



CITY OF GARDEN CITY

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STAFF REPORT

File Number: SUBFY2023-0001, Mod Court Townhomes
For: Combined Preliminary and Final Plat; Planned Unit Development
A 23-lot residential subdivision
Location: 207 E 45th Street
Applicant: Andrew Wheeler
Design Review Consultation: May 1, 2023
Planning and Zoning: June 21, 2023
City Council: July 10, 2023



Staff Report
Report prepared by Hanna Veal

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

Individual links:

1. Application Materials
 - a) [SUBFY2023-0001 Initial Submittal Documents 03.12.2023](#)
 - b) [SUBFY2023-0001 Resubmittals 04.17.2023](#)
 - c) [SUBFY2023-0001 Resubmittals 04.28.2023](#)
 - d) [SUBFY2023-0001 Resubmittals 05.15.2023](#)
 - e) [SUBFY2023-0001 Design Review Consults Approved Site Plan 05.22.2023](#)
 - f) [SUBFY2023-0001 Resubmittals 06.12.2023](#)

2. Staff Reports
 - a) [Design Review Consultation Review 05.01.2023](#)
 - b) [Planning and Zoning Review 06.21.2023](#)
 - c) City Council Review 07.10.2023

3. Agency Comments: linked in [Section F](#)
4. Public Comments: linked in [Section G](#)

5. Noticing Documents
 - a) [City Noticing](#)
 - b) [Property Posting for Planning and Zoning](#)
 - c) [Property Posting for City Council](#)

6. Recommendations
 - a) [Design Review Consultant: Derek Hurd](#)
 - b) [Design Review Consultant: Brett Labrie](#)
 - c) [Design Review Consultant Recommendation – Signed](#)
 - d) [Planning and Zoning Recommendation - Signed](#)

7. City Council Drafted Potential Decision

B. Recommendation Summary:

This appears to be an application that conforms with most of Garden City Code, the Garden City Comprehensive Plan and other pertinent plans, and there is no public opposition to date. Both the Design Review Consultants and the Planning and Zoning Commission recommended approval of the application.

Recently, with current townhome designs being requested through the Planned Unit Development process there has been significant conversations as to what constitutes a variety of housing types as required per Garden City Code 8-6B-7: “With ten (10) or more dwelling units, a variety of housing types shall be included including attached units (townhouses,

duplexes), detached units (patio homes), single-family and multi-family units; provided, that the overall density limit of the district is maintained.”

During the Planning and Zoning Commission there was discussion as to how the Planned Unit Development required variety of housing was being met. It was determined that the variety was being provided between the urban street frontage (Type 1), the cottage courtyard (Type 2), and the traditional with private yard (Type 3), and the different floorplans within. Additionally, the Design Review Consultants found that the architectural variety and colors/materials palettes were providing the required diversity.

A more complete synopsis of items discussed during the Design Review Consultation and Planning and Zoning hearing is included in the draft decision document.

C. Reconciliation

History

The Design Review Consultants approved the updated site plan on May 23, 2023, with two additional conditions. The Planning and Zoning Commission also approved of the updated site plan. Although the new site plan has been recommended for approval, updated landscape and common open space plans were not submitted. Construction/Civil plans were also not updated. Based on review, the application is compliant with Garden City Code, with the exception of the noted waivers or items that are conditioned within the recommended decision.

Overview

The application consists of two separate parcels totaling 1.38 acres, which are to be subdivided into a residential subdivision and planned unit development (PUD) consisting of twenty-two townhomes and one common lot. The development proposes access to the property through a common drive with an entrance from E. 45th Street. The proposed density of the project is 16du/acre and is located within the R-3 High-Density Residential base zoning district as well as the Mixed-Use Commercial future land use designation of the Comprehensive Plan.

Planned Unit Development

Per the application’s narrative, the development intends to meet the PUD’s variety of housing requirements by providing a variety of two- and three- unit structures, with four different building types. Each building consists of stucco, horizontal siding, Hardie board panel siding and brick, with color variations in an attempt to further meet the variety of housing requirements of the PUD. Floorplans have slight variations, but all units consist of living, kitchen, and dining on the first floor, three bedrooms on the second floor and a two-car garage. As previously discussed, both the Design Review Consultants and the Planning and Zoning Commission found that the application met the standards of GCC 8-6B-7.

Parking

The application was submitted under the “Old” Garden City parking code, as such, the staff report reflects the code compliance analysis based on this code. However, staff has also provided a new analysis below to determine if the application would be compliant with the new parking code (Ord.1034-22).

The new parking code is:

**TABLE 8-4D-2
REQUIRED MOTOR VEHICLE PARKING SPACES FOR DWELLING
(RESIDENTIAL) USES**

Dwelling Parking		
Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (including covered and uncovered)	Required Covered Parking Per Each Dwelling Unit
Dwelling, Accessory:	0	0
All Other Dwelling Units		
Studio and 1 bedroom	1	1
More than 1 bedroom	2	1
Guest Parking		
For developments with more than 2 dwelling units there shall be 0.5 additional parking spaces/unit provided for guest parking for the first 10 dwelling units. There shall be 0.1 parking spaces/unit provided for guest parking for every unit after the first 10 units.		

The site proposes 22 three-bedroom dwelling units, which would require:

- 44 parking spaces for the residents
 - 22 of which are enclosed
- 6 guest parking spaces
- **Total: 50 (with 22 enclosed)**

The site currently provides 44 enclosed parking spaces with 10 guest parking spaces. The site would meet new parking code standards with a surplus of 4 guest parking spaces; and there would be no need for a parking waiver.

Waivers

As a PUD development, the applicant has requested waivers to code standards such as:

1. Setbacks, allowing for 0’ setbacks; and
2. More than 4 dwelling units being served through a common drive, allowing for 22 units to be served on a common drive;
3. 0.5 guest parking spots for every dwelling unit, allowing for the deficiency of 1 guest parking space;
4. Parking space dimensional standards; allowing for 9’ x 18’ spaces.

Common Open Space/Landscaping/Civil Plans

Updated common open space, landscape plans, and civil plans that match the site plan that was recommended for approval were not submitted for review. Plans are similar enough to assume that the new site plan meets code standards, however, it has been drafted in the decision document to ensure code compliance is met prior to permits being issued.

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
8-5B-4 Combined Preliminary and Final Subdivision Process	
8-6B-7 Planned Unit Development	A Planned Unit Development and a Subdivision can be processed concurrently

Special Provisions	Notes
Subdivisions located within a Floodplain 8-5C-4	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: 207 E 45th Street & E. 45th Street
- 2) Parcel Number(s): R2734500592 & R2734500593
- 3) Subdivision: Lot 25 Block 2 Fairview Acres Subdivision No. 01 #0591-B & Lot 24 Block 2 Fairview Acres Subdivision No. 01 #0591-S
- 4) Property Size: 0.689 acres and 0.689 acres
- 5) Zoning District: R-3 Medium Density Residential
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designations:
 - a) Mixed Use Commercial
- 8) Legal Parcel of Record: Yes
- 9) Floodplain Designation:
 - a) 2003 FIRM: outside of the Special Flood Hazard Area
 - b) 2020 FIS: 100 Year
- 10) Surrounding uses within 600 feet:
 - a) Manufactured Home Park
 - b) Single Family Detached Dwelling
 - c) Industry Light
 - d) Personal and Professional Services
 - e) Vehicle Services
- 11) Existing Use: Vacant
- 12) Easements on site: There are no records on file with Garden City of existing easements
- 13) Site Access: E. 45th Street
- 14) Sidewalks: no sidewalk
- 15) Wetlands on site: none identified

Project Details:

- 2) Proposed development: Residential Subdivision - Combined Preliminary and Final Plat – Processed as a Planned Unit Development
- 3) Total number of lots: 23
 - a) Common: 1
 - b) Residential: 22
- 4) Density: 16 Dwellings per acre
- 5) Site Coverage:
 - a) Building: 24,400sqft; 40% of the site
 - b) Landscaping: 14,726sqft; 24.51% of the site
 - c) Paved Areas: 19,160sqft; 31% of the site
 - i) On-site A.C. Paving: 15,004sqft
 - ii) Conc. Sidewalk: 4,156sqft
- 6) Access: Drive from E. 45th Street
- 7) Total number of vehicular parking spaces: 54
 - a) Enclosed: 44
 - b) Surface: 9
 - c) On-Street: 1
- 8) Total number of bicycle parking: 6 stalls (12 spaces) within common area

- 9) Refuse: The refuse will be in a common location
- 10) Fencing: 6' vinyl fence
- 11) Sidewalk: 5' Detached proposed
- 12) City Utilities
 - a) Water and Sewer connection to lots
- 13) Proposed Easements:
 - a) Blanket utility easement for:
 - i) Public Utilities
 - ii) Pressure Irrigation
 - iii) Storm Drainage
 - iv) Garden City Water
- 14) PUD Waivers requested:
 - a) More than four units on a common drive;
 - b) Parking stall dimensions;
 - c) Number of parking stalls;
 - d) Setback standards.

E. 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 Subdivision	Plat	Planning and Zoning Commission: Hearing June 21, 2023	City Council: Hearing July 10, 2023
And Planned Development	Unit	and Design Review Consultation: May 1, 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.

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.

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 Consultant 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 do 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.

F. 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	04/13/2023	<ul style="list-style-type: none"> • General Comments
Garden City Engineer Link to Comment	06/12/2023	<ul style="list-style-type: none"> • We note on sheet C4.00 of the construction plan set that the BFE is listed as 2645.30; however, the FEMA work maps show a BFE in the area of approximately 2648. This is a notable difference. • Typographical errors with the final plat. • General comments.
North Ada County Fire and Rescue Link to Comment	04/26/2023	<ul style="list-style-type: none"> • Per the drawings, the fire apparatus access lane is 20' wide. Parking is only allowed in the marked parking stalls. No parking is allowed along the fire

		apparatus access road throughout the development. "No Parking" signage is required to be placed along the fire apparatus access road. The specifications for the signage are located in Appendix D103.6 of the 2018 IFC.
Ada County Highway District Link to Comment	05/09/2023	<ul style="list-style-type: none"> • While on-street parking is currently allowed on most roadways in the vicinity of the site, on-street parking cannot be assigned or dedicated to the residents of this development and can be removed at any time at the discretion of ACHD. Because of this on-street parking should be counted towards Garden City parking requirements. • Improve 45th Street as half of a 33-foot-wide local street section with pavement widening, vertical curb, gutter, and a 5-foot wide attached or detached concrete sidewalk abutting the site. If street trees are desired, then an 8-foot-wide planter strip should be provided. • Additional general comments.

G. Public Comment

None provided as of the drafting of this document.

H. 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.
8-1B-1 Nonconforming Properties		No compliance issues noted	
8-1B-2 Nonconforming Structures		No compliance issues noted	
8-1B-3 Nonconforming Uses		No compliance issues noted	Single Family Attached Townhomes are a permitted use.
Title 8, Chapter 2: Base Zoning District Regulations			

8-2B-1 Purpose	DRC/PZ/CC	No compliance issues noted	The application proposes 16 units per acre, under the 35 units per acre maximum within the R-3 Zoning District.
8-2B-2 Allowed Uses	DRC/PZ/CC	No compliance issues noted	Single Family Attached Dwellings are a permitted use.
8-2B-3 Form Standards	DRC/PZ/CC	Compliant upon approval of 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 encroachments.</p> <p>A waiver has been requested to allow for deviations to setback requirements for the individual lots within the subdivision. The waiver is requesting 0' setbacks on all property boundary lines within the subdivision. The subdivision's structures would be required to meet building and fire code setbacks as well as the PUD requirement of 10' setbacks between structures.</p> <p>All improvements are more than 70' from the Boise River. All properties meet the minimum street frontage.</p>

Title 8, Chapter 4: Design and Development Regulations

8-4A-3 Fences and Walls	DRC/PZ/CC	No compliance issues noted	<p>Plans identify a 6' vinyl fence along the perimeter of the property.</p> <p>Any future fence or wall will be required to be in compliance with code at the time of development.</p>
8-4A-4 Outdoor Lighting	DRC/PZ/CC	Compliant as conditioned	<p>This proposal does not identify any details of the proposed outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development.</p> <p>Further review will occur during the construction plans review and building permit review.</p>
8-4A-5 Outdoor Service and Equipment Areas	DRC/PZ/CC	No compliance issues noted	<p>All on site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property or shall be screened from view from a public street and adjoining property with a privacy fence.</p> <p>Refuse dumpster appears to be screened by a SMU.</p>
8-4A-7 Stormwater Systems	DRC/PZ/CC	Compliant as conditioned	<p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p> <p>Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Such swales shall also be designed to accommodate the required number of trees as per</p>

			subsection 8-41-4A , "Landscaping For Single-Family Residential Units", of this chapter if located in a required landscape area
8-4A-8 Utilities	DRC/PZ/CC	Compliant as conditioned	<p>A draft condition of approval is provided requiring each lot to be connected to City services.</p> <p>Another draft condition of approval is provided requiring that all utilities be underground.</p>
8-4A-9 Waterways	DRC/PZ/CC	Compliant as conditioned	<p>The applicant has submitted a waiver request to allow the tiling of the canal based on the fact that the irrigation ditch is tiled on both adjacent properties, one of which is 45th Street ROW. The ditch is currently located at the center of the development and along the rear property line. The Common drive is proposed where the existing ditch is, while the ditch is being relocated and tiled along the rear and northern property boundary line.</p> <p>Per code, irrigation ditches shall be left open and used as a water amenity or linear open space unless it can be demonstrated to the <u>design review consultant(s)</u> and the planning official that:</p> <ul style="list-style-type: none"> a. The maintenance of the irrigation ditch, lateral, canal, or drain with any associated easement encumbers more than fifty percent (50%) of the property; or b. The irrigation ditch, lateral, canal, or drain is located on the property in such a manner that a use of the property is infeasible; or c. The irrigation ditch, lateral, canal, or drain is enclosed on both ends adjacent to the property, and the adjacent properties are fully developed in a manner that future opening of the enclosed irrigation ditch, lateral, canal, or drain is infeasible. <p>Discussion during the Design Review consultation allowed for the tiling and relocation of the irrigation ditch.</p>
8-4B Design Provisions for Residential Structures			
8-4B-3 Single Family and Two-Family Attached and Detached Dwelling	DRC/PZ/CC	Compliant as conditioned	See design consultant comments.
8-4D Parking and Off-Street Loading Provisions			
8-4D-3 Parking Design and Improvement Standards	DC/PZ/CC	Compliant upon approval of waivers	Parking spaces shall be 10' x 20'. A waiver has been requested to allow for 9' x 18'.
8-4D-4 Parking Use Standards	DC/PZ/CC	No compliance issues noted	

8-4D-5 Required Number of Off- Street Parking Spaces	DC/PZ/CC	Compliant upon approval of waivers	Residential Parking Required (enclosed): 44 Provided: 44 Guest Parking Required: 11 Provided: 10 (9 on-site, 1 on-street) Deficiency of 1 A parking waiver request has been submitted to allow for the deficiency of one guest parking space.
8-4D-6 Standards for Alternatives to On Site Parking	DC/PZ/CC	No compliance issues noted	None requested.
8-4E Transportation and Connectivity Provisions			
8-4E-3 Public Street Connections	DC/PZ/CC	Compliant as conditioned	Public street connection at E. 45 th for a common driveway to access all three buildable lots. 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.
8-4E-4 Internal Circulation Standards	DC/PZ/CC	No compliance issues noted	The drive is 20' or greater in width.
8-4E-6 Sidewalk Standards	DC/PZ/CC	No compliance issues noted	A 5-foot-wide detached sidewalk with landscape buffer is proposed along 45 th Street.
8-4H Flood Hazard			
8-4H Flood Hazard	Planning Official	Compliant as conditioned	The subdivision is not within the regulatory floodplain, it is however, within the anticipated floodplain per the FEMA 2020 FIRM map. Conditions have been drafted to ensure that the subdivision is found in compliance with FEMA regulations at the time of development.
8-4G Sustainable Development Provisions			
8-4G Sustainable Development Provisions	DRC/PZ/CC	No compliance issues noted	The applicant submitted a revised sustainability checklist showing corrected calculations.
8-4I Landscaping and Tree Protection Provisions			
8-4I-3 General Landscaping Standards and Irrigation Provisions	DRC/PZ/CC	No compliance issues noted	5 tree species are proposed.
8-4I-4 Landscaping Provisions for Specific Uses	DRC/PZ/CC	Compliant as conditioned	A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Landscape area required: 3,003 square feet. Landscape area proposed: 14,726 square feet = 24.5% of the site. Submitted plans labeled from 4/28/2023 show that 3,108sqft of landscaping is proposed, meeting code requirements. This plan does not match the approved DRC plan; however, it is assumed that calculations will be

			<p>similar. A condition has been drafted to ensure that a re-review is done for code compliance.</p> <p><i>*Landscape plans note square footage as "Landscape Open Space," it is unclear if these calculations include setback and perimeter landscaping.</i></p> <p>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. Trees required: 15 Trees provided: 56 Shrubs required: 98 Shrubs provided: 103+</p> <p><i>*Landscape plans show that shrubs are provided, however the landscape plan does not match that of the approved DRC site plan. Condition has been drafted to ensure code compliance.</i></p> <p>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.</p> <p>45th Street Trees required (200LF): 5 trees 45th Street Trees provided: 6 trees <i>*The proposed species provided does not have a large, high-and-wide branching tree canopy. It has been conditioned to collaborate with staff to determine an appropriate street tree.</i></p>
8-4I-5 Perimeter Landscaping Provisions	DRC/PZ/CC	No compliance issues noted	Perimeter landscaping is provided, however it is not required per 8-4I-5.
8-4I-6 Parking Lot Landscaping Provisions	DRC/PZ/CC	No compliance issues noted	Not applicable.
8-4I-7 Tree Preservation Provisions	DRC/PZ/CC	No compliance issues noted	The application proposes the removal of 167" caliper tree, 0" of which will require mitigation per the arborist report. The landscape plans are not clear as to how many calipers are proposed to be planted.
8-4L Open Space Provisions			
8-4L-3 General Open Space Standards	DRC/PZ/CC	No compliance issues noted	
8-4L-4 Open Space Standards for Single-family, Townhouse, and Two- Family Duplex Developments	DRC/PZ/CC	Compliant as conditioned	<p>A minimum of ten percent (10%) of the gross site area shall be in common open space. The site requires 6,008 square feet of open space.</p> <p>There is 14,726.5 square feet of common open space identified in the original site plan. This accounts for about 24% of the overall site. 6,400sqft of qualified open space is said to be provided within the 04/28/2023 combined submittal documents, however these plans have not been updated to match that of the DRC approved site plan. It is believed that the new plans will not change the calculations drastically. A condition of approval calls for re-review to ensure compliance.</p>

			A common maintenance agreement, noted on the final plat and mentioned within the CC&Rs will be required.
Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards			
8-5A-4 General Standards	PZ/DRC/CC	Compliant as conditioned	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/DRC/CC	No compliance issues noted	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 Streetlight is proposed along the 45 th Street frontage, as well as two internal to the property. A fire turn-around has been proposed. There is a streetlight located at E. 45 th Street about 100ft away from the development. A perpetual ingress/egress easement for the common driveway shall be filed with the Ada County recorder which shall include a requirement for maintenance of a surface capable of supporting fire vehicles and equipment.
8-5C-4 Subdivisions located within a Floodplain			
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			
8-6A-3 General Application Process	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.
8-6A-4 Required Application Information	PZ/DRC/CC	No compliance issues identified	

8-6A-7 Public Hearing Process	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.
8-6B-7 Planned Unit Development	PZ/DRC/CC	Compliant upon the approval of the application	Application waivers requested pursuant to 8-6B-7: a) More than four units on a drive b) Parking stall dimensions c) Number of parking stalls d) Setback standards There has been significant discussion whether the application provides adequate diversity of housing to qualify for the planned unit development.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6513 Local Land Use Planning Subdivision Ordinance	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. 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 67-8003 , Idaho Code, consistent with the requirements established thereby.
Idaho Code 67-6515 Local Land Use Planning Planned Unit Developments	This statute enables Garden City to process applications for planned unit developments.
Garden City Comprehensive Plan	This application is in future land use designations of the Comprehensive Plan: a) Mixed Use Commercial The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map. The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated

	<p>open spaces for pocket parks should guide the development pattern in this area.</p> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> a.) 1.4 Objective: Create a premier destination place to live, work, and recreate. <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> a.) 2.3 Objective: Promote quality design and architecturally interesting buildings. b.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> a.) 4.1 Objective: Beautify and landscape. b.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. c.) 4.3.1 Objective: Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> a.) 7.1. Objective: Create pedestrian and bicycle friendly connections. b.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs, and gutters. <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> a) 2.1 Objective: Encourage new and distinctive neighborhoods. b) 2.1.2 Objective: Encourage high quality design and landscaping, including the use of water features, in new development. c) Amend the Land Use Code to expand planned unit development (PUD) requirements to all sizes of parcels through a design review process. Amend the PUD standards to encourage a variety of housing, including well-designed smaller units; flexibility in setbacks and parking requirements to meet the needs of specific dwellings; and requirements for pedestrian amenities, including parks, open spaces, and pathways. d) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting. <p>Goal 6. Diversity in Housing</p> <ul style="list-style-type: none"> a.) 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing. b.) 6.3 Objective: Maintain the diversity of housing. c.) 6.3.1 Objective: Provide for a variety of housing types in the Land Use Code including smaller cottage and second housing units. Allow for housing that attracts niche markets such as senior housing, live-work structures, and cooperative housing. d.) 6.3.2. Objective: Continue to explore opportunities that encourage mixed income housing in new developments.
Garden City Sidewalk Policy	A sidewalk is proposed in accordance with this policy.
Garden City Street Light Policy	A streetlight is installed along E. 45th Street in accordance with the policy.