



## CITY OF GARDEN CITY

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### STAFF REPORT

**File Number:** SUBFY2022-0008, Chandlers Place

**For:** Combined Preliminary and Final Plat Processed as a Planned Unit Development  
A 13-Lot Residential Subdivision

**Location:** 401 E. 52<sup>nd</sup> St

**Applicant:** Nicolette Womack

**Design Review Committee:** December 19, 2022

**Planning and Zoning:** December 21, 2022

**City Council:** January 9, 2023



**BUILDING 6 - WEST ELEVATION**

SCALE: 3/16" = 1'-0"

Staff Report  
Report prepared by Staff Hanna Veal

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## A. Record Documents

Individual links:

1. Application Materials
  - a) [SUBFY2022-0008 Initial Submittal 08162022](#)
  - b) [SUBFY2022-0008 Resubmittals 09072022](#)
  - c) [SUBFY2022-0008 Resubmittals11022022](#)
  - d) [SUBFY2022-0008 Resubmittals 11292022](#)
  - e) [Soils and Engineering Report 11292022](#)
2. Staff Reports
  - a) Design Review Staff Report Dated December 19, 2022
  - b) Planning and Zoning Staff Report Dated December 21, 2022
3. Agency Comments: linked in [Section E](#)
4. Public Comments: linked in [Section F](#)
5. Noticing Documents
  - a) [City Noticing](#)
  - b) [Property Posting for Design Review Committee](#)
  - c) [Property Posting for Planning and Zoning](#)
  - d) Property Posting for City Council

## B. Recommendation Summary:

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

## C. Reconciliation

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

## D. Project Information

### Proposed Scope of Work:

This application is for a subdivision and a Planned Unit Development per Garden City Code 8-7A-2 Definition of Terms:

Subdivision: The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which may also include easements and the dedication of a public street or designation of private lanes or rights-of-way, and the addition to, or creation of, a cemetery

Planned Unit Development: Property planned as a whole that demonstrates innovation in design to protect natural features or create public amenities through more flexible standards, such as lot sizes, densities and setbacks, than those restrictions that would normally apply under these regulations.

Review Process	Notes
<a href="#">8-5B-4</a> Combined Preliminary and Final Subdivision Process	
<a href="#">8-6B-7</a> Planned Unit Development	A Planned Unit Development and a Subdivision can be processed concurrently

Special Provisions	Notes
Subdivisions located within a Floodplain <a href="#">8-5C-4</a>	A floodway development application will be reviewed in conjunction with construction plans provided approval of the requested application.

### Purpose of a Planned Unit Development

A. Purpose: The intent of this section is to provide for well planned developments which conform to the objectives of this title but may deviate in certain respects from the zoning map and the district regulations. It is not the intent that the planned unit development process be used solely for the purposes of deviation from the dimensional standards in the district unless the following objectives are also achieved:

1. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements.
2. Create a more useful pattern of open space and recreation areas; and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses, and services.
3. Establish a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation and prevents the disruption of natural drainage patterns.
4. Use land more efficiently than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.

5. Develop a land pattern in harmony with land use density, transportation, and community facilities objectives of the comprehensive plan.

**Site Conditions:**

- 1) Street Address: 401 E. 52<sup>nd</sup> St
- 2) Parcel Number: R7334160670
- 3) Subdivision: PAR #0670 POR NW2 LOTS 1 & 2 BLK 5 RANDALL ACRES #5 R/S 3814 #0682S
- 4) Property Size: 0.682 acres
- 5) Zoning District: R-3 Medium Density Residential
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designations:
  - a) Mixed Use Residential
  - b) Neighborhood Destination Activity Node
  - c) Main Street Corridor
- 8) Legal Parcel of Record: Unknown
- 9) Floodplain Designation:
  - a) 2003 FIRM: Floodway
  - b) 2020 FIS: Floodway
- 10) Surrounding Uses within 600 feet:
  - a) Service Provider – Mr. Mudd
  - b) Food Products, Small Scale Processing – Mythic Mead, LLC
  - c) Residential Dwelling Units
- 11) Existing Use: Vacant
- 12) Easements on site: ACHD ROW EASEMENT #200,900,062
- 13) Site Access: E. 52<sup>nd</sup> St.
- 14) Sidewalks: Sidewalks are installed and are in good repair along Adams Street. Sidewalks are non-existent on E. 52<sup>nd</sup> Street.
- 15) Wetlands on site: none identified

**Project Details:**

- 1) Proposed development: Residential Subdivision - Combined Preliminary and Final Plat – Processed as a Planned Unit Development
- 2) Total number of lots: 13
  - a) Common: 1
  - b) Residential: 12
- 3) Density: 17.65 units per acre
- 4) Site Coverage: 29,708 sq ft
  - a) Building: 21,844 sq ft / 74% of the site
  - b) Landscaping: 7,893 sq ft / 27% of the site
  - c) Paved Areas: unknown
- 5) Access: E 52<sup>nd</sup> St
- 6) Total number of vehicular parking spaces: 30
  - a) Enclosed: 24
  - b) Surface: 5
  - c) On-Street: 1

- 7) Total number of bicycle parking: unknown
  - a) Enclosed: \*\*Bicycle storage available within 2-car garages
  - b) Surface: unknown
- 8) Refuse: Republic Services will pick up individual services internal to the development
- 9) Fencing: Existing fence to remain
- 10) Sidewalk:
  - a) Proposed 5' Detached Sidewalk with landscaping along 52<sup>nd</sup> St.
- 11) Landscaping: 7,893 sq ft
  - a) 174 shrubs or bushes; turf and rock mulch
  - b) 15 Total number of trees
    - i) 10 Class I, 0 of which are street trees
    - ii) 2 Class II, 2 of which are street trees
- 12) City Utilities
  - a) Water and Sewer connection to lots
  - b) 8" water service
  - c) Hydrant
- 13) Pathway: None
- 14) Proposed Easements:
  - a) Blanket easement on Lot 13 for ingress/egress, parking, utilities, and drainage.
- 15) PUD Waivers requested: More than four units on a drive; setbacks; etc.
  - a) Units accessed off a common drive
  - b) Parking space dimensions of 9' x 20'
  - c) Reduced setbacks internal to the development

## E. Discussion

This application (SUBFY2022-0008) is a subdivision application that is to be processed as a Planned Unit Development (PUD). As a PUD development, the applicant can submit waivers to code standards such as minimum setbacks to allow for different setback dimensions, for allowing a greater number of lots to be accessible off a common drive, and proposing noncompliant parking space sizes, however, the applicant has not requested any waiver formally.

A section of PUD code requires that in any development that which proposes 10 or more dwelling units shall provide a variety of housing types. The proposed variety shall include attached units (townhouses, duplexes), detached units (patio homes), single-family and multifamily units; provided, that the overall density limit of the district is maintained. This application does not propose a variety of housing types in that all 12 units are two-or-three-story townhomes of similar architectural design. The townhomes, while appearing similar in exterior elevations, provide a variety of three-, four-, and five-bedroom floor plans with the fourth bedroom being a potential office space.

Please note, during the January 19, 2021, meeting the Design Review Committee discussed the criteria related to the requirement for a variety of housing to be provided when utilizing the Planned Unit Development ordinance. The Design Review Committee reviews architectural variety, design, and aesthetics whereas the Planning and Zoning Commission reviews the variety of housing types (multi-family, townhome, single family, etc.) proposed. The Planning

and Zoning Commission makes their approval or denial recommendation based on how well the proposal meets the variety of housing needs of our community.

**F. Decision Process**

**General Provisions**

This application is processed per GCC 8-6A-7 Public Hearing.

**Required Decisions:** The following decision processes are required for the project as governed by GCC Table 8-6A-1:

Decision	Recommendation Authority/ Hearing Date	Decision Authority
Combined Preliminary/Final Plat Subdivision And Planned Unit Development	Planning and Zoning Commission: Hearing December 21, 2022 and Design Review Committee: Hearing December 19, 2022	City Council: Hearing January 9, 2023

**Required Findings:**

For the approval of a COMBINED PRELIMINARY AND FINAL PLAT SUBDIVISION, the decision making body must find the application meets the following findings, found in GCC 8-5B-5:

- A. The subdivision is in conformance with the comprehensive plan;
- B. The subdivision is in conformance with all applicable provisions of this title;
- C. Public services are available or can be made available; and are adequate to accommodate the proposed development;
- D. The subdivision is in conformance with scheduled public improvements in accord with the city’s capital improvement program;
- E. There is public financial capability of supporting services for the proposed development;
- F. The development will not be detrimental to the public health, safety or general welfare; and
- G. The development preserves significant natural, scenic or historic features;
- H. There has been no denial of any application on this property within one year.

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

- 
- A. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;
  - B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;
  - C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
  - D. Any proposed commercial development can be justified at the locations proposed;
  - E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council;
  - F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
  - G. The PUD is in general conformance with the comprehensive plan; and
  - H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
  - I. There has been no denial of any application on this property within one year.

Because the application is a Planned Unit Development, the Decision Maker must also find compliance with Conditional Use Permit findings, found in GCC 8-6B-2. D:

1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;
2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts
3. The use will not unreasonably diminish either the health, safety, or welfare of the community; and
4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.

## **Decision**



After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied. The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the Design Committee and Planning and Zoning Commission are recommending authorities and the City Council is the final decision maker for the requested application.

### Recommendations

The Recommending Authority may take one of the following actions:

1. Recommend that the City Council grant the application as applied;
2. Recommend that the City Council grant the application with conditions as drafted or as amended;
3. Recommend that the City Council deny the application; or
4. Request the applicant return with revised materials for additional review.

The recommendations of the Design Committee and the Planning and Zoning Commission does not constitute a final decision on the application. Their recommendations cannot be appealed, as they will be heard by the City Council. The City Council is the final decision maker for this application.

### City Council Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

A reconsideration request may be made within 14 days of the formal decision being rendered by the City Council. Final decisions are subject to a 28-day right to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code. A takings analysis pursuant to Idaho Code may be requested on final decisions.

## G. 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
<a href="#">Ada County Highway District</a>	11/14/2022	<ul style="list-style-type: none"> <li>Complete 52nd Street as 1/2 of 33-foot local street section with pavement widening, vertical curb, gutter, 8-foot wide planter strip, and 5-foot wide detached concrete sidewalk and dedicate additional right-of-way and a permanent right-of-way easement for detached sidewalks located outside of the dedicated right-of-way, as proposed.</li> <li>Close the existing 21-foot wide driveway onto Alworth Street with vertical curb, gutter, matching landscape and 5-foot wide attached concrete sidewalk abutting the site, as proposed.</li> <li>Close the existing 22-foot wide driveway onto 52nd Street with vertical curb, gutter, an 8-foot wide planter strip and 5-foot wide detached concrete sidewalk abutting the site.</li> <li>Standard conditions required</li> </ul>
<a href="#">Republic Services</a>	10/19/2022	<ul style="list-style-type: none"> <li>Can approve the application as reviewed subject to compliance with no further comment.</li> </ul>
<a href="#">Boise Fire</a>	11/07/2022	<ul style="list-style-type: none"> <li>Hammerhead turn around appears compliant so long as it also meets the fire department specifications as well.</li> </ul>
<a href="#">Garden City Engineer</a>	11/07/2022	<ul style="list-style-type: none"> <li>None of the drawings submitted were stamped by the design professional other than the topographic survey. We realize the drawings are “not for construction”, but they need to be stamped for a city review.</li> <li>It appears that the land is owned by Gravitas Real Estate Holdings, which appears to be owned by Orange Potato, LLC as its manager. The form should be signed by Orange Potato, LLC for Gravitas Real Estate Holdings. However, we cannot find an Idaho filing for Orange Potato, LLC. Please provide the information necessary to verify the affidavit or provide a new one.</li> <li>The land is portions of Lots 1 and 2 of Block 5 of RAS #5. Please provide evidence the land is an original parcel per city code (prior to 1988).</li> <li>Approval of the preliminary plat does not relieve the applicant from meeting the city’s storm water requirements. Should the development require changes due to conflicts with the site layout and storm water requirements, said changes would be required.</li> <li>Be sure planned improvements “match” perimeter ground elevations to assure site grading/improvements will not impact adjoining lands.</li> </ul>

		<ul style="list-style-type: none"> <li>Other standard comments</li> </ul>
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## H. Public Comment

None provided as of the drafting of this document.

## I. 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>			
<b>Code Section</b>	<b>Review Authority</b>	<b>Compliance Issues</b>	<b>Analysis/ Discussion</b>
<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.
8-1B-1 Nonconforming Properties		Compliant as conditioned upon approval	The land is portions of Lots 1 and 2 of Block 5 of RAS #5. Please provide evidence the land is an original parcel per city code (prior to 1988).
8-1B-2 Nonconforming Structures		No compliance issues noted	
8-1B-3 Nonconforming Uses		No compliance issues noted	
8-1C-3 Property Maintenance Standards		No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2B-1 Purpose	PZ/CC	No compliance issues noted	The application just over 17 units per acre, under the 35 units per acre maximum within the R-3 Zoning District and above the 16 units per acre minimum of the Neighborhood Destination Activity Node. The proposed single family attached and detached residential units, are consistent with the purpose identified for the R-3 Zoning District.
8-2B-2 Allowed Uses	PZ/CC	No compliance issues noted	Single Family Detached and Attached Dwellings are a permitted use.

8-2B-3 Form Standards	PZ/CC	Compliant upon approval of the waiver	<p>The required setbacks are:  Front: 5'/20'  Interior Side: 0'/5'  Rear: 15'  Street side:5'</p> <p>The allowable maximum height is: n/a  The minimum lot size is: n/a  There are not encroachments into the property's perimeter setbacks. There are encroachments into the individual lot's setbacks, and a waiver has been drafted.</p> <p><b>The application has requested setback waivers to allow for the following setbacks: <a href="#">(See Figure 2)</a></b></p> <p>Building 1 Lot Dimensions:  Front: 6.5'  Rear: 3.5'  Side: 3.5'</p> <p>Building 5 &amp; 6 Lot Dimensions:  Front 3.5  Rear: 3.5'  Side: 3.5'  Interior Side: 0'</p> <p>Building 2, 3, &amp; 4 Lot Dimensions:  Front: 3.5'  Rear: 3.5'  Side: 3.5'</p> <p>Building 1's front setback differs from the rest to accommodate a longer pathway to the front porch.</p> <p>The intent of code's required setbacks will be met as the common lot is acting as the setback. A draft condition allows for this waiver, but a draft condition also allows for the common area lot to be reduced in size provided that an easement is provided for the common space. The reason that this condition is suggested is so that the applicant will have more flexibility with regards to fire penetrations that are not allowed at a 0' setback.</p> <p>All improvements are more than 70' from the Boise River.</p> <p>All properties meet the minimum street frontage.</p>
<b>Title 8, Chapter 3: Overlay Zoning District Regulations</b>			
8-3D Neighborhood Commercial Node	DC/PZ/CC	No compliance issues noted	Applicant has chosen to not apply this overlay.
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>	DC/CC	No compliance issues noted	This proposal does not identify any new fence or wall. Any future fence or wall will be required to be in compliance with code at the time of development.

			An existing fence along the eastern property boundary line is to remain. Fence appears to be located off site on adjacent property.
<a href="#">8-4A-4 Outdoor Lighting</a>	DC/CC	No compliance issues noted	
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	DC/CC	Compliant as conditioned	This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.
<a href="#">8-4A-7 Stormwater Systems</a>	DC/CC	Compliant as conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
<a href="#">8-4A-8 Utilities</a>	DC/CC	May not be compliant – Compliant as conditioned	<p>The existing overhead utilities pole conflict with the proposed sidewalk along W. 52<sup>nd</sup>, the pole is to bisect the sidewalk.</p> <p>The existing overhead utilities conflict with the proposed street trees. The proposed street trees do not meet the intent of code due to this conflict. The applicant has stated that they intend to relocate or underground these utilities.</p> <p>A draft condition of approval is provided requiring that all utilities be underground. The utilities adjacent to 52<sup>nd</sup> Street have been conditioned to be relocated so as to not conflict with the Class II or III frontage trees or the pedestrian sidewalk.</p> <p>A draft condition of approval is provided requiring each lot to be connected to City services.</p>
<b>8-4B Design Provisions for Residential Structures</b>			
<a href="#">8-4B-3 Single Family and Two-Family Attached and Detached Dwelling</a>	DC/CC	May not be complaint – Discussion Required	<p>Building Type A &amp; B are located closest to E. 52<sup>nd</sup> Street, with the front (west) façade facing the street.</p> <p>The front façade appears to consist of a front porch and a direct pathway to the proposed sidewalk along E. 52<sup>nd</sup> which is in compliance with code.</p> <p>Building Type B and Building 6 unit C(1), located along the southern property boundary line, have side elevations that face south to N. Adams/Alworth Street. There is no direct connection to the street, as there is an ACHD ROW easement disconnecting the subdivision from the roadway that is to not be developed upon. Connections to these units are via the proposed internal pedestrian pathway and the public sidewalk along 52<sup>nd</sup> Street.</p> <p>Side elevations of these structures consist of windows however, the submitted elevations appear to lack modulation and fenestrations.</p>

**8-4D Parking and Off Street Loading Provisions**

8-4D-3 Parking Design and Improvement Standards	DC/CC	Compliant as conditioned – Waiver drafted	Guest parking spaces are 9'x20', smaller than the required 10'x20' per code. A waiver has been drafted.
8-4D-4 Parking Use Standards	DC/CC	No compliance issues noted	
8-4D-5 Required Number of Off-Street Parking Spaces	DC/CC	Compliant as conditioned	<p>Single family attached and detached residential dwelling units consist of the same requirements.</p> <p>Number of Residential Spaces Required: 24            Guest Parking Required: 6            Total: 30</p> <p>Residential Provided: 24            Guest Provided: 5            Total: 29 (30 with on-street)</p> <p>The site is deficient 1 on-site guest parking space. However, GCC 8-4D allows for one on street parking space to count towards the minimum parking requirement. On-street parking is permitted along E. 52<sup>nd</sup> Street. The on-street parking is not guaranteed and is subject to change based on ACHD's determination.</p> <p>Number of bike spaces required: 2            Number of bike spaces provided: 0  <i>*Bicycle storage available within 2-car garages. It has been conditioned to require at least two bicycle parking spaces in the common areas of the subdivision.</i></p>
8-4D-6 Standards for Alternatives to On Site Parking	DC/CC	No compliance issues noted	None Requested.

**8-4E Transportation and Connectivity Provisions**

<a href="#">8-4E-3 Public Street Connections</a>	DC/CC	No compliance issues noted	<p>Public street connection at E. 52<sup>nd</sup> Street for a common driveway to access all three buildable lots.</p> <p>New private common drive proposed. ACHD will require street name approval.</p> <p>There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.</p>
<a href="#">8-4E-4 Internal Circulation Standards</a>	DC/CC	No compliance issues noted	The drive is 20' or greater in width.
<a href="#">8-4E-5 Private Street Standards</a>	DC/CC	Compliant as conditioned	<p>The private street name(s) shall obtain approval from the Ada County street name committee.</p> <p>A binding contract that establishes the party or parties responsible for the repair and maintenance of the private street including regulations for the funding shall be recorded with a</p>

			final plat. No building permit shall be issued until the contract has been recorded.
8-4E-6 Sidewalk Standards	DC/CC	No compliance issues noted	A 5-foot-wide detached sidewalk with landscape buffer is proposed along E. 52 <sup>nd</sup> Street. This is compliant with the sidewalk policy.
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC/CC	Compliant as conditioned	Pedestrian circulation throughout the development is present. Obvious connections across the private drive are lacking. It has been conditioned to require a contrasting hardscape material across the private drive to better identify crossings.
8-4H Flood Hazard	Planning Official	Compliant as conditioned	The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.
<b>8-4G Sustainable Development Provisions</b>			
8-4G Sustainable Development Provisions	DC/PZ/CC	No compliance issues noted	Each unit will provide a dedicated recycling bin, solar collectors are allowed per the CC&Rs, drip irrigation will be utilized, and on-site storm water infiltration and retention will be utilized.
<b>8-4I Landscaping and Tree Protection Provisions</b>			
8-4I-3 General Landscaping Standards and Irrigation Provisions	DRC/CC	No compliance issues noted	When five (5) or more trees are to be planted to meet the requirements of any portion of this article, a mix of species shall be provided. Trees required: 12 Minimum Number of Species required: 3 Number of Species Provided: 6
8-4I-4 Landscaping Provisions for Specific Uses	DRC/CC	Compliant as conditioned	<b>Landscape Area Required: 1,485 square feet.</b> A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.  <b>Landscape Area proposed: 7,893 square feet = 27% of the site.</b>  <b>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.</b> Trees required: 8 Trees provided: 13 Shrubs required: 53 Shrubs provided: 163  <b>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</b> <u>52<sup>nd</sup> Street (168 LF):</u> Trees required: 4 trees Trees provided: 4 trees The proposed species does not provide a large tree canopy. It has been conditioned to require coordination with Garden City Development staff to find an appropriate street tree.

8-4I-5 Perimeter Landscaping Provisions	DRC/CC	No compliance issues noted	Perimeter landscaping not required.  While perimeter landscaping is not required, the eastern property boundary line lacks landscaping along the existing fence line.
8-4I-6 Parking Lot Landscaping Provisions	DRC/CC	No compliance issues noted	Not applicable.
8-4I-7 Tree Preservation Provisions	DRC/CC	No compliance issues noted	No existing trees on-site.
<b>8-4L Open Space Provisions</b>			
8-4L-3 General Open Space Standards	DRC/CC	No compliance issues noted	Common open space shall be designed as an integral part of a residential development.
8-4L-4 Open Space Standards for Single-family, Townhouse, and Two- Family Duplex Developments	DRC/CC	May not be complaint	A minimum of ten percent (10%) of the gross site area shall be in common open space. The site is required to provide 2,696sqft of common open space.  There are specific dimensional standards that a space must meet to meet the requirements. Not all common areas are eligible to meet this standard.
<b><u>Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</u></b>			
8-5A-4 General Standards	PZ/DRC/CC	No compliance issues noted	See discussions on Design Review 8-4 B&C; Driveways 8-4-E; Floodplain 8-4H; Landscaping 8-4-I; Open Space 8-4-L; Parking 8-4-D; Planned Unit Development 8-6B; Private Streets 8-4-E; Sidewalks 8-4-E; Street design and development standards 8-4-G; Sustainable development provisions 8-4-G; Utilities 8-4-A; Zoning Provisions 8-2-B  There are general conditions of approval that the application must be in conformance with the requirements of Garden City Code Erosion Control 4-15; Public water and sewer systems Title 6; Storm drainage and discharge control 4-14 prior to the approval of the subdivision.
8-5A- 6 Improvement Standards	PZ/DSR/CC	Compliant as conditioned	A subsequent application will be required for staff approval to ensure that the proposed improvements meet code standards and policies for storm drainage, water, sewer, utilities, and monuments and are otherwise in conformance with this approval.  A fire turn-around have been proposed.  The naming of streets shall conform to the requirements of the Ada County street name committee.  There is a streetlight located at 52 <sup>nd</sup> Street, and new streetlights are proposed.  Common driveways shall serve a maximum of four (4) dwelling units, unless approved through a planned unit development. A waiver has been drafted.



<b>8-5C-4 Subdivisions located within a Floodplain</b>			
8-5C-4 Subdivisions located within a Floodplain	PZ/DRC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	There are proposed conditions coinciding with provisions found within code section.
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>	PZ/DRC/CC	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<a href="#">8-6A-4 Required Application Information</a>	PZ/DRC/CC	Compliance upon approval of application	No application waivers requested pursuant to 8-6A-4A.
<a href="#">8-6A-7 Public Hearing Process</a>	PZ/DRC/CC	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.
<a href="#">8-6B-7 Planned Unit Development</a>	DC/CC	Compliance upon approval of application	Application waivers requested pursuant to 8-6B-7: <ul style="list-style-type: none"> <li>1. Units accessed off a common drive</li> <li>2. Parking space dimensions of 9' x 20'</li> <li>3. Reduced setbacks internal to the development</li> </ul> <p>Discussion whether the application provides adequate diversity of housing to qualify for the planned unit development is required.</p>

<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Idaho Code 67-6513</a> Local Land Use Planning Subdivision Ordinance	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.  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.

	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.
<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.
<a href="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>a) Mixed Use Residential</li> <li>b) Neighborhood Destination Activity Node</li> <li>c) Main Street Corridor</li> </ul> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> <li>a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li>a.) 2.1 Objective: Encourage new and distinctive neighborhoods.</li> <li>b.) 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li>c.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> <li>a.) 4.2 Objective: Promote community gardens.</li> <li>b.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> <li>a.) 7.1 Objective: Create pedestrian and bicycle friendly connections.</li> <li>b.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul> <p>Goal 9. Develop a Sustainable City</p> <ul style="list-style-type: none"> <li>a.) 9.3 Objective: Promote and recognize green building construction.</li> <li>b.) 9.3.3 Objective: Investigate how existing green building elements, such as solar panels, can be protected and maintained.</li> </ul> <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li>a.) 2.1.3: Amend the PUD code standards to encourage a variety of housing, including well-designed smaller units</li> </ul> <p>Goal 6. Diversity in Housing</p> <ul style="list-style-type: none"> <li>a.) 6.3.1 Objective: Provide for a variety of housing types in the Land Use Code including smaller cottage and second housing units. Allowing for housing that attract niche markets such as senior housing, live-work structures, and cooperative housing.</li> </ul> <p>Goal 10. Plan for the Future</p> <ul style="list-style-type: none"> <li>a.) 10.5 Objective: Create a "Main Street" corridor with commercial nodes as designated on the Land Use Map and described in the Land Use Designation.</li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	Sidewalk proposed
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along 52 <sup>nd</sup> Street in accordance with the policy. New streetlights are proposed.
<a href="#">Garden City Transportation Needs List</a>	Greenbelt Path bike/pedestrian connection between 52 <sup>nd</sup> Street and Remington planned for a river crossing to the island west of the existing Greenbelt Pathway.

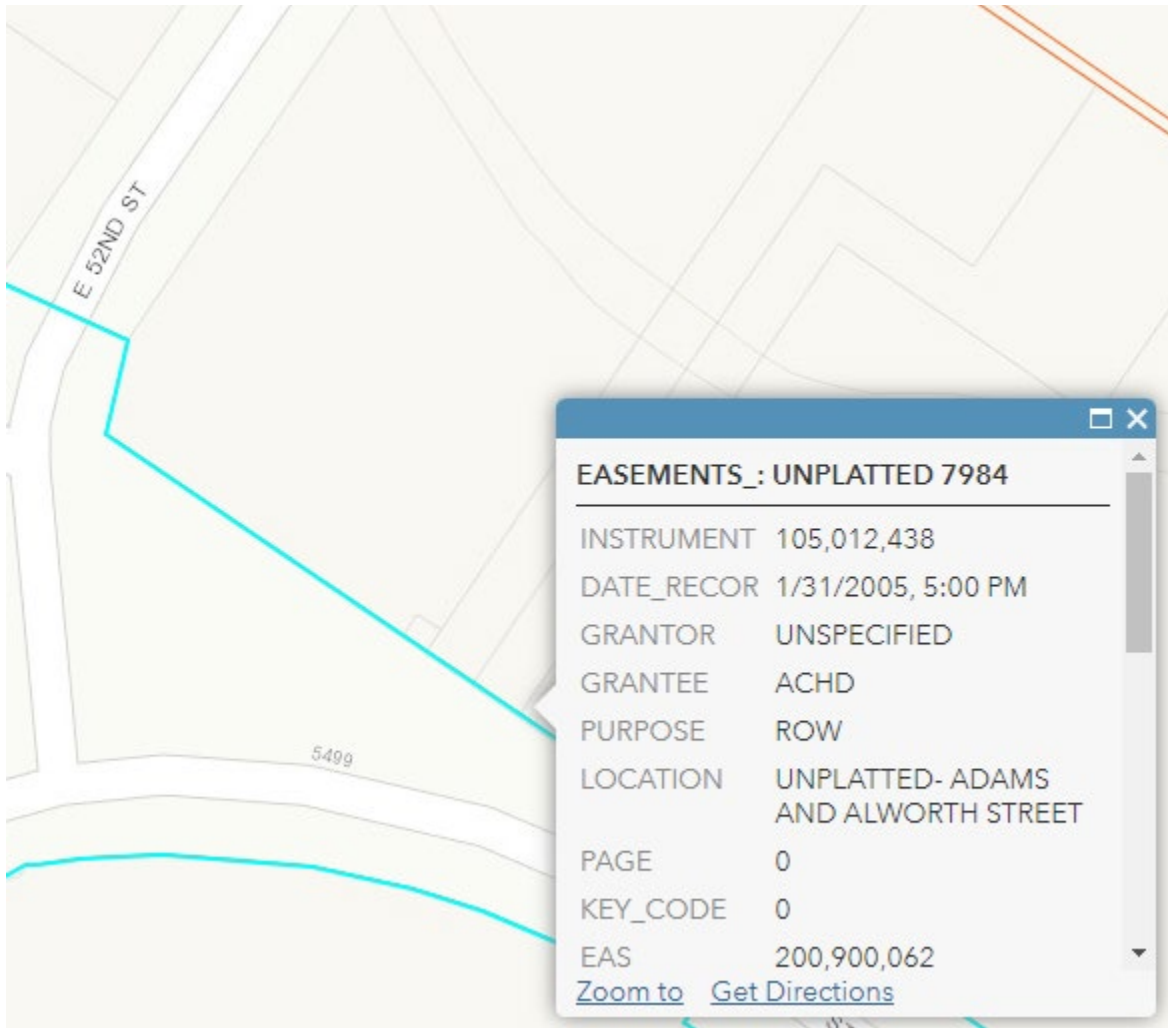


Figure 1: ACHD ROW Easement

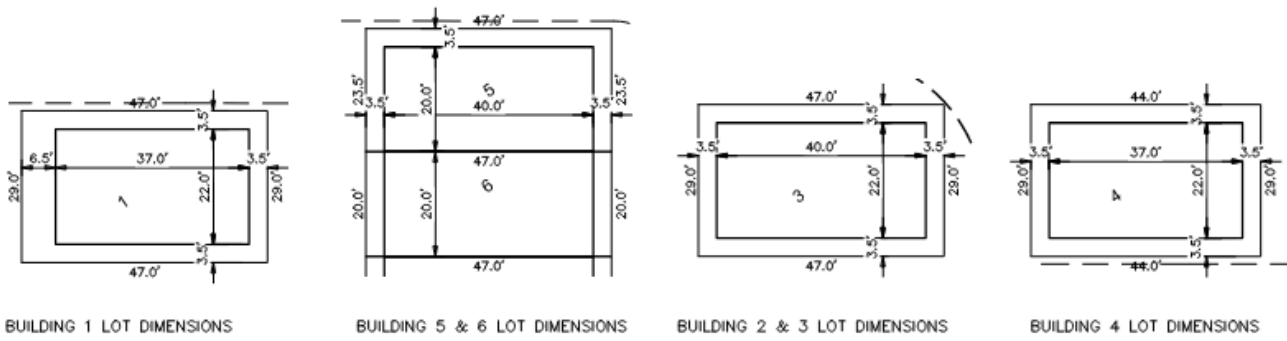


Figure 2: Lot Dimensions and Setbacks