



# CITY OF GARDEN CITY

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**STAFF REPORT**

**File Number: SUBFY2022-0005, Coffey Townhomes**

**For: Final Plat & Planned Unit Development**

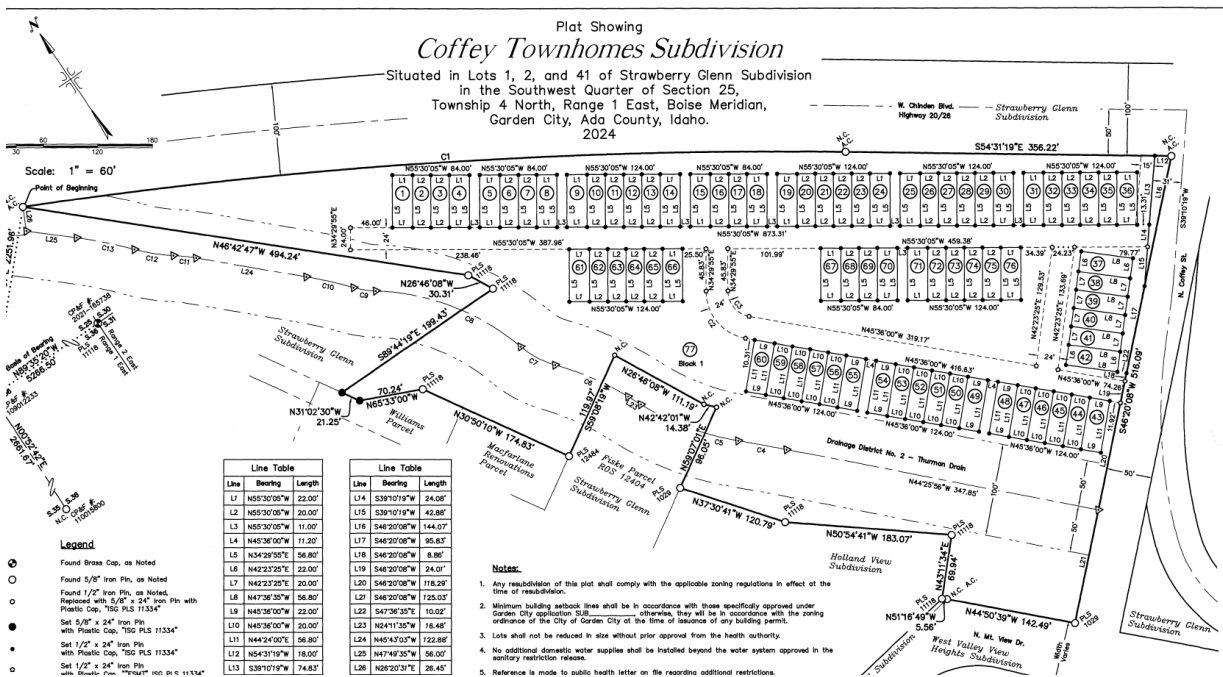
**A 76-lot residential subdivision**

**Location: 8373 W Chinden Blvd.**

**Applicant: Mary Wall**

**City Council Preliminary Plat Approval: November 28, 2022**

**Report Date: February 12, 2024**



Staff Report  
 Report prepared by Hanna Veal

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

Individual links of importance:

1. Preliminary Plat Record Documents [\(link to all record documents\)](#)
  - a) SUBFY2022-0005 [Preliminary Plat - Approved Plat](#)
  - b) SUBFY2022-0005 [Preliminary Plat – Approved Landscape Plan and Elevations](#)
2. Historical Decisions
  - a) [City Council Preliminary Plat Decision](#)
  - b) [Extension Request Approval](#)
3. Final Plat Application Materials
  - a) SUBFY2022-0005 [Application and all submitted materials](#)
4. Agency Comments: linked in [Section E](#)
5. Public Comments: linked in [Section F](#)
6. Noticing Documents
  - a) [City Noticing](#)
  - b) [Property Posting for City Council](#)
7. Decision
  - a) [City Council Final Plat DRAFT POTENTIAL Decision](#)

## Recommendation and Discussion

The process governing the final subdivision procedure is found in [G.C.C. § 8-5B-3](#). Pursuant to the code, a final plat is reviewed by the planning official, which is the recommending authority, and the city council is the final decision-making body. G.C.C. §§ [8-5B-3.D](#); [8-6A-2.E](#); [Table 8-6A-1](#); [Table 8-6A-3](#).

The planning official reviewed this final subdivision submittal, for “substantial compliance” with the preliminary subdivision and has found the submittal to be in substantial compliance with the preliminary submittal.

## Project Information

### **Proposed Scope of Work:**

This application is for a final plat subdivision 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.

Plat: The drawing, mapping or planning of a subdivision, cemetery, town site or other tract of land or a replating of such, including certifications, descriptions and approvals.

Final Plat: The final and formal presentation by drawings of an approved subdivision development, the original and one (1) copy of which are filed with the county clerk and recorder.

## **Review Process:**

This application is reviewed under Garden City Code, [8-5B-3](#) Final Plat Subdivision Process.

## **Site Conditions:**

- 1) Street Address: 8373 W Chinden Blvd
- 2) Parcel Number(s): R8191500522, R8191500605, R8191500577, R8191500598
- 3) Property Description:
  - 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
- 4) Property Size:
  - a) R8192500522: .95 acres,
  - b) R8191500605: 4.378 acres,
  - c) R8191500577: 1.16 acres,
  - d) R8191500598: .703 acres
- 5) Zoning District: C-2 General Commercial
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designations:
  - a) Green Boulevard Corridor
  - b) Mixed Use Commercial
- 8) Legal Parcel of Record: Yes
- 9) Floodplain Designation:
  - a) The project is not located in the floodplain according to the 2003 FIRM.
  - b) The project is not located in the floodplain according to FEMA's most recent modeling of the Lower Boise River, adopted by resolution 1083-20.
- 10) Surrounding Uses within 600 feet:
  - a) Storage Facility, Self Service: U-Haul Moving & Storage
  - b) Transportation Authority: Idaho Department of Transportation
  - c) Single Family Dwelling Units
- 11) Existing Use: Vacant, Previous Manufactured Home Park
- 12) Easements on site: 100' Easement for Thurman Drain
- 13) Site Access:
  - a) Front: W Chinden Blvd
  - b) Side: Coffey St
- 14) Sidewalks: No sidewalk
- 15) Wetlands on site: none identified

## **Project Details:** 76 Townhome Units, New Construction

- 1) Proposed development: Residential New Construction.
  - a) Preliminary Plat Processed as a Planned Unit Development
- 2) Total number of lots: 77
  - a) Common: 1
  - b) Residential: 76
- 3) Density: 10.59 Units per Acre
- 4) Site Coverage:

- a) Building: 74,690sqft = 24% of the site
- b) Landscaping: 151,804sqft (65,197 improved and 86,607 undisturbed) = 48% of site
- c) Paved Areas: 80,980sqft = 25% of the site
- 5) Access: Drive from Chinden Blvd; from Coffey St
- 6) Total number of vehicular parking spaces: 183
  - a) Enclosed: 152
  - b) Surface: 38
- 7) Total number of bicycle parking: Unknown
- 8) Refuse: The refuse will be in a common location
- 9) Fencing: No fence
- 10) Sidewalk:
  - a) Detached along Coffey
  - b) Public pathway along W. Chinden
- 11) Landscaping: 98,118sqft
  - a) 1,195 shrubs or bushes; turf and rock mulch
  - b) 137 new/19 existing trees
    - i) 19 Class I
    - ii) 52 Class II
    - iii) 33 Class III
  - c) Parameter Landscaping: N/A - adjacent use compatible with existing use; existing dense stream buffer exceeds perimeter screening intent.
- 12) City Utilities
  - a) Water and Sewer connection to lots
  - b) 8" water service
  - c) Hydrant
- 13) Proposed Easements:
  - a) 24' Public Utility Easement
  - b) 15' Public Utility Easement
- 14) PUD Waivers requested:
  - a) More than four lots on a common drive
  - b) 0-foot interior side setback
  - c) 9' x 10' parking space dimension

## 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	Decision Authority
Final Plat Subdivision	Planning Official	City Council: Hearing February 12, 2024

## Required Findings:

For the approval of a final subdivision application the planning official or designee shall review the final subdivision for substantial compliance with the approved or conditionally approved preliminary subdivision. The final subdivision shall be determined in substantial compliance with the preliminary subdivision, notwithstanding the following changes:

- A. The number of buildable lots is the same or fewer;
- B. The amount of common open space is increased;
- C. The amount of open space is relocated with no reduction in the total amount;
- D. The number of open space lots has been increased;
- E. The transportation authority has required minor changes; or
- F. The general configuration has changed by less than ten percent (10%).

If the number of buildable lots has increased or there has been an overall reduction in the amount of open space, the final subdivision shall be determined not to be in substantial compliance with the preliminary subdivision. If the planning official determines that there is substantial difference in the final subdivision than that which was approved as a preliminary subdivision or conditions which have not been met, the planning official may require that a new preliminary subdivision be submitted to the city.

## Required 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 City Council is the final decision maker for the requested application.

### City Council Decision

The City Council may take one of the following actions:

- 1. Grant the request;
- 2. Grant the request with conditions;
- 3. Deny the request.

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.

## 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
Garden City Engineer <a href="#">Link to Comment</a>	01/27/2024	We had performed a review of the construction plans and final plat of the subject project on 4 November 2023. It appears that no additional information of note (other than a site geotechnical report and a draft of project C,C&Rs) has been provided with this specific application for the final plat application. With that, we are providing the review we completed on 4 November 2023 as the remainder of this review.
Drainage District No. 2 <a href="#">Link to Comment</a>	01/30/2024	License will be needed. Trees shall be removed.

## Public Comment

The following is a summary of the public comments and testimony that were provided for the final plat application. All comments are included in their entirety as a part of the record.

Commenter	Comment Date	Summary
<a href="#">Steve Purvis</a> (Comment linked)	2-4-2024	Opposition due to incompatibility with neighborhood and traffic safety.
<a href="#">Kheri Armer-Newell</a> (Comment Linked)	2-6-2024	Opposition due to existing roadway deficiency and congestion.

## 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.

<b>Garden City Title 8 Code Sections</b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</a>			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.
<b>8-5B-3 Final Subdivision Process</b>			
8-5B-3 B Contents of final Subdivision	PO/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	<i>B. Contents Of Final Subdivision: The final subdivision shall include and be in compliance with all items required under Idaho Code section 50-1301 et seq. The final subdivision submittal shall include at least:</i> <ol style="list-style-type: none"> <li>1. A written application for approval of such final subdivision as stipulated by the city;</li> <li>2. Proof of current ownership of the real property included in the proposed final subdivision and consent of recorded owners of the subdivision;</li> </ol>

			<p>3. Such other information as the planning official or city engineer may deem necessary to establish whether or not all proper parties have signed and/or approved said final subdivision;</p> <p>4. A statement of conformance with the approved preliminary subdivision and meeting all requirements or conditions thereof;</p> <p>5. A statement of conformance with all requirements and provisions of this title;</p> <p>6. A statement of conformance with acceptable engineering, architectural and surveying practices, and local standards; and</p> <p>7. A copy of the CC&amp;Rs for recording.</p>
<p>8-5B-3C.2 Substantial Compliance</p>	<p>PO/CC</p>	<p>No compliance issues noted, provided the draft conditions of approval, or similar are in place.</p>	<p>(1) The number of buildable lots is the same or fewer;</p> <p>(2) The amount of common open space is increased;</p> <p>(3) The amount of open space is relocated with no reduction in the total amount;</p> <p>(4) The number of open space lots has been increased;</p> <p>(5) The transportation authority has required minor changes; or</p> <p>(6) The general configuration has changed by less than ten percent (10%).</p> <p>b. If the number of buildable lots has increased or there has been an overall reduction in the amount of open space, the final subdivision shall be determined not to be in substantial compliance with the preliminary subdivision. If the planning official determines that there is substantial difference in the final subdivision than that which was approved as a preliminary subdivision or conditions which have not been met, the planning official may require that a new preliminary subdivision be submitted to the city.</p> <p>Generally, if a final plat is consistent with the law, the comprehensive plan, the preliminary plat and the changes and conditions required at the preliminary plat stage, the city council should approve the final plat.</p> <p>Approved: 76 buildable 1 common Proposed: 76 buildable; 1 common</p> <p>There has not been any change in proposed use or significant changes in proposed design of structures/ layouts.</p> <p>Subsequently staff believes that the final plat is within substantial conformance with the preliminary approvals and does not recommend that the proposal be remanded.</p> <p>The final plat and construction plans must be in conformance with the City Council approvals prior to being approved for construction or for recordation.</p>
<p>Title 8, Chapter 6, Article A: Administration</p>			



<a href="#">8-6A-3 General Application Process</a>		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.
<a href="#">8-6A-4 Required Application Information</a>		No concerns noted	No application waivers were requested pursuant to 8-6A-4A.
<a href="#">8-6A-7 Public Hearing Process</a>		No compliance issues noted	The City provided a radius notice and notifications to agencies with jurisdiction. 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.

<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Idaho Code 67-6513</a> Local Land Use Planning Subdivision Ordinance	<p>Garden City has, by ordinance, adopted hearing procedures compliant with section <a href="#">67-6509</a>, Idaho Code, for standards and for the processing of applications for subdivision permits under sections <a href="#">50-1301</a> through <a href="#">50-1329</a>, Idaho Code.</p> <p>This statute enables Garden City regulations to provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.</p> <p>This section notes that denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section <a href="#">67-8003</a>, Idaho Code, consistent with the requirements established thereby.</p>
<a href="#">Idaho Code 67-6515</a> Local Land Use Planning Planned Unit Developments	This statute enables Garden City to process applications for planned unit developments.