

BEFORE THE GARDEN PLANNING AND ZONING COMMISSION  
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:	)	DSRFY2024-0013
	)	
Design Review and	)	
Planned Unit Development	)	
575 E. 42 <sup>nd</sup> Street	)	FINDINGS OF FACT
Garden City, Ada County, Idaho	)	CONCLUSIONS OF LAW,
	)	AND RECOMENDATION
_____	)	

THIS MATTER, came before the Garden City Planning and Zoning for consideration on September 18<sup>th</sup>, 2024. The Garden City Planning and Zoning Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Recommendation:

**FINDINGS OF FACT**

1. The application is for a Design Review processed as a Planned Unit Development.
2. The applicant is Jeff Hatch.
2. The property owner of record is TSJ LLC.
3. The location of the project is 575 E. 42<sup>nd</sup> Street; Parcel #R2734520952
4. The subject property is 2.616 acres.
5. The project is located in the Mixed Use Residential and Activity Node designations of the Comprehensive Plan Future Land Use Map.
6. The project is in the C-2 General Commercial Zoning District.
7. The project is in the:
  - a. 500 Year 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.

8. The following section of the Garden City Development Code apply to this proposal:
- a. Garden City Code 8-6B-7: Planned Unit Development
  - b. Garden City Code 8-1A: General Regulations
  - c. Garden City Code 8-1B: Existing Nonconforming Properties, Structures, and Uses
  - d. Garden City Code 8-1C: Property Maintenance Standards
  - e. Garden City Code 8-2B: Base Zoning District Provision
  - f. Garden City Code 8-4A: Design and Development Regulations – General Provisions
  - g. Garden City Code 8-4C: Design and Development Regulations – Design Provisions for Nonresidential Structures
  - h. Garden City Code 8-4D: Parking and Off-Street Loading Provisions
  - i. Garden City Code 8-4E: Transportation and Connectivity Provisions
  - j. Garden City Code 8-4F: Master Sign Program
  - k. Garden City Code 8-4E: Flood Hazard
  - l. Garden City Code 8-4I: Landscaping and Tree Protection Provisions
  - m. Garden City Code 8-6A: Administration
9. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	NA	
X			Compliance Statement
X			Neighborhood Map
X			Site Plan
X			Landscape Plan
X			Schematic Drawings
X			Lighting Plan
	X		Topographic Survey
	X		Grading Plan
X			Will Serve
	X		Verification that address is an Ada County Approved Address

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

Noticing Requirement	Required Date	Completion Date
Receipt of application		06/24/2024
Letter of Acceptance	07/24/2024	08/13/2024
Radius Notice	09/03/2024	07/16/2024
Legal Notice	08/30/2024	07/17/2024
Agency Notice	09/03/2024	07/16/2024
Property Posting Sign	09/08/2024	09/06/2024

Affidavit of Property Posting and Photos	09/11/2024	09/09/2024
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11. Agency Comments were received from:
  - a. Boise Fire, July 16<sup>th</sup>, 2024
  - b. Republic Services, July 17<sup>th</sup>, 2024
  - c. City Engineer, July 19<sup>th</sup>, 2024
  - d. DEQ, July 24<sup>th</sup>, 2024
  - e. ACHD, July 26<sup>th</sup>, 2024
  - f. Garden City Chief of Police, September 5<sup>th</sup>, 2024
12. Written Public Comments were received from:
  - a. Brad McGirr, July 29<sup>th</sup>, 2024
  - b. Bill Truax, August 8<sup>th</sup>, 2024
  - c. Dieter and Joni Leipf, August 23<sup>rd</sup>, 2024
  - d. Alex Leipf, August 21<sup>st</sup>, 2024
13. On September 18<sup>th</sup>, 2024, the Garden City Planning and Zoning Commission recommended **Approval/ Denial** of the application subject to the following conditions:
  - a. To be filled out after the hearing.
14. The record contains:
  - a. Application
  - b. Noticing Documents
  - c. Agency Comments
  - d. Public Comments
  - e. Design Review Consultation Audio: August 19, 2024 and September 16, 2024
  - f. Planning and Zoning Minutes and Hearing Audio: September 18, 2024
  - g. Planning and Zoning Commission Recommendation
15. In consideration of a planned unit development, the decision maker shall make the following findings:

<b>The draft findings are written both in approval and in denial. The Planning and Zoning Commission may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.</b>			
<b>GCC 8-6B-7: PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS</b>			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard

X		X	<p><b>Finding 1.</b> The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> Approval of this application is conditioned that the development shall be initiated within two years of the date of approval.</p> <p><b>In Denial:</b> The application has not provided documentation that the development will be initiated within two years of the date of approval.</p>
X		X	<p><b>Finding 2.</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;</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> The proposed development and each structure can successfully exist independently of the surrounding area and will not be detrimental to the surrounding neighborhood.</p> <p><b>In Denial:</b> If the entire project fails to be completed the components of the development cannot sustainably continue.</p>
X		X	<p><b>Finding 3.</b> 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><b>Explanation:</b>  <b>In Approval:</b>  The proposed development has a drive isle that is capable of handling anticipated traffic which will provide ingress/egress onto E. 42<sup>nd</sup> Street. The PUD is not large enough to trigger a traffic impact analysis.</p> <p><b>In Denial:</b>  The PUD subdivision development does not propose adequate parking and thus will cause congestion on the street. The functionality of the commercial spaces with the intent of using medium parking demand will cause an increase in traffic density which will cause an overload to the street network.</p>
X		X	<p><b>Finding 4.</b> Any proposed commercial development can be justified at the locations proposed.</p> <p><b>Explanation:</b>  <b>In Approval:</b>  The proposed unidentified commercial development can be justified at the location as the zoning district is C-2. In addition, any other use that requires a conditional use permit will be required to go through such entitlement processes prior to occupancy.</p> <p>The requested use of Self Storage is limited to 11,413sqft as permitted through the Planned Unit Development.</p> <p><b>In Denial:</b>  There is inadequate parking available to support the requested commercial component of this application. <b>[LIST REASONS FOR DENIAL]</b></p>
X		X	<p><b>Finding 5.</b> 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><b>Explanation:</b></p> <p><b>In Approval:</b> As conditioned, 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, as well as convenience in the location of nonresidential uses.</p> <p><b>In Denial:</b> The exception from standard district requirements is not warranted as there is inadequate demonstration that 8-6B-7 A is achieved. Subsequently, the proposal has not achieved the ability deviate from code standards. More specifically, the application does not create a more useful pattern of open space and recreational areas, establish a development pattern which utilizes the land more efficiently than what is achieved through conventional development, or provide a land pattern in harmony with transportation and community facilities.</p> <p>Additionally, the application results in a proposal that is over taxing of the location and detracts from the adjacent recreational areas of the greenbelt, Boys and Girls Club, and Boise River that already exist.</p>
X		X	<p><b>Finding 6.</b> The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> The proposal is compatible with the surrounding uses and the neighborhood vision.</p> <p><b>In Denial:</b></p>

			<p>The proposed development is not compatible with the surrounding uses nor the neighborhood's vision as identified in the Comprehensive Plan.</p> <p><b>[LIST REASONS FOR DENIAL]</b></p>
X		X	<p><b>Finding 7.</b> The PUD is in general conformance with the comprehensive plan;</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b></p> <p>With the unique design of the structure, this development may be considered compatible with the existing residential and commercial uses in the neighborhood.</p> <p>The application is in conformance with the Comprehensive Plan's Goals and Objectives:</p> <p><b>Goal 1. Nurture the City</b></p> <ul style="list-style-type: none"> <li>1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p><b>Goal 2. Improve the City Image</b></p> <ul style="list-style-type: none"> <li>2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.</li> <li>2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p><b>Goal 4. Emphasize the "Garden" in Garden City</b></p> <ul style="list-style-type: none"> <li>4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p><b>Goal 12. Evolve as a Destination</b></p> <ul style="list-style-type: none"> <li>12.1 Objective: Support a positive business environment</li> </ul>

			<ul style="list-style-type: none"> <li>• 12.2 Objective: Continue to support commercial and industrial land uses.</li> <li>• 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</li> </ul> <p><b>In Denial:</b>  The application is not cohesive with the Comprehensive Plan's Mixed-Use Residential future land use designation. The proposal does not achieve the necessary design standards to create a form and scale that is residential in character and design. The proposal exceeds the maximum height of two stories as identified in the Comprehensive Plan.</p> <p>Specific goals and objectives that are not met include:  <b>Goal 2. Improve the City Image</b></p> <ul style="list-style-type: none"> <li>• 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> </ul> <p><b>Goal 7. Connect the City</b></p> <ul style="list-style-type: none"> <li>• 7.1 Objective: Create pedestrian and bicycle friendly connections.</li> <li>• 7.3 Objective: Protect neighborhoods from through traffic.</li> </ul>
X		X	<p><b>Finding 8.</b> The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;</p> <p><b>Explanation:</b>  <b>In Approval:</b>  The ability to serve document was received by the city, and the city is capable of servicing the proposed population densities and non-residential uses proposed at this time.</p>



			<b>In Denial:</b> Without knowing the future uses of this building, it cannot be determined that the city has the ability to serve it.
<b>GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS</b>			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X		X	<b>Finding 1.</b> The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district; <b>Explanation:</b> <b>In Approval:</b> 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. <b>In Denial:</b> The application is not appropriate to the location or the neighborhood as the proposal is more intensive than what is envisioned by the Mixed-Use Residential future land use designation. <b>[LIST REASONS FOR IN DENIAL].</b>
X		X	<b>Finding 2.</b> The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts; <b>Explanation:</b> <b>In Approval:</b> The use will be supported by adequate public facilities based on the ability serve letter from the Garden City Engineer. <b>In Denial:</b>

			The application does not meet this finding as the proposed future uses were not all identified. Furthermore, the proposal is under parked.
X		X	<p><b>Finding 3.</b> The use will not unreasonably diminish either the health, safety, or welfare of the community;</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b></p> <p>This proposal will not unreasonably diminish the health, safety, or welfare of the community.</p> <p><b>In Denial:</b></p> <p>Lack of adherence to City Codes and the City's Comprehensive Plan is detrimental to and unreasonably diminish the health, safety, and welfare of the community.</p>
X		X	<p><b>Finding 4.</b> The use is no in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> The reviewed sections are in conformance with this finding. The comprehensive plan objectives reviewed, and land use designation support this application.</p> <p><b>In Denial:</b></p> <p>Refer to Finding 8-6B-7 Finding 7.</p>

16. The record was reviewed in its entirety by the Garden City Planning & Zoning Commission to render the decision.

### CONCLUSIONS OF LAW

The Garden City Planning & Zoning Commission 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 8-6B-2, and GCC 8-6B-7.

### DECISION

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Decision, the Garden City Planning and Zoning Commission hereby recommends **approval/denial** of application DSRFY2024-0013 for a Planned Unit Development and is subject to the following conditions:

### **POTENTIAL CONDITIONS IN APPROVAL**

#### **Scope of this permit:**

1. This approval is based on the following plans:
  - a. Landscape Plan Submitted on August 28, 2024, dated August 2024.
  - b. Architectural Elevation Plans and Floor Plans submitted on August 28, 2024, dated August 2024.
  - c. Site Plan Submitted August 28, 2024, dated August 2024.
2. Approved waivers to Garden City Code, Title 8 regulations include:
  - a. Perimeter landscape, allowing for back perimeter landscape 5'; and
  - b. Allowing for the reduction of 57 vehicle parking spaces; and
  - c. Allowing for the reduction of 137 bicycle parking spaces; and
  - d. Allowing for the existing parking lot landscape to remain unchanged.
3. The building permits must be in conformance with the approved plans. Staff may approve minor changes to the approvals so if they are compliant with Garden City Code including:
  - a. Substitutions of plant species, if there is no reduction in landscaping and the species are comparable in height and width. Substitutions of trees must be of the same or larger tree classification and be comparable or larger in tree canopy and height.
  - b. Less than 5% of rearrangement of elevations or building façade materials if there is no reduction in building modulation, fenestration, or glazing.
  - c. Less than 5% of rearrangement of site.
4. The development shall be initiated within two (2) years of the date of approval.
5. The applicant shall comply with all requirements of the reviewing entities.
6. The site plan and subsequent construction shall be in conformance with this approval as reviewed and approved or otherwise conditioned.

#### **Prior to Construction:**

1. A building permit shall be applied for and approved by the Garden City Development Services Department.
2. A parcels line consolidation application shall be applied for and approved by the City.

- a. The lot line consolidation shall be recorded by the county, with proof submitted to the city for its completion.
3. A corrected affidavit of legal interest shall be submitted to the Development Services Department.
4. Easements:
  - a. An existing 6-inch water main line running perpendicular to E. 42<sup>nd</sup> Street from E. 42<sup>nd</sup> Street and under Veterans Memorial Parkway must remain in service and covered by an easement benefiting the city of Garden City.
5. 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 and 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.
  - c. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
    - i. The frontage of E. 42<sup>nd</sup> Street shall have a total of 8 class II or III trees.
  - d. 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.
  - e. 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.
  - f. 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.
  - g. 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.
  - h. 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.
  - i. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.

- j. 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, provided that there is equal or greater landscaping provided and no reduction in tree canopy. All other changes to landscaping must be approved by the Design Review Committee or decision maker.
  - k. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied
  - l. Internal shade trees shall be planted such that no parking space is more than one hundred feet (100') from a tree.
  - m. Include landscaped islands with at least one tree at the beginning and end of each parking row and to break up longer rows.
  - n. At least 3 species of tree shall be provided.
6. Vehicular parking:
- a. Parking spaces shall meet the dimensional standards of GCC 8-4D.
7. Loading zones may not impede bicycle lanes, multiuse paths, sidewalks, or motor vehicular travel on public roads.
8. Bicycle parking spaces shall:
- a. Be a minimum space six feet (6') long by two feet (2') wide;
  - b. On-site spaces shall be located within fifty feet (50') of the building entrance(s);
  - c. Public bicycle spaces may be provided within three hundred feet (300') of the property in lieu of on-site spaces. If public bicycle spaces are provided, legally binding documentation including property owner approval, maintenance responsibility, and public use allowance shall be provided to the city;
  - d. Be separated by a physical barrier to protect the bicycles from damage by motor vehicles if located within a motor vehicle parking area. The physical barrier can be curbs, poles, wheel stops, or other similar features;
  - e. Be visible, unless specified for the use of tenants, in which case the bicycle parking spaces must be covered;
  - f. Be easily accessible from the street;
  - g. Not impede pedestrian movement or loading zones;
  - h. Not impede pedestrian or vehicular circulation or loading zones. The facilities shall be incorporated, whenever possible, into the structure's design or street furniture; and
  - i. Be properly illuminated to increase security and avoid accidents and adhere to section 8-4A-4 of this chapter, Outdoor Lighting.
9. RECOMMENDATION: As of the date of this writing, the Federal Emergency Management Agency has issued Draft Digital Federal Insurance Rate Maps (DFIRM) which proposes to delineate the subject properties to be within the 100-year Floodplain. The applicant should consider that any new structures must

have the top of the lowest floor at or above BFE (as defined by adopted FIRM) pursuant to current Garden City Code. Stricter standards may be required in the future for building permit approval.

10. All light fixtures must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.
11. All existing and proposed fencing on-site shall meet Garden City Code 8-4A-3 Fences and Walls standards:
  - a. All chain link fencing visible from the right-of-way, including the gate, shall be removed from the property.
    - i. If replaced, the new fence and gate shall be compliant with Garden City Code 8-4A-3 standards.
    - ii. The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other like unsightly materials for fencing shall be prohibited.
2. All HVAC, 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.
3. 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.
4. All stormwater systems must comply with Garden City Code 8-4A-7.
  - a. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Such swales shall also be designed to accommodate the required number of trees as per subsection 8-4I-4A, "Landscaping For Single-Family Residential Units", of this chapter if located in a required landscape area.
  - b. A rock sump may be incorporated into a vegetated swale to facilitate drainage. The rock sump inlet may not exceed more than five feet (5') in any horizontal dimension. Grates for sand/grease interceptors may also be incorporated, but the inlet structures may not exceed two feet (2') in any horizontal dimension.
  - c. Gravel, rock, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature.
  - d. Plant materials shall be a species that are able to withstand the anticipated changes in soil wetness and moisture levels.
  - e. Organic mulch shall not be used against drainage catch basins due to potential sediment clogging.
  - f. Slopes shall be less than three to one (3:1) (horizontal to vertical) for accessibility and maintenance.

- g. The stormwater facility shall be designed free draining with no standing water within twenty four (24) hours of the completion of a storm event.
5. First floor facades visible from a public street should include surfaces in windows, showcases, displays, or pedestrian access elements:
  - a. Retail uses at least fifty percent (50%), for all other uses at least fifteen percent (15%).

**Prior to Occupancy:**

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. All signs proposed in association with this project shall obtain a sign permit through the Development Services Department.

**For the Duration of the Use:**

1. There shall be no landscaping work done beyond the parameters of the ownership of TSJ LLC without expressed permission of the ownership of the property owner, including on public property.
2. There shall be no removal of vegetation, alteration of land, or planning on the land north of the Greenbelt shall commence without an approved Riparian Permit.
3. Bicycle parking shall not be located on the Greenbelt or the riverside of the Greenbelt.
4. All streets and driveways shall adhere to the standards of a clear vision triangle.
5. 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.

6. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.

**Site Specific Requirements:**

1. Square footage allocated for the Storage, Self-Service facility shall not exceed 11,419 SF.
2. The entrance or transaction area of the self-service facility shall be open to the public street and shall have low impact security lighting.
3. Financial transaction areas shall be oriented to, and visible from, an area that receives a high volume of traffic, such as a collector or arterial street.
4. Landscape shrubbery shall be limited to no more than three feet (3') in height between entrances and financial transaction areas and the public street.
5. The Garden City police require to provide access to exterior doors to public areas.
  - a. If the facility plans to operate 24/7, access should also be provided 24 hours a day.

**General Requirements:**

1. The applicant shall comply with all requirements of the reviewing entities.
2. 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.
3. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho".
4. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
5. Required easements must either be on the plat or provided in a recordable document that includes a legal description and illustration.
6. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
7. The property owner is responsible for the maintenance of all landscaping and screening devices required.
8. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.
9. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.



10. 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.
11. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
12. 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.
13. 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.
14. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
15. 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.
16. 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.
17. All other 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.
18. The landscape installation shall stabilize all soil and slopes.
19. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
20. System Installation Required: 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.
21. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to final plat signature.
22. The approval is specific to the application provided and reviewed.
23. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained.
24. The property owner is responsible for the maintenance of all landscaping and screening devices required.
25. 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.
26. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the City Engineer. 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.
27. All outdoor living spaces must comply with Garden City Cod 8-3C General Provisions- Living Space Requirements.

28. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
29. All stormwater systems must comply with Garden City Code 8-4A-7.
30. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code.
31. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City.
32. 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.
33. 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 substantial 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 substantial conformance with the plans reviewed and approved.
34. Any substantial changes to the design shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
35. 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 final plat has received the approval by the Council.
36. 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.
37. 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 has 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.
38. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.
39. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.

40. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
41. A takings analysis pursuant to Idaho Code may be requested on final decisions.
42. 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.

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Planning and Zoning Chairman

Date

#### **Standard Conditions of Denial**

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-6B-2 and 8-6B-7. This project is not in compliance with 8-6B-2 and 8-6B-7 standard(s) [LIST] because it is not in compliance with the Garden City Comprehensive Plan Sections [LIST] and Garden City code sections [LIST]. Compliance can be met by [LIST].
2. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
3. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
4. A takings analysis pursuant to Idaho Code may be requested on final decisions.
5. 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.

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Planning and Zoning Chairman

Date