

BEFORE THE GARDEN PLANNING AND ZONING COMMISSION
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	SUBFY2022-0005
)	
)	
Preliminary Plat Subdivision)	
Planned Unit Development)	FINDINGS OF FACT
8373 W Chinden Blvd)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho)	AND RECOMENDATION
_____)	

THIS MATTER, came before the Garden City Planning and Zoning Commission for consideration on September 21, 2022. The Garden City Planning and Zoning Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Recommendation:

FINDINGS OF FACT

1. The application is for a Preliminary Plat processed as a Planned Unit Development subdivision.
2. The applicant is Nicolette Womack.
3. The property owner of record is SRG Holdings, LLC.
4. The location of the project is 8373 W Chinden Blvd; Taxing Parcel Number(s): R8191500522, R8191500605, R8191500577, and R8191500598.
5. The properties are described as:
 - a. PAR #0522 OF LOTS 1, 2 & 41 STRAWBERRY GLENN SUB IN TCA 06-7
 - b. PAR #0605 OF LOTS 1, 2 & 41 STRAWBERRY GLENN SUB IN TCA 06-8 #0600-0820-C
 - c. PAR #0577 OF LOT 2 STRAWBERRY GLENN SUB
 - d. PAR #0598 OF LOTS 2 & 41 STRAWBERRY GLENN SUB
6. The subject properties are:
 - a. R8192500522: .95 acres,
 - b. R8191500605: 4.378 acres,
 - c. R8191500577: 1.16 acres,
 - d. R8191500598: .703 acres

7. The project is located in the Green Boulevard and Mixed-Use Commercial designations of the Comprehensive Plan Future Land Use Map.
8. The project is in the C-2 Zoning District.
9. The project is not located in the floodplain according to the 2003 FIRM.
10. 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.
11. There has been no denial of any application in the same form for the same use on this property within one year.
12. The following section of the Garden City Development Code apply to this proposal:
 - a. Garden City Code 8-1: General Regulations
 - b. Garden City Code 8-2B: Base Zoning District Regulations
 - c. Garden City Code 8-4A: Design and Development Regulations – General Provisions
 - d. Garden City Code 8-4B: Design and Development Regulations – Design Provisions for Residential Structures
 - e. Garden City Code 8-4D: Parking and Off-Street Loading Provisions
 - f. Garden City Code 8-4E: Transportation and Connectivity Provisions
 - g. Garden City Code 8-4H: Flood Hazard
 - h. Garden City Code 8-4G: Sustainable Development Provisions
 - i. Garden City Code 8-4I: Landscaping and Tree Protection Provisions
 - j. Garden City Code 8-4L: Open Space Provisions
 - k. Garden City Code 8-6A: Administration – General Provisions
 - l. Garden City Code 8-5: Land Division Regulations
 - m. Garden City Code 8-6B-7 Planned Unit Development
 - n. Garden City Code 4-14: Storm Drainage and Erosion Control
 - o. Garden City Code Title 6: Public Water and Sewer Systems
13. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived	
X			Compliance Statement
X			Preliminary Title Report
X			Neighborhood Map
X			Subdivision Map
X			Master Plan
X			Site Plan
X			Landscape Plan
X			Schematic Drawings

X			Lighting Plan
X			Topographic Survey
X			Grading Plan
X			Soils Report
X			Hydrology
X			Engineering drawing and Specifications
X			Natural Hazards and Resource Analysis
X			Dedications and Easements
X			Covenants and Deed Restrictions
X			Will Serve
X			Subdivision Name Reservation
	X		Verification that address is an Ada County Approved Address*

*Items that may be required for reviews later.

14. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date	Completion Date
Receipt of application	08/25/2022	8/3/2022
Letter of Acceptance	09/03/2022	8/17/2022
Radius Notice	09/04/2022	9/13/2022
Interested Parties	n/a	n/a
Legal Notice	09/01/2022	8/15/2022
Agency Notice	09/04/2022	8/11/2022
Property Posting Sign	09/12/2022	09/05/2022
Affidavit of Property Posting and Photos	09/14/2022	09/08/2022

15. Agency Comments were received from:
- a. Department of Environmental Quality
 - b. City Engineer
 - c. Idaho Transportation Department
 - d. North Ada County Fire and Rescue

16. No public comments were received.

17. On September 21, 2022, the Garden City Planning and Zoning Commission recommended Approval of the application:
- a. Nicolette Womack presented the application.
 - i. Has a scheduled meeting with ACHD to discuss Coffey Street.
 - ii. Will have comments from ITD prior to City Council hearing.
 - b. Staff Hanna Veal presented the staff report.
 - c. No one wished to provide testimony.
 - d. Nicolette Womack provided a rebuttal:

¹ This date is based on the date of the first of any public hearing scheduled.

- i. Trees will be in r-o-w adjacent to Chinden.
- ii. Housing types include a variety of building styles and floor plans.
- iii. The private drive as identified in the plans will act as a common road; should be reviewed as such.
- e. The public testimony was closed.
- f. Discussion included:
 - i. Tree discussion with ITD needed, but specific requirements not required due to lack of discussion with ITD.
 - ii. The Commission was split on if there is adequate different Types of housing provided.
- g. Commissioner Shepard moved to recommend approval of the application as drafted in the draft decision in the affirmative with draft conditions of approval.
- h. Commissioner Brown seconded the motion.
- i. The motion carried 3/1 with Chairman Rasmussen dissenting.

18. The record contains:

- a. Application
- b. Noticing Documents
- c. Agency Comments
- d. Public Comments
- e. Planning and Zoning Minutes and Hearing Audio: September 21, 2022
- f. Planning and Zoning Commission Recommendation

19. In consideration of a preliminary plat subdivision the decision maker shall make the following findings:

GCC 8-5B-5: SUBDIVISION PROCESS: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X			<p>Finding 1. The subdivision is in conformance with the Comprehensive Plan;</p> <p>Explanation:</p> <p>The application is cohesive with the Comprehensive Plan's Green Boulevard Corridor land use designation as it proposes a tree line W. Chinden Boulevard and a public mixed-use pathway system adjacent to the highway. Improvements such as the proposed pathway and landscaping contribute to the</p>

			<p>safety and convenience for pedestrians utilizing the proposed and existing uses.</p> <p>The application is in conformance with the Comprehensive Plan's Goal 1 Nurture the City, Goal 2 Improve the City Image, Goal 4 Emphasize the "Garden" in Garden City, Goal 5 Focus on the River, and Goal 7 Connect the City.</p>
X			<p>Finding 2. The subdivision is in conformance with all applicable provisions of this title;</p> <p>Explanation:</p> <p>As conditioned, and with approved waivers to code via the Planned Unit development Process, the application is in conformance with the applicable sections of Garden City Code.</p>
X			<p>Finding 3. Public services are available or can be made available; and are adequate to accommodate the proposed development;</p> <p>Explanation:</p> <p>There are public services available that can accommodate the proposed development.</p>
X			<p>Finding 4. The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program;</p> <p>Explanation:</p> <p>The subdivision does not undermine scheduled public improvements or the City's capital improvement program.</p>
X			<p>Finding 5. There is public financial capability of supporting services for the proposed development</p> <p>Explanation:</p>

			The application has provided a request for the ability to serve letter and a condition of approval for the submittal of this letter has been made.
X			<p>Finding 6. The development will not be detrimental to the public health, safety, or general welfare;</p> <p>Explanation:</p> <p>This proposal will not unreasonably diminish the health, safety, or welfare of the community. The installment of pedestrian sidewalks along Coffey, and the 10ft wide multi-purpose public pathway along W. Chinden provides for better pedestrian and bicycle connections than what currently exists.</p> <p>The inter-development pathway systems and code compliant parking contribute to the health and welfare of the community by addressing both pedestrian needs as well as vehicular. Residents will be capable of traversing the development via the system of walkways to utilize the common open space while vehicles are limited to common drives. Potential conflict points between pedestrians and vehicles is kept minimal due to the limited number of crossing, separated pathways, and number of development access drives.</p>
X			<p>Finding 7. The development preserves significant natural, scenic, or historic resources.</p> <p>Explanation:</p> <p>The application integrates with the surrounding urban area, the plans for the multi-use pathway are in accordance with the City's plan for W. Chinden, and proposes to maintain existing vegetation and the canal while landscape the proposed development site.</p>

20. In consideration of a planned unit development, the decision maker shall make the following findings:

GCC 8-6B-7: PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X			<p>Finding 1. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;</p> <p>Explanation:</p> <p>Approval of this application is conditioned that the development shall be initiated within two years of the date of approval.</p>
X			<p>Finding 2. 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;</p> <p>Explanation:</p> <p>The proposed development and each structure can successfully exist independently of the surrounding area and will not be detrimental to the surrounding neighborhood.</p>
X			<p>Finding 3. 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;</p>

			<p>Explanation:</p> <p>The proposed development has a private drive that is capable of handling anticipated traffic which will provide ingress/egress onto W. Chinden Blvd. and Coffey Street. The Idaho Transportation Department will provide comments regarding the Traffic Impact study submitted by the applicant and coordination and compliance with ITD's requirements have been included in the decision document.</p>
	X		<p>Finding 4. Any proposed commercial development can be justified at the locations proposed.</p> <p>Not applicable: This development does not propose any commercial aspects.</p>
X			<p>Finding 5. 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</p> <p>Explanation:</p> <p>This application meets the provisions identified by the planned unit development process. The requested waivers provide for a more useful pattern of open space and recreation areas. The layout of the project preserves and utilizes the natural features of the site and preserves existing trees. The Thurman Mill Ditch, although man made, has been preserved, remained open, and can act as an amenity to the site.</p> <p>Despite it not being required by the PUD code, the application provides a choice of living environments through a variety of floorplans and intended selling price points that will address the needs of different individuals and families. The</p>

			<p>buildings provide variations of four-plex and 6-plex structures designed with a farmhouse or craftsman architectural influence.</p> <p>The PUD is able to establish a development pattern which preserves and utilizes existing geologic features, scenic vistas, trees and vegetation.</p>
X			<p>Finding 6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;</p> <p>Explanation: The proposal is compatible with the surrounding uses and the neighborhood vision.</p> <p>The proposal is a component of the overall neighborhood. The types of housing will provide for more comprehensive variety of residential options in the neighborhood.</p>
X			<p>Finding 7. The PUD is in general conformance with the comprehensive plan;</p> <p>Explanation: With the architectural design of the dwellings, the dwelling style which is that of townhome units, and a gradual increase in density, this development may be considered compatible with the existing residential uses in the neighborhood.</p>
X			<p>Finding 8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;</p> <p>Explanation:</p>

			Approval of this application is conditioned in that the ability to serve shall be provided prior to signature of the plat or approval of construction plans.
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X			<p>Finding 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;</p> <p>Explanation:</p> <p>The townhome development is compatible with the surrounding uses and is permitted within the C-2 zoning district. The application meets the setback standards set forth in Garden City Code, and any deviations have been conditioned for compliance or waived as part of the Planned Unit Development.</p>
X			<p>Finding 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;</p> <p>Explanation:</p> <p>Approval of this application is conditioned in that the ability to serve shall be provided prior to signature of the plat or approval of construction plans.</p>
X			<p>Finding 3. The use will not unreasonably diminish either the health, safety, or welfare of the community;</p> <p>Explanation:</p> <p>There is no evidence that the proposal is detrimental to the public health, safety, or general welfare of the community.</p>

X			<p>Finding 4. The use is no in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p>Explanation:</p> <p>The reviewed sections are in conformance with this finding. The comprehensive plan objectives reviewed, and land use designation support this application.</p>
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21. The record was reviewed in its entirety by the Planning and Zoning Commission to render the decision.

CONCLUSIONS OF LAW

The Garden City Planning and Zoning Commission reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies** the required findings under GCC 8-5B-5, 8-6B-2, and 8-6B-7.

RECOMMENDATION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Recommendation, the Garden City Planning and Zoning Commission hereby recommends **APPROVAL** of the application SUBFY2022-0005 for a Preliminary Plat Subdivision processed as a Planned Unit Development and subject to the following conditions:

Prior to City Signature on Plat:

1. The ability to serve shall be provided.
2. The final plat shall be in conformance with this approval as reviewed and approved or otherwise conditioned through this approval.
3. Common driveways, open space, and other common areas shall be included in an easement or on a common lot noted as unbuildable.
4. Easements
 - a. As required by the City Engineer or this decision easements shall be provided.
 - b. All easements must be noted on the plat either directly or by instrument number (generally preferred method) or otherwise recorded.
 - c. Easements shall define the grantee and adequate information to depict the location of the easement such as a legal description and illustration.

- d. Easements shall be unobstructed unless otherwise specified.
- e. At a minimum, the following easements shall be provided:
 - i. Public utility
 - ii. Water and sewer
 - 1. If not otherwise designated by the City Engineer the total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
 - iii. Public access 12-foot-wide easement for 10' wide multi-use pathway along W. Chinden.
- 5. Provide a note on the final plat to read, "Building setback lines shall be in accordance with the approved planned unit development application, Garden City file number SUBFY2022-0005".
 - a. The approved reductions from code required setback are:
 - i. 0' Side Setback
- 6. Common Lots
 - a. All common open spaces shall be located on common lots and noted as unbuildable on the plat.
- 7. A building envelope within which future building footprints will be located shall be shown on the lots.
- 8. All private streets shall be located on common lots.
- 9. A binding contract that establishes the party or parties responsible for the repair and maintenance of the common lots including regulations for the funding shall be recorded with a final plat. No building permit shall be issued until the contract has been recorded.
- 10. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho".

Prior to approval of construction plans:

- 1. The site plan and subsequent construction shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
- 2. To demonstrate compliance with Garden City Code 8-4G the development must provide at least 6 points from the checklist consisting of:
 - a. Pedestrian pathways or bike trails that are dedicated for public use; and
 - b. An easily accessible area is provided that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, and metals; and

- c. A storm water infiltration and retention system is provided on the site.; or
- d. Any other sustainability checklist item provided in GCC 8-4G.

3. Landscaping

- a. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
- b. If any trees are to be removed from the site, a tree mitigation plan and certified arborist report shall be submitted and in compliance with GCC 8-4I-7 Tree preservation provisions.
 - i. Any trees removed prior to the certified arborist's report being submitted will be considered to have been healthy, and thus, mitigation will be required.
- c. The applicant shall work with staff to determine appropriate street trees.
 - i. High branching, deciduous shade trees planted evenly at intervals deemed appropriate to the selected species to quickly establish continuous canopy coverage.
 - ii. Native and nonnative plant species that are hardy, drought tolerant, and resistant to the stresses of compacted soils and weather exposure shall be used;
 - iii. Consideration to the sun, shade and irrigation requirements shall be made.
- d. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
 - i. The frontage of W. Chinden Blvd. shall have a total of 26 Class II or III trees.
 - ii. The frontage of Coffey Street shall have a total of 11 Class II or III trees.
- e. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
- f. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.
- g. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways, and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
- h. All plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
- i. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.

- j. The landscaping plan may be amended, and reviewed at a staff level, to ensure compliance with Garden City Code 8-4I Landscaping and Tree Protection Provisions, and 8-4L-4 Common Open Space provided that there is equal or greater landscaping provided and no reduction in tree canopy. All other changes to landscaping must be approved by the Design Review Committee or decision maker.
- 4. Pressurized irrigation shall be provided in conformance with Garden City Code 8-5A-5H. Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
- 5. All light fixtures must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.
- 6. All outdoor service and equipment areas shall be screened and comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
- 7. All utilities on the site and in the right-of-way adjacent to the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
- 8. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.
- 9. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along W. Chinden Blvd. and Coffey Street.
- 10. The 10-foot-wide multi-use pathway shall extend the entire length of the property. Where the path terminates at the property boundary lines, it shall connect back to W. Chinden.
 - a. When the adjacent property develops, the multi-use pathways shall connect and the excess hardscape connecting the pathway to W. Chinden shall be removed.
- 11. A 10-foot wide public pedestrian and bicyclist access easement shall be granted on the site closest to the W. Chinden property boundary line.
 - a. The 10-foot multi-use pathway shall be constructed within this public easement.
- 12. The ability to serve shall be provided.
- 13. All stormwater systems must comply with Garden City Code 8-4A-7.

14. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications, and ordinances.
15. At least 13 bicycle parking spaces shall be provided within the common open areas of the subdivision.
16. Private street shall be compliant with Garden City Code 8-4E-5. Standards include, but are not limited to:
 - a. The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot that provides access to all applicable properties.
 - b. The private street shall be constructed within the easement and shall have a travel lane width of twenty six feet (26').
 - c. The private street name(s) shall obtain approval from the Ada County street name committee.

Prior to approval of building permits for structures:

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. The floorplans shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
3. All structures shall adhere to the requirements of GCC 8-4H Flood Hazard should the FEMA flood insurance maps be updated prior to building permit submittal.
4. The subdivision must obtain Ada County Approved addresses for all new lots.
5. All HVAC systems and outdoor service and equipment areas shall be identified in building plans for permit review and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
6. All units adjacent to streets shall have a primary entrance on the street.
7. Setbacks for all lots shall be from the property lines.
8. All light fixtures must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.
9. All existing and future fencing shall be found in conformance with Garden City Code 8-4A-3.
 - a. Per Garden City Code 8-4A-7, fencing along all natural waterways shall not prevent access to the waterway. If fencing is required, open fencing only is allowed, and privacy fencing is prohibited. All fencing shall be approved by the irrigation or drainage district.

- b. A fence or wall over six feet (6') in height shall first obtain design review committee approval and a building permit from the city prior to construction.
- c. Any fence located in the floodway shall secure a floodplain permit from the city prior to construction.
- d. The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other like unsightly materials for fencing shall be prohibited unless an application is made to design review committee.

For the Duration of the Use:

- 1. There shall be no landscaping work done beyond the parameters of the ownership of Coffey Townhomes Subdivision without expressed permission of the ownership of the property owner, including on public property.
- 2. All streets and driveways shall adhere to the standards of a clear vision triangle.
- 3. Landscaping:
 - a. The property owner is responsible for the maintenance of all landscaping and screening devices required.
 - b. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem.
 - c. Dead plant materials shall be replaced equal or larger species.
 - d. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
 - e. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
 - f. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
 - g. The landscape installation shall stabilize all soil and slopes.
- 4. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
- 5. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
- 6. All common open spaces shall be located on an open space easement with the grantee being Coffey Townhomes Subdivision or be located within a common lot.
 - a. The common open spaces shall not be altered or eliminated by individual property owners.

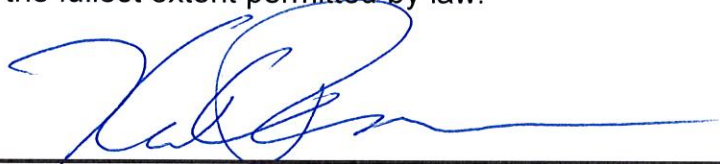
- b. The subdivision shall maintain all open spaces in accordance with Garden City Code 8-1C Property Maintenance Provisions as well as Garden City Code 8-4L Open Space Provisions.

General:

1. This approval is for a preliminary for a residential subdivision encompassing 77 lots – 76 lots are to be designated for residential use, 1 lot is to be designated as a common lot.
2. This approval is based on the following plans:
 - a. Landscape Plans Submitted on August 3, 2022;
 - b. Architectural Schematics and Floor Plans submitted on August 8, 2022, dated July 11, 2022;
 - c. Site Plan Submitted August 8, 2022;
 - d. Preliminary Plat submitted August 8, 2022.
3. Approved waivers to Garden City Code, Title 8 regulations include:
 - a. Setbacks, allowing for interior side setback of the development to be 0'; and
 - b. More than 4 dwelling units being served through a common drive, allowing for 76 units to be served on a common drive;
 - c. Parking space dimensions of 10' x 20' to be reduced and varied.
4. For the purposes of setback measurements:
 - a. The front setbacks shall be considered the portion of the property what which the primary pedestrian entrance and porch faces.
 - b. The rear setback shall be considered the portion of the property that which the garage faces.
5. Any future fence or wall will be required to be in compliance with code at the time of development.
6. The development shall be initiated within two (2) years of the date of approval.
7. The applicant shall comply with all requirements of the reviewing entities.
8. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape maintenance provisions 8-4I-9; and standards for transportation and connectivity provisions identified in 8-4E.
9. Approval of the subdivision does not constitute as the approval for any uses.
10. The approved addresses and a copy of the recorded plat must be provided to the city prior to the city considering the subdivision complete.

11. The approval is specific to the application provided and reviewed.
12. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained.
13. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
14. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction and recordation of the final plat. Any changes to the plans and specifications upon which this approval is based, other than those required by the conditions noted in this decision, will require submittal of an application for modification and approval of that application prior to commencing any change. Final approval is based on conformance with the plans reviewed and approved.
15. Any changes to the design of this project shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Other changes that are not in conformance with the approval shall be remanded to the decision-making body.
16. No subdivision plat required shall be recorded by the Ada County Recorder until such subdivision plat has received final approval by the Council. No public board, agency, Commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Title until final plat has received the approval by the Council.
17. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing any permits or signing the final plat.
18. In the event that an applicant and/or owner cannot complete the non-life, safety, and health improvements, within the time specified in the final subdivision approval or prior to occupancy, the City may require a surety agreement in accordance Garden City Code. Unless financial guarantees of improvement completion have been accomplished, no approval of the final subdivision or recording thereof shall be permitted unless the applicant provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.

19. The Development Services Director may enter into a restricted build agreement on the City's behalf, provided the agreement is compliant with the approved restricted build agreement policies.
20. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code.
21. Approval shall become null and void if the applicant fails to record a final subdivision within one (1) year of the approval. If the timetable is not met and the applicant does not receive a time extension, the application will expire and become null and void.
22. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.
23. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
24. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
25. A takings analysis pursuant to Idaho Code may be requested on final decisions.
26. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.



9-26-22

Chairman, Planning and Zoning Commission