



# CITY OF GARDEN CITY

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**STAFF REPORT**

**File Number: SUBFY2024 - 0001, Shindig Subdivision**

**For: Combined Preliminary Plat and Planned Unit Development**

**A 96 lot residential subdivision**

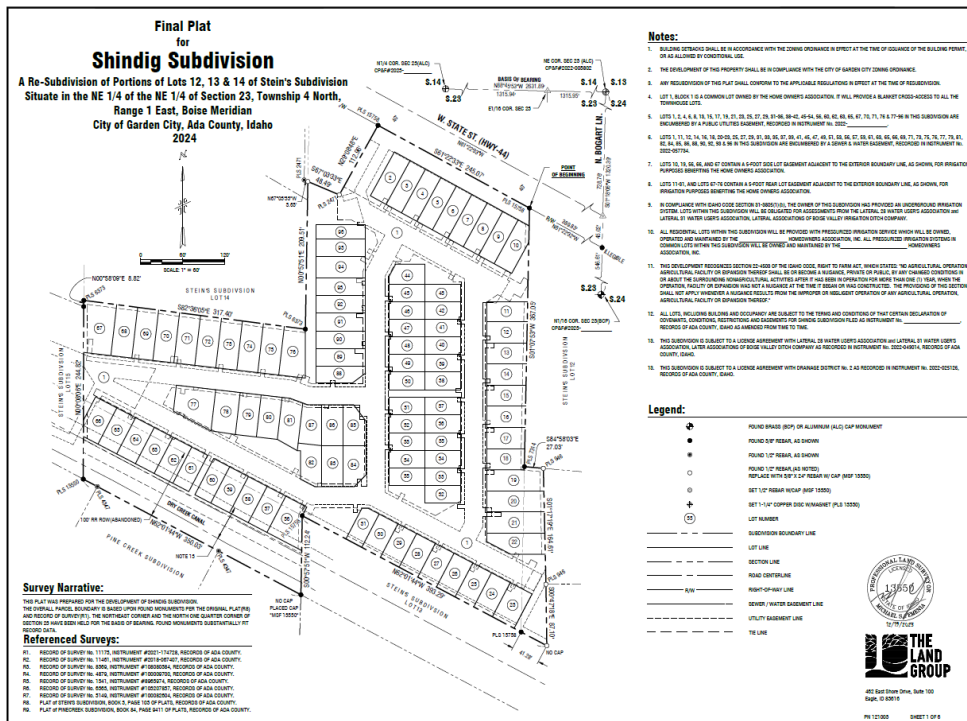
**Location: 8875 W. State Street**

**Applicant: Jason Densmer**

**Report Date:**

**Planning and Zoning: March 20, 2024**

**City Council: April 8, 2024**



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) [SUBFY2024 - 0001 Application and materials](#)
  - b) [SUBFY2024-0002 Geotech Report](#)
2. Staff Reports:
  - a) Planning and Zoning Staff Report Dated March 20, 2024
  - b) City Council Staff Report Dated April 8, 2024
3. Agency Comments: linked in Section F
4. Public Comments: linked in Section G
5. Noticing Documents
  - a) [City Noticing](#)
  - b) [Neighborhood Meeting Noticing](#)
  - c) [Property Posting for Planning and Zoning](#)
  - d) Property Posting for City Council – Not received
6. Recommendations
  - a) [Design Review Consultant: Derek Hurd](#)
  - b) [Design Review Consultant: Brett Labrie](#)
  - c) [Draft Potential Planning and Zoning](#)

## B. Recommendation Summary:

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

## C. 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
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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: 8875 W. State Street
- 2) Parcel Number(s): PAR #2150 OF LOTS 12 13 & 14 STEINS SUB PAR A ROS 13175 #2148C #2165C
- 3) Subdivision: Steins Subdivision
- 4) Property Size: 6.6 acres
- 5) Zoning District: C-2DA - General commercial with Development Agreement per ZONFY2020-0001
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designations:
  - a) Green Boulevard Corridor
  - b) Residential Low Density
- 8) Legal Parcel of Record: Yes<sup>1</sup>
- 9) The project is in the:

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<sup>1</sup> LLAFY2021-0010 Reviewed and approved by the city. Recorded by the County.

- a) Outside of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
  - b) Within the 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 10) Surrounding Uses within 600 feet:
- a) Daycare facility; Daycare Center
  - b) Single Family Dwelling Units
  - c) Drinking Establishment; Full Services
  - d) Vehicle Sales
  - e) Auto Service Center
  - f) Existing Use: Dwelling unit, multiple family
- 11) Easements on site:
- a) Water and Sewer Easement (EASFY2022-0010)
  - b) Water and Sewer Easement (EASFY2022-0011)
  - c) Water and Sewer Easement (EASFY2022-0012)
  - d) Steins 5149 (Drainage Easement)
  - e) Steins3914 (Drainage Easement)
- 12) Site Access: State Street
- 13) Sidewalks: Sidewalk along St. Street proposed<sup>2</sup>
- 14) 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: 96
  - a) Common: 1
  - b) Residential: 95
- 3) Density: 14 Dwellings per acre
- 4) Site Coverage: 6.6 acres = 287,496sqft
- 5) Access: State Street
- 6) Total number of vehicular parking spaces: 251
- 7) Refuse: Republic Services will pick up individual services internal to the development
- 8) Sidewalk: Detached proposed
- 9) City Utilities
  - a) Water and Sewer connection to lots
  - b) Fire Hydrants
- 10) Pathway: Dry Creek Canal 5' wide pathway
- 11) Proposed Easements:
  - a) Public utilities easement;
  - b) Sewer and Water easement;
  - c) 5' wide irrigation easement adjacent to the exterior boundary line;
- 12) PUD Waivers requested:
  - a) Parking requirements, allowing a deficiency of 2 guest parking;
  - b) Vehicular parking space dimensions, allowing for previously approved dimensions associated with DSRFY2021-0015;
  - c) Reduced setbacks, allowing 0' setbacks on all sides;

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<sup>2</sup> DSRFY2021-0015 site plans were approved and are currently under construction.

- d) Front yard tree; allowing for the deficiency or lack thereof
- e) More than 4 lots on a common drive.

### **C. Discussion**

This application (SUBFY2024-0001) is a combined preliminary and final plat 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 the 0' interior side setback, for allowing a greater number of lots to be accessible off a common drive, lack of a front yard tree for some lots, and proposing noncompliant parking space sizes and a deficiency of guest parking.

The applicant has requested all waivers mentioned above, due to a previously approved multi-family development reviewed by the city as DSRFY2021-0015. The development was found to be in compliance with Garden City Code with conditions drafted. This development is currently under construction, with the subdivision application being pursued for the purpose of changing dwelling unit types from 96 multi-family units, to single family detached and attached units. The purpose of the waivers is to allow for slight code deviations that were once found compliant with multi-family code, that are now not in compliance with subdivision code.

There are conditions drafted to ensure that previously approved DSRFY2021-0015 approved plans are still abided by, with additional conditions drafted due to the nature of a land division occurring within the city.

### **Planned Unit Developments**

The application is required to apply as a planned unit development (PUD) due to Garden City Code 8-5A-5 Design Standards only allowing for a maximum of 4 dwelling units off a common drive. 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 development provides a variety of housing types by providing a mix of single family detached and attached dwelling units (townhomes and duplexes) that vary in height of either 2 or 3 stories. Within the attached units, there is also a mix of floorplans. However, the units are not diverse in that all units contain three-bedrooms. The Design Review Consultants did not have concerns with the architectural variety in homes, as there were previous discussions during the DSRFY2021-0015 hearing(s).

### **Dry Creek Canal Easement**

As approved by the Design Review Committee during the DSRFY2021-0015 hearing process, the development was to provide a 16' wide public easement for a future canal pathway in accordance with the Garden City Code and Comprehensive Plan's Goals for pathways along canals. The final plat submitted as part of this application does not show such an easement; as such, staff has conditioned that this easement be included on the final plat prior to city signature.

### **D. 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 March 20, 2024	City Council: Hearing April 8, 2024
And Planned Development	Unit		

**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's 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.

### E. Agency Comments

The following is a summary of the agency comments that were provided at the time of the drafting of this specific report. There have been other comments provided in regard to previous city permits/applications for DSRFY2021-0015 that were not included in this report.

Agency	Comment Date	Summary
Ada County Highway District <a href="#">Link to Comment</a>	01/24/2024	<ul style="list-style-type: none"> <li>• The proposed preliminary and final plats are approved without conditions as there are no requirements required to the adjacent streets.</li> <li>•</li> </ul>
Garden City Engineer <a href="#">Link to Comment</a>	01/20/2024	<ul style="list-style-type: none"> <li>• The affidavit of legal interest provided with the application has been executed by a person that does not appear to have authority to sign for the landowner.</li> <li>• The conversion of the project to a subdivision must be reviewed by the North Ada County Fire and Rescue District. Should fire flow requirements exceed that available, improvement of off-site and/or internal city water lines or other efforts may be necessary.</li> <li>• As the original building permit review was performed for apartments, a new review is required for the subdivision. Location of proposed lot lines may impact the prior review. Building fire walls, building foundations and/or setbacks from lot lines may be required.</li> <li>• Each lot must have its own water and sanitary sewer service. Any new water and sewer services must be reviewed and approved by the city's Public Works Department.</li> <li>• Public water lines need to be at least 25 feet from storm water seepage beds.</li> <li>• Verify that all existing public water/sewer line easements have not been encroached upon.</li> <li>• The project has previously provided easements to the city for water/sewer lines and appurtenances in the project. As the roadways will be private roads, the city would additionally need a blanket easement covering the entire road area.</li> <li>• Please provide an approval from Ada County for proposed street names for the project.</li> </ul>

		<ul style="list-style-type: none"> <li>• Please provide QC results of the construction of the internal roadways that they comply with the approved plans per PWUFY2022-0001.</li> <li>• Please provide an approval from Ada County for proposed subdivision name for the project.</li> <li>• As the project includes pressure irrigation and is now a subdivision, please provide a pressure irrigation report.</li> <li>• Will each lot owner have individual access to water from the irrigation system or will the entire project's irrigation water be controlled by the HOA?</li> <li>• The draft edition of the C,C&amp;Rs includes Article 8 that seems to have been created to benefit the ACHD. Are there any ACHD facilities in the project? It seems the article should be rewritten to reference interests of the city and the prior storm water operation and maintenance agreement.</li> <li>• It seems there should be a more robust inclusion in the C,C&amp;Rs covering the pressure irrigation system and its maintenance. We note general verbiage in 3.16 and 10.3, but they do not seem very descriptive of the system for the project.</li> <li>• Are the private roads and their maintenance covered in the C,C&amp;Rs?</li> <li>• Notes 5 and 6, are the PUE shown and dimensioned on the plat? Calling out the easement and showing its linework is not adequate. The easements must be fully located and defined.</li> <li>• We suggest note 11 on sheet 1 be deleted. The city is an urban area and the note is not necessary as it is state law.</li> </ul>
Department of Environmental Quality <a href="#">Link to Comment</a>	01/24/2024	General comments provided.
Sawtooth Law Offices, PLLC <a href="#">Link to Comment</a>	01/18/2024	Drainage District #2 has a drainage ditch and easement that runs through or abuts this property. The easement is 100ft, 50ft each side of the centerline, for open drains and 5ft, 25 feed each side of the centerline for piped or closed drains. Developer must contact the District's attorney; s, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge.

## F. Public Comment

The following public comments were provided:

Commenter	Comment Date	Summary
Melissa Bahr <a href="#">Link to Comment</a>	01/21/2024	Opposition to the application – vehicle and traffic count concerns regarding State Street.
Robert Fulwyler <a href="#">Link to Comment</a>	02/18/2024	Oppose the Request

## G. 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.
<a href="#">8-1B-1 Nonconforming Properties</a>		No compliance issues noted	LLAFY2021-0010 on file was approved and recorded by the county.
8-1B-2 Nonconforming Structures		No compliance issues noted	Current multi-family structures meet Garden City C-2 DA zoning setbacks. ZONFY2021-0001 kept the base zoning district setback standards.
<a href="#">8-1B-3 Nonconforming Uses</a>		No compliance issues noted	Multi-family dwelling units are permitted use in C-2DA zone per ZONFY2021-0001.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
<a href="#">8-2B-1 Purpose</a>	PZ/CC	No compliance issues noted	The purpose of the two commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. C-2 general commercial activities are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.
<a href="#">8-2B-2 Allowed Uses</a>	PZ/CC	No compliance issues noted	Single Family Attached Dwellings are a permitted use.  The Development Agreement associated with this application was approved and limited the allowed uses to only residential and residential accessory uses.
<a href="#">8-2B-3 Form Standards</a>	PZ/CC	May not be compliant – Compliant upon waiver being granted	The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5' The allowable maximum height is: 35' (per the Development Agreement) Density maximum: 16du/acre (per Development Agreement) The minimum lot size is: n/a  <b>There are encroachments. The applicant has requested 0' setbacks on all sides to accommodate the existing structures.</b> It appears that most of the structures meet the minimum 5' setback with the exception of one or two setbacks being encroached upon by 1'. For example, Lots 32-55 encroach their front yard setback by 1', and 11-22 encroach their front yard setback by 1'. Most if not all units will require a

			<p>0' side setback due to shared walls as an attached dwelling unit. With the exception of Lots 2, 56, 77, 78, 82, and 23.</p> <p>All structures are at least 10' apart, meeting originally approved multi-family setback standards as required by fire and building codes.</p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>	PZ/CC	Compliant as Conditioned	Previously approved fencing associated with DSRFY2021-0015 is proposed including a public art wall along the common drive, and a 6' tall vinyl privacy fence along the perimeter of the subdivision and in between the dwelling units to allow for back yards. A condition has been drafted to ensure the approvals of DSRFY2021-0015 are met as conditioned. The fence code has not changed since original approvals, and does not differentiate between multi-family uses or single family attached/detached units.
<a href="#">8-4A-4 Outdoor Lighting</a>	PZ/CC	No compliance issues noted	Active building permits in review for residential structures.
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	PZ/CC	Compliant as Conditioned	<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>Trash bins will be utilized for each home, serviced by Republic Services internal to the development.</p>
<a href="#">8-4A-7 Stormwater Systems</a>	PZ/CC	No compliance issues noted	Active PWUFY202-0001 permit.
<a href="#">8-4A-8 Utilities</a>	PZ/CC	Compliant as Conditioned	<p>A draft condition of approval is provided requiring each lot to be connected to City services. See City Engineer comments.</p> <p>Another draft condition of approval is provided requiring that all utilities be underground.</p>
<a href="#">8-4A-9 Waterways</a>	PZ/CC	Not Compliant – Compliant upon drafted condition	<p>Irrigation ditches, laterals, canals, and drains shall be left open and used as a water amenity or linear open space unless it can be reasonably demonstrated in a way that the design review committee can determine through a design review committee level approval that:</p> <ol style="list-style-type: none"> <li>1) The maintenance of the irrigation ditch, lateral, canal, or drain with any associated easement encumbers more than fifty percent (50%) of the property; or</li> <li>2) 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</li> <li>3) 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</li> </ol>

			<p>opening of the enclosed irrigation ditch, lateral, canal, or drain is infeasible.</p> <p>The subdivision proposes to keep the irrigation canal open, utilizing it as an amenity with a 5' walking trail and landscaping as required through DSRFY2021-0015. However, the City required a 16-foot-wide public access easement along the southern property boundary line for the future pedestrian pathway along Dry Creek Canal. This easement is to be wide enough to allow for a minimum 12-foot-wide pedestrian pathway with at least 2' clearance zones on each side, and allow for maintenance vehicles. This easement has not been noted on the plat, nor has it been recorded.</p>
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**8-4B Design Provisions for Residential Structures**

<a href="#">8-4B-3 Single Family and Two-Family Attached and Detached Dwelling</a>	DC/PZ/CC	No compliance issues noted	<p>The applicant did not provide building designs to review as the structures were previously approved under DSRFY2021-0015.</p> <p>These provisions will be reviewed in conjunction with the subsequent individual building permits associated with DSRFY2021-0015.</p> <p>The provisions of this section appear to be met based on DSRFY2021-0015 submittals.</p>
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**8-4D Parking and Off Street Loading Provisions**

<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	PZ/CC	Not Compliant – Compliant updo approval of waiver request	<p><b>New Parking Code:</b> Parking space dimensions are required to be 9' x 9', the application does not provide enough information to review. As a PUD application, a waiver to dimensional standards could be requested if the dimensions do not meet current Garden City Code standards but do meet the previous DSRFY2021-0015 standards.</p> <p>Bicycle parking is provided on-site.</p> <p><b>Previous Garden City Code (Not Applicable):</b> Parking space dimensions were required to be 10' x 20'. To which the DSRFY2021-0015 approved documents show compliance with. It could be assumed that the previously more strict parking-dimensional standards are met in the current submittal documents despite dimensions not being shown.</p>
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<a href="#">8-4D-4 Parking Use Standards</a>	PZ/CC	No compliance issues noted	
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<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	PZ/CC	Not Compliant – Compliant updo approval of waiver request	<b>New Parking Code:</b> Dwelling Unit, Single Family Attached Requirements:		
			Dwelling, single family attached and detached	Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)	Required Covered Parking Per Each Dwelling Unit
			More than 1 bedroom	2* 95 Units= 190	1* 95 Units= 95

			<p>For developments with more than two (2) dwelling units there shall be one-half (0.5) additional parking space/unit provided for guest parking for the first ten (10) dwelling units. There shall be one-tenth (0.1) parking space/unit provided for guest parking for every unit after the first ten (10) units.</p> <p>Enclosed residential parking spaces required: 95 All units provide at least 1 enclosed vehicular parking space, this is compliant with code.</p> <p>There are two site plans for the two-story units. Unit style "A" is adequately parked, with the two parking spaces being in the garage.</p> <p>Unit style "B" is adequately parked, with the one enclosed parking spot being in the garage, and the other parking spot being in the driveway.</p> <p>Number of guest parking spaces required: 14 Guest parking provided: 12 (<b>Deficient 2</b>) <i>* Previous DSRFY2021-0015 approvals allowed for the driveways to act as the guest parking.</i></p> <p>On-street parking cannot count towards the minimum parking requirements.</p> <p>No bicycle parking spaces are required as part of this review. Previous DSRFY2021-0015 required 16 bicycle spaces.</p>
<b>8-4E Transportation and Connectivity Provisions</b>			
<a href="#">8-4E-3 Public Street Connections</a>	PZ/CC	No compliance issues noted	No compliance issues noted. DSRFY2021-0015 was approved as conditioned with items relating to this section regarding clear vision triangles and contrasting hardscape materials where pedestrians cross the common drive.
<a href="#">8-4E-4 Internal Circulation Standards</a>	PZS/CC	No compliance issues noted	
<a href="#">8-4E-5 Private Street Standards</a>	PZ/CC	Compliant as Conditioned	<p>The applicant has stated that the road is to be maintained by the HOA of the development. 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 final plat.</p> <p>The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot that provides access to all applicable properties.</p> <p>The private street name(s) shall obtain approval from the Ada County street name committee.</p>
<a href="#">8-4E-6 Sidewalk Standards</a>	PZ/CC	No compliance issues noted	<p>Site plans are consistent with previously approved DSRFY2021-0015 plans.</p> <p>A 5' wide pedestrian sidewalk is proposed throughout the development.</p> <p>A 10' wide pedestrian sidewalk is proposed along State Street, consistent with that of the neighboring property.</p>

<b>8-4H Flood Hazard</b>			
<a href="#">8-4H Flood Hazard</a>	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>			
<a href="#">8-4G Sustainable Development Provisions</a>		Not Compliant – Compliant upon condition drafted	A sustainability checklist was not provided as part of this application. However, it was included as part of DSRFY2021-0015, to which it was in compliance. There have been no changes to this section of code since the approval of DSRFY2021-0015. The subdivision, as well as the previously approved design review for multi-family units, would require only 6 points.
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>	PZ/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 (including street trees, perimeter landscaping, parking lot landscaping and other landscape guidelines) a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required. Tree species required: 5 Tree species provided: 8
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	PZ/CC	No compliance issues noted	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: 14,375sqft Landscape Area proposed: 60,084sqft = 20.9% of the site <sup>3</sup> .  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. 60,084sqft of landscaping provided: Trees required: 60 Trees provided: 94 Shrubs required: 400 Shrubs provided: <b>Unknown. Condition has been drafted to ensure compliance with DSRFY2021-0015.</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. State Street Trees required: 6 trees State Street Trees provided: 6 trees
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	PZ/CC	No compliance issues noted	It appears that the application meets this section of code by providing trees, landscaping for screening, and a 6' high privacy fence around the perimeter of the development.

<sup>3</sup> Information taken from approved DSRFY2021-0015 site plans.



<a href="#">8-4I-7 Tree Preservation Provisions</a>	PZ/CC	Not Compliant - Compliant with conditioned drafted	Certified arborist report not submitted.  Landscape plans indicated 224” to be removed, with 224” to be replaced (111 2” caliper trees)
<b>8-4L Open Space Provisions</b>			
<a href="#">8-4L-3 General Open Space Standards</a>	PZ/CC	No compliance issues noted	
<a href="#">8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments</a>	PZ/CC	No compliance issues noted	For any new single-family, or townhome subdivision and PUD, a minimum of ten percent (10%) of the gross site area shall be in common open space. Open space required: 2,5=875sqft Provided: 36,132sqft (12%) <sup>4</sup>  All common open space shall be the responsibility of an owners’ association for the purpose of maintaining the common area and improvements thereon.
<b><a href="#">Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</a></b>			
8-5A-4 General Standards	PZ/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		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 hydrant and a fire turn-around have been proposed.  Street improvements are not necessary.  There is a streetlight located at State Street in accordance with the streetlight policy.
<b><a href="#">8-5C-4 Subdivisions located within a Floodplain</a></b>			
8-5C-4 Subdivisions located within a Floodplain	PZ/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.

<sup>4</sup> Calculations taken from DSRFY2021-0015 approved documents.



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	No compliance issues noted	Application waivers requested pursuant to 8-6A-4A: <ul style="list-style-type: none"> <li>- Sketch Map</li> <li>- Schematic Drawings</li> <li>- Engineering Drawings and Specifications</li> <li>- Dedications and Easements</li> <li>- Irrigation/Ditch Company Information Form</li> <li>- Master sign plan</li> <li>- Master plan</li> <li>- Approved addresses</li> </ul>
<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>	DRC/PZ/CC	Not Determined – Compliant upon approval of waivers	Application waivers requested pursuant to 8-6B-7: <ol style="list-style-type: none"> <li>1. Parking requirements, allowing a deficiency of 2 guest parking in accordance with approved DSRFY2021-0015 plans;</li> <li>2. Vehicular parking space dimensions, allowing for previously approved dimensions associated with DSRFY2021-0015;</li> <li>3. Reduced setbacks, allowing 0' setbacks on all sides interior to the subdivision;</li> <li>4. Front yard tree; allowing for the deficiency or lack thereof</li> <li>5. More than 4 lots on a common drive.</li> </ol> <p>There has been significant discussion whether the application provides adequate diversity of housing to qualify for the planned unit development.</p>

Other Items Reviewed	
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

	<p>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>
<p><a href="#">Idaho Code 67-6515</a> Local Land Use Planning Planned Unit Developments</p>	<p>This statute enables Garden City to process applications for planned unit developments.</p>
<p>Previous entitlement that might affect this project</p>	<p>DSRFY2021-0015, ZONFY2021-0001, LLAFY2021-0010, PWUFY2022-0001.</p>
<p><a href="#">Garden City Comprehensive Plan</a></p>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <p>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.</p> <ol style="list-style-type: none"> <li>1. <b>RESIDENTIAL LOW DENSITY:</b> The areas designated for low density residential is north of the river, and south of the river west of Glenwood. These areas are predominately single-family detached housing, although some areas of attached housing may be appropriate near major arterials and public facilities.</li> <li>2. <b>GREEN BOULEVARD CORRIDOR:</b> The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.</li> </ol> <p>The following goals, objectives, and action steps of the plan appear to apply to this proposal:</p> <ul style="list-style-type: none"> <li>• Goal 1: Nurture the City <ul style="list-style-type: none"> <li>○ Objective 1.4: Create a premier destination place to live, work, and recreate.</li> </ul> </li> <li>• Goal 2. Improve the City Image <ul style="list-style-type: none"> <li>○ 2.1 Objective: Encourage new and distinctive neighborhoods.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li>● Goal 4. Emphasize the “Garden” in Garden City <ul style="list-style-type: none"> <li>○ 4.1 Objective: Beautify and Landscape</li> <li>○ 4.3.3 Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites.</li> </ul> </li> <li>● Goal 5. Focus on the River <ul style="list-style-type: none"> <li>○ 5.5.2 Develop a city-wide pathway and sidewalk plan with links to the Boise River Greenbelt. Consider linear pathways adjacent to existing waterways such as the Thurman Mill ditch and waterways to the Settler’s Canal that can link to the river and provide alternative locations for parking and river activity staging.</li> </ul> </li> <li>● Goal 6: Diversity in Housing Objective <ul style="list-style-type: none"> <li>○ 6.1 Objective: Eliminate and upgrade substandard housing.</li> <li>○ 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing.</li> </ul> </li> <li>● Goal 7. Connect the City <ul style="list-style-type: none"> <li>○ 7.1 Objective: Create pedestrian and bicycle friendly connections.</li> <li>○ 7.2 Objective: Promote public transportation along State, Chinden, Glenwood and Adams with stops in neighborhoods and with pedestrian and bicycle connections to major city destinations including schools.</li> <li>○ 7.3 Objective: Protect neighborhoods from through traffic.</li> <li>○ 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul> </li> <li>● Goal 10. Plan for the Future <ul style="list-style-type: none"> <li>○ 10.4.3 Provide a transition in the height and scale of development that is compatible with the existing surrounding neighborhoods.</li> </ul> </li> </ul> <p>The application may not be supported by:</p> <ul style="list-style-type: none"> <li>● Goal 6: Diversity In Housing <ul style="list-style-type: none"> <li>○ 6.3.2 Continue to explore opportunities that encourage mixed income housing in new developments.</li> </ul> </li> <li>● Goal 7: Connect the City <ul style="list-style-type: none"> <li>○ 7.2 Objective: Promote public transportation along State, Chinden, Glenwood and Adams with stops in neighborhoods and with pedestrian and bicycle connections to major city destinations including schools.</li> <li>○ 7.2.8 Develop standards for the integration of bus stops in new development along transit routes.</li> <li>○ 7.3.1 Encourage a grid pattern of local streets over cul-de-sacs and dead-end streets without non-motorized connections through maximum block lengths, connecting stub streets, and reducing the number of cul-de-sacs.</li> <li>○ 7.3.2 Increase interconnectivity within neighborhoods to reduce the concentration of traffic on a few streets. Consider the creation of new street sections such as lanes that provide access through-blocks but discourage through traffic.</li> </ul> </li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	Code compliant sidewalks are installed or will be installed. No waiver has been submitted.

<a href="#">Garden City Street Light Policy</a>	<p>A streetlight is installed along W. State Street in accordance with the policy. The installation of additional streetlights within the development can be required by the Commission/Council.</p>
<a href="#">Garden City Transportation Needs List</a>	<p>State Street Transit Corridor Supportive Local Roadway Network Plan  As part of the State Street corridor project there should be a coordinated plan that aligns the infrastructure, connections, and classifications of the local network and State Street. The intent is to have a coordinated approach to redevelopment, roadway classification and infrastructure, access management, and safety concerns.</p> <p>State Street Transit Corridor Project  Garden City is a participant of the State Street Corridor Project. Other participants include Valley Regional Transit, Ada County Highway District, Idaho Transportation Department, COMPASS, Ada County, Capital City Development Corporation, City of Boise, and City of Eagle. This project was initiated, formally, in 2006. The agencies have agreed to be supportive of high-capacity transit along State Street. Garden City's major obligation to this is to create and implement plans and ordinances that will facilitate Transit Oriented Development Nodes at identified locations along the State Street Corridor. Garden City's Comprehensive Plan aligns with these efforts. The Specific Area Plan ordinance is a zoning classification that can be utilized for the implementation of the nodes, however, it is owner driven rather than requisite zoning.</p>