



CITY OF GARDEN CITY

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STAFF REPORT

File Number: SUBFY2024 - 0002, Pointe Pierce Villas
For: Combined Preliminary Plat and Planned Unit Development
A 13-lot residential subdivision
Location: 405 & 409 E. 47th Street
Applicant: Teran Mitchell
Report Date:
Planning and Zoning: May 15, 2024
City Council: May 28, 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 - 0002 – Initial application and materials](#)
 - b) [SUBFY2024-0002 – Resubmittals 04162024](#)
2. Staff Reports
 - a) Staff Report May 6, 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) Design Review Consultant: Derek Hurd
 - b) Design Review Consultant: Brett Labrie
 - c) Draft Potential Planning and Zoning
7. Draft Potential Decision

B. Recommendation Summary:

This summary will be updated for City Council to reflect the recommending bodies recommendations.

C. 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-4 Combined Preliminary and Final Subdivision Process	
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: 405 & 409 E. 47th Street
- 2) Parcel Number(s): R2734522913, R2734522904, and R2734522891
- 3) Subdivision:
 - a) N 85' OF W 100' OF LOT 33 BLK 21 FAIRVIEW ACRES SUB 03 #2910-S VIN # 13G9CS2052 TL # D028032;
 - b) N85' OF W100' OF E200' LOT 33 BLK 21 FAIRVIEW ACRES SUB 03 R/S 1391 #2900-S;
 - c) NW'LY 200 FT OF LOT 32 BLK 21 FAIRVIEW ACRES SUB 03
- 4) Property Size: 0.83 acres
- 5) Zoning District: R-3 Medium density residential
- 6) Comprehensive Plan Land Use Map Designations:
 - a) Mixed Use Residential
- 7) Legal Parcel of Record: Unable to determine
- 8) 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.
- 9) Surrounding Uses within 600 feet:
 - a) Vehicle Services
 - b) Dwelling unit, single family attached
 - c) Dwelling unit, single family detached
 - d) Manufactured/mobile home park
- 10) Existing Use: Dwelling unit, single family detached
- 11) Easements on site: There are no records on file with Garden City of existing easements
- 12) Site Access:
 - a) Front: E. 47th Street
 - b) Rear: Adams St. (via Quad 6 subdivision)
- 13) Sidewalks: No sidewalk
- 14) Wetlands on site: None identified

Project Details:

- 1) Proposed development: Residential Subdivision - Combined Preliminary and Final Plat – Processed as a Planned Unit Development
- 2) Total number of lots: 13
 - a) Common: 1
 - b) Residential: 12
- 3) Density: 30 dwellings per acre
- 4) Site Coverage: 0.83 acres = 36,154sqft
 - a) Building: 10,435.45 = 28.9% of the site
 - b) Landscaping: 7,682.08 = 21.2% of the site
 - c) Paved Areas: 8,793.39 = 24.3% of the site
- 5) Total number of vehicular parking spaces: 49
 - a) Covered: 42
 - b) Surface: 8
- 6) Total number of bicycle parking: 18
 - a) Covered: 18
- 7) Refuse: Trash carts internal to the development
- 8) Fencing: No fence
- 9) Sidewalk:
 - a) Detached proposed
 - b) Parameter Landscaping: Around entire property
- 10) City Utilities
 - a) Water and Sewer connection to lots
 - b) Fire Hydrant
- 11) PUD Waivers requested:
 - a) Reduced setbacks; allowing for 0' setbacks interior to the development;
 - b) Lot 1 garage setback allowed to be 15';
 - c) Perimeter landscaping, allowing for 5' width;
 - d) Private open space dimensions, allowing for 4' width;
 - e) Common open space dimensions, allowing 10' width;
 - f) More than 4 dwelling units being served through a common drive, allowing for 25 dwelling units to be served on a common drive.

D. Discussion

The application consists of three separate parcels totaling 0.83 acres, which are to be subdivided into a residential subdivision and planned unit development (PUD) consisting of 8 townhomes, 17 multi-family units, and one common lot. The development proposes access to the property through a common drive with an entrance on E. 47th Street and via a shared common drive with adjacent Quad 6 subdivision on N. Adams Street. The proposed density of the project is 30du/acre, and is located within the R-3 High-Density Residential base zoning district as well as the Mixed Use Residential future land use designation of the Comprehensive Plan.

Planned Unit Development

The development intends to meet the PUD's variety of housing requirements by providing a variety of two-bedroom townhomes, and one-or-two-bedroom apartments. The townhomes provide for two enclosed vehicular parking spaces, while the apartments provide for one enclosed space.

A section of PUD code requires that in any new development that which proposes 10 or more dwelling units, it shall provide a variety of housing types. The proposed variety shall include attached units (townhouses, duplexes), detached units (patio homes), single-family and multifamily units; provided, that the overall density limit of the district is maintained.

Please note, during the January 19, 2021, meeting the Design Review Committee discussed the criteria related to the requirement for a variety of housing to be provided when utilizing the Planned Unit Development ordinance. The Design Review Committee reviews architectural variety, design, and aesthetics whereas the Planning and Zoning Commission reviews the variety of housing types (multi-family, townhome, single family, etc.) proposed. The Planning and Zoning Commission makes their approval or denial recommendation based on how well the proposal meets the variety of housing needs of our community.

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 code review:

1. Setbacks, allowing for setbacks interior to the development to be 0';
2. Lot 1 garage setback allowed to be 15';
3. Perimeter landscaping, allowing for 5' width;
4. Private open space dimensions, allowing for 4' width;
5. Common open space dimensions, allowing 10' width
6. More than 4 dwelling units being served through a common drive, allowing for 25 dwelling units to be served on a common drive;

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
Combined Preliminary/Final Subdivision	Plat	Planning and Zoning Commission: Hearing May 15, 2024	City Council: Hearing May 28, 2024
And Planned Development	Unit		

Required Findings:

For the approval of a PRELIMINARY PLAT OR COMBINED PRELIMINARY/FINAL 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
Department of Environmental Quality Link to Comment	04/23/2024	General Comments.
Garden City Engineer Link to Comment	04/13/2024	<ul style="list-style-type: none"> Any approval of the project should be conditioned upon successfully addressing items presented in this review. We do suggest the “Ability to Serve” process be completed before entitlement approval. The submitted compliance statement includes a request to not perform an “Ability to Serve” for the project until a later date. We suggest the “Ability to Serve” be performed now to provide as much assurance as possible for the applicant that the project may comply with water and sewer requirements. In particular, available water flows may impact building and construction plans creation to conform to fire requirements. We note the project’s Preliminary Landscape Plan is the only drawing/report stamped, signed and dated by the design professional. Other drawings/reports need to be stamped, signed and dated by the design professional responsible. 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. General comments.
Idaho Transportation Department Link to Comment	04/09/2024	ITD has reviewed the application and does not have any comments. The proposed development should not have any impact to the state highway system.
North Ada County Fire and Rescue Link to Comment	04/22/2024	<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. Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. The roadway in this development shall have the sidewalks on each side of the roadway designed for 75,000-pound loading. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

		<ul style="list-style-type: none"> The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Documentation maybe requested at final inspection that the road surface meets this standard. 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. Signage for addressing will be required at the entrance of the project.
Ada County Highway District Link to Comment DRAFT	04/29/2024	<ul style="list-style-type: none"> Construct 47th Street as ½ of a 36-foot commercial street section with curb, gutter, an 8-foot wide planter strip, and 5-foot wide detached sidewalk. Provide a permanent right-of-way easement from 2-feet behind back of curb to 2-feet behind back of sidewalk. Close the existing 73-foot wide paved driveway on 47th Street located 177-feet east of Adams Street and 10-foot wide unimproved driveway on 47th Street 286-feet east of Adams Street driveways with curb, gutter, and 5-foot wide sidewalk. Construct a 20-foot wide shared access curb-return type driveway located 181-feet east of Adams Street.

G. Public Comment

None provided as of the drafting of this document.

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	The land is portions of Lots 32 and 33 of Block 21 of FAS #3. Please provide evidence the land is an original parcel per city code (prior to 1988).

		recording of the subdivision	Creation of the subdivision will resolve this issue, however, as the property description notes the parcel contains portions of Lots 32 & 33, it is likely that other parcels adjacent to this also contain portions of lot 32 & 33.
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose	DRC/PZ/CC	No compliance issues noted	The application just over 30 units per acre, under the 35 units per acre maximum within the R-3 Zoning District.
8-2B-2 Allowed Uses	DRC/PZ/CC	No compliance issues noted	Single Family Attached Dwellings, and multi-family dwelling units are a permitted uses.
8-2B-3 Form Standards	DRC/PZ/CC	Compliant upon approval of waiver request	<p>The required setbacks are: Front: 5'/20' Interior Side: 0'/5' Rear: 15' Street side: 5' The allowable maximum height is: n/a The minimum lot size is: n/a</p> <p>There are encroachments. A waiver has been requested to allow for a 0' foot setback on all sides interior to the development. The overall subdivision meets the base code setback standards.</p> <p>All properties meet the minimum street frontage.</p>
Title 8, Chapter 2: Land Use Provisions			
8-2C-15 Dwelling Unit, Multi-family	DRC/PZ/CC	Not Compliant	<p>As a development with a multi-family component, the site is required to provide three amenities from the three categories. They have provided:</p> <ol style="list-style-type: none"> 1. Quality of Life: Unknown 2. Open Space: Community garden 3. Recreation: Unknown <p>For multi-family developments with 20 units or more, the site is required to provide:</p> <ol style="list-style-type: none"> 1. A property management office 2. A maintenance storage area 3. A central mailbox location 4. A directory and map of the development <p>The site provides a centralized mailbox cluster w/ parcel boxes, and management office information, site map, and a contact QR scan code. There is no onsite management office.</p>
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DRC/PZ/CC	Compliant as Conditioned	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.
8-4A-4 Outdoor Lighting	DRC/PZ/CC	Compliant as Conditioned	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.

8-4A-5 Outdoor Service and Equipment Areas	DRC/PZ/CC	May not be compliant	<p>Republic Services is unsure if the proposed development meets their pick-up safety standards. Plans show trash cart service internal to the development.</p> <p>This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.</p> <p>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>
8-4A-7 Stormwater Systems	DRC/PZ/CC	Compliant as Conditioned	<p>See 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> <p>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.</p>
8-4A-8 Utilities	DRC/PZ/CC	Compliant as Conditioned	<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>
8-4A-9 Waterways	DRC/PZ/CC	No compliance issues noted	<p>Existing irrigation canal along the eastern property boundary line to be tiled for common drive vehicle and pedestrian access. The cross access between this proposed subdivision and the adjacent Quad 6 subdivision was required by the city.</p> <p>The irrigation canal remains open in all other locations which is compliant with code. Code requires that irrigation ditches, laterals, canals, and drains shall be left open and used as a water amenity or linear open space. The application appears compliant with this standard.</p> <p>Irrigation ditches, laterals, canals, and drains do not require fencing. If fencing is installed, open fencing only is allowed, and privacy fencing is prohibited. All fencing shall be approved by the irrigation or drainage district.</p> <p>For any irrigation or drainage ditch, piping or alteration of the ditch shall not impede the movement of the amount of water crossing the property prior to development or the amount of water delivered to downstream properties.</p>
8-4B Design Provisions for Residential Structures			

8-4B-3 Single Family and Two-Family Attached and Detached Dwelling	DRC/PZ/CC	Not Compliant	<p>Building 5 and 6 are considered single family attached dwelling units. The buildings consist of lots 5 -12. Building 5 faces E. 47th Street.</p> <p>Site plans show pedestrian pathways connecting the public sidewalk to the primary entrances of these residential units via the front setback (yard).</p> <p>The front entries do not appear to have a covered porch, dormer, stoop, decorative posts or roof.</p> <p>Minimal windows and modulation of the building façade facing E. 47th Street.</p>
8-4B-4 Multi-family Residential Dwelling Units	DRC/PZ/CC	Not Compliant	<p>Building 1, 2, 3, and 4 are considered multi-family structures.</p> <p>Main entrances, which are the primary point(s) of entry where the majority of building users will enter and leave, shall be designed as an obvious entrance and focal point of the building through architectural treatment, lighting, and address identification.</p> <p>Entrances do appear to be covered and recessed per code requirements.</p> <p>Development of multiple structures on one site shall comply with the requirements set forth in subsection 8-4C-4B, "Multiple Nonresidential Structures On One Development Site", of Garden City Code.</p>
<p><u>8-4C Design Provisions for Nonresidential Structures</u></p>			
<p>8-4C-4B Special Provisions for Specific Nonresidential Development</p>	DRC/PZ/CC	May not be compliant	<p>Development of multiple structures on one site shall comply with the requirements set forth in subsection 8-4C-4B, "Multiple Nonresidential Structures On One Development Site", of Garden City Code.</p> <ul style="list-style-type: none"> • Pedestrian pathways throughout the development appear to connect all primary entrances to the public sidewalks. • There does not appear to be dedicated pedestrian crossings along the private drive. • Terminal view down common drive expire with the Quad 6 subdivision homes.
<p><u>8-4D Parking and Off Street Loading Provisions</u></p>			
<p>8-4D-3 Parking Design and Improvement Standards</p>	DRC/PZ/CC	May not be compliant	<p>90-degree parking space dimensions are required to be 9' x 20'. Dimensions not provided.</p> <p>Bicycle parking is provided on-site. Dimensions not provided.</p>
<p>8-4D-4 Parking Use Standards</p>	DRC/PZ/CC	No compliance issues noted	
<p>8-4D-5 Required</p>	DRC/PZ/CC	Not Compliant	<p>REQUIRED MOTOR VEHICLE PARKING SPACES FOR DWELLING (RESIDENTIAL) USES</p>

Number of Off-Street Parking Spaces			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
			Studio and 1 bedroom	1*9 Units = 9	1*9 Units = 9
			More than 1 bedroom	2* 16 Units = 32	1* 16 Units = 16
			<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: 41 Residential Parking Provided: 41</p> <p>Guest Parking Required: 7 Guest Parking Provided: 8</p> <p>Total Provided: 49</p> <p>No bicycle parking spaces are required single family attached units.</p> <p><u>Multi-family bicycle parking required:</u> 0.5 spaces/unit for the first 10 dwelling units, then 0.1 parking spaces/unit for every unit after the first 10 units; and 1 covered space for every dwelling unit.</p> <p>Covered bike parking required: 17 Provided: 18</p> <p>Bike parking required: $(0.5*10= 5) + (0.1*7 =.7) = 6$ Provided: 1 (deficient 6)</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 E. 47th 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	May not be compliant	<p>Driveways, aisles and turnaround areas, when required for fire and refuse access, shall meet the following standards:</p> <ul style="list-style-type: none"> - Have a minimum vertical clearance of thirteen feet six inches (13'6") for their entire length and width. - Have a minimum width of twenty feet (20'). - The design of internal circulation should be integrated with the overall site design and adjacent properties, 		

			<p>including the location of structures, pedestrian walkways and landscaping.</p> <p>The applicant has requested a waiver to code standards allowing for a 20' driveway in accordance with fire apparatus access roadway width, however, staff is unsure where the 22' required width is stated. Clarification required.</p> <p>The city cannot waive the requirement if fire needs it for access. Boise Fire made a comment stating that "Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. The roadway in this development shall have the sidewalks on each side of the roadway designed for 75,000-pound loading." However, the applicant has stated the buildings are not taller than 30'. Clarification needed.</p>
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	A 5-foot-wide detached sidewalk with landscape buffer is proposed along 47 th Street.
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	No compliance issues noted	A sustainability checklist was provided. The development needs to provide at least 6 points which is provided.
8-4I Landscaping and Tree Protection Provisions			
8-4I-3 General Landscaping Standards and Irrigation Provisions	DRC/PZ/CC	Not Compliant	<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. Trees required: Minimum of 4 species to be provided.</p> <p>Tree species provided: 3, including evergreen and deciduous.</p>
8-4I-4 Landscaping Provisions for Specific Uses	DRC/PZ/CC	May not be compliant	Discrepancies between the Concept Site Master Plan/Architectural Site Plan and Landscape Plan. Landscape plan does not show as many plantings as the

			<p>architectural plan, nor does it show landscaping in places as indicated on the architectural plan.</p> <p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Landscape Area required: 1,807 square feet Landscape Area proposed: 7,682.08 square feet = 21% of the site.</p> <p>Landscape calculations appear to include perimeter and setback landscaping which is not permitted. Recalculations required.</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: 8 Provided Shrubs required: 51 Provided</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 tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>47th Street Trees required (~180LF): 5 trees 47th Street Trees provided: 12 trees The proposed species provide a large tree canopy and are acceptable as a street tree.</p>
8-4I-5 Perimeter Landscaping Provisions	DRC/PZ/CC	Not Compliant	<p>Perimeter landscaping is required between a multi-family residential use and a single-family residential use and/or residentially zoned property.</p> <p>5' wide perimeter landscaping has been proposed along the northern, and southern property boundary lines, and about 15' along the eastern property boundary line between the multi-family units and the neighboring properties.</p> <p>The perimeter landscaping does not appear to have trees within it along the northern or southern property boundaries.</p>
8-4I-6 Parking Lot Landscaping Provisions	DRC/PZ/CC	No compliance issues noted	<p>The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.</p>
8-4I-7 Tree Preservation Provisions	DRC/PZ/CC	Not Compliant	<p>Arborist report not submitted and is required.</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	DRC/PZ/CC	May not be compliant	<p><u>Minimum Requirements for Single Family Attached Dwellings:</u> A minimum of ten percent (10%) of the gross site area shall be in common open space. The site is 36,154sqft.</p>

<p>Single-family, Townhouse, and Two-Family Duplex Developments</p> <p>AND</p> <p>8-4L-5 Open Space Standards for Multi-family Developments</p>			<p>Required: 3,615sqft</p> <p><u>Minimum Requirements for Multi-Family Developments:</u> A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit.</p> <p>There is a waiver request to reduce the required 6' minimum private open space dimension to 4'.</p> <p>Building 1,3, &4: <ul style="list-style-type: none"> - Has 801sqft private balconies measuring 4'x22'. </p> <p>Building 2: <ul style="list-style-type: none"> - Has 80sqft private balconies measuring 4'x22'. - ADA accessible unit does not have private space. </p> <p>Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. Required: 6,250sqft</p> <p>Total: Required: 6,250 Provided: 12,129sqft</p> <p>*Common open space not identified in plans. More information is required. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20'). Waiver requested.</p>
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Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards

8-5A-4 General Standards	DRC/PZ/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	No compliance issues noted	<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 monuments and are otherwise in conformance with this approval.</p> <p>A hydrant and a fire turn-around have been proposed.</p>

8-5C-4 Subdivisions located within a Floodplain

8-5C-4 Subdivisions located within a Floodplain	DRC/PZ/CC	No compliance issues noted, provided the draft conditions of approval, or	There are proposed conditions coinciding with provisions found within code section.
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		similar are in place.	
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process	DRC/PZ/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	DRC/PZ/CC	May not be compliant	Application waivers requested pursuant to 8-6A-4A: <ul style="list-style-type: none"> - Ability to serve – the city is unable to determine if the existing facilities could handle the proposed development. - Approved Addresses - Irrigation/ditch company information form - Lighting plan - Affidavit of public site sign posting and photos - Master sign plan
8-6A-7 Public Hearing Process	DRC/PZ/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 waivers	Application waivers requested pursuant to 8-6B-7: <ol style="list-style-type: none"> 1. Reduced setbacks; allowing for 0' setbacks interior to the development; 2. Lot 1 garage setback allowed to be 15'; 3. Perimeter landscaping, allowing for 5' width; 4. Private open space dimensions, allowing for 4' width; 5. Common open space dimensions, allowing 10' width; 6. More than 4 dwelling units being served through a common drive, allowing for 25 dwelling units to be served on a common drive. <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>Previous entitlement that might affect this project</p>	<p>SUBFY2022-0007: Quad 6 Subdivision This application is required to interact with the previously approved Quad 6 subdivision by providing both pedestrian and vehicular access between the 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>1. MIXED USE RESIDENTIAL: The mixed-use residential area is north of Adams/ Alworth Street. This designation allows for residential and commercial uses in a form and scale that is residential in character and design. A mix of residential; small scale office and retail; and public and semi-public uses are appropriate in this district. Regulations for this area should focus on form more than use, with a maximum height of two stories.</p> <p><u>The application may be supported by:</u></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. • 4.2 Objective: Promote community gardens. • 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.

	<ul style="list-style-type: none"> 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce. <p><u>The application may not be supported by:</u></p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> 2.3 Objective: Promote quality design and architecturally interesting buildings. <p>Goal 6. Diversity in Housing</p> <ul style="list-style-type: none"> 6.3 Objective: Maintain the diversity of housing.
Garden City Sidewalk Policy	A detached sidewalk is required.
Garden City Street Light Policy	A streetlight is installed along E. 47th Street in accordance with the policy.