



CITY OF GARDEN CITY

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DESIGN REVIEW STAFF REPORT

File Number: SUBFY2022-0004, Elle Estates Subdivision
For: Combined Preliminary/Final Plat and Planned Unit Development
A 14 lot Residential Subdivision
Location: 4800 N. Adams Street
Applicant: AriaH Orr
Report Date:
Design Review: October 17, 2022
Planning and Zoning: October 19, 2022
City Council: November 14, 2022



Staff Report
Report prepared by Hanna Veal

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

Individual links:

1. Application Materials
 - a) [SUBFY2022-0004 Elle Estates Sub Application and Materials](#)
 - b) [SUBFY2022-0004 Geotech Report](#)
 - c) [SUBFY2022-0004 Renderings](#)
 - d) [SUBFY2022-0004 Additional Submittals](#)
2. Staff Reports
 - a) Design Review Staff Report Dated September 19, 2022
 - b) Design Review Staff Report Dated October 17, 2022
 - c) Planning and Zoning Staff Report Dated September 21, 2022
 - d) Planning and Zoning Staff Report Dated October 19, 2022
3. Agency Comments: linked in [Section E](#)
4. Public Comments: linked in [Section F](#)
5. Noticing Documents
 - a) [City Noticing](#)
 - b) [Property Posting for Design Review Committee](#)
 - c) [Property Posting for Planning and Zoning](#)
 - d) Property Posting for City Council – Not Received
6. Recommendations
 - a) [Draft Potential Design Review Committee](#)
 - b) [Draft Potential Planning and Zoning](#)

B. Recommendation Summary:

This summary will be updated to reflect the recommending bodies recommendations. or

C. 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
- 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 FEMAs 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

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: 27,530 Sq Ft.
 - a) Building: 7,920 Sq Ft - 34% of the site
 - b) Landscaping: unknown
 - c) Paved Areas: unknown
- 5) Access: Drive from East 48th St
- 6) Total number of vehicular parking spaces: 35
 - a) Enclosed: 28
 - b) Surface: 3
 - c) On-Street: 1

- 7) Total number of bicycle parking: 2
 - a) Enclosed: 0
 - b) Surface: 2
- 8) Refuse: Unknown
- 9) Fencing: No fence proposed
- 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) Guest Parking Requirement
 - b) Parking Space Dimensions
 - c) Reduced setbacks
 - d) Common Open Space
 - e) Perimeter Landscaping
 - f) More than 4 Units Access off Common Drive

D. Discussion

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.

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.

E. 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
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Combined Preliminary/Final Plat Subdivision	Planning and Zoning Commission: Hearing September 21, 2022; October 19, 2022.	City Council: Hearing October 10, 2022; November 14, 2022.
And Planned Unit Development	and Design Review Committee: Hearing September 19, 2022; October 17, 2022.	

Required Findings:

For the approval of a 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;
- H. There has been no denial of any application on this property within one year.

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

- A. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;
- B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;
- C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;

- D. Any proposed commercial development can be justified at the locations proposed;
- E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council;
- F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- G. The PUD is in general conformance with the comprehensive plan; and
- H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
- I. There has been no denial of any application on this property within one year.

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 Committee 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.

F. 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 concrete sidewalk to tie into the existing improvements on either side, as proposed. • 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	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	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.

G. Public Comment

None provided as of the drafting of this document.

H. 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		No compliance issues noted	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.
8-1B-3 Nonconforming Uses		No compliance issues noted	Single family attached dwelling units are permitted uses.
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose	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.
8-2B-2 Allowed Uses	PZ/CC	No compliance issues noted	Single Family Attached Dwellings are a permitted use.
8-2B-3 Form Standards	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.</p>

			<p>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 provided 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> <p>All properties meet the minimum street frontage.</p>
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DC/CC	Complaint as Conditioned	This proposal does not identify any fence or wall. Any future fence or wall will be required to be in compliance with code at the time of development.
8-4A-4 Outdoor Lighting	DC/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/CC	Complaint as Conditioned	This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of the formal review.
8-4A-7 Stormwater Systems	DC/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/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/CC	Not Compliant	<p>The development proposes three-story townhome units organized 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>The end units closest to Adams Street do not address the street. This is not code compliant because the side elevations do not adequately address Adams Street. Code requires that elevations that which face public streets shall contain windows; modulation; and a direct and</p>

			<p>permanent pathway that connects 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>						
8-4D Parking and Off Street Loading Provisions									
8-4D-3 Parking Design and Improvement Standards	DC/CC	Compliant as conditioned	<p>Parking space dimensions are 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> <p>There is one ADA accessible parking space.</p>						
8-4D-4 Parking Use Standards	DC/CC	No compliance issues noted							
8-4D-3 Parking Design and Improvement Standards	DC/CC	Compliant as conditioned – Discussion Required	<p>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/CC	Not Compliant	<p>A bus route is mentioned in the application as a means to provide less guest parking. This bus route along N. Adams Street is no longer in service.</p> <p>Bicycle parking provided does not exceed what is required by code.</p>						
8-4E Transportation and Connectivity Provisions									
8-4E-3 Public Street Connections	DC/CC	DC/CC	No compliance issues noted						
8-4E-4 Internal Circulation Standards	DC/CC	DC/CC	No compliance issues noted						

8-4E-6 Sidewalk Standards	DC/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/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.</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	DRC/CC	No compliance issues noted	
8-4I-4 Landscaping Provisions for Specific Uses	DRC/CC	Not enough information to review	<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(27,530): 1,376sqft Landscape Area proposed: unknown</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. Not enough information to review.</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>N. Adams Street (144LF) Trees required: 1 Street + 3 Frontage = 4 trees Trees provided: 6 trees</p> <p>48th Street (204LF) Trees required: 1 Street + 4 Frontage = 5 trees Trees provided: 8</p> <p><i>*The proposed species along this frontage consist of a mix of crabapple and Linden trees. There are 4 crabapple trees, which are Class I trees. Class I trees, although permitted, do not meet the intent of street trees. The intent of code is to require large, high-and-wide branching trees to help protect the pedestrian, create a natural buffer, and aid in climactic resilience by providing shade and stormwater treatment. It has been conditioned in the decision document to work with staff regarding the type of trees planted along both Adams and 48th Street. Class I trees do not meet the intent of this code. Especially when there is room for larger Class II or III trees.</i></p>
8-4I-5 Perimeter Landscaping Provisions	DRC/CC	Not compliant	<p>Perimeter landscaping is required along the common property line between an adjacent nonresidential use and a residential use. The adjacent property, located at 4810 N. Adams is currently going through the entitlement process for a “Service Provider” use. If their CUPFY2022-0014 application is approved, perimeter landscaping will be required between the two uses along the shared property line.</p> <p>There is currently no proposed perimeter landscaping along the western property boundary line as the pedestrian pathway to the dwelling units is occupying the entire setback area between the property and the access easement.</p> <p>The access easement is associated with the adjacent property owner. At this point in time, neither this subdivision application, nor the CUPFY2022-0014 will be compliant with perimeter landscaping requirements due to the driveway and associated easement.</p>
8-4I-6 Parking Lot Landscaping Provisions	DRC/CC	No compliance issues noted	Not applicable.
8-4I-7 Tree Preservation Provisions	DRC/CC	Not Compliant	<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</p>

			mitigation. However, any trees that were removed and not associated with the utilities will have to be mitigated for.
8-4L Open Space Provisions			
8-4L-3 General Open Space Standards	DRC/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	DRC/CC	Not Compliant	<p>A minimum of ten percent (10%) of the gross site area shall be in common open space.</p> <p>There is 3,262 square feet of common open space identified in the site plan. This accounts for about 8% of the overall site. The site is deficient by about 2%.</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.</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>Existing common open space does not 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')).</p> <p>Identification of common open spaces is required.</p>
<u>Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</u>			
8-5A-4 General Standards	PZ/DRC/CC	No compliance issues noted	<p>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</p> <p>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.</p>
8-5A-6 Improvement Standards		Not Compliant	<p>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.</p> <p>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.</p>

			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/DRC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	There are proposed conditions coinciding with provisions found within code section.
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process	PZ/DRC/CC	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information	PZ/DRC/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/DRC/CC	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.
8-6B-7 Planned Unit Development	DC/CC	May not be complaint	Application waivers requested pursuant to 8-6B-7: <ol style="list-style-type: none"> 1. Guest Parking Requirement 2. Parking Space Dimensions 3. Reduced setbacks 4. Common Open Space 5. Perimeter Landscaping 6. 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>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6513 Local Land Use Planning Subdivision Ordinance	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. This statute enables Garden City regulations to provide for mitigation of the effects of subdivision development on the ability of political

	<p>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>
<p>Idaho Code 67-6515 Local Land Use Planning Planned Unit Developments</p>	<p>This statute enables Garden City to process applications for planned unit developments.</p>
<p>Entitlement that might affect this project</p>	<p>The adjacent property, located at 4810 N. Adams is currently going through the entitlement process for a “Service Provider” use. If their CUPFY2022-0014 application is approved, perimeter landscaping will be required between the two uses along the shared property line.</p>
<p>Garden City Comprehensive Plan</p>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> a) Main Street Corridor b) Mixed Use Residential <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> a.) 1.4 Objective: Create a premier destination place to live, work, and recreate. <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> 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. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> 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. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> a.) 7.1. Objective: Create pedestrian and bicycle friendly connections. b.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> 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. <p>Goal 6. Diversity in Housing</p>

	<ul style="list-style-type: none"> 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 48 th 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>