditions:

IN APPROVAL

Site Specific Requirements:

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.
3. 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. Public utility
 - ii. 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.
4. 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 SUBFY2022-0004".
 - a. The approved reductions from code required setback are: Lots 1-7 and 9-15
 - i. Rear Setback: 5'
 - ii. Side Yard Setbacks: 0'
5. A building envelope within which future building footprints will be located shall be shown on the lots.
6. 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.

7. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho".
8. Submit a sustainability checklist that demonstrates 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. No encroachments shall be permitted within the access easement associated with the adjacent property located at 4810 N. Adams Street.
3. Landscaping:
 - a. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - b. A tree mitigation plan must be submitted 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.
 - c. 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 E. 48th Street shall have a total of 5 class II or III street trees.
 - ii. The frontage of N. Adams Street shall have a total of 4 Class II or III street trees.
 - d. Approval of all trees shall be determined by Development Services Staff.
 - e. 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.
 - f. 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.
 - g. 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.
 - h. 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.
 - i. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
 - j. 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.
 - a. HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
 - b. Idaho Power transformers shall comply with this section of code.
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. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along E. 48th Street.
9. Vehicular parking
 - a. Parking spaces shall be a minimum of 9'X18'
 - b. The guest parking shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
10. Bicycle Parking
 - c. 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, Adams Street, nor 48th Street.
 - d. All bicycle parking shall be located so as to not prevent sidewalk traffic from maintaining a continuous momentum.
11. The ability to serve shall be provided.
12. All stormwater systems must comply with Garden City Code 8-4A-7.
13. 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.
14. A sustainability checklist shall be submitted and found in compliance with Garden City Code 8-4G provisions.

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.

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 public streets shall have a primary entrance on the street.
 - a. The end units on lot 1 and 15 shall face Adams Street.
 - b. All primary entrances shall have a front entry porch, dormer, stoop, decorative posts or roof.
7. Setbacks for all lots shall be from the property lines.

For the Duration of the Use:

1. There shall be no landscaping work done beyond the parameters of the ownership of Elle Estates without expressed permission of the ownership of the property owner, including on public property.
2. All streets and driveways shall adhere to the standards of a clear vision triangle.
3. 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.
4. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
5. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
6. All common open spaces shall be located on a common lot or an open space easement with a maintenance agreement and the grantee being Elle Estates Subdivision.

- 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.
7. No encroachments shall be permitted within the access easement associated with the adjacent property located at 4810 N. Adams Street.

General:

1. This approval is for a combined preliminary and final plat for a residential subdivision encompassing 15 lots – 14 lots are to be designated for residential use and 1 lot is to be designated as a common lot.
2. This approval is based on the following plans:
 - a. Landscape Plan Submitted on September 22, 2022, dated November 22, 2022;
 - b. Architectural Elevation Plans and Floor Plans submitted on September 22, 2023 dated September 21, 2023;
 - c. Site Plan Submitted September 22, 2023, dated September 21, 2023.
3. Approved waivers to Garden City Code, Title 8 regulations include:
 - a. Setbacks, allowing for 0' side setbacks and 5' rear setbacks;
 - b. More than 4 dwelling units being served through a common drive, allowing for 14 units to be served on a common drive;
4. The development shall be initiated within two (2) years of the date of approval.
5. The applicant shall comply with all requirements of the reviewing entities.
6. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape maintenance provisions 8-4I-9; and standards for transportation and connectivity provisions identified in 8-4E.
7. Approval of the subdivision does not constitute as the approval for any uses.
8. The approved addresses and a copy of the recorded plat must be provided to the city prior to the city considering the subdivision complete.
9. The approval is specific to the application provided and reviewed.
10. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained.
11. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.

12. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction and recordation of the final plat. Any changes to the plans and specifications upon which this approval is based, other than those required by the conditions noted in this decision, will require submittal of an application for modification and approval of that application prior to commencing any change. Final approval is based on conformance with the plans reviewed and approved.
13. Any changes to the design of this project shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Other changes that are not in conformance with the approval shall be remanded to the decision-making body.
14. No 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.

IN DENIAL

1. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
2. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
3. 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.

TBD

Development Service Staff

Date

IMAGES

None