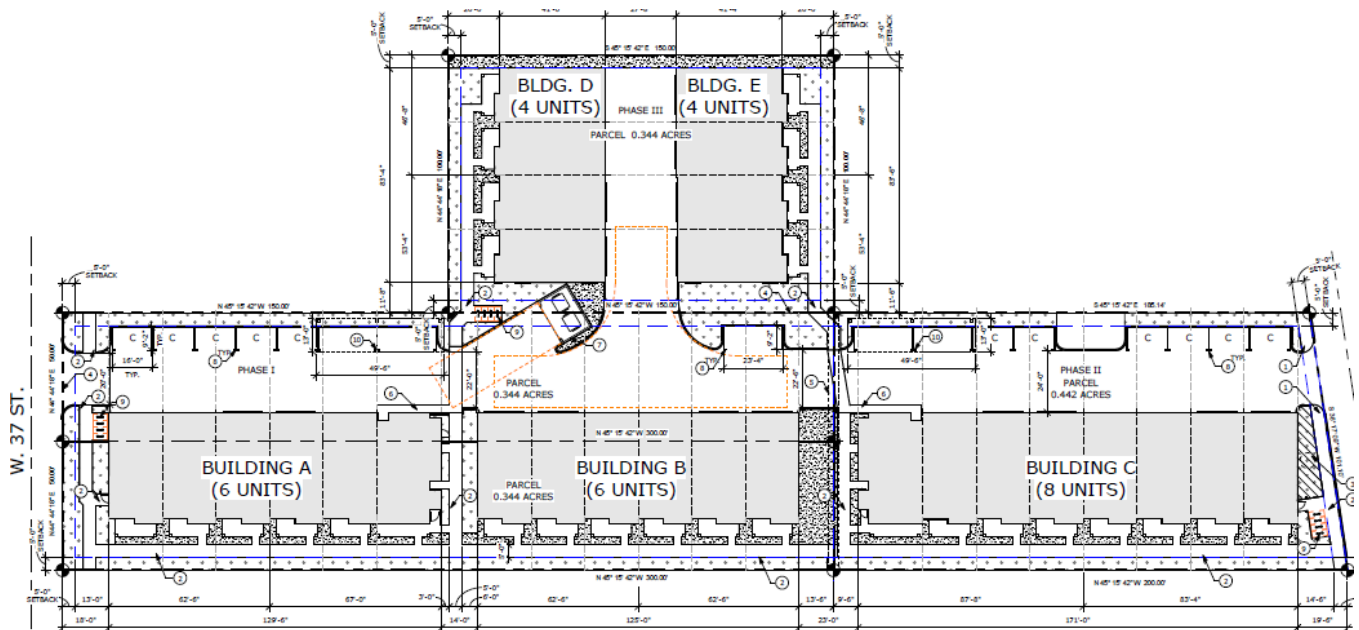




CITY OF GARDEN CITY

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STAFF REPORT
File Number: SUBFY2024 - 0003, Reese Townhomes
For: Preliminary 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
Report Date:
Planning and Zoning: July 17, 2024
City Council: August 12, 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 – 0003 [Application and Materials](#)
 - b) SUBFY2024 – 0003 [Resubmittals 05/22/2024](#)
 - c) SUBFY2024 – 0003 [Resubmittals 05/24/2024](#)
 - d) SUBFY2024 – 0003 [Resubmittals 06/06/2024](#)
2. Staff Reports
 - a) Staff Report Dated June 3, 2024
 - b) Staff Report Dated July 17, 2024
 - c) Staff Report Dated August 12, 2024
3. Agency Comments: linked in [Section F](#)
4. Public Comments: linked in [Section G](#)
5. Noticing Documents
 - a) [City Noticing](#)
 - b) [Property Posting for Planning and Zoning](#)
 - c) [Property Posting for City Council](#)
6. Recommendations
 - a) [Draft Potential Planning and Zoning](#)
7. City Council Drafted Findings of Fact, Conclusions of Law, and Decision

B. Recommendation Summary:

The Planning and Zoning Commission recommended approval of the application with the requested waivers, and an additional condition was recommended to ensure that all drainage be handled on-site.

C. Reconciliation

Overview

The application consists of four parcels totaling 1.474 acres, which are to be subdivided into a residential subdivision and planned unit development (PUD) consisting of 26 townhomes, 2 duplex units, and 4 common lots, for a total of 32 new parcels. The development proposes access to the property through a common drive with an entrance on W. 36th through to 37th Street. The proposed density of the project is 20du/acre and is located within the C-2 General Commercial base zoning district as well as the Mixed-Use Commercial and Transit Oriented Development Neighborhood Node future land use designations of the Comprehensive Plan.

Planned Unit Development

The development intends to meet the PUD's variety of housing requirements by providing a variety of three-bedroom townhomes, and two-bedroom duplex units. The majority (87%) of the homes provided are townhome products, with only two lots containing duplexes (4 units). The townhomes provide for two enclosed vehicular parking spaces, while the duplexes have two covered parking spaces along the common drive. The applicant has stated that the project

provides architectural variety by providing alternate style and color of wainscoting, different color schemes, and delineation of the front facades using offsets and changes to the roofline.

Waivers

As a PUD development, the applicant can submit waivers to code standards. The applicant has provided a formal request for waivers, while staff has drafted additional waivers based on review:

1. More than 4 dwelling units being served through a common drive, allowing for 30 dwelling units to be served on a common drive.
2. Reduced setbacks internal to the development, allowing for:
 - a. Front: 3'
 - b. Interior Side: 0'
 - c. Rear: 2'
3. Entitlement extension from one-year to five-years.
4. Demonstration that the development can be initiated within two years of the date of approval.

The intent of the PUD code is to provide for well planned developments which conform to the objectives of the PUD 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 PUD objectives are also achieved. One objective, providing a diversity of housing, was already discussed. Another objective revolves around the creation of a more useful pattern of open space and recreation areas, while another speaks to developing a land pattern in harmony with land use density, transportation, and community facilities in line with the Comprehensive Plan. While the C-2 zoning district does not have a density maximum, the Comprehensive Plan's Future Land Use designation of the Transit Oriented Development Node requires a minimum density of 16 dwelling units per acre, to which this project provides 20 dwelling units per acre. However, seeking such a density has resulted in scrapping the site of existing trees and vegetation, piping the currently open Fairview Acres irrigation ditch, and code compliance issues which is in conflict with the third purpose statement of a PUD ([GCC 8-6B-7.A.3](#)).

Project Phasing & Entitlement Extension

The subdivision proposes to be developed in three phases. The exact timing of the phases has not yet been identified; however, the applicant has asked for an entitlement extension from one year to five years. As a PUD, the application is required to demonstrate that the development can be initiated within two years of the date of approval ([GCC 8-6B-7.E.1.a](#)). As a PUD, waivers to code standards can be requested, however, utilizing the waiver ability to ask for an exception to PUD specific code might not be justified.

D. Project Information

Proposed Scope of Work:

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

Subdivision: The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which may also include

easements and the dedication of a public street or designation of private lanes or rights-of-way, and the addition to, or creation of, a cemetery

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

Review Process	Notes
8-5B-2 Preliminary Subdivision Process	For the subdivision entitlement to be completed a final plat will be required per 8-5B-3 at a later date
8-6B-7 Planned Unit Development	A Planned Unit Development and a Subdivision can be processed concurrently

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

Purpose of a Planned Unit Development

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

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

Site Conditions:

- 1) Street Address: 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 Designations:
 - a) Mixed Use Commercial
 - b) Neighborhood Node: Transit Oriented Development
 - 8) Legal Parcel of Record: Unable to determine
 - 9) The project is in the:
 - 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:

- 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:
 - a) 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.

E. Decision Process

General Provisions

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

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

Decision	Recommendation Authority/ Hearing Date	Decision Authority
Preliminary Plat Subdivision	Planning and Zoning Commission: Hearing July 17, 2024	City Council: Hearing August 12, 2024
And Planned Unit Development		

Required Findings:

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

- A. The subdivision is in conformance with the comprehensive plan;
- B. The subdivision is in conformance with all applicable provisions of this title;
- C. Public services are available or can be made available; and are adequate to accommodate the proposed development;
- D. The subdivision is in conformance with scheduled public improvements in accord with the city’s capital improvement program;
- E. There is public financial capability of supporting services for the proposed development;
- F. The development will not be detrimental to the public health, safety, or general welfare; and
- G. The development preserves significant natural, scenic, or historic features;

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

- A. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;
- B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;
- C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
- D. Any proposed commercial development can be justified at the locations proposed;
- E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council;
- F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- G. The PUD is in general conformance with the comprehensive plan; and
- H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

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

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

Decision

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is granted, granted with conditions, or denied.

The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

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

Recommendations

The Recommending Authority may take one of the following actions:

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

The recommendations of the Design Committee and the Planning and Zoning Commission 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.

F. Agency Comments

The following is a summary of the agency comments that were provided at the time of the drafting of this report. All comments are included in their entirety as a part of the record.

Agency	Comment Date	Summary
Garden City Engineer Link to Comment	05/19/2024	<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. Any new fire hydrants are not allowed to connect to a line smaller than 6 inches. Any new public water line extensions would probably be expected to be 8-inch diameter. • Each lot/unit must have its own water and sanitary sewer service. New water and sewer services must be reviewed and approved by the city’s Public Works Department. • Public water lines need to be at least 25 feet from storm water seepage beds. • The project must provide easements to the city for water/sewer lines and appurtenances in the project. These easements may be created on the subdivision plat. • 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. • An e-mail provided from Jason Jones of FALWUA dated 16 April 2024 notes that an existing gravity delivery ditch/pipe is located on the property. Plans need to include any changes to the facility. • The preliminary plat appropriate depicts the project’s boundary. Was that boundary defined under the direction of an Idaho licensed professional land surveyor? The plat needs to include a boundary survey performed by a professional land surveyor. • Please depict proposed easements on the preliminary plat. • Additional general comments.

Irrigation: Fairview Acres Link to Comment	04/16/2024	No problems with the proposal.
North Ada County Fire and Rescue Link to Comment	05/17/2024	<ul style="list-style-type: none"> • Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 600-feet from the hydrant. • For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side, for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides, and all portions of the turn-around. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8) Parking will be allowed in marked parking stalls only. Signage indicating this will need to be posted at the entrances to this subdivision. • Additional general comments.
Republic Services Link to Comment	05/09/2024	The straight drive through 37th to 36th makes this an easy complex to service. The enclosure placement is good, and the dimensions need to be at least 12'x18' with the gates opening 120 degrees and being able to be staked.
Ada County Highway District Link to Comment	06/05/2024	<ul style="list-style-type: none"> • Construct 37th Street as ½ of a 36-foot-wide commercial street section to include pavement widening, curb, gutter, an 8-foot-wide landscape strip and 5-foot wide detached concrete sidewalk abutting the site. • Dedicate additional right-of-way to 2-feet behind back of sidewalk or for detached sidewalk, reduce the right-of-way width to 2-feet behind back of curb and provide a permanent right-of-way easement from the right-of-way line to 2-feet behind back of sidewalk. Sidewalk should be located wholly within right-of-way or wholly within an easement. • Reconstruct and widen the existing driveway onto 36th Street, located 332-feet south of Stockton Street, as a 20-foot-wide curb return type driveway as proposed. • Construct a 20-foot-wide curb return type driveway onto 37th Street, located 329-feet south of Stockton Street.

G. Public Comment

The following public comments were provided:

Commenter	Comment Date	Summary
Nick McGarvey Link to Comment	05/06/2024	In opposition; application does not meet code compliance.
Zachary Medekj Link to Comment	05/20/2024	In opposition; traffic patterns and congestion.

Greg Wallace Link to Comment	06/05/2024	In opposition; traffic, parking, push out small business in the area.
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H. Code/Policy Review

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations			
8-1A-4 Applicability			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-1B-1 Nonconforming Properties		Compliant upon approval and recordation of the subdivision	<p>The project is a portion of Lot 29 Block K of Fairview Acres Subdivision No. 2. Please provide evidence the land is an original parcel per city code (prior to 1988).</p> <p>Creation of the subdivision will resolve this issue, however, as the property description notes the parcel contains portions of Lot 29, the other portion of Lot 29 will not be incorporated within this subdivision and is not confirmed as a legal lot of record through the recordation of this subdivision.</p>
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose	DRC/PZ/CC	No compliance issues noted	The application proposes a density of 20 units per acre; the C-2 zoning district does not have a minimum or maximum density limitation range. The subdivision requests entitlements for single family attached residential units, for both townhomes and duplexes, which is consistent with the purpose identified for the C-2 Zoning District.
8-2B-2 Allowed Uses	DRC/PZ/CC	No compliance issues noted	Single Family Attached Dwellings are a permitted use.
8-2B-3 Form Standards	DRC/PZ/CC	Compliant upon approval of waiver request	<p>The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5'</p> <p>The allowable maximum height is: n/a The minimum lot size is: n/a</p> <p>There are encroachments. A waiver has been drafted to allow for variations to standard setbacks for buildings within the subdivision: Front: 3' Interior Side: 0' Rear: 2' Street Side: 5' <i>*Front setback is considered the façade that contains the primary pedestrian entrance (front door).</i> <i>**Rear setback is considered the façade that contains the garage door.</i></p>

			<p>***Interior Side is considered the shared common wall(s) within the structures.</p> <p>The proposed buildings meet the base zoning setbacks standards, it is only the lots within that appear to have encroachments.</p> <p>All properties meet the minimum street frontage.</p>
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DRC/PZ/CC	Compliant as Conditioned	<p>This proposal does not identify any proposed fence. However, it does propose to keep the existing fencing on-site until the appropriate phase of development commences.</p> <p>There appears to be an existing wooden fence along the southern property boundary line. However, details were not provided. There also appears to be chain link fencing and barbed wire on site. This is not code compliant.</p> <p>Any prohibited fencing material shall be removed from the site.</p> <p>Any future fence or wall will be required to be in compliance with code at the time of development.</p>
8-4A-4 Outdoor Lighting	DRC/PZ/CC	Compliant as Conditioned	<p>This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development.</p>
8-4A-5 Outdoor Service and Equipment Areas	DRC/PZ/CC	Compliant as Conditioned	<p>Location of HVAC, mechanical, and electrical units are not provided. This will be reviewed further at the building permit phase and inspection. Concealment per this section of code will be required prior to certificate of occupancy being granted.</p> <p>The trash enclosure is located internal to the development, not visible from the public right-of way. The material of the enclosure is not disclosed. The trash enclosure is not screened with landscaping, nor is it incorporated into the overall design of the buildings.</p> <p>Any future outdoor service equipment area will be required to be in compliance with the code at the time of development.</p>
8-4A-7 Stormwater Systems	DRC/PZ/CC	Compliant as Conditioned	<p>A grading plan was not submitted. Construction civil plans were not submitted for review. It is unclear what and where the stormwater facilities are proposed. As a preliminary plat, the engineering drawings are not required, however, they will be required as part of the final plat application process.</p> <p>None of the drawing/reports submitted were stamped, signed, and dated by the design professional other than the geotechnical report and the "Natural Hazard and Resource Analysis."</p> <p>A storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by an Idaho licensed design professional that is sealed, dated,</p>

			<p>and signed will be required. Compliance with the storm water ordinance and policies of the city will be required. Drainage must be maintained on-site.</p> <p>Refer to Garden City Engineer comments.</p> <p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p>
8-4A-8 Utilities	DRC/PZ/CC	Compliant as Conditioned	<p>The project must provide easements to the city for water/sewer lines and appurtenances in the project. These easements may be created on the subdivision plat. The plat does not show such easements.</p> <p>See Garden City Engineer comments regarding existing utilities. The owner of the project may be required to modify and/or upgrade the existing infrastructure in the area to comply with the district's flow requirements.</p> <p>A draft condition of approval is provided requiring each lot to be connected to City services.</p> <p>Another draft condition of approval is provided requiring that all utilities be underground.</p> <p>Another draft condition of approval is provided requiring that easements are shown on the final plat.</p>
8-4A-9 Waterways	DRC/PZ/CC	No compliance issues noted	<p>There is an existing Fairview Acres gravity irrigation ditch on site. It runs northeast – southwest through the middle of phase 2. The submitted plans do not identify the ditch.</p> <p>The application proposes to pipe the ditch due to the common drive being placed over it. Fairview Acres has noted that they do not object to the proposal.</p> <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 demonstrated to the design review consultant(s) and the planning official that:</p> <ol style="list-style-type: none"> 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 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 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 opening of the enclosed irrigation ditch, lateral, canal, or drain is infeasible. The irrigation ditch is enclosed on both ends adjacent to the property.
8-4B Design Provisions for Residential Structures			

8-4B-3 Single Family and Two-Family Attached and Detached Dwelling	DRC/PZ/CC	Compliant as Conditioned	<p>Building A (Facing 37th Street):</p> <ul style="list-style-type: none"> - Front elevation facing W. 37th St. appears as a side elevation. There lacks modulation on façade and minimal glazing. - June 6, 2024, resubmittals show a roof covering the deck. <p>Building C (Facing 36th Street):</p> <ul style="list-style-type: none"> - Front elevation facing W. 37th St. appears as a side elevation. There lacks modulation on façade and minimal glazing. - June 6, 2024, resubmittals show a roof covering the deck. <p>A condition has been drafted to ensure that additional modulation, fenestrations, articulation, and glazing is provided along the front facades of buildings A and C; or otherwise approved by the design review consultants.</p>						
<p>8-4D Parking and Off-Street Loading Provisions</p>									
8-4D-3 Parking Design and Improvement Standards	DRC/PZ/CC	Compliant as Conditioned	<p><u>Garage Parking:</u> 90-degree parking space dimensions are required to be 9' x 20'. Provided.</p> <p><u>Parallel Parking:</u> 0-degree parking space dimensions are required to be 9' x 23'. Provided.</p> <p><u>Compact Parallel Parking:</u> 0-degree parking space dimensions are required to be 9' x 14'. Provided.</p> <p>Bicycle parking is provided on-site. Dimensions not provided. Condition drafted.</p> <p>The internal drive isle is 22' wide. The drive narrows to 20' at the ingress/egress points in accordance with GCC 8-4E-4.</p>						
8-4D-4 Parking Use Standards	DRC/PZ/CC	No compliance issues noted							
8-4D-5 Required Number of Off-Street Parking Spaces	DRC/PZ/CC	No compliance issues noted	<p>REQUIRED MOTOR VEHICLE PARKING SPACES FOR DWELLING (RESIDENTIAL) USES</p> <table border="1" data-bbox="743 1394 1464 1587"> <thead> <tr> <th data-bbox="743 1394 984 1528">Dwelling, single family attached and multi-family</th> <th data-bbox="984 1394 1224 1528">Required Parking Spaces Per Each Dwelling Unit (Including Covered and Uncovered)</th> <th data-bbox="1224 1394 1464 1528">Required Covered Parking Per Each Dwelling Unit</th> </tr> </thead> <tbody> <tr> <td data-bbox="743 1528 984 1587">More than 1 bedroom</td> <td data-bbox="984 1528 1224 1587">2* 30 Units = 60</td> <td data-bbox="1224 1528 1464 1587">1* 30 Units = 30</td> </tr> </tbody> </table> <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>Residential Parking Required: 60 Residential Parking Provided: 60</p> <p>Guest Parking Required: 7 Guest Parking Provided: 12 (Surplus of 5)</p>	Dwelling, single family attached and multi-family	Required Parking Spaces Per Each Dwelling Unit (Including Covered and Uncovered)	Required Covered Parking Per Each Dwelling Unit	More than 1 bedroom	2* 30 Units = 60	1* 30 Units = 30
Dwelling, single family attached and multi-family	Required Parking Spaces Per Each Dwelling Unit (Including Covered and Uncovered)	Required Covered Parking Per Each Dwelling Unit							
More than 1 bedroom	2* 30 Units = 60	1* 30 Units = 30							

			<p>Total Provided: 72</p> <p>A maximum of thirty percent (30%) of the required parking spaces can be compact. The site requires 67 parking spaces, 20 spaces can be compact. 11 compact spaces are provided. Compliant.</p> <p>No bicycle parking spaces are required single family attached units.</p>
8-4D-6 Standards for Alternatives to On Site Parking	DRC/PZ/CC	No compliance issues noted	None requested.
8-4E Transportation and Connectivity Provisions			
8-4E-3 Public Street Connections	DRC/PZ/CC	No compliance issues noted	<p>Public street connection at W. 36th Street and W. 37th Street for a common driveway to access all buildable lots.</p> <p>There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.</p>
8-4E-4 Internal Circulation Standards	DRC/PZ/CC	No compliance issues noted	The drive is 20' or greater in width, meeting this section of code as well as GCC 8-4D-3 width standards.
8-4E-5 Private Street Standards	DRC/PZ/CC	Compliant as Conditioned	<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>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. No building permit shall be issued until the contract has been recorded.</p>
8-4E-6 Sidewalk Standards	DRC/PZ/CC	No compliance issues noted	<p>W. 36th Street: The existing attached sidewalk remains.</p> <p>W. 37th Street: A 5-foot-wide detached sidewalk with landscape buffer is proposed along 37th Street.</p>
8-4H Flood Hazard			
8-4H Flood Hazard	Planning Official	Compliant as Conditioned	<p>A floodplain permit will be required.</p> <p>Conditions have been drafted to ensure that the subdivision is found in compliance with FEMA regulations at the time of development.</p>
8-4G Sustainable Development Provisions			
8-4G Sustainable Development Provisions	PO	Compliant as Conditioned	A sustainability checklist was not provided. The development needs to provide at least 6 points.
8-4I Landscaping and Tree Protection Provisions			

8-4I-3 General Landscaping Standards and Irrigation Provisions	DRC/PZ/CC	No compliance issues noted	<p>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.</p> <p>Trees required: Minimum of 5 species to be provided. Tree species provided: 5 (maintaining 4 existing trees and proposal of 1 tree species.)</p>
8-4I-4 Landscaping Provisions for Specific Uses	DRC/PZ/CC	No compliance issues noted	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, <u>excluding areas for setback or perimeter landscaping.</u> Landscape Area required: 3,210sqft Landscape Area proposed: 13,005sqft = 20% (including setbacks) Landscape excluding setbacks and perimeter: 6,659sqft = 9%</p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted. Trees required: 13 Trees provided: 14 Shrubs required: 86 Shrubs provided: 91</p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class II or III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>36th Street Trees required: 3 trees 36th Street Trees provided: 3 trees</p> <p>37th Street Trees required: 3 37th Street Trees provided: 4</p>
8-4I-5 Perimeter Landscaping Provisions	DRC/PZ/CC	Compliant as Conditioned	<p>Required along the common property line between an adjacent nonresidential use and a residential use.</p> <p>Perimeter landscaping is not provided on along the property boundary lines in which it is required. It is required along the northern property boundary line adjacent to building D and #, eastern property line adjacent to building E, and along the northern and southern property boundary lines adjacent to building C.</p> <p>Perimeter landscaping is required to 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.</p> <p>A condition has been drafted to ensure it is provided.</p>
8-4I-6 Parking Lot Landscaping Provisions	DRC/PZ/CC	Compliant as Conditioned	<p>The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.</p>

			<p>Solid masonry or wood fencing a minimum of six feet (6') in height with landscape screening shall be provided between parking lots and residential uses. The parallel parking spaces on the west side of the property are screened via landscaping, and vinyl fencing.</p> <p>Include landscaped islands with at least one tree at the beginning and end of each parking row. Not provided. A condition has been drafted to require trees.</p>
8-4I-7 Tree Preservation Provisions	DRC/PZ/CC	Compliant as Conditioned	<p>The application proposes the removal of most existing trees on-site.</p> <p>Staff has pending questions out to the Arborist for clarification of all Siberian Elm groves as they were classified as "Fair to Poor."</p> <p>Trees 6, 7, 9, & 11 of the arborist report are to remain, which also count towards the variety of tree species provided as required by 8-4I-3.</p> <p>Tree mitigation at a 1:1 caliper will be required of all trees deemed "healthy" or "fair" by the arborist if they are 4" calipers or greater.</p>
8-4L Open Space Provisions			
8-4L-3 General Open Space Standards	DRC/PZ/CC	No compliance issues noted	
8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments	DRC/PZ/CC	No compliance issues noted	<p>A minimum of ten percent (10%) of the gross site area shall be in common open space.</p> <p>There is 6,421 square feet of common open space identified in the site plan. This is equal to 10% of the overall site area.</p>
Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards			
8-5A-4 General Standards	PZ/DRC/CC	No compliance issues noted	<p>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</p> <p>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.</p>
8-5A-6 Improvement Standards	DRC/PZ/CC	Compliant as Conditioned	<p>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</p>

			monuments and are otherwise in conformance with this approval. Civil plans will be required as part of the final plat application.
8-5C-4 Subdivisions located within a Floodplain			
8-5C-4 Subdivisions located within a Floodplain	PZ/DRC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	There are proposed conditions coinciding with provisions found within code section.
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process	PZ/DRC/CC	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information	PZ/DRC/CC	No compliance issues noted	Application waivers requested pursuant to 8-6A-4A: <ul style="list-style-type: none"> - Grading Plan - Ada County Approved Addresses
8-6A-7 Public Hearing Process	PZ/DRC/CC	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.
8-6B-7 Planned Unit Development	DRC/PZ/CC	Compliant upon approval of the subdivision	Application waivers requested pursuant to 8-6B-7: <ol style="list-style-type: none"> 1. More than 4 dwelling units being served through a common drive, allowing for 30 dwelling units to be served on a common drive; 2. Reduced setbacks internal to the development. <p>Discussion whether the application provides adequate diversity of housing to qualify for the planned unit development.</p>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6513 Local Land Use Planning Subdivision Ordinance	Garden City has, by ordinance, adopted hearing procedures compliant with section 67-6509 , Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329 , Idaho Code.

	<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>
<p>Garden City Comprehensive Plan</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> <p>MIXED USE COMMERCIAL: The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.</p> <p>ACTIVITY NODE: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Activity Nodes by type shown on the Land Use Map are as follows: Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential. <u>Identified centers are:</u></p> <ul style="list-style-type: none"> • Adams and 50th Streets intersection to the Boise River • Adams and 42nd street intersection to the Boise River. • East city boundary to 36th street between the Boise River and Chinden Boulevard • Glenwood and Marigold Streets intersection • Chinden Boulevard and Garrett Street intersection • Chinden Boulevard and 50th Street intersection • State Street and Pierce Park Transit Oriented Development Nodes • Chinden Boulevard and Glenwood Street intersection • Chinden Boulevard and Veterans Parkway intersection

	<ul style="list-style-type: none"> • State Street and Horseshoe Bend Road • State Street and Glenwood Street <p>The application may be supported by:</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. <p>The application may not be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> • 1.4 Objective: Create a premier destination place to live, work, and recreate. <p>Goal 6. Diversity in Housing</p> <ul style="list-style-type: none"> • 6.3 Objective: Maintain the diversity of housing. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> • 7.3 Objective: Protect neighborhoods from through traffic.
Garden City Sidewalk Policy	Sidewalks proposed.
Garden City Street Light Policy	A streetlight is installed along W. 46 th and W. 47 th Street in accordance with the policy.
Old Town Circulation Network Plan	<p>The Old Town Circulation Network Plan identifies a new micro street on this development site connecting W. 36th Street to W. 37th Street. The common drive of this application acts as such. A public easement dedicated to the city has been conditioned in the approval to allow for public to utilize this cross-connection.</p> <p>Proposed micro street intends to add vehicular access to the developments on and between the streets while requiring minimal pavement. The local street will create smaller blocks and provide options to facilitate access to businesses and recreational areas. The intent of the city is to keep collector and local roadways the primary traffic route, however, by adding the new micro street, vehicular mobility in the area would be enhanced via additional</p>

	<p>connections and options while providing greater access management for the arterials.</p>
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	<p>A public easement dedicated to the city will be required as part of the approval of this application to ensure this cross connection is maintained indefinitely. The easement will be required to run the entire length and width of the proposed drive between W. 36th and W. 37th Street.</p>
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