

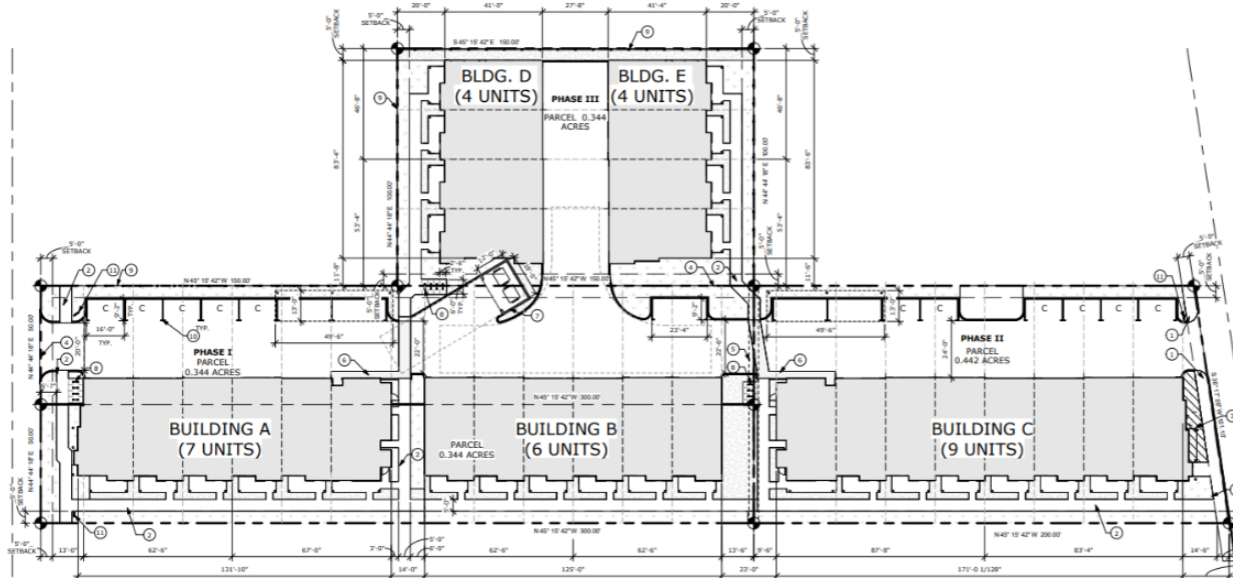


CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714
 Phone (208)472-2921 □ Fax (208)472-2926

STAFF REPORT

File Number: SUBFY2024 - 0003, Reese Townhomes
For: Final Plat and Planned Unit Development
 A 32-lot residential subdivision
Location: 204 W. 36th, 203 & 205 W. 37th, and W. 37th Street
Applicant: Jeff Hatch
City Council Preliminary Plat Approval: August 12, 2024
Report Date: For April 29, 2025



Staff Report
 Report prepared by Hanna Veal

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

Individual links:

1. Final Plat Application Materials
 - a) SUBFY2024 - 0003 [Application and materials](#)
2. Historical Decision
 - a) [City Council Preliminary Plat Decision](#)
 - b) [City Council approved Preliminary Plat site and landscape plan](#)
3. Agency Comments: linked in [Section E](#)
4. Public Comments: linked in [Section F](#)
5. Noticing Documents
 - a) [City Noticing](#)
 - b) [Property Posting for City Council](#)
6. Draft Potential Decision
 - a) [City Council Final Plat Draft Potential Decision](#)

B. Recommendation and Discussion:

The process governing the final subdivision procedure is found in [G.C.C. § 8-5B-3](#). Pursuant to the code, a final plat is reviewed by the planning official, which is the recommending authority, and the city council is the final decision-making body. G.C.C. §§ [8-5B-3.D](#); [8-6A-2.E](#); [Table 8-6A-1](#); [Table 8-6A-3](#).

The planning official reviewed this final subdivision submittal, for “substantial compliance” with the preliminary subdivision and has found the submittal to be in substantial compliance with the preliminary subdivision approval.

C. Project Information

Proposed Scope of Work:

This application is for a final plat subdivision per Garden City Code 8-7A-2 Definition of Terms:

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

Plat: The drawing, mapping, or planning of a subdivision, cemetery, town site or other tract of land or a replating of such, including certifications, descriptions, and approvals.

Final Plat: The final and formal presentation by drawings of an approved subdivision development, the original and one (1) copy of which are filed with the county clerk and recorder.

Review Process:

This application is reviewed under Garden City Code, [8-5B-3](#) Final Plat Subdivision Process.

Site Conditions:

- 1) Street Address: 204 W. 36th, 203 & 205 W. 37th, and W. 37th Street
- 2) Parcel Number(s): R2734511610, R2734511720, R2734511725, and R2734511730
- 3) Description:
 - a) LOT 7 EXC R/W BLK K FAIRVIEW ACRES SUB NO 2;
 - b) E 1/2 OF LOT 28 BLK K FAIRVIEW ACRES SUB NO 2;
 - c) W 1/2 OF LOT 28 BLK K FAIRVIEW ACRES SUB NO 2;
 - d) E 1/2 OF LOT 29 BLK K FAIRVIEW ACRES SUB NO 2.
- 4) Property Size: 1.474 acres
- 5) Zoning District: C-2 General Commercial
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Transit Oriented Development
 - b) Mixed Use Commercial
- 8) Legal Lot of Record: Unable to determine
- 9) Floodplain Designation:
 - 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) 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) Professional Services
 - b) Residential – Manufactured homes, single family detached homes
 - c) Lodging
 - d) Vehicle Services
 - e) Existing Use: Vacant – Previously manufactured home park
- 11) Easements on site: There are no records on file with Garden City of existing easements
- 12) Site Access: W. 36th and W. 37th Street
- 13) Sidewalks: Existing attached sidewalk on W. 36th Street; No sidewalk on W. 37th Street
- 14) Wetlands on site: None identified

Project Details:

- 1) City Council Preliminary Plat approval date: August 12, 2024
- 2) Proposed development: Residential Subdivision - Preliminary Plat – Processed as a Planned Unit Development
- 3) Total number of lots: 32
 - a) Common: 4
 - b) Residential: 30
- 4) Density: 20 dwellings per acre
- 5) Site Coverage:
 - a) Building: 24,981sqft = 39% of the site
 - b) Landscaping: 13,005sqft = 20% of the site
 - c) Paved Areas: 26,221sqft = 41% of the site
- 6) Total number of vehicular parking spaces: 72
- 7) Total number of bicycle parking: 12
- 8) Refuse: The refuse will be in a common location
- 9) Fencing: Existing fencing to remain

10) Sidewalk: Detached proposed

11) Landscaping:

- a) 91 of shrubs or bushes; turf and rock mulch
- b) 14 Total number of trees
- c) Perimeter landscaping not provided

12) City Utilities

- a) Water and Sewer connection to lots

13) Proposed Easements: None, not shown on plat.

14) PUD Waivers requested:

- 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.

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	Decision Authority
Final Plat Subdivision	Planning Official	City Council Hearing: April 29, 2025

Required Findings:

For the approval of a final subdivision application the planning official or designee shall review the final subdivision for substantial compliance with the approved or conditionally approved preliminary subdivision. The final subdivision shall be determined in substantial compliance with the preliminary subdivision, notwithstanding the following changes:

- A. The number of buildable lots is the same or fewer;
- B. The amount of common open space is increased;
- C. The amount of open space is relocated with no reduction in the total amount;
- D. The number of open space lots has been increased;
- E. The transportation authority has required minor changes; or
- F. The general configuration has changed by less than ten percent (10%).

If the number of buildable lots has increased or there has been an overall reduction in the amount of open space, the final subdivision shall be determined not to be in substantial compliance with the preliminary subdivision. If the planning official determines that there is substantial difference in the final subdivision than that which was approved as a preliminary subdivision or conditions

which have not been met, the planning official may require that a new preliminary subdivision be submitted to the city.

Required Decision

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

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), the City Council is the final decision maker for the requested application.

City Council Decision

The City Council may take one of the following actions:

1. Sustain the Planning Official's recommendation;
2. Sustain the Planning Official's recommendation with modifications;
3. Reject the Planning Official's recommendation.

Motion

A motion should include a clear statement of the recommendation, for example:

1. Action: "I move to approve/deny/continue the application to the date certain of..."
2. File number
3. Note findings of fact, conclusion of law, and decision: "As recommended by the Planning Official," or "as amended to..... remove, amend, or add conditions".

The City Council may wait to formalize the written decision at the next meeting to ensure that written decision correctly reflects the proceedings and decision maker's findings of the disputed facts. However, the City Council is required to formalize its decision no later than by the next regular scheduled meeting after the conclusion of the hearing.

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 report. All comments are included in their entirety as a part of the record.

Agency	Comment Date	Summary
Garden City Engineer Link to Comment	02/01/2025	<p>The City Engineer’s comments are directly re-inserted from the initial planning review dated 18 May 2024.</p> <p>As the new material submitted lacks sufficient content or is not fully sealed, signed and dated by some of the design team, the city engineer is not providing a complete review.</p> <p>Requests for missing information are added to the end of the planning review comments. The final plat is complete, but no review of the plat has occurred as design documents may impact the contents of the final plat.</p> <ul style="list-style-type: none"> • The project is a portion of Lot 29 of Block K of Fairview Acres Subdivision No. 2. Is the parcel an original parcel as defined by City Code? • The city provided a conditional “will serve” letter for this site that was dated 29 April 2024. The area is only able to support fire flows to 1,250 gallons per minute. • The water line sizes in the area are minimal (a mix of 8-inch down to 4-inch). Should the North Ada County Fire and Rescue District require more fire protection water than the current system is capable of providing; the owner of the project may be required to modify and/or propose construction to comply with the District’s flow requirements and/or upgrade the city’s water system. The District may also require additional fire hydrants. • None of the drawing/reports submitted was stamped, signed and dated by the design professional other than the geotechnical report and the “Natural Hazard and Resource Analysis”. We will not perform a review of drawings/reports that are not signed by the design professional. They may be marked as “preliminary”, “For Agency Review” or “Not for Construction”, but they must be sealed, signed and dated once submitted for agency review. • Please provide a final subdivision plat with the submittal of the construction plans. Be sure to create all easements on the plat, including easements for Garden City water and sewer facilities.

		<ul style="list-style-type: none"> This project is contains highly concentrated areas of hard surface. The storm water management plan for the project could be quite complicated. An early comment: Storm water infiltration facilities must be at least ten feet from structures, unless a closer proximity is allowed by the project's structural engineer or geotechnical engineer. All site run-off must be accounted for as staying on-site. City water lines must be at least 25 feet from storm water infiltration facilities. For city water lines under permeable pavers and within 10 feet of them, the line must be ductile iron pipe.
Idaho Transportation Department Link to Comment	03/10/2025	ITD has reviewed the application and does not have any comments or concerns.

F. Public Comment

The following is a summary of the public comments and testimony that were provided by April 14, 2025 in accordance with [Resolution 1053-18](#). All comments are included in their entirety as a part of the record.

Commenter	Comment Date	Summary
Greg Wallace Link to Comment	03/14/2025	Neutral to the application. Expressed the need for a traffic study on W. 37 th Street.
Zachary Medek Link to Comment	04/18/2025	Opposed to the application. Concerns regarding density, fire safety, traffic impacts, and removal of old growth trees.

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.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations			
8-1A-4 Applicability			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-5B-3 Final Subdivision Process			
8-5B-3 B Contents of final Subdivision	PO/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	<p>B. Contents Of Final Subdivision: The final subdivision shall include and be in compliance with all items required under Idaho Code section 50-1301 et seq. The final subdivision submittal shall include at least:</p> <ol style="list-style-type: none"> 1. A written application for approval of such final subdivision as stipulated by the city; 2. Proof of current ownership of the real property included in the proposed final subdivision and consent of recorded owners of the subdivision; 3. Such other information as the planning official or city engineer may deem necessary to establish whether or not all proper parties have signed and/or approved said final subdivision; 4. A statement of conformance with the approved preliminary subdivision and meeting all requirements or conditions thereof; 5. A statement of conformance with all requirements and provisions of this title; 6. A statement of conformance with acceptable engineering, architectural and surveying practices, and local standards; and 7. A copy of the CC&Rs for recording. <p>Waiver of application materials may be appropriate if reviewers can complete reviews without the information. The applicant submitted drawing/reports that were not stamped, signed, nor dated by the design professional other than the geotechnical report and the natural hazard and resource analysis.</p> <p>As such, the City Engineer was unable to perform a review of the submitted drawings/reports.</p>
8-5B-3C.2 Substantial Compliance	PO/CC	No compliance issues noted	<p>The planning official or designee shall review the final subdivision for substantial compliance with the approved or conditionally approved preliminary subdivision. The final subdivision shall be determined in substantial compliance with the preliminary subdivision, notwithstanding the following changes:</p> <ol style="list-style-type: none"> (1) The number of buildable lots is the same or fewer; (2) The amount of common open space is increased; (3) The amount of open space is relocated with no reduction in the total amount;

			<p>(4) The number of open space lots has been increased; (5) The transportation authority has required minor changes; or (6) The general configuration has changed by less than ten percent (10%).</p> <p>Generally, if a final plat is consistent with the law, the comprehensive plan, the preliminary plat, and the changes and conditions required at the preliminary plat stage, the city council should approve the final plat.</p> <p>Approved: 28 buildable, 4 common Proposed: 28 buildable, 4 common</p> <p>There has not been any change in proposed use or significant changes in proposed design of structures/layouts.</p> <p>Subsequently, staff believes that the final plat is within substantial conformance with the preliminary approvals and does not recommend that the proposal be remanded.</p> <p>The final plat and construction plans must be in conformance with the City Council approvals prior to being approved for construction or for recordation.</p>
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process		No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information		Compliant as Conditioned	<p>Application waivers have been requested pursuant to 8-6A-4A.</p> <p>Waiver of application materials may be appropriate if reviewers can complete reviews without the information. The applicant submitted drawing/reports that were not stamped, signed, nor dated by the design professional other than the geotechnical report and the natural hazard and resource analysis.</p> <p>As such, the City Engineer was unable to perform a review of the submitted drawings/reports.</p>
8-6A-7 Public Hearing Process		No compliance issues noted	The City provided a radius notice, legal notice, and notifications to agencies with jurisdiction. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.

Other Items Reviewed

Plan/Policy	Discussion/ Analysis
<p>Idaho Code 67-6513 Local Land Use Planning Subdivision Ordinance</p>	<p>Garden City has, by ordinance, adopted hearing procedures compliant with section 67-6509, Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329, Idaho Code.</p> <p>This statute enables Garden City regulations to provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.</p> <p>This section notes that denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.</p>
<p>Idaho Code 67-6515 Local Land Use Planning Planned Unit Developments</p>	<p>This statute enables Garden City to process applications for planned unit developments.</p>