

BEFORE THE GARDEN CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

THIS IS NOT A PREDETERMINED DECISION. ALL EVIDENCE WILL BE CONSIDERED. A DIFFERENT DECISION MAY RESULT IN AN UPDATE OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, OR CONDITIONS

In the Matter of:)	SUBFY2024-0003
)	
)	
Reese Townhomes		
Preliminary Plat Subdivision		
Planned Unit Development)	FINDINGS OF FACT
204 W. 36 th , 203 & 205 W. 37 th , W. 37 th Street)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER, came before the Garden City Council for consideration on August 12, 2024. The Garden City Council reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The application is for a Preliminary Plat processed as a Planned Unit Development subdivision.
2. The applicant is Jeff Hatch.
3. The property owner of record is DCC Commercial Properties LLC.
4. The location of the project is:
 - a. 204 W. 36th Street; Taxing Parcel Number: R2734511610; Property is described as LOT 7 EXC R/W BLK K FAIRVIEW ACRES SUB NO 2;
 - b. 203 W. 37th Street; Taxing Parcel Number: R2734511720; Property is described as E 1/2 OF LOT 28 BLK K FAIRVIEW ACRES SUB NO 2;
 - c. 205 W. 37th Street; Taxing Parcel Number: R2734511725; Property is described as W 1/2 OF LOT 28 BLK K FAIRVIEW ACRES SUB NO 2;
 - d. W. 37th Street; Taxing Parcel Number: R2734511730; Property is described as E 1/2 OF LOT 29 BLK K FAIRVIEW ACRES SUB NO 2.
5. The subject property is 1.474 acres.
6. The project is located in the Mixed-Use Commercial and Transit Oriented Development Node designations of the Comprehensive Plan Future Land Use Map.

7. The project is in the C-2 Zoning District.
8. The project is not located in the floodplain according to the 2003 FIRM.
9. The project is located in the floodplain according to FEMA's most recent modeling of the Lower Boise River, adopted by resolution 1083-20.
10. The following section of the Garden City Development Code apply to this proposal:
 - a. Garden City Code 8-5: Land Division Regulations
 - b. Garden City Code 8-2B: Base Zoning District Regulations
 - c. Garden City Code 8-4A: Design and Development Regulations – General Provisions
 - d. Garden City Code 8-4B: Design and Development Regulations – Design Provisions for Residential Structures
 - e. Garden City Code 8-4D: Parking and Off-Street Loading Provisions
 - f. Garden City Code 8-4E: Transportation and Connectivity Provisions
 - g. Garden City Code 8-4H: Flood Hazard
 - h. Garden City Code 8-4G: Sustainable Development Provisions
 - i. Garden City Code 8-4I: Landscaping and Tree Protection Provisions
 - j. Garden City Code 8-4L: Open Space Provisions
 - k. Garden City Code 8-6A: Administration – General Provisions
 - l. Garden City Code 8-6B-7 Planned Unit Development
 - m. Garden City Code 4-14: Storm Drainage and Erosion Control
 - n. Garden City Code Title 6: Public Water and Sewer Systems
11. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived	
X			Compliance Statement
X			Preliminary Title Report
X			Neighborhood Map
X			Subdivision Map
	X		Master Plan
X			Site Plan
X			Landscape Plan
X			Schematic Drawings
	X		Lighting Plan
X			Topographic Survey (Not required as preliminary plat)
		X	Grading Plan (Not required as preliminary plat)
X			Soils Report (Not required as preliminary plat)
X			Hydrology (Not required as preliminary plat)
		X	Engineering drawing and Specifications
X			Natural Hazards and Resource Analysis

		X	Dedications and Easements
X			Covenants and Deed Restrictions
X			Will Serve
	X		Subdivision Name Reservation
		X	Verification that address is an Ada County Approved Address*

*Items that may be required for reviews later.

12. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date ¹	Completion Date
Receipt of application		04/19/2024
Letter of Acceptance	05/19/2024	05/08/2024
Radius Notice	07/02/2024	05/16/2024
Legal Notice	06/28/2024	05/09/2024
Agency Notice	07/02/2024	05/09/2024
Property Posting Sign	07/07/2024	07/01/2024
Affidavit of Property Posting and Photos	07/10/2024	07/01/2024

13. Agency Comments were received from:

- a. Ada County Highway District, dated June 5, 2024
- b. North Ada County Fire and Rescue, dated May 17, 2024
- c. City Engineer, dated May 19, 2024
- d. Department of Environmental Quality, dated May 28, 2024
- e. Republic Services, date May 9, 2024

14. Written Public Comments were received from:

- a. Greg Wallace, dated June 5, 2024
- b. Nick McGarvey, dated May 6, 2024
- c. Zachary Medekj, dated May 20, 2024

15. On June 18, 2024, a hearing was held before the Planning and Zoning Commission, which was continued to the date of July 17, 2024, due to noticing errors.

16. On July 17, 2024, a hearing was held before the Garden City Planning and Zoning Commission.

- a. Jeff Hatch presented the application.
- b. Staff, Hanna Veal, presented the staff report.
- c. Public testimony was heard from:
 - i. Nick McGarvey; in opposition due to common open space and landscaping square footage proposed, and potential tree mitigation

¹ This date is based on the date of the first of any public hearing scheduled.

- issues. Micro street required not fair to future residents. Traffic flow concerns.
- ii. Zachary Medek; in opposition due to proposed density concerns, vehicular congestion and circulation, and 36th Street one-way.
- d. Jeff Hatch provided rebuttal:
- i. Fire flows are being addressed, and potential joint ventures with other adjacent developments are in conversation. Will be addressed for the final plat application.
 - ii. A discussion with ACHD and surrounding neighborhood regarding the one-way street would be required to change traffic flow.
 - iii. Garages would face the private drive. The drive is 24' wide for back up clearance and reduced to 22' at bulb outs for traffic calming.
 - iv. The Old Town Circulation Network Plan requires public easement for the micro street.
 - v. Smaller or fewer units would be provided if the setback waivers were not permitted.
- e. Public testimony was closed.
- f. Discussion included:
- i. The proposed density is a concern, but waiver to allow deviations to setbacks would not impact the density, only the size of the units.
 - ii. Converting 36th street into a two-way street would require ACHD review and approval. The private street within the development would not be adopted by ACHD due to the proposed roadway configuration. It would not meet ACHD policy.
 - iii. On-site storm water systems need to handle the 100-year flood event. Edit condition #12 under prior to construction to state "All stormwater systems shall comply with Garden City Code 8-4A-7, and other stormwater ordinances and policies. Drainage shall be retained on site."
 - iv. Concerned for the safety of pedestrians and people leaving their garages with the private drive acting as a micro street thoroughfare per the Old Town Circulation Network Plan.
 - v. All waivers requested are granted.
 - vi. Waiver 3.D. is contradictory to the PUD code.
 - vii. Remove the micro street public easement requirement along the private drive.
 - viii. The subdivision provides a variety of housing as required by the Planned Unit Development code.
- g. Commissioner Brown moved to approve the application as drafted in the draft decision in the affirmative, with draft conditions of approval, with the following modifications to the conditions of approval:
- i. Approve all waivers as requested.
 - ii. Edit condition #12 under Prior to Construction to state "All stormwater systems shall comply with Garden City Code 8-4A-7, and other stormwater ordinances and policies. Drainage shall be retained on site."

- h. Commissioner Wilde seconded the motion.
- i. The motion passed on a 3/2 vote with Commissioner Sheppard and Montoya dissenting.

17. On August 12, 2024, a hearing was held in front of the Garden City Council. A summary of the hearing is as follows:

- a. To be filled out after the hearing.

18. The record contains:

- a. Application
- b. Noticing Documents
- c. Agency Comments
- d. Public Comments
- e. Planning and Zoning Minutes and Hearing Audio: June 18, 2024
- f. Planning and Zoning Minutes and Hearing Audio: July 17, 2024
- g. Planning and Zoning Commission Recommendation
- h. City Council Minutes and Hearing Audio: August 12, 2024
- i. City Council Findings of Fact, Conclusions of Law and Decision

19. In consideration of a preliminary plat subdivision the decision maker shall make the following findings:

The draft findings are written based on the recommendations from the Planning and Zoning Commission. The City Council will review all evidence, and the draft findings may be updated based on their review and consideration.			
GCC 8-5B-5: SUBDIVISION PROCESS: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Reasoned Statement
X			<p>Finding 1. The subdivision is in conformance with the Comprehensive Plan;</p> <p>Explanation: The application is cohesive with the Comprehensive Plan’s Mixed-Use Commercial land use and Activity Node designations as it proposes a residential neighborhood that is more urban in character consisting of multi-story townhomes at a density of 20 dwelling units per acre.</p>

			<p>The application is in conformance with the Comprehensive Plan's Goals:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> • 2.1 Objective: Encourage new and distinctive neighborhoods. • 2.3 Objective: Promote quality design and architecturally interesting buildings. • 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"> • 4.1 Objective: Beautify and landscape. • 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 6. Diversity in Housing</p> <ul style="list-style-type: none"> • 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> • 7.1 Objective: Create pedestrian and bicycle friendly connections. • 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. <p>Goal 11. Serve the City</p> <ul style="list-style-type: none"> • 11.3 Objective: Upgrade and maintain water services.
X			<p>Finding 2. The subdivision is in conformance with all applicable provisions of this title;</p> <p>Explanation: As conditioned, the application is in conformance with the applicable sections of Garden City Code.</p>
X			<p>Finding 3. Public services are available or can be made available; and are adequate to accommodate the proposed development;</p> <p>Explanation: Approval of this application is conditioned so that that the developer will need to</p>

			resolve the issues regarding lack of service ability and upgrade the insufficient infrastructure in order to develop as proposed.
X			<p>Finding 4. The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program;</p> <p>Explanation: The subdivision does not undermine scheduled public improvements or the City's capital improvement program.</p>
X			<p>Finding 5. There is public financial capability of supporting services for the proposed development.</p> <p>Explanation: Approval of this application is conditioned so that that the developer will need to resolve the issues regarding lack of service ability and upgrade the insufficient infrastructure in order to develop as proposed.</p>
X			<p>Finding 6. The development will not be detrimental to the public health, safety, or general welfare;</p> <p>Explanation: This proposal will not unreasonably diminish the health, safety, or welfare of the community. The installation of pedestrian sidewalks along W. 37th Street and the public access easement along the common drives provides for a better pedestrian and bicycle connection(s) than what currently exists.</p> <p>The inter-development pathway systems designated vehicular and bicycle parking spaces contribute to the health and welfare of the community by addressing both pedestrian needs as well as vehicular.</p>

			Residents will be capable of traversing the development via the system of separated walkways to limit potential conflict.
X			<p>Finding 7. The development preserves significant natural, scenic, or historic resources.</p> <p>Explanation: The application integrates with the surrounding urban area and proposes to landscape the development site.</p>

20. In consideration of a planned unit development, the decision maker shall make the following findings:

The draft findings are written based on the recommendations from the Planning and Zoning Commission. The City Council will review all evidence, and the draft findings may be updated based on their review and consideration.			
GCC 8-6B-7: PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Reasoned Statement
X			<p>Finding 1. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;</p> <p>Explanation: Approval of this application is conditioned that the development shall be initiated within two years of the date of approval, if the waiver request is not approved.</p>
X			<p>Finding 2. 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</p>

			<p>have a beneficial effect which would not be achieved under standard district regulations;</p> <p>Explanation: The proposed development and each structure can successfully exist independently of the surrounding area and will not be detrimental to the surrounding neighborhood.</p>
X			<p>Finding 3. 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;</p> <p>Explanation: The proposed development has a private drive that is capable of handling anticipated traffic which will provide ingress/egress onto 36th and 37th Street. The PUD is not large enough to trigger a traffic impact analysis.</p>
	X		<p>Finding 4. Any proposed commercial development can be justified at the locations proposed.</p> <p>Explanation: Not applicable: The development does not propose any commercial aspects.</p>
X			<p>Finding 5. 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</p> <p>Explanation: This application meets the provisions identified by the planned unit development process. The requested waivers provide for a more useful pattern of open space and recreation areas.</p>

			<p>The application provides a choice of living environments by proposing single family attached dwelling units and duplexes.</p> <p>The application will provide a variety of housing thus meeting the diverse needs of various individuals and families. The buildings provide architectural variation.</p>
X			<p>Finding 6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;</p> <p>Explanation: The proposal is compatible with the surrounding uses and the neighborhood vision.</p> <p>The proposal is a component of the overall neighborhood. The types of housing and uses will provide for a more comprehensive variety of residential options in the neighborhood.</p>
X			<p>Finding 7. The PUD is in general conformance with the comprehensive plan;</p> <p>Explanation: With the unique design of the dwellings and increase in density, this development may be considered compatible with the existing residential uses in the neighborhood.</p>
X			<p>Finding 8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;</p> <p>Explanation: Approval of this application is conditioned so that that the developer will need to resolve the issues regarding lack of service ability and upgrade the insufficient</p>

			infrastructure in order to develop as proposed.
GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X			<p>Finding 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;</p> <p>Explanation: The development is compatible with the surrounding uses and is permitted within the C-2 zoning district. The application meets the setback standards set forth in Garden City Code, and any deviations have been conditioned for compliance or waived as part of the Planned Unit Development.</p>
X			<p>Finding 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;</p> <p>Explanation: Approval of this application is conditioned so that that the developer will need to resolve the issues regarding lack of service ability and upgrade the insufficient infrastructure in order to develop as proposed. Conditions have been drafted to ensure code compliance is met regarding utilities, stormwater facilities, and irrigation.</p>
X			<p>Finding 3. The use will not unreasonably diminish either the health, safety, or welfare of the community;</p> <p>Explanation: This proposal will not unreasonably diminish the health, safety, or welfare of the community.</p>

X			<p>Finding 4. The use is no in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p>Explanation: The reviewed sections are in conformance with this finding. The comprehensive plan objectives reviewed, and land use designation support this application.</p>
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21. The record was reviewed in its entirety by the Garden City Council to render the decision.

CONCLUSIONS OF LAW

The Garden City Council reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies/does not satisfy** the required findings under GCC 8-5B-5, 8-6B-2, and 8-6B-7.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Garden City Council hereby does **SUSTAIN/ REJECT/ REMAND** the Planning and Zoning Commission recommendations as modified and does **APPROVE/ DENY** Reese Townhomes Subdivision, application SUBFY2024-0003 for a Preliminary Plat Subdivision processed as a Planned Unit Development and subject to the following conditions:

Prior to City Signature on Plat:

1. The final plat shall be in conformance with this approval as reviewed and approved or otherwise conditioned through this approval.
2. Common driveways, open space, and other common areas shall be included in an easement or on a common lot noted as unbuildable.
3. Easements:
 - a. As required by the City Engineer or this decision, easements shall be provided.
 - b. All easements must be noted on the plat either directly or by instrument number (generally preferred method) or otherwise recorded.
 - c. Easements shall define the grantee and adequate information to depict the location of the easement such as a legal description and illustration.
 - d. Easements shall be unobstructed unless otherwise specified.
 - e. At a minimum, the following easements shall be provided:
 - i. Public utility

- ii. Water and sewer
 - 1. If not otherwise designated by the City Engineer the total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
 - iii. Drainage
 - iv. A public easement dedicated to the city to ensure cross connection is maintained indefinitely. The easement shall span the entire length and width of the proposed drive between W. 36th and W. 37th Street.
4. Provide a note on the final plat to read, "Building setback lines shall be in accordance with the approved planned unit development application, Garden City file number SUBFY2024-0003".
- a. The approved reductions from code required setback are:
 - i. Front Setback: 3'
 - ii. Interior Side Setback: 0'
 - iii. Rear Setback: 2'
 - iv. Street Side Setbacks: 5'
5. For setback interpretation:
- a. The front setback is considered the façade that contains the primary pedestrian entrance (front door).
 - b. The rear setback is considered the façade that contains the garage door.
 - c. The interior side is considered the shared common wall(s) within the structures.
6. Common Lots:
- a. All common open spaces shall be located on common lots and noted as unbuildable on the plat.
 - b. Lots 1, 2, 3, & 4 shall be considered common lots.
7. A building envelope within which future building footprints will be located shall be shown on the lots.
8. All private streets shall be located on common lots.
9. A binding contract that establishes the party or parties responsible for the repair and maintenance of the common lots including regulations for the funding shall be recorded with a final plat. No building permit shall be issued until the contract has been recorded.
10. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho".

11. Submit a sustainability checklist that demonstrates compliance with or an exemption from Garden City Code 8-4G for each anticipated lot and or structure prior to final plat signature.

Prior to approval of construction plans:

1. The site plan and subsequent construction shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. A Floodplain development permit is required.
3. Landscaping:
 - a. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - b. If any trees are to be removed from the site, a tree mitigation plan must be submitted in compliance with GCC 8-4I-7 Tree preservation provisions.
 - i. Any trees removed prior to the certified arborist's report being submitted will be considered to have been healthy, and thus, mitigation will be required.
 - ii. Mitigation shall be required for all existing trees four-inch (4") caliper or greater that are removed or damaged from the site.
 - iii. Mitigation shall be replacement of the total calipers lost on site up to an amount of one hundred percent (100%) replacement.
 - c. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class II or III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
 - i. The frontage of W. 36th Street shall have a total of 3 class II or III trees.
 - ii. The frontage of W. 37th Street shall have a total of 3 class II or III trees.
 - d. A variety of tree species shall be planted to meet the requirements of Garden City Code 8-4I-3.
 - i. At least 5 tree species shall be provided, this can include existing tree species and proposed tree species.
 - e. Perimeter landscaping shall be provided along the common property line between an adjacent nonresidential use and a residential use.
 - i. Perimeter landscaping shall consist of screening vegetation at least 6' wide and 6' high at maturity, with at least one tree planted for every 15' of perimeter length or as appropriate to the selected species.
 - f. At least 1 tree shall be provided at the beginning and end of each parking row per Garden City Code 8-4I-6 Parking Lot Landscaping Provisions.
 - g. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.

- h. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.
 - i. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways, and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
 - j. All plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
 - k. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
 - l. The landscaping plan may be amended, and reviewed at a staff level, to ensure compliance with Garden City Code 8-4I Landscaping and Tree Protection Provisions, and 8-4L-4 Common Open Space provided that there is equal or greater landscaping provided and no reduction in tree canopy. All other changes to the landscaping must be approved by the Design Review Committee or decision maker.
4. Pressurized irrigation shall be provided in conformance with Garden City Code 8-5A-5H. Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
 5. All light fixtures must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.
 6. All outdoor service and equipment areas shall be screened and comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
 7. All utilities on the site and in the right-of-way adjacent to the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
 8. Any future fence or wall will be required to be in compliance with code at the time of development.
 9. Driveway openings in curbs shall comply with the requirements of the Transportation Authority.
 10. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along 36th and 37th Street, and internal to the development.

- a. Pedestrian crossings internal to the development shall be raised with a rolled curb so as to decrease the speed of vehicular traffic along the common drive and to identify the crossing.
11. Bicycle Parking:
 - a. Bicycle parking spaces shall be placed in such a way that when mounting and dismounting the bicycles do not reverse into the sidewalk traffic area, the common drive, 36th, or 37th Street.
 - b. All bicycle parking shall be located so as to not prevent the sidewalk traffic from maintaining a continuous momentum.
 - c. Bicycle parking spaces shall meet the dimensional standards set forth in Garden City Code 8-4D.
12. All stormwater systems must comply with Garden City Code 8-4A-7 and other stormwater ordinances and policies. Drainage must be retained on site.
13. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications, and ordinances.
14. All agency comments including but not limited to the City Engineer and North Ada County Fire and Rescue District shall be addressed.

Prior to approval of building permits for structures:

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - a. Additional modulation, fenestrations, articulation and glazing shall be provided along the front facades of buildings A and C; or
 - b. The front facades of buildings A and C shall be returned to the Design Review Consultants for approval.
2. The floor plans shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
3. All structures shall adhere to the requirements of GCC 8-4H Flood Hazard should the FEMA flood insurance maps be updated prior to building permit submittal.
4. All structures that are not in the regulatory floodplain, but are anticipated to be in the floodplain per the FEMA Flood Insurance Study of 2020, except for those dedicated solely to storage, access, or parking, and utilities thereof, shall be built with the lowest floor at or above the anticipated base flood elevation, refer to Garden City resolution 1083-20.
 - a. An elevation certificate shall be submitted to the City verifying compliance with this condition.

5. The subdivision must obtain Ada County Approved addresses for all new lots.
6. All HVAC systems and outdoor service and equipment areas shall be identified in building plans for permit review and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
7. Setbacks for all lots shall be from the property lines.

For the Duration of the Use:

1. All streets and driveways shall adhere to the standards of a clear vision triangle.
2. Landscaping:
 - a. The property owner is responsible for the maintenance of all landscaping and screening devices required.
 - b. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem.
 - c. Dead plant materials shall be replaced equal or larger species.
 - d. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
 - e. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
 - f. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
 - g. The landscape installation shall stabilize all soil and slopes.
3. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
4. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
5. All common open spaces shall be located on an open space easement with the grantee being Reese Townhomes Subdivision or be located within a common lot.
 - a. The common open spaces shall not be altered or eliminated by individual property owners.
 - b. The subdivision shall maintain all open spaces in accordance with Garden City Code 8-1C Property Maintenance Provisions as well as Garden City Code 8-4L Open Space Provisions.

General:

1. This approval is for a preliminary plat for a residential subdivision encompassing 32 lots – 28 lots are to be designated for residential use and 4 lots are to be

designated as common lots.

2. This approval is based on the following plans:
 - a. Landscape Plan Submitted on June 6, 2024, dated June 2024;
 - b. Architectural Elevation Plans and Floor Plans submitted on June 6, 2024, dated June 2024;
 - c. Site Plan Submitted June 6, 2024, dated June 2024.
3. Approved waivers to Garden City Code, Title 8 regulations include:
 - a. More than 4 dwelling units being served through a common drive, allowing for 30 dwelling units to be served on a common drive.
 - b. Reduced setbacks internal to the development, allowing for:
 - i. Front: 3'
 - ii. Interior Side: 0'
 - iii. Rear: 2'
 - c. Entitlement extension from one-year to five-years.
 - d. Demonstration that the development can be initiated within two years of the date of approval.
4. RECOMMENDATION: As of the date of this writing, the Federal Emergency Management Agency has issued Digital Federal Insurance Rate Maps (DFIRM) which identifies Garden City in seclusion. The most current flood mapping model proposes to delineate the subject properties to be within the 100-year Floodplain once the seclusion is lifted. The applicant should consider that any new structures must have the top of the lowest floor 2' above BFE (as defined by adopted FIRM) pursuant to the current Garden City Code. This approval is conditioned that structures at least to at or above the anticipated BFE. Stricter standards may be required in the future for building permit approvals if the floodplain is updated.
5. There is no guarantee that public parking will remain public.
6. The development shall be initiated within five (5) years of the date of approval.
7. The applicant shall comply with all requirements of the reviewing entities.
8. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape maintenance provisions 8-4I-9; and standards for transportation and connectivity provisions identified in 8-4E.
9. Approval of the subdivision does not constitute as the approval for any uses.

10. The approved addresses and a copy of the recorded plat must be provided to the city prior to the city considering the subdivision complete.
11. The approval is specific to the application provided and reviewed.
12. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained.
13. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
14. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction and recordation of the final plat. Any changes to the plans and specifications upon which this approval is based, other than those required by the conditions noted in this decision, will require submittal of an application for modification and approval of that application prior to commencing any change. Final approval is based on conformance with the plans reviewed and approved.
15. Any changes to the design of this project shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Other changes that are not in conformance with the approval shall be remanded to the decision-making body.
16. No subdivision plat required shall be recorded by the Ada County Recorder until such subdivision plat has received final approval by the Council. No public board, agency, Commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Title until the final plat has received the approval by the Council.
17. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing any permits or signing the final plat.
18. In the event that an applicant and/or owner cannot complete the non-life, safety, and health improvements, within the time specified in the final subdivision approval or prior to occupancy, the City may require a surety agreement in accordance Garden City Code. Unless financial guarantees of improvement completion have been accomplished, no approval of the final subdivision or recording thereof shall be permitted unless the applicant provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.

19. The Development Services Director may enter into a restricted build agreement on the City's behalf, provided the agreement is compliant with the approved restricted build agreement policies.
20. This approval shall expire five (5) years from its approval, unless otherwise extended as allowed by Garden City Code.
21. Approval shall become null and void if the applicant fails to record a final subdivision within five (5) years of the approval. If the timetable is not met and the applicant does not receive a time extension, the application will expire and become null and void.
22. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.
23. Action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
24. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
25. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the action and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
26. A takings analysis pursuant to Idaho Code may be requested on final decisions.
27. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

August 12, 2024

Mayor, John G. Evans

Date