



CITY OF GARDEN CITY

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

STAFF REPORT

File Number: SUBFY2022-0004, Elle Estates Subdivision
For: Combined Preliminary/Final Plat and Planned Unit Development
A 15 Lot Residential Subdivision
Location: 4800 N. Adams Street
Applicant: Ariaiah Orr
Report Date:
Planning and Zoning: March 20, 2024
City Council: April 8, 2024
Prepared By: Hanna Veal



Table of Contents

A. Record Documents	3
B. Recommendation Summary	3
C. Reconciliation	3
D. Project Information	3
E. Discussion.....	6
F. Decision Process	8
G. Agency Comment	11
H. Public Comment.....	13
I. Code/Policy Review	14

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

Individual links:

1. Application Materials
 - a) [SUBFY2022-0004 Elle Estates Application and Materials – 03/15/2022](#)
 - b) [SUBFY2022-0004 Geotech Report – 03/15/2022](#)
 - c) [SUBFY2022-0004 Renderings – 03/15/2022](#)
 - d) [SUBFY2022-0004 Additional Submittals – 04/16/2022](#)
 - e) [SUBFY2022-0004 Resubmittals – 09/08/2023](#)
 - f) [SUBFY2022-0004 Resubmittals 01/10/2024](#)
 - g) [SUBFY2022-0004 Resubmittals 02/05/2024](#)
2. Staff Reports
 - a) [Design Review Staff Report Dated September 19, 2022](#)
 - b) [Design Review Staff Report Dated October 17, 2022](#)
 - c) [Design Review Consultation Staff Report January 16, 2024](#)
 - d) [Planning and Zoning Staff Report Dated September 21, 2022](#)
 - e) [Planning and Zoning Staff Report Dated October 19, 2022](#)
 - f) [Planning and Zoning Staff Report Dated February 21, 2024](#)
3. Agency Comments: linked in [Section E](#)
4. Public Comments: linked in [Section F](#)
5. Noticing Documents
 - a) [City Noticing 2022](#)
 - b) [City Noticing 2023](#)
 - c) [Property Posting for Design Review Committee - 2022](#)
 - d) [Property Posting for Planning and Zoning - 2022](#)
 - e) [Neighborhood Meeting Noticing](#)
 - f) [Property Posting for Planning and Zoning](#)
 - g) Property Posting for City Council – Not Received
 - h) Property Posting for City Council – Not Received
6. Recommendations
 - a) Draft Potential Planning and Zoning

B. Recommendation Summary:

This summary will be updated to reflect the recommending body's recommendation.

C. Reconciliation

To be filled out for City Council.

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
8-5B-4 Combined Preliminary and Final Subdivision Process	
8-6B-7 Planned Unit Development	A Planned Unit Development and a Subdivision can be processed concurrently

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

Purpose of a Planned Unit Development

A. Purpose: The intent of this section is to provide for well planned developments which conform to the objectives of this title but may deviate in certain respects from the zoning map and the district regulations. It is not the intent that the planned unit development process be used solely for the purposes of deviation from the dimensional standards in the district unless the following objectives are also achieved:

1. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements.
2. Create a more useful pattern of open space and recreation areas; and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses, and services.
3. 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.
4. Use land more efficiently than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
5. Develop a land pattern in harmony with land use density, transportation, and community facilities objectives of the comprehensive plan.

Site Conditions:

- 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
 - c) Access Easement per Instrument No. 8905457 and 8905458
- 13) Site Access:
 - a) East 48th St
- 14) Sidewalks: Sidewalks are installed and are in good repair.
- 15) Wetlands on site: None identified

Project Details:

- 1) Proposed development: Residential Combined Preliminary and Final Plat – Processed as a Planned Unit Development
- 2) Total number of lots: 15
 - a) Common: 1
 - b) Residential: 14
- 3) Density: 14 Dwellings per acre
- 4) Site Coverage: 27,530sqft
 - a) Building: 7,920sqft - 34% of the site
 - b) Landscaping: 5,308sqft – 19.28%
 - c) Paved Areas: 14,301sqft – 51%
- 5) Access: Drive from East 48th St
- 6) Total number of vehicular parking spaces: 34
 - a) Enclosed: 28
 - b) Surface: 6
- 7) Total number of bicycle parking: 3
 - a) Enclosed: 0

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

- b) Surface: 3
- 8) Refuse: Unknown
- 9) Fencing: 6' fence atop 2' retaining wall
- 10) Sidewalk:
 - a) Existing Attached Sidewalk
- 11) 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
- 12) City Utilities
 - a) Water and Sewer connection to lots
 - b) 16" water service
- 13) Proposed Easements:
 - a) Maintain existing 10' drainage easement at easterly boundary
 - b) Maintain existing ingress/egress access easement on western property boundary
- 14) PUD Waivers requested: More than four units on a drive; setbacks; etc.
 - a) Reduced setbacks
 - b) More than 4 Units Access off Common Drive
 - c) Common open space

E. Discussion

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.

Previous Meeting Summaries:

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's purview 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.

A Design Review Consultation was scheduled for February 5, 2024, a summary of the meeting is as follows:

1. Slight change to property lot lines.
2. Working on a variance request with Ada County Fire to allow for a skinnier drive isle or add additional fire preventions like fire sprinklers to the units.
3. Corner unit's pop out in second and third story meet the previous comments of the consultants.
4. Retaining wall and fence line along the western and northern property boundary lines.
5. The consultants recommended approval.

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. Common open space requirements, allowing for deviations to minimum code standards;
4. ~~0.5 guest parking spots for every dwelling unit, allowing for only 3 guest parking spaces;~~
5. ~~Parking stall dimensional standards, allowing for 9' x 18' parking stalls;~~
6. ~~Common open space requirements, allowing for~~
7. ~~Perimeter landscaping, allowing for none of the required perimeter landscaping.~~²

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

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. Conditions have been drafted in the decision document prohibiting construction over this easement.

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
Combined Preliminary/Final Subdivision	Plat	Planning and Zoning Commission: Hearing September 21, 2022; October 19, 2022; November 16, 2022, March 20, 2024	City Council: Hearing October 10, 2022; November 14, 2022; November 28, 2022, March 11, 2024
And Planned Development	Unit	and	

	<p>Design Review Committee: Hearing September 19, 2022; October 17, 2022, November 7, 2022.</p> <p>Design Review Consultation: February 5, 2024</p>	
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Required Findings:

For the approval of a COMBINED PRELIMINARY/FINAL 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;

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.

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.

Decision

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

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Design Consultant and Planning and Zoning Commission are recommending authorities and the City Council is the final decision maker for the requested application.

Recommendations

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 Committee and the Planning and Zoning Commission does not constitute a final decision on 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 recommendations; 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.

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
Ada County Highway District Link to Comment	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 concrete sidewalk to tie into the existing improvements on either side, as proposed. • Close the two existing driveways onto 48thStreet 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 48thStreet 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 Link to Comment	4/26/2022	The schools currently assigned to the proposed project area are: Elementary School: Mountain View Junior High School: Riverglen High School: Capital
Department of Environmental Quality Link to Comment Link to Comment	4/22/2022 10/30/2023	<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 Link to Comment	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?
<p>Idaho Transportation Department Link to Comment</p>	<p>10/30/2023</p>	<ul style="list-style-type: none"> ● ITD does not object to the proposed application as presented at this time.
<p>Boise Fire Link to Comment</p>	<p>10/30/2023</p>	<ul style="list-style-type: none"> ● Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 600-feet from the hydrant. (IFC 507.3, IFC B105.2, IFC C105). This distance can be increased to 800 feet with the installation of fire sprinklers. ● Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. (IFC D105) The proposed structures are greater than 30-feet in height. The fire apparatus access road between the two buildings is required to be the aerial access of the building on the west side of this

		<p>road. The plans do not show a compliant aerial access road</p> <ul style="list-style-type: none"> • Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1) The fire apparatus access road is needing to be 26 feet in clear width due to being the aerial access road. • The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (BCC 5-12-29, IFC 503.2.4) • Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Documentation maybe requested at final inspection that the road surface meets this standard. (IFC D102.1). • 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. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8) The fire apparatus access lane is going to be a minimum of 26' wide. Unless otherwise, parking will only be allowed in the marked parking stalls inside the development. No parking is allowed along the fire apparatus access road throughout the development. "No Parking" signage is required to be placed along the fire apparatus access road. The specifications for the signage are located in Appendix D103.6 of the 2018 IFC. • Signage for addressing will be required at the entrance of the project.
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H. 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 Link to Comment	10/13/2022	Objects to any improvements, whether a retaining wall, fence or otherwise, within the 15' western easement.
Justin Fredin Link to Comment	12/15/2023	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

		<p>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.
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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.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
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		Compliant upon approval	<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>The adjacent property to the northwest appears to also be a portion of lots 1 & 2. Recordation of this subdivision will not rectify the adjacent property’s nonconforming status.</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	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.

			There is one remaining mobile home on site, to be demolished or removed as part of this application.
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose	DC/PZ/CC	No compliance issues noted	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. 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.
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 – Compliant upon waiver being granted	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 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. 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. All properties meet the minimum street frontage.
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DC/PZ/CC	Compliant as conditioned	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". Details of proposed fence on Sheet L100 of January 10, 2024 resubmittals. 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. The design review consultants reviewed and recommended approval of the retaining wall and fence. Conditions have been drafted to ensure the permits are applied for and approved.

			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 shown on sheet A – 101 of the resubmitted plans from January 10, 2024.
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 48th 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 Detached Dwelling	DC/PZ/CC	No compliance issues noted	<p>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 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 02/05/2024 showing architectural features to help the end unit address Adams Street. The new feature consists of a new porch roof that carries over to the Adams streetside, and a second and third story bump out.</p>

The design review consultants were satisfied with the changes.

8-4D Parking and Off Street Loading Provisions

8-4D-3 Parking Design and Improvement Standards	DC/PZ/CC	No compliance issues noted	<p><u>New Parking Code:</u> 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><u>Previous Garden City Code (Not Applicable):</u> 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>
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8-4D-4 Parking Use Standards	DC/PZ/CC	No compliance issues noted	
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8-4D-3 Parking Design and Improvement Standards	DC/PZ/CC	No compliance issues noted	<p><u>New Parking Code:</u> Dwelling Unit, Single Family Attached Requirements:</p> <table border="1" data-bbox="743 877 1464 1071"> <thead> <tr> <th>Dwelling, single family attached</th> <th>Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)</th> <th>Required Covered Parking Per Each Dwelling Unit</th> </tr> </thead> <tbody> <tr> <td>More than 1 bedroom</td> <td>2* 14 Units= 28</td> <td>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 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><u>Previous Parking Code (Not Applicable):</u> Dwelling Unit, Single Family Attached Requirements:</p> <table border="1" data-bbox="743 1675 1464 1789"> <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</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	Total Required Parking	Required Within An Enclosed Garage	More than 1 bedroom	2* 14 Units= 28	2* 14 Units= 28
Dwelling, single family attached	Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)	Required Covered Parking Per Each Dwelling Unit													
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Dwelling, single family attached	Total Required Parking	Required Within An Enclosed Garage													
More than 1 bedroom	2* 14 Units= 28	2* 14 Units= 28													

			<p><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>
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 Street to be closed and replaced with vertical curb, gutter and 5-foot wide attached concrete sidewalk.</p>
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	Compliant as conditioned	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	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. Tree species required: 3 Tree species provided: 3
8-4I-4 Landscaping Provisions for Specific Uses	DC/PZ/CC	No compliance issues noted	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) 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 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. <u>N. Adams Street (144LF)</u> Trees required: 1 Street + 3 Frontage = 4 trees Trees provided: 5 trees <u>48th Street (204LF)</u> 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	Evidence of tree removal receipt with date stamp received. 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

			<p>conducted. Mitigation is required for all such trees removed within eighteen (18) months of the application. Not all trees were removed from the site, some still remain. The January 10th resubmittals show two existing trees to be mitigated properly, pending arborist report.</p> <p>A tree removal receipt was written on 11/17/2021, which was within 18 months of the original application submittal on 03/29/2022. The tree invoice is difficult to read, staff has requested a resubmittal. Further discussion will be required regarding mitigation.</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. However, there is conflict between the open space exhibit and the site plan as to what was counted towards this square footage.</p> <p>Proposed common open space <u>does</u> appear 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')). But, the open space exhibit also includes areas of open space that <u>cannot</u> qualify as open space. A waiver can be requested to allow for non-compliant open space, or a condition has been drafted to ensure compliance with code.</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.
Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards			
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		May not be Compliant – discussion required	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. The final plat does indicate that there is a variety of lot sizes, just not drastically different. Discussion regarding the variety provided is required of the Commission. Common driveways shall serve a maximum of four (4) dwelling units, unless approved through a planned unit development.
8-5C-4 Subdivisions located within a Floodplain			
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 – compliant upon approval of the waivers	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 3. Common open space <p>There has been significant discussion whether the application provides adequate diversity of housing to qualify for the planned unit development.</p>

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

	<p>Allow for housing that attract niche markets such as senior housing, live-work structures, and cooperative housing.</p> <p>d.) 6.3.2. Objective: Continue to explore opportunities that encourage mixed income housing in new developments.</p>
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	<p>Adams: 36th – 37th Street</p> <p>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.</p>