



## DEVELOPMENT SERVICES DEPARTMENT

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### PLANNING OFFICIAL REPORT

File Number: MLDFY2025 - 0001

**Review Status: APPROVED AS CONDITIONED**

**Plan Review Number: 1**

**Reviewer: Mariia Antonova**

**Date: December 12, 2024**

**Applicant: Dale Binning**



## REPORT CONTENT

<b>RECORD DOCUMENTS.....</b>	<b>3</b>
<b>SITE INFORMATION .....</b>	<b>3</b>
<b>PROJECT INFORMATION .....</b>	<b>5</b>
<b>AGENCY COMMENTS .....</b>	<b>5</b>
<b>PUBLIC COMMENT.....</b>	<b>6</b>
<b>MEETING SUMMARY.....</b>	<b>7</b>
<b>CODE AND POLICY REVIEW.....</b>	<b>7</b>
<b>DECISION PROCESS.....</b>	<b>18</b>
<b>REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION .....</b>	<b>18</b>

## RECORD DOCUMENTS

1. Application Materials
  - a) MLDFY2025-0001 [Application and Materials](#), November 6, 2024
2. Agency Comments: [link to Section](#)
3. Public Comments: [link to Section](#)
4. Noticing Documents
  - a) [City Noticing](#), November 19, 2024
  - b) [Neighborhood Meeting](#): July 23, 2024
5. Planning Official Report and Decision

## SITE INFORMATION

- 1) Owner: BC HOLDINGS LLC
- 2) Street Address: 10178 W Carlton Bay
- 3) Ada County Tax Parcel Number(s): R1292650120 & R1292650130
- 4) Property Description:
  - a) POR LOT 07 BLK 01 TCA 06-17 CARLTON BAY SUB
  - b) POR LOT 07 BLK 01 TCA 06-3 CARLTON BAY SUB
- 5) Legal Lot of Record: Yes
- 6) Property Size: 1.107 acres
- 7) Zoning District: M Mixed use
- 8) Zoning Overlay: None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Neighborhood Node: Transit Oriented Development
  - b) Green Boulevard Corridor
  - c) Residential Low Density
- 10) The project is in the:
  - a) 100 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.
- 11) Adjacent Uses:
  - a) Drive-thru establishment
  - b) Vehicle service
  - c) Dwelling unit, single family attached
  - d) Funeral Home
- 12) Existing Use: Vacant
- 13) Easements on site:
  - a) CARLTON BAY PLAT; 200600027; UTILITY, DRAINAGE, IRRIGATION EASEMENT, 10'
  - b) CARLTON BAY PLAT; 200600027; BLANKET PUBLIC UTILITY AND PRESS IRRIGATION EAS;
  - c) CARLTON BAY PLAT; 200600027; 35' CANAL AND IRRIGATION EASEMENT.
- 14) Site Access:
  - a) Vehicle access:
    - i) Front: W Carlton Bay Drive
  - b) Pedestrian Access:
    - i) Front: W Carlton Bay Drive

ii) Back: W State Street

**15) Sidewalks:** Sidewalks are installed and are in good repair

**16) Wetlands on site:** None identified

## PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: July 5, 2024
- 3) The neighborhood meeting was held on: July 23, 2024
- 4) Associated Design Review: DSRFY2024-0010
  - a) The MLDFY2025-0001 application does not request the approval of the buildings, amenities, landscaping, etc.
- 5) The request is to separate the property into two parcels.

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
City Engineer <a href="#">Link to Comment</a>	11/16/2024	<ul style="list-style-type: none"><li>• The ROS has the distance listed from the Point of Commencement to the Point of Beginning as 527.66 feet. The land descriptions have the same distance as 527.87. <b>Please confirm.</b></li><li>• The title report lists the following easements as impacting the site:<ul style="list-style-type: none"><li>○ Book 14 of Miscellaneous Records at Page 619</li><li>○ Book 14 of Miscellaneous Records at Page 620</li><li>○ Instrument #106143961</li><li>○ Instrument #108119675</li><li>○ Instrument #107031692</li><li>○ Instrument #107092109 / #110008080</li><li>○ Instrument #107095656</li></ul></li><li>• <b>Please add these to the survey or advise how they impact the property.</b></li><li>• <b>Please advise on how water/sewer will be provided to the two parcels.</b></li><li>• The survey must be recorded. Please provide a copy of the recorded survey to city staff.</li><li>• The owner must execute deeds that define the parcels per the survey and return a recorded copy of the deeds to city staff.</li><li>• Obtain tax parcel numbers for the new parcels and submit evidence of such to city staff.</li><li>• Please provide a written response letter to this review that addresses the comments. Final approval of the survey will not occur until all the above comments have been addressed and the noted steps completed.</li></ul>
Idaho Transportation Department <a href="#">Link to Comment</a>	11/19/2024	ITD does not have any comments or concerns regarding MLDFY2025-0001 application.
North Ada County Fire and Rescue <a href="#">Link to Comment</a>	11/19/2024	<p>North Ada County Fire &amp; Rescue District has reviewed and can approve the application subject to compliance with all currently adopted codes with no further comment.</p> <p>General Requirement:</p> <ul style="list-style-type: none"><li>• Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.</li></ul>

		<ul style="list-style-type: none"><li>• Specific building construction requirements of the International Building Code, International Fire Code and NACFR Rules will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.</li></ul>
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## PUBLIC COMMENT

The following public comments were provided: None provided as of the drafting of this document.

## MEETING SUMMARY

There have been no previous consultations on this project.

## CODE AND POLICY REVIEW

The intent of this minor land division application is to divide the existing parcel into two nearly equal-sized parcels. The proposed new medical office building on Parcel A has been reviewed by the City under DSRFY2024-0010 and approved on October 1, 2024. Parcel B will remain undeveloped, with the owner's intent to offer it for sale.

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 Applicable Code Sections		
Code Section	Compliance	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>		
<a href="#"><u>8-1A-4 Applicability</u></a>		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
<a href="#"><u>8-1B-1 Nonconforming Properties</u></a>	No compliance issues noted	Legal parcel of record as described
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>		
8-2B-1 Purpose	PO	The mixed use (M) district allows for a mix of commercial and residential uses that are complementary of one another. The purpose is to accommodate and encourage further expansion and renewal in designated areas of the community. A variety of residential, office, and commercial uses are encouraged in an effort to provide a mix of activities necessary to establish a truly urban character. All densities of residential, professional offices, neighborhood services retail uses may be located within this designation.
<a href="#"><u>8-2B-2 Allowed Uses</u></a>	PO	<u>For Parcel A and associated DSRFY2024-0010:</u> The proposed development is intended for use as "Healthcare and Social Service," which is a permitted use.  <u>For Parcel B:</u> The application has not identified a specific use within the MLD application.
<a href="#"><u>8-2B-3 Form Standards</u></a>	No compliance issues noted	The required setbacks are: Front: 10' max Interior Side: 0/3' Rear: 5' Street side: 20'  The allowable maximum height is: 72'  There are not encroachments

			All improvements are more than 70' from the Boise River.
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<u>8-4A-3 Fences and Walls</u>	PO	Compliant as Conditioned	<p>This proposal does not identify any fence or wall. Any future fence or wall will be required to be in compliance with code at the time of development.</p>
<u>8-4A-4 Outdoor Lighting</u>	PO	Compliant as Conditioned	<p><u>For Parcel A and associated DSRFY2024-0010:</u>  It is proposed to install 10' light poles.  The height of a freestanding light fixture in a residential district shall not exceed nine feet (9'). The development is in a mixed-use zone and the nearest residential buildings will be approximately 190 feet from the light poles.  Any future outdoor lighting will be required to be in compliance with code at the time of development.</p> <p><u>For Parcel B:</u>  There is no outdoor lighting proposed.</p>
<u>8-4A-5 Outdoor Service and Equipment Areas</u>	PO	Compliant as Conditioned	<p><u>For Parcel A and associated DSRFY2024-0010:</u>  All on-site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property, or shall be screened from view from a public street and adjoining property with a privacy fence.</p> <p>HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.</p> <p>The application proposes using bushes to screen the A/C units.</p> <p>The trash encloser gate has been increased from 36 inches to 42 inches. Plans identify the trash enclosure as being able to hold 3 carts.</p> <p><u>For Parcel B:</u>  This proposal does not identify any outdoor service and equipment areas. Any future outdoor service equipment area will be required to be in compliance with code at the time of development</p>
<u>8-4A-7 Stormwater Systems</u>	PO	Compliant as Conditioned	<p><u>For Parcel A and associated DSRFY2024-0010:</u>  The application proposes a stormwater surface swale within a required landscaped area. 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. The swale appears to consist of sod lawn area and trees. Refer to GCC 8-4I Landscaping Provisions for further discussion regarding the required landscaped areas.</p>

			<p>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.</p> <p>In addition, a permeable paver stormwater system is planned to be installed on the site.</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. The surface stormwater swale will need to be designed in such a way that it can accommodate the required landscaping.</p> <p><b>For Parcel B:</b></p> <p>This proposal does not identify any stormwater systems. A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p>
<u>8-4A-8 Utilities</u>	PO	Compliant as Conditioned	<p>Another draft condition of approval is provided requiring that all utilities be underground.</p> <p>When utilities cross land being divided a utility easement shall be provided and indicated on the record of survey. If an easement is located in a proposed permanent structure construction area, the easement shall be vacated prior to the planning official approval of the minor land division.</p> <p><b>Also, it is necessary to address the comments of the city engineer.</b></p>
<u>8-4A-9 Waterways</u>	PO	No compliance issues noted	There does not appear to be Boise River irrigation facilities on the site.
<u>8-4C-3 Design Provisions for Nonresidential Structures</u>	PO	No compliance issues noted	<p>The minor land division (MLD) application does not include the proposal of non-residential uses/structures. However, this application is associated with the approved DSRFY2024-0010 for Parcel A from October 1, 2024.</p> <p>The MLD application is compliant as conditioned, requiring any future development to adhere to the approved Design Review and/or obtain Design Review approval, or other permits necessary at the time of development.</p>
<u>8-4C-4 Special Provisions for Specific Non residential Development</u>	PO	No compliance issues noted	<p>The minor land division (MLD) application does not include the proposal of non-residential uses/structures. However, this application is associated with the approved DSRFY2024-0010 for Parcel A from October 1, 2024.</p> <p>The MLD application is compliant as conditioned, requiring any future development to adhere to the approved Design Review and/or obtain Design Review approval, or other permits necessary at the time of development.</p>
<b>8-4D Parking and Off Street Loading Provisions.</b>			

<u>8-4D-3 Parking Design and Improvement Standards</u>	PO	Compliant as Conditioned	<p>The minor land division (MLD) application does not include the proposal of non-residential uses/structures. However, this application is associated with the approved DSRFY2024-0010 for Parcel A from October 1, 2024.</p> <p>The parking plan associated with the new development under DSRFY2024-0010 has been reviewed and approved.</p> <p>There are no existing buildings on the property.</p> <p>Any future parking will be required to be in compliance with code at the time of development</p>
<u>8-4D-4 Parking Use Standards</u>	PO	No compliance issues noted	
<u>8-4D-5 Required Number of Off- Street Parking Spaces</u>	PO	Not Determined	
<u>8-4D-6 Standards for Equivalent Parking Adjustments</u>	PO	No compliance issues noted	
<u>8-4D-7 Off Street Loading Standards</u>	PO	No compliance issues noted	
<b>8-4E Transportation and Connectivity Provisions</b>			
<u>8-4E-3 Public Street Connections</u>	PO	Compliant as Conditioned	<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> <p><u>For Parcel A and associated DSRFY2024-0010:</u> Parcel A is proposed to have a connection to Carlton Bay Dr. (vehicle and pedestrian) and a pedestrian connection to State Street. The drive is proposed to be 24' wide.</p> <p><u>For Parcel B:</u> No proposed connection to the street</p> <p>Any future public street connection shall be in compliance with compliance with provisions of 8-4E-3</p>

<u>8-4E-4 Internal Circulation Standards</u>	PO	No compliance issues noted	<p><u>For Parcel A and associated DSRFY2024-0010:</u> Any future internal circulation such as driveways, aisles, and turnaround areas shall be in compliance with DSRFY2024-0010 at the time of development.</p> <p><u>For Parcel B:</u> Any future internal circulation such as driveways, aisles, and turnaround areas shall be in compliance with provisions of 8-4E-4.</p>
<u>8-4E-6 Sidewalk Standards</u>	PO	No compliance issues noted	The existing sidewalk meets the provision.
<u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u>	PO	Compliant as Conditioned	<p><u>For Parcel A and associated DSRFY2024-0010:</u> Pedestrian pathways are planned to connect State Street and Carlton Bay Drive to all primary entrances to the building. Any future pedestrian and bicycle connections shall be in compliance with DSRFY2024-0010 at the time of development.</p> <p><u>For Parcel B:</u> No new developments are proposed. All new nonresidential developments shall provide for pedestrian accessibility.</p>
<u>8-4E-8 Transit Facilities</u>	PO	No compliance issues noted	The MLD does not propose a transit facility.
<b>8-4F Sign Provisions</b>			
<u>8-4F-13 Master Sign Program</u>	PO	Not Applicable	
<b>8-4G Sustainable Development Provisions</b>			
<u>8-4G Sustainable Development Provisions</u>	PO	No compliance issues noted	No action is required for the MLD; however, it will be required when future development is proposed.
<b>8-4H Flood Hazard</b>			
<u>8-4H Flood Hazard</u>	PO	No compliance issues noted	No action is required for the MLD; however, it will be required when future development is proposed.
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u>	PO	Compliant as Conditioned	<p><u>For Parcel A and associated DSRFY2024-0010:</u> As an MLD, the application is required to meet current Garden City code standards. A condition has been drafted to ensure that landscaping is installed in accordance with DSRFY2024-0010 approval at the time of construction.</p> <p><u>For Parcel B:</u></p>

			All development, redevelopment, additions, or site modifications to existing development shall be required to conform to this code.
<u>8-4I-4 Landscaping Provisions for Specific Uses</u>	PO	Compliant as Conditioned	<p><u>For Parcel A and associated DSRFY2024-0010:</u> The future development of Parcel A has been reviewed and approved under DSRFY2024-0010. A condition has been established to ensure that landscaping is installed in compliance with the DSRFY2024-0010 approval at the time of construction.</p> <p><u>For Parcel B:</u> Additions or site modifications that are twenty five percent (25%) to fifty percent (50%) of the gross floor area of the existing structure or developed area, streetscape landscaping as required by section <u>8-4I-8</u> of this article shall be installed.</p> <p>The code references Section 8-4I-8 for streetscape requirements. However, this requirement is currently outlined in Code Section 8-4I-4.</p> <p><b>Required trees:</b> <u>Carlton Bay Dr.</u> (~122 LF): 1 Street Tree+ 2 Frontage trees=3 trees <u>State Street</u> : (~122 LF): 1 Street Tree+ 2 Frontage trees=3 trees</p>
<u>8-4I-5 Perimeter Landscaping Provisions</u>	PO	Compliant as Conditioned	<p><u>For Parcel A and associated DSRFY2024-0010:</u> The future development of Parcel A has been reviewed and approved under DSRFY2024-0010. A condition has been established to ensure that landscaping is installed in compliance with the DSRFY2024-0010 approval at the time of construction.</p> <p><u>For Parcel B:</u> No perimeter landscaping required</p>
<u>8-4I-6 Parking Lot Landscaping Provisions</u>	PO	Compliant as Conditioned	<p><u>For Parcel A and associated DSRFY2024-0010:</u> A condition has been established to ensure that landscaping is installed in compliance with the DSRFY2024-0010 approval at the time of construction.</p> <p><u>For Parcel B:</u> The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.</p>
<u>8-4I-7 Tree Preservation Provisions</u>	PO	Compliant as Conditioned	<p>No action is required for the MLD; however it will be required when future development is proposed. No trees are proposed to be removed.</p> <p><b>If trees are to be removed from the site, an arborist's report must be provided. If trees are removed without an arborist's analysis, all trees will be assumed to be healthy and will require mitigation.</b></p>
<b>8-4L Open Space Provisions</b>			
<u>8-4L-3 General Open Space Standards</u>	PO	Not Applicable	No action is required for the MLD; however, it will be required when future development is proposed.
<u>8-4L-4 Open Space Standards for</u>	PO	Not Applicable	No action is required for the MLD; however, it will be required when future development is proposed.

<u>Single-family, Townhouse, and Two- Family Duplex Developments</u>			
<u>8-4L-5 Open Space Standards for Multi-family Developments</u>	PO	Not Applicable	No action is required for the MLD; however, it will be required when future development is proposed.
<b>Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</b>			
8-5A-4 General Standards	PO	No compliance issues noted	<p>See discussions on Design Review 8-4 B&amp;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-5 Design Standards	PO	No compliance issues noted	
<b>8-5C-4 Subdivisions located within a Floodplain</b>			
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.	No action is required for the MLD; however, it will be required when future development is proposed.
<b>Title 8, Chapter 6, Article A: Administration</b>			
<u>8-6A-3 General Application Process</u>	PO	No compliance issues noted	<p>All uses, structures, or work defined by this title as requiring review by council, planning and zoning commission, design review consultant(s) or planning official must obtain the appropriate permit or permits prior to commencing the use, construction, or alteration in or on any property within the Garden City boundaries.</p> <p>The application was reviewed within 30 days of submittal and staff started processing the application.</p>
<u>8-6A-4 Required Application Information</u>	PO	N/A	<p>Application waivers requested pursuant to 8-6A-4A</p> <ul style="list-style-type: none"> <li>• <u>Sketch Map</u> – this could also be termed a Sketch Plat or Preliminary Plat. This does not appear to be required for a single lot split into two parcels as a Minor Land Division (MLD) or subdivision of less than four lots.</li> </ul>

			<ul style="list-style-type: none"> <li>• <u>Hydrology Report</u> – was completed for original subdivision, the new site development has an associated Stormwater Calculations report which is included in the MLD submittal package.</li> <li>• <u>Natural Hazard and Resources Analysis</u> – was completed for the original Carlton Bay Subdivision, there are no natural hazards or resources at the proposed site.</li> <li>• <u>Dedications and Easements</u> – there are no new dedications or easements for the proposed MLD.</li> <li>• <u>Irrigation/Ditch Company Information Form</u> – the existing Little Union Canal irrigation pipe runs north-south along the eastern edge of Lot 7 within a plat easement, and an existing Little Union Canal irrigation pipe runs east-west in the common lot between the subject parcel and W. State Street. There are no modifications or work proposed on the existing irrigation systems and the new project will not affect or disturb the existing piped irrigation. We have not coordinated or contacted Little Union Canal company.</li> <li>• <u>Approved Sketch Plat</u> – there is no Sketch Plat or Preliminary Plat for the proposed MLD.</li> </ul>
8-6A-5 <u>Administrative Process with Notice</u>	PO	No compliance issues noted	<p>The applicant provided a neighborhood meeting more than 15 days prior to a decision being rendered by the planning official.</p> <p>A notice was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>The applicant posted on the property in accordance with the timing, location, language, and dimensional requirements of the city found in section 8-6A-7.</p>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Previous entitlement that might affect this project	DSRFY2024-0010
<u>Garden City Comprehensive Plan</u>	<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>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> <li>1. <b>RESIDENTIAL LOW DENSITY:</b> The areas designated for low density residential is north of the river, and south of the river west of Glenwood. These areas are predominately single-family detached housing, although some areas of attached housing may be appropriate near major arterials and public facilities.</li> <li>2. <b>ACTIVITY NODE:</b> 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.</li> </ol>

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. Identified centers are:

- b)** Adams and 50th Streets intersection to the Boise River
- c)** Adams and 42nd street intersection to the Boise River.
- d)** East city boundary to 36th street between the Boise River and Chinden Boulevard
- e)** Glenwood and Marigold Streets intersection
- f)** Chinden Boulevard and Garrett Street intersection
- g)** Chinden Boulevard and 50th Street intersection
- h)** State Street and Pierce Park Transit Oriented Development Nodes
- i)** Chinden Boulevard and Glenwood Street intersection
- j)** Chinden Boulevard and Veterans Parkway intersection
- k)** State Street and Horseshoe Bend Road
- l)** State Street and Glenwood Street

**3. GREEN BOULEVARD CORRIDOR:** The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.

The application may be supported by:

***Goal 1. Nurture the City***

- 1.3 Objective: Consider the needs of all citizens, businesses and the environment.

***Goal 2. Improve the City Image***

- 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.
- 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.

***Goal 4. Emphasize the "Garden" in Garden City***

- 4.1 Objective: Beautify and landscape.

	<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 7. Connect the City</b></p> <ul style="list-style-type: none"> <li>7.1 Objective: Create pedestrian and bicycle friendly connections.</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> <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><u>The application may not be supported by:</u></p> <p><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>
<u>Garden City Sidewalk Policy</u>	The attached sidewalk is installed on both sides of the property.
<u>Garden City Street Light Policy</u>	There is not a street lighting installed within 400 feet.
<u>State Street Corridor TOD</u>	<p><b>Primary TOD Station:</b>  Horseshoe Bend Horseshoe Bend Station is located at the western extent of the corridor, the only Tier 1 station in the city of Eagle. North Horseshoe Bend Road is just east of the State Highway 55/State Street intersection that serves as a major linkage to outdoor recreation destinations north of the Treasure Valley, including the Payette River and McCall, Idaho. The cities of Eagle, Boise, and Garden City each have land use jurisdiction in the station area.</p> <p><u>Context:</u></p> <ul style="list-style-type: none"> <li>To the south of State Street, North Horseshoe Bend Road provides access to St Luke's Eagle Medical Plaza and connects to existing and future commercial development and residential neighborhoods to the south. The roadway transitions to a much smaller neighborhood street where homes have direct driveway access to the street. While there are sidewalks in the immediate vicinity of the intersection with State Street, there are opportunities to better connect adjacent neighborhoods to the south by adding sidewalks and wayfinding signage to connect to the Boise River Greenbelt trail system.</li> <li>In addition to the medical facilities, there are major retailers such as WinCo Foods and Home Depot on the north side of State Street that create a regional draw as well as smaller commercial uses adjacent to State Street.</li> <li>East/west connectivity in the area is limited, due to very large lots, cul-de-sacs, dead-end streets, and former aggregate mining pits that are now ponds. Future development will need to consider smaller block lengths and pedestrian and/or bicycle mid-block crossings to improve non-automobile access and circulation.</li> </ul> <p><u>Zoning and Design:</u>  Three jurisdictions regulate land use within the Horseshoe Bend Road station area, making it challenging to create a cohesive station area from urban form and zoning perspectives. Ideally the municipal standards would be complimentary with one another with the goal of encouraging mixed use</p>

	<p>development. Implementing the Transit Station Overlay by all jurisdictions would provide some consistency in permitted uses and design. The following are recommendations for each jurisdiction:</p> <ul style="list-style-type: none"> <li>• Within Garden City, implementing the Transit Station Overlay supports many of the zoning and development requirements that are already part of the City's development code. Garden City allows a mixture of uses, including multifamily, with taller maximum height allowances (up to 72 feet).</li> </ul> <p><u>Land Uses and Urban Form:</u></p> <p>Multistory buildings in proximity to but not immediately on State Street create a more defined station area and sense of enclosure from the street. New landscaping softens State Street and provides shade to support a more walkable, green, and inviting setting at this gateway to Eagle. Buildings are set back slightly from State Street to allow for additional vegetation to buffer noise from the vehicular traffic on the corridor. Off-street parking is located behind buildings and away from State Street to reinforce the presence of businesses and increase visibility. In the northeast quadrant, auto dependent uses transition into mixed-use development. Existing single-family residential development along State Street incorporates cluster housing or town homes to provide more housing options. Housing and additional retail create a station area that is designed for living and working, with nearby medical services and close access to transit.</p> <p><u>Multimodal Connections:</u></p> <p>The future station area concept improves connectivity for all modes of travel, especially for pedestrians and transit users. Interconnected walkways will allow for a safe and direct connection between uses and destinations. While the existing land uses are maintained, the station concept creates a stronger block pattern in the northwest quadrant. The smaller grid consolidates routes for motorists and adds sidewalks, street trees and other amenities to make the area pedestrian friendly.</p> <p><u>Station Concept:</u></p> <p>The Horseshoe Bend Road station area will evolve as a compact and mixed-use transit neighborhood and gateway to Eagle, with walkable treelined streets and convenient connections to transit, the foothills, the Boise River Greenbelt, and adjacent shopping and residential neighborhoods.</p>
<a href="#"><u>Garden City Transportation Needs List</u></a>	<ul style="list-style-type: none"> <li>• Chinden, State Street, and Glenwood create a barrier between the properties on either side of the roads that segments the City. Installing safety crossings that are comfortable and safe will perforate the barrier effect of these large busy roads. Safe and comfortable access can assist in unifying the City and assist in increasing bike and pedestrian modes of transportation for school children and the rest of public. The more that people chose to ride or walk, the more vehicle trips are decreased. Additionally, the more that residents and patrons are able and comfortable to move about the City outside of their vehicles, the more they will feel a sense of place.</li> <li>• As part of the State Street corridor project there should be a coordinated plan that aligns the infrastructure, connections, and classifications of the local network and State Street. The intent is to have a coordinated approach to redevelopment, roadway classification and infrastructure, access management, and safety concerns.</li> <li>• Garden City is a participant of the State Street Corridor Project. Other participants include Valley Regional Transit, Ada County</li> </ul>

	Highway District, Idaho Transportation Department, COMPASS, Ada County, Capital City Development Corporation, City of Boise, and City of Eagle. This project was initiated formally, in 2006. The agencies have agreed to be supportive of high-capacity transit along State Street. Garden City's major obligation to this is to create and implement plans and ordinances that will facilitate Transit Oriented Development Nodes at identified locations along the State Street Corridor. Garden City's Comprehensive Plan aligns with these efforts. The Specific Area Plan ordinance is a zoning classification that can be utilized for the implementation of the nodes, however, it is owner driven rather than requisite zoning.
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## DECISION PROCESS

### **General Provisions**

A formal application will be processed per [GCC 8-6A-5 Administrative with Notice](#).

**Required Decisions:** The following decision processes are required for the project as governed by [GCC Table 8-6A-1](#). The Planning Official and City Council have decision authority once a Design Review Consultation has occurred.

### **Decision**

Pursuant to GCC 8-6A-5, staff shall take one of several actions:

- a. Intent to approve as submitted;
- b. Intent to approve with changes;
- c. Request changes and resubmittal;
- d. Recommend denial; or
- e. Recommend public hearing.

Once the decision is rendered it will be sent to the applicant and interested parties. If the determination is a recommendation for a public hearing or if a person with standing objects, a hearing with City Council or Planning and Zoning Commission will be scheduled.

### **Appeals of Decision:**

Per Garden City Code [8-6A-5 Administrative Process with Notice](#), there is a 15-day period to file a written objection to the application. The objection shall be made on the appeal submittal form and must be accompanied by the appeal fee. This period starts from the signed decision date. If a written objection is received within the 15-day period, a City Council hearing will be scheduled to decide the application. Verbal objections will not be accepted. Written objections received after the 15-day objection period will not be accepted.

When a design review consultation is required as part of an application that requires a public hearing, public testimony regarding design will be heard by the planning and zoning commission at the planning and zoning commission's scheduled hearing.

## **REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION**

### **Required Findings**

In order to approve a design review application after a recommendation by the design review consultant(s), the decision maker shall make a determination with written reasoned statements on the following findings:

GCC 8-5C-6(C) Required Findings	Determination	Reasoned Statements
1. No minor land division shall create more than four (4) new parcels.	Compliant	A total of two parcels are being created.
2. Single-family detached homes may not be built on parcels created through the minor land division process.	Compliant	No single-family detached homes are proposed as part of this application.
3. No property involved in a minor land division shall be involved in a subsequent minor land division for a period of one year from the recording date of the previous record of survey for a minor land division.	Compliant	This property has not been involved in a previous minor land division for a period of one year.
4. No new public street may be created.	Compliant	No new public street is created as a result of this application.
5. Existing buildings to remain shall meet all applicable requirements established in this title. <ul style="list-style-type: none"> <li data-bbox="262 783 833 931">a. A setback that was legally nonconforming prior to the minor land division may remain as a legal nonconforming setback provided the legal nonconforming setback is not altered by the minor land division.</li> <li data-bbox="262 963 833 1089">b. Any building not meeting the required setback shall be either remodeled to meet the setback, demolished, or moved prior to the approval of the minor land division.</li> <li data-bbox="262 1121 833 1269">c. If parking is provided by means of a permanent shared parking agreement, a note on the face of the survey must list the total required and provided parking for all parcels to which the shared parking agreement applies.</li> <li data-bbox="262 1300 833 1512">d. When utilities cross land being divided a utility easement shall be provided and indicated on the record of survey. If an easement is located in a proposed permanent structure construction area, the easement shall be vacated prior to the planning official approval of the minor land division.</li> <li data-bbox="262 1543 833 1670">e. If the street(s) adjacent to the parcel(s) have not been improved with a sidewalk, or all adopted street improvements, they must be installed.</li> </ul>	Compliant	There are no existing buildings on the site.
6. Properties created through an approved minor land division shall be considered conforming property under provisions of Title 8.	Compliant	The application is compliant with all required findings. The application is in conformance with the reviewed sections of code noted in this decision.

The Planning Official reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application meets the standards of approval under **GCC 8-5C-6 Minor Land Division**.

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning Official hereby Approves the application, subject to the following conditions:

## IN APPROVAL

### **Site Specific Requirements:**

#### Scope of this permit:

1. This approval is for this application only.
2. The scope of this permit is to divide the existing Lot 7 Block 1 Carlton Bay Subdivision into two parcels via a minor land division.

#### For Final City Approval and Signature on the Record of Survey:

1. Address all City Engineer comments.
2. A minimum of one class II or class III tree shall be planted in the frontage of 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.
  - a. The frontage of W. State St. shall have a total of 3 class II or III trees.
  - b. The frontage of W. Carlton Bay Dr. shall have a total of 3 class II or III trees.
  - c. Trees shall be high-and-wide branching trees, the applicant may work with Development Service's staff to determine appropriate tree species.

#### Once the Record of Survey is recorded by the County:

1. Please provide a copy of the recorded survey to city staff.
2. The owner must execute deeds that define the parcels per the survey and return a recorded copy of the deeds to the city staff.
3. Obtain tax parcel numbers for the new parcels and submit evidence of such to city staff.

#### For Future Development:

1. New development for Parcel A associated with DSRFY2024-0010 must adhere to the approved conditions or obtain approval for an alternative Design Review and any other necessary permits at the time of development.
2. Any future development for Parcel B must obtain Design Review approval and any other necessary permits at the time of development.

#### **General Requirements:**

1. This review and approval is specific to the design of the project. Final approval is subject to the approval of other reviewing agencies. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail. This approval shall not annul any portion of Garden City Code or other applicable regulation unless specifically noted.
2. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.

3. 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.
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. 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.
6. 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.
7. 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.
8. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. 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.
10. 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.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. 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.
13. 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.
14. 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.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
18. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to a Certificate of Occupancy.
19. Property Maintenance Standards shall be maintained as required by Garden City Code.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. All outdoor living spaces must comply with Garden City Code 8-3C General Provisions-Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.

24. 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.
25. 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.
26. 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. Final approval is based on substantial conformance with the plans reviewed and approved.
27. 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.
28. Occupying the site prior to Certificate of Occupancy is a criminal offense.
29. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
30. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
31. This approval shall expire two (2) years from its approval, unless otherwise extended as allowed by Garden City Code .
32. 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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Development Service Staff

December 12, 2024

Date