

BEFORE THE GARDEN CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

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

THIS MATTER came before the Garden City Council for consideration on February 12, 2024. The Garden City Council reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Council makes the following Findings of Fact, Conclusions of Law, and Decision:

FINDINGS OF FACT

1. The application is for a Final Plat processed as a Planned Unit Development subdivision.
2. The applicant is Mary Wall with Breckon Land Design.
3. The property owner of record is Coffey Townhomes, 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			Preliminary Title Report
X			Subdivision Map
X			Topographic Survey
X			Grading Plan
X			Soils Report
X			Hydrology Report
X			Engineering Plans and Specifications
X			Dedications and Easements
X			Covenants and Deeds and Restrictions
		X	Approved Addresses

*Items that are waived may be required for reviews later.

14. Additional application materials submitted include:
- a. Application.
 - b. Compliance Statement.
 - c. Statement of Intent.

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

Noticing Requirement	Required Date	Completion Date
Letter of Acceptance		01-26-2024
Radius Notice	01-28-2024	01-26-2024
Agency Notice	01-28-2024	01-26-2024
Property Posting Sign	02-02-2024	02-02-2024
Affidavit of Property Posting and Photos	02-05-2024	02-05-2024

16. Agency Comments were received from:
- a. City Engineer.
 - b. Drainage District 2.
17. Written public comments were received from Steve Purvis and Kheri Armer-Newell.
18. The City Council approved the preliminary plat on November 28, 2022.
19. On February 12, 2024, at the Garden City Council hearing:
- a. Mayor Evans introduced the application.
 - b. Staff, Jenah Thornborrow presented the staff report.
 - c. Jon Brecken with Brecken Land Design presented the application.
 - d. Public Testimony was received from Brian Roth requesting treatments to allow for left turns onto Chinden Boulevard.
 - e. Public Testimony was closed.
 - f. Discussion included:
 - g. a desire that the applicant will be able to work with Drainage District 2 to preserve the exiting vegetated area along the Thurman Mill drain.
 - h. Council President Page moved to sustain staff's recommendation.
 - i. Council Member Rasmussen seconded the motion.
 - j. The motion passed 4/0.
20. The record contains:
- a. Preliminary Plat record documents
 - b. Application
 - c. Noticing Documents
 - d. Agency Comments
 - e. Public Comments
 - f. City Council Decision

21. In consideration of a final subdivision the planning official or designee has found the final subdivision in substantial compliance with the preliminary subdivision approval:

GCC 8-5B-3: FINAL SUBDIVISION PROCESS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X			<p>Finding: The number of buildable lots is the same or fewer</p> <p>Explanation: The number of buildable lots is 76 lots, the same as the approved preliminary plat.</p>
X			<p>Finding: The amount of common open space is increased</p> <p>Explanation: There has been no change to the amount of common space.</p>
X			<p>Finding: The amount of open space is relocated with no reduction in the total amount</p> <p>Explanation: There has been no reduction in the amount of open space.</p>
X			<p>Finding: The number of open space lots has been increased</p> <p>Explanation: The number of lots is consistent.</p>
X			<p>Finding: The transportation authority has required minor changes</p> <p>Explanation:</p>

			The transportation authority has not required any changes that warrant a re-review of the application.
X			Finding: The general configuration has changed by less than ten percent (10%) Explanation: In Approval: The configuration has not changed by more than 10%.
X			Finding: The planning official or designee has determined there is a substantial difference in the final subdivision than that which was approved as a preliminary subdivision or that the conditions have not been met. Explanation: The final subdivision proposal is consistent with the preliminary plat approval, and the applicant has met all conditions of approval/ the preliminary subdivision conditions of approval are still required of the application.

22. The record was reviewed in its entirety by the Garden City Council to render the decision.

CONCLUSIONS OF LAW

The Garden City Council 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-3.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Decision, the Garden City Council hereby **SUSTAINS** the Planning Official recommendation and **GRANTS** application SUBFY2022-0005 for a Final Plat Subdivision processed as a Planned Unit Development and subject to the following conditions:

Prior to City Signature on Plat:

1. The final plat mylar, easements, and construction of the subdivision shall be in conformance with this approval as reviewed and approved or otherwise conditioned through this approval.
2. Common driveways, open space, and other common areas shall be included in an easement or on a common lot noted as unbuildable.
3. Easements
 - a. As required by the City Engineer or this decision, easements shall be provided.
 - b. All easements must be noted on the plat either directly or by instrument number on the plat (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.
4. Provide a note on the final plat to read, "Building setback lines shall be in accordance with the approved planned unit development application, Garden City file number SUBFY2022-0005".
 - a. The approved reductions from code required setback are:
 - i. 0' Side Setback
5. Common Lots
 - a. All common open spaces shall be located on common lots and noted as unbuildable on the plat.
6. A building envelope within which future building footprints will be located shall be shown on the lots.
7. All private streets shall be located on common lots.
8. 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.

9. 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 items 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. 151 trees or more shall be planted on site to meet the provisions of GCC 8-4I-4.
 - c. Existing trees that are retained shall be protected from damage to bark, branches, and roots during construction.
 - i. Any tree damaged during construction shall be replaced in accordance with Garden City Code 8-4I-7 subsection C5.
 - d. 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.
 - e. 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.
 - f. 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 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.
 - iii. The required trees shall be planted between the vehicular right-of-way and the sidewalk in the designated landscape buffer zone along Coffey St.
 - iv. The required trees shall be planted between the vehicular right-of-way, and the sidewalk in the designated landscape buffer zone unless Idaho Transportation Department formally disapproves of this location.
 - 1. If Idaho Transportation Department disapproves of this location, the trees may be planted as depicted on the landscape plan with additional methods to buffer the pedestrian such as landscaping, boulders, etc.
 - g. 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.
 - h. 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.
 - i. 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.
 - j. 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.
 - k. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
 - l. 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 N. 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. All stormwater systems must comply with Garden City Code 8-4A-7.
13. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications, and ordinances.
14. At least 13 bicycle parking spaces shall be provided within the common open areas of the subdivision.
15. 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.
16. Approval from NACFR regarding fire access shall be required.
17. The end units of all buildings shall better address N. Coffey Street and W. Chinden Boulevard through additional fenestrations, glazing, and articulation. The first-floor design shall address the pedestrian sphere and scope by adding pedestrian friendly design features and landscaping.
 - a. Development Services Staff shall review and approve of the changes.
 - b. End units shall not appear like side elevations.
18. The structures along W. Chinden shall provide height variety through differentiation of rooflines.
 - a. The intent of this condition is to help in breaking up what appears to be one, long roofline across all the units facing W. Chinden.
19. To the extent possible honor the natural features of and integrate the Thurman Mill canal as part of the site and as an amenity where the applicant has control over the canal.

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.

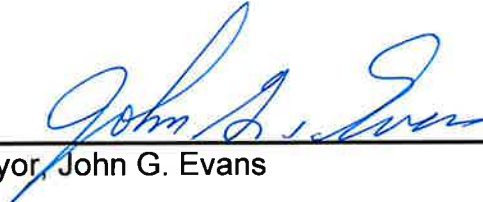
General:

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 November 20, 2023, dated September 29, 2023;
 - b. Architectural Schematics and Floor Plans submitted on October 28, 2022;
 - c. Site Plan Submitted August 8, 2022;
 - d. Preliminary Plat submitted August 8, 2022.
 - i. Where there are discrepancies in plans, the most recent submitted approved plan shall prevail.
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 recording of the plat 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.



Mayor, John G. Evans

February 12, 2024

Date