



CITY OF GARDEN CITY

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STAFF REPORT

File Number: SUBFY2022-0007, Quad Six Subdivision

For: Preliminary Plat and Planned Unit Development

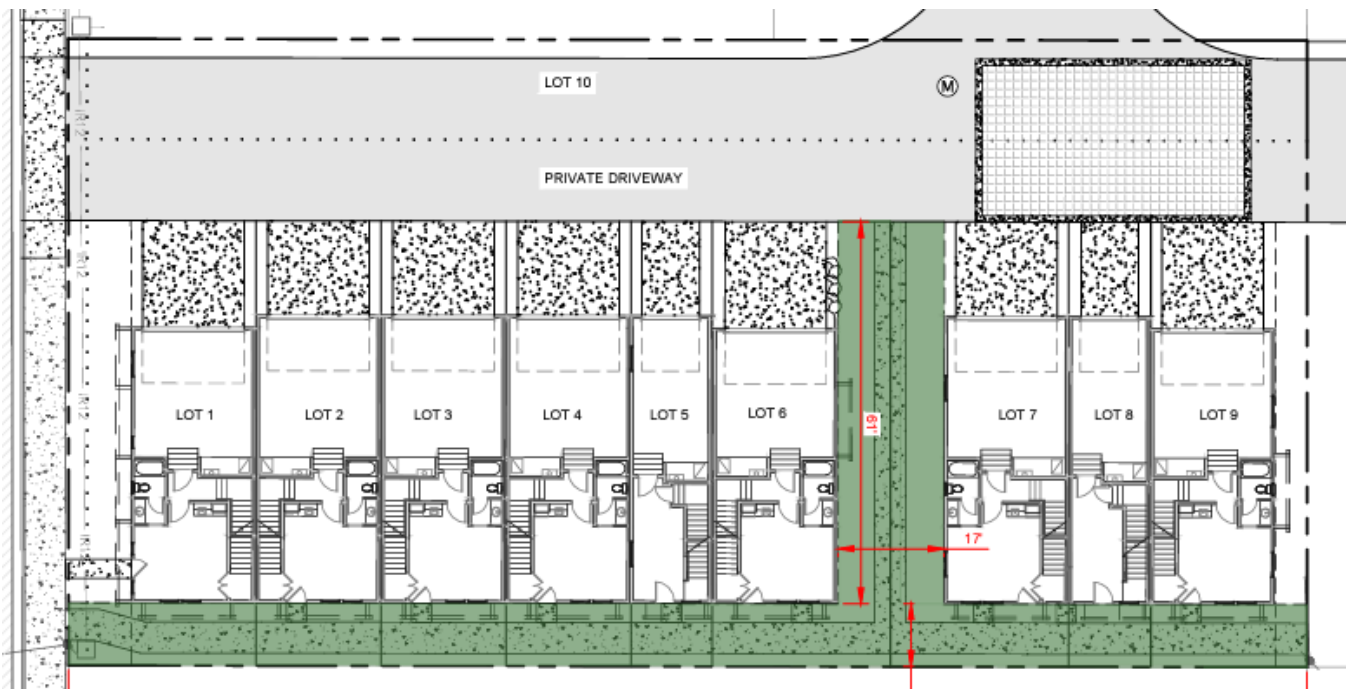
A 10-lot residential Subdivision

Location: 4640 N. Adams Street

Applicant: Jadon Schneider

City Council Preliminary Plat Approval: September 11, 2023

Report Date: April 22, 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) SUBFY2022-0007 [Preliminary Plat - Approved Plat, Landscape Plans, and Elevations](#)
2. Historical Decisions
 - a) [City Council Preliminary Plat Decision](#)
3. Final Plat Application Materials
 - a) SUBFY2022-0007 [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: 4640 N. Adams Street
- 2) Parcel Number: R2734522861
- 3) Subdivision: E 100' OF LOTS 33 & 34 BLK 21 EXC R/W FAIRVIEW ACRES SUB 03 #2980-B
- 4) Property Size: 0.454 acres
- 5) Zoning District: R-3 Medium Density Residential
- 6) Zoning Overlay: 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) 2003 FIRM: 100 Year
 - b) 2020 FIS: 100 Year
- 10) Surrounding Uses within 600 feet:
 - a) Residential – Single Family Detached Dwellings
 - b) Manufactured Homes
- 11) Existing Use: Manufactured Home
- 12) Easements on site: There are no records on file with Garden City of existing easements.
- 13) Site Access: Adams Street
- 14) Sidewalks: Sidewalks are installed and are in good repair
- 15) Wetlands on site: none identified.

Project Details: 9 Townhome Units, New Construction

- 1) Proposed development: Residential - Final Plat – Processed as a Planned Unit Development
- 2) Total number of lots: 10
 - a) Common: 1
 - b) Residential: 9
- 3) Density: 20 Dwellings per acre
- 4) Site Coverage: 19,602sqft total
 - a) Building: 14,068 = 39% of the site
 - b) Landscaping: 3,414sqft = 17% of the site
 - c) Paved Areas: 5,745sqft = 29.3% of the site
- 5) Access: N. Adams Street
- 6) Total number of vehicular parking spaces: 32
 - a) Enclosed: 16
 - b) Surface: 16
- 7) Total number of bicycle parking: 0
- 8) Refuse: Republic Services will pick up individual services internal to the development
- 9) Fencing: No fence is proposed
- 10) Sidewalk: Existing attached
- 11) Landscaping:

- a) Street Trees: 3, class III [Tree Selection guide](#)
 - b) Parameter Landscaping: Mix of trees and shrubs
- 12) City Utilities
- a) Water and Sewer connection to lots
- 13) Pathway: Connection to a new subdivision proposed on 47th Street to allow for pedestrian and vehicular movement.
- 14) Proposed Easements:
- a) All lot lines common to public street ROW and the subdivision boundary contain a 5' wide easement for public and private utilities;
 - b) 3.0' existing ACHD slope easement
 - c) Cross access easement
 - d) Existing ingress-egress easement on common drive
 - e) Open Space Easement

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 April 22, 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
Department of Environmental Quality Link to Comment	03/19/2024	Standard comments.
Republic Services Link to Comment	03/12/2024	This property will work out well according to the plan.
North Ada County Fire and Rescue Link to Comment	04/08/2024	Comments from the Preliminary Plat application still apply.
Idaho Transportation Department Link to Comment	03/14/2024	The Idaho Transportation Department does not have any comments at this time. This development does not abut the state highway system and is anticipated to have minimal impact to state facilities.

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
Jerri Miller (Comment linked)	03/15/2024	Opposition due to congestion, parking issues, and traffic safety.

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.
8-5B-3 Final Subdivision Process			
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"> 1. A written application for approval of such final subdivision as stipulated by the city; 2. Proof of current ownership of the real property included in the proposed final subdivision and consent of recorded owners of the subdivision; 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; 4. A statement of conformance with the approved preliminary subdivision and meeting all requirements or conditions thereof; 5. A statement of conformance with all requirements and provisions of this title; 6. A statement of conformance with acceptable engineering, architectural and surveying practices, and local standards; and 7. A copy of the CC&Rs for recording.
8-5B-3C.2 Substantial Compliance	PO/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	<ol style="list-style-type: none"> (1) The number of buildable lots is the same or fewer; (2) The amount of common open space is increased; (3) The amount of open space is relocated with no reduction in the total amount; (4) The number of open space lots has been increased; (5) The transportation authority has required minor changes; or (6) The general configuration has changed by less than ten percent (10%). <p><i>b. If the number of buildable lots has increased or there has been an overall reduction in the amount of open</i></p>

			<p><i>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.</i></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: 9 buildable 1 common Proposed: 9 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>
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Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process		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		No concerns noted	No application waivers were requested pursuant to 8-6A-4A.
8-6A-7 Public Hearing Process		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.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6513 Local Land Use Planning Subdivision Ordinance	<p>Garden City has, by ordinance, adopted hearing procedures compliant with section 67-6509, Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329, Idaho Code.</p> <p>This statute enables Garden City regulations to provide for mitigation of the effects of subdivision development on the ability of political</p>

	<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>