

CITY OF GARDEN CITY

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

STAFF REPORT

File Number: SUBFY 2024 - 0005, Zhanna Place Townhomes

For: Preliminary Plat and Planned Unit Development
A 10 residential lot and 1 common lot subdivision

Location: 313 E. 48th Street

Applicant: Stephen Pendl

Report Date:

Design Review: September 16, 2024

Planning and Zoning: September 18, 2024

City Council: October 14, 2024



Table of Contents

A. Record Documents	3
B. Recommendation Summary	3
C. Reconciliation.....	3
D. Project Information	5
E. Decision Process	7
F. Agency Comment	10
G. Public Comment.....	13
H. Code/Policy Review	13

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

Individual links:

1. Application Materials
 - a) SUBFY2024 - 0005 [application and materials](#)
 - b) SUBFY2024 - 0005 [Resubmittals 08/14/2024](#)
 - c) SUBFY2024 - 0005 [Resubmittals 08/29/2024](#)
 - d) SUBFY2024 - 0005 [Resubmittals 09/02/2024](#)
 - e) SUBFY2024 - 0005 [Resubmittals 09/18/2024](#)
2. Staff Reports
 - a) Staff Report Design Review Consultation September 16, 2024
 - b) Staff Report Planning and Zoning September 18, 2024
 - c) Staff Report City Council October 14, 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. [Planning and Zoning Commission Recommendation](#)
7. [City Council Drafted Potential Decision](#)

B. Recommendation Summary:

The Planning and Zoning Commission recommended approval of the application with the requested waivers. There was no discussion on the application at the hearing as the application was put on the consent agenda as drafted in the affirmative.

C. Additional Considerations

The plans have been updated to reflect the Design Review consultants' comments since the Planning and Zoning Commission recommendation.

A future cross access connection to 311 E. 48th Street is a matter that staff has included that did not receive discussion with the Planning and Zoning Commission as the application was approved on the consent agenda. Four additional conditions of approval have been added regarding the future connection.

Additional conditions have been included in the draft decision that:

1. Require a cross-access easement along the common drive and pedestrian pathways.
2. Indicate that the drive shall be paved to the edge of property.
3. The future connection shall be identified in the CC&Rs and signage if there is fencing.
4. Fencing must also be removed upon construction of the adjacent parcel.

D. Project Information

Project Synopsis:

The application consists of two parcels totaling .688 acres, which are to be subdivided into a residential subdivision and planned unit development (PUD) consisting of 9 townhomes, 1 existing single family dwelling unit, and 1 common lot, for a total of 11 new parcels. The development proposes access to the property through a common drive with an entrance on E. 48th Street. The proposed density of the project is 16du/acre and is located within the R-3 Medium Density Residential base zoning district as well as the Mixed-Use Commercial future land use designations of the Comprehensive Plan.

Proposed Scope of Work:

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

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

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

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

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

Purpose of a Planned Unit Development

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

1. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements.
2. Create a more useful pattern of open space and recreation areas; and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses, and services.

3. Establish a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation and prevents the disruption of natural drainage patterns.
4. Use land more efficiently than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
5. Develop a land pattern in harmony with land use density, transportation, and community facilities objectives of the comprehensive plan.

Site Conditions:

- 1) Street Address: 313 E 48th Street
- 2) Parcel Number(s): #R2734523470 & R2734523465
- 3) Subdivision: PAR #3470 SE'LY POR LOT 19 BLK 25 FAIRVIEW ACRES SUB NO 03 #3473-B; PAR #3470 SE'LY POR LOT 19 BLK 25 FAIRVIEW ACRES SUB NO 03.
- 4) Property Size: 0.688 acres (*0.55 acre - project size shown on landscape plan*)
- 5) Zoning District: R-3 Medium density residential
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designations:
 - a) Mixed Use Commercial
- 8) Legal Parcel of Record: No
- 9) The project is in the:
 - a) 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) Partially in 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 10) Surrounding Uses within 600 feet:
 - a) Dwelling unit, single family detached
 - b) Manufactured/mobile home park
 - c) Garden City Water Treatment Plant
- 11) Existing Use: Single-family home/Vacant
- 12) Easements on site:
 - a) EASEMENTS: LONG SUB PLAT ; 200600092; UTILITY, DRAINAGE, IRRIGATION EASEMENT, 10';
 - b) EASEMENTS: FAIRVIEW ACRES SUB 03 PLAT; 200600047 ; ALSO IN 2006-00045 FA ALL MASTER QUITCLAIM & 2006-00045 QUIT CLAIM DEED WATER RIGHTS
- 13) Site Access: access from 313 E 48th Street via driveway on the west side of the site
- 14) Sidewalks: No sidewalk
- 15) Wetlands on site: None identified

Project Details:

- 1) Proposed development: Residential - Preliminary Plat – Processed as a Planned Unit Development
- 2) Total number of lots: 11
 - a) Common: 1
 - b) Residential: 10
- 3) Density: 16 Dwelling units per acre
- 4) Site Coverage: 29,959 SF

- a) Building: 6,850 SF, 23% of the site
- b) Landscaping: 12,051 SF, 40% of the site
- c) Paved Areas: 11,058 SF, 37% of the site
- 5) Access: E 48th Street
- 6) Total number of vehicular parking spaces: 24
 - a) Enclosed: 15
 - b) Surface: 9
- 7) Total number of bicycle parking: 0
- 8) Refuse: Republic Services will pick up individual services internal to the development
- 9) Fencing: 6' tall privacy fence
- 10) Sidewalk: Detached sidewalk
- 11) City Utilities
 - a) Water and Sewer connection to lots
- 12) Proposed Easements:
 - a) Perpetual ingress/egress easement on shared drive.
- 13) PUD Waivers requested:
 - a) More than four lots on a common drive
 - b) Reduction of setbacks
 - c) Front yard and rear yard of interior lots

E. Discussion

Planned Unit Development

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.

The development intends to meet the PUD's variety of housing requirements by providing a variety of two-bedroom and three-bedroom townhomes units as well as keeping the existing single family detached dwelling unit on site. The townhomes provide a mix of one or two enclosed vehicular parking spaces, with guest parking in the driveways. The applicant has stated that the project provides architectural variety by providing a fluctuation of paint colors at each unit, while tying the overall design together with common themes and colors.

Since 2021 the Design Review reviews architectural variety, design, and aesthetics whereas the Planning and Zoning Commission reviews the variety of housing types (multi-family, townhome, single family, etc.).

The Design Review Consultant's thought that the proposed structures contained enough architectural variety to meet the PUD's requirements, with the exception of a few design changes to better meet other sections of code (see below).

Design Review Consultation Summary:

The applicant submitted new materials on September 18, 2024 to address the comments that were made at the design review consultation meeting.

1. Show what the improvements on Lot 2 will look like. Show the carport approach off the common drive, removal of the front yard fence to meet code requirements, and closure

- of existing curb cut. **Plans now show the carport approach, closure of the existing curb cut, and there is no indication that there will be a fence in the front yard of Lot 2.**
2. Improve landscape along the common drive on Lot 2. **New landscape plans show trees and shrubs long the common drive pathway.**
 3. Glazing on the ground floor needs to be provided in the garage doors. The ground floor entry door needs to include glazing. **Provided.**
 4. Articulation is required along rear facades and no blank walls are allowed on the ground floor. **Provided through third story bump outs and balconies. Trellis screening has also been added.**
 5. Interact with the future potential development to the south. Landscaping and facades should create a comfortable area that will eventually abut a pedestrian pathway and common open space of adjacent façade. A condition to allow staff to make the determination if it adequately meets the discussion requirement otherwise it will return to Design Review. **Condition drafted.**
 6. The applicant could request a parking waiver for the existing single family dwelling unit structure. **Not requested.**

Waivers

As a PUD development, the applicant can submit waivers to code standards. The applicant has not provided a formal request for waivers, while staff has drafted additional waivers based on review:

1. More than 4 dwelling units being served through a common drive, allowing for 30 dwelling units to be served on a common drive.
2. Reduced setbacks internal to the development, allowing for:
 - a. Rear: 5'¹
3. Interior lots shall be configured so that no front yard shall be adjacent to a rear yard on an adjoining property; allowing for Lot 2's rear yard to be adjacent to Lot 3's front yard.

The intent of the PUD code is to provide for well planned developments which conform to the objectives of the PUD but may deviate in certain respects from the zoning map and the district regulations. It is not the intent that the planned unit development process be used solely for the purposes of deviation from the dimensional standards in the district unless the PUD objectives are also achieved. One objective, providing a diversity of housing, was already discussed. Another objective revolves around the creation of a more useful pattern of open space and recreation areas, while another speaks to developing a land pattern in harmony with land use density, transportation, and community facilities in line with the Comprehensive Plan.

Adjacent Parcel Connection

The applicant has mentioned that the development will eventually be able to connect to the adjacent property to the south. Site plans do not show the connection now; however, conditions have been drafted to require the vehicular and pedestrian connections are made once the adjacent property develops. All areas designed for future expansion or not intended for

¹ The applicant team requested a change from the original 10' waiver request to 5' to allow for rear balconies per the DR consultation comments.

immediate improvement or development should be landscaped (as proposed) or otherwise maintained in a neat and orderly manner.

Otherwise, staff has also drafted conditions to require that the common drive be constructed to the edge of property during the subdivision's construction. This would ensure that the developer make the improvements now instead of future subdivision residents.

By incorporating design features such as connected drive isles, pedestrian pathways and common open space, the application demonstrates its ability to meet the objective of creating a more useful pattern of open space and recreation areas

F. Decision Process

General Provisions

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

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

Decision	Recommendation Authority/ Hearing Date	Decision Authority
Preliminary Subdivision Plat And Planned Development	Planning and Zoning Commission: Hearing September 18, 2024 and Design Review Consultation: September 16, 2024	City Council: Hearing October 14, 2024

Required Findings:

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

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

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

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

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

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

Decision

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

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

Recommendations

The Recommending Authority may take one of the following actions:

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

The recommendations of the Design Committee and the Planning and Zoning Commission does not constitute a final decision on the application. Their recommendations cannot be appealed, as they will be heard by the City Council. The City Council is the final decision maker for this application.

City Council Decision

The City Council may take one of the following actions:

1. Sustain the recommendation as presented to the City Council;
2. Modify the recommendation;
3. Reject the recommendations; or
4. Remand the application to a recommending body for additional proceedings and findings.

A reconsideration request may be made within 14 days of the formal decision being rendered by the City Council. Final decisions are subject to a 28-day right to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code. A takings analysis pursuant to Idaho Code may be requested on final decisions.

G. 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
Ada County Highway District Link to Comment	08/21/2024	<ul style="list-style-type: none">• Improve 48th Street as ½ of a 33-foot wide local street section with curb, gutter, an 8-foot wide landscape strip, and 5-foot wide detached concrete sidewalk abutting the site.

		<ul style="list-style-type: none"> Construct a 20-foot wide paved driveway from the site onto 48th Street, located 140-feet southwest of Adams Street. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD. There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD. Comply with all Standard Conditions of Approval.
The Independent School District of Boise City Link to Comment	08/09/2024	At the present time, the Developer and/or Owner have made arrangement to comply with all requirements of the Boise School District.
City Engineer Link to Comment	08/09/2024	<ul style="list-style-type: none"> It is not entirely clear from the information submitted what the project boundary is. We are assuming the boundary is all of Lot 19. An Affidavit of Legal Interest has been provided for parcel R2734523470, but the project appears to also include parcel R2734523465 owned by William Dembi. An affidavit needs to be provided by William Dembi. Please provide an approval by the Ada County Surveyor's office for the name of "Zhanna Subdivision." Is the internal road a private road? We expect due to the number of units proposed, Ada County will require the road to be named. Please provide a county approved name, if necessary. Provide QC results of the construction of the internal private roadways when completed. An approval from the Ada County Highway District is required. Approval of the project by the North Ada County Fire and Rescue District will be required. Should fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans. The review by the District will need to include review of access and locations of fire hydrants. Will the applicant plan on creating a Restricted Build Agreement (RBA) for the project? Will the applicant desire the city to perform a QLPE review? City code requires the project to be served by surface irrigation water via a pressurized system unless a waiver is approved by the city. The submitted preliminary plat (note 9) indicates a pressurized irrigation system will be installed noting irrigation water will be provided by non-potable water. Please provide a report from a design professional noting the water

		<p>available and frequency of delivery and an analysis of the proposed delivery system</p> <ul style="list-style-type: none"> • Water and sewer service must be reviewed and approved by the city's Public Works Department. The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs. The applicant is responsible to confirm/verify that adequate sewer capacity is available and that the existing system depth is adequate to serve the site. Please provide a plan-profile of the water and sewer planned for the project for city review and approval. If permeable pavers are proposed for storm water mitigation, please note that water line mains under or within 10 feet of permeable pavers need to be ductile iron pipe. Additionally if permeable pavers are proposed, the city will not repair the paver section should maintenance/repair/replacement of the water and sewer main line is necessary. And, sanitary sewer service extending from the main line connection to the home must be private. The final plat and the project C,C&Rs must include notes and text noting the responsibility of the HOA/lot owners regarding permeable pavers. Public water lines need to be at least 25 feet from any storm water seepage beds. • Water lines must be looped where possible. Dead-end lines, if unavoidable, must terminate with a blow-off. Are any fire hydrants required? If so, the minimum mainline running by the fire hydrant connection must be 8-inch pipe. • The final plat must contain easements to cover all city water and sewer infrastructure including water and sewer lines, manholes, fire hydrants and water meters. • After completion of site improvements, record drawings showing compliance with approved construction plans and pre-approved construction period changes must be provided and accepted by the city. • Will the applicant request a QLPE review by the city be performed? If so, the applicant will be responsible to pay for the review in addition to ordinary plan review. • Prior to performing any new grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan. • A site geotechnical report, storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by Idaho licensed design professionals that is sealed, dated, and signed will be required. Compliance with the storm water ordinance and policies of the city will be required. Drainage must be maintained on-site.
--	--	--

		<ul style="list-style-type: none"> The landowner must enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system. The agreement must be fully executed, have approved plans attached and be recorded by the city with final plan approval. The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer. The work maps are available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020.
Republic Services Link to Comment	08/07/2024 08/21/2024	Republic Services approves 20' wide drive lanes and complete drive-through access.
Boise Fire Link to Comment	08/21/2024	<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. (IFC 507.3, IFC B105.2, IFC C105). 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. (IFC 503.1.1) 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. (IFC 503.2.1) The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (BCC 5-12-29, IFC 503.2.4) For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side, for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides, and all portions of the turn-around. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8) Parking will be not be allowed on the common drive. Signage indicating this will need to be posted at the entrance to this subdivision. If EV charging will be installed in the garages, the installation of a heat detector will be required in each garage and interconnected with the smoke alarms in the dwelling the garage serves.

H. Public Comment

None provided as of the drafting of this document.

I. 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			
<u>8-1A-4 Applicability</u>			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.
<u>8-1B-1 Nonconforming Properties</u>		Compliant upon final plat being recorded	The land is portion of Lot 19 of Block 25 of Fairview acers Subdivision #3. The parcel was previously illegally created, as a subdivision application, the parcel(s) will become legal lots of record upon recordation of the final plat.
<u>8-1B-2 Nonconforming Structures</u>		No compliance issues noted	The existing dwelling unit appears to meet setback standards of the R-3 zoning district. The existing shed is considered a nonconforming structure due to the encroachment within the rear setback of Lot 2. Nonconforming structures may remain so long as the nonconformity does not increase unless otherwise specified by code.
<u>8-1B-3 Nonconforming Uses</u>		No compliance issues noted	
<u>8-1C-3 Property Maintenance Standards</u>		No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.
Title 8, Chapter 2: Base Zoning District Regulations required by 8-5A-4			
<u>8-2B-1 Purpose</u>	PZ/DRC/CC	No compliance issues noted	The application just over 16 units per acre, under the 35 units per acre maximum within the R-3 Zoning District. The proposed single family attached residential units, are consistent with the purpose identified for the R-3 Zoning District.
<u>8-2B-2 Allowed Uses</u>	PZ/DRC/CC	No compliance issues noted	Single Family Attached and Detached Dwellings are permitted uses.
<u>8-2B-3 Form Standards</u>	PZ/DRC/CC	Compliant upon approval of waiver request	<p>The required setbacks are: Front: 5'20' Interior Side: 0'5' Rear: 15' Street side: 5'</p> <p>The allowable maximum height is: n/a The minimum lot size is: n/a</p>

			<p>The maximum lot coverage: 70%</p> <p>There are encroachments. The large unit structure encroaches within the rear setback. A waiver has been drafted to allow for 5' rear setbacks for lots 3-8.</p> <p>All improvements are more than 70' from the Boise River. All properties meet the minimum street frontage.</p>
Title 8, Chapter 4: Design and Development Regulations			
<u>8-4A-3 Fences and Walls</u>	PZ/DRC/CC	Compliant as Conditioned	<p>Proposed 6' tall privacy fence along the property boundary lines. Details not provided. Any future fence or wall will be required to be in compliance with code at the time of development.</p> <p>The 6' tall privacy fence will conflict with the future shared driveway and common open space along the southern property boundary line. Conditions have been drafted to require the removal of the fence once the adjacent parcel is developed. Meanwhile, a sign noting "future Roadway Expansion" shall be installed along the fence line where the common drive connects.</p> <p>The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other like unsightly materials for fencing shall be prohibited.</p> <p>The image from Google Maps shows a fence made of old and broken wood and metal chain link (see Picture 3). This fence shall be removed/replaced or a notarized affidavit of non-ownership of this fence signed by both property owners will be required. Conditions drafted.</p>
<u>8-4A-4 Outdoor Lighting</u>	PZ/DRC/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.
<u>8-4A-5 Outdoor Service and Equipment Areas</u>	PZ/DRC/CC	Compliant as Conditioned	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, and will be reviewed during the building permit and prior to certificate of occupancy.
<u>8-4A-7 Stormwater Systems</u>	PZ/DRC/CC	Compliant as Conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7 and other stormwater ordinances and policies.
<u>8-4A-8 Utilities</u>	PZ/DRC/CC	Compliant as Conditioned	<p>All existing and proposed utilities shall be underground.</p> <p>There are overhead utilities running along the entire frontage of the property on the 313 E 48th Street. (see Picture 4)</p>
<u>8-4A-9 Waterways</u>	PZ/DRC/CC	No compliance issues noted	

8-4B Design Provisions for Residential Structures

<u>8-4B-3 Single Family and Two-Family Attached and Detached Dwelling</u>	PZ/DRC/CC	No compliance issues noted	<p>There was no material submitted regarding the existing home on proposed Lot 2. Elevations and renderings were not provided for review. Google Streetview is able to provide an image from July of 2023. The existing dwelling unit facing E. 48th Street appears to contain:</p> <ul style="list-style-type: none"> - A clearly visible front entry door facing the right-of-way with a covered porch. - Windows facing the public street. <p>What it does not appear to have is:</p> <ul style="list-style-type: none"> - A direct and comfortable pathway that connects the front door to the public sidewalk. The existing pathway leads to the driveway. - Material submitted on September 18, 2024, show a direct pathway from the front entry to the proposed public sidewalk. The pathway consists of the existing driveway which will not be removed, but the streetscape improvements will remove the curb cut ingress/egress to E. 48th Street. - A garage or carport. Refer to GCC 8-4D for parking requirements. Conditions have been drafted to require that parking requirements are met, which would require the construction of a garage or carport on Lot 2. There are additional conditions drafted regarding the appearance of the garage or carport in relation to the front façade and the public right of way. <p>Updated plans submitted on September 18, 2024, have resolved previous plan discrepancies. The proposed dwelling unit's main entrance is located on the second story. There are stairs connecting the common driveway pathway to the home's main entrance and the public sidewalk. The ground floor also has an entrance, which is connected to the common drive pathway via the driveway.</p> <ul style="list-style-type: none"> - The driveways are intended to be used for the required guest parking. <p>The large and small unit buildings do not face a public right of way, but they do provide covered entryways on both the ground floor and the second floor. Glazing is provided, though calculations were not.</p> <p>The end units (Lots 3, 8, 9 & 11) appear as side elevation with little glazing. These facades do not face a public right of way.</p>
<u>8-4D Parking and Off Street Loading Provisions</u>			

<u>8-4D-3 Parking Design and Improvement Standards</u>	PZ/DRC/CC	No compliance issues noted	<p style="text-align: center;">Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</p> <table border="1" data-bbox="763 291 1473 502"> <thead> <tr> <th>Parking Angle</th><th>Stall Width (A)</th><th>Stall Depth (B)</th><th>Length Per Car (C)</th><th>Driveway Width Must also meet fire requirements</th></tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;">Standard</td></tr> <tr> <td>90°</td><td>9'0"</td><td>20'0"</td><td>9'0"</td><td>22'0"</td></tr> </tbody> </table> <p>Vehicle Parking Provided: 24 parking spaces Stall width: 12'- 3 1/2" Stall length: 20' Dimensions of parking stalls taken from September 18, 2024, resubmittals.</p> <p>Driveway: 20'</p>	Parking Angle	Stall Width (A)	Stall Depth (B)	Length Per Car (C)	Driveway Width Must also meet fire requirements	Standard					90°	9'0"	20'0"	9'0"	22'0"			
Parking Angle	Stall Width (A)	Stall Depth (B)	Length Per Car (C)	Driveway Width Must also meet fire requirements																	
Standard																					
90°	9'0"	20'0"	9'0"	22'0"																	
<u>8-4D-4 Parking Use Standards</u>	PZ/DRC/CC	No compliance issues noted																			
<u>8-4D-5 Required Number of Off-Street Parking Spaces</u>	PZ/DRC/CC	Compliant as Conditioned	<p style="text-align: center;">TABLE 8-4D-2 REQUIRED MOTOR VEHICLE PARKING SPACES FOR DWELLING (RESIDENTIAL) USES</p> <table border="1" data-bbox="763 1072 1465 1579"> <thead> <tr> <th colspan="3" style="text-align: center;">Dwelling Parking</th> </tr> <tr> <th>Dwelling Type</th> <th>Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)</th> <th>Required Covered Parking Per Each Dwelling Unit</th> </tr> </thead> <tbody> <tr> <td>Dwelling, Accessory:</td> <td>0</td> <td>0</td> </tr> <tr> <td colspan="3">All Other Dwelling Units:</td></tr> <tr> <td>Studio and 1 bedroom</td> <td>1</td> <td>1</td> </tr> <tr> <td>More than 1 bedroom</td> <td>2</td> <td>1</td> </tr> </tbody> </table> <p>Guest Parking 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><u>Proposed Units:</u> Required Parking Spaces Per Each Dwelling Unit: $9 \times 2 = 18$ Provided: 18</p> <p>Required Covered parking: 9 Provided Covered parking: 15</p> <p>Guest Parking Required: 5 Provided: 6 (within the large unit's driveways. The small units do not have guest parking).</p>	Dwelling Parking			Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)	Required Covered Parking Per Each Dwelling Unit	Dwelling, Accessory:	0	0	All Other Dwelling Units:			Studio and 1 bedroom	1	1	More than 1 bedroom	2	1
Dwelling Parking																					
Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)	Required Covered Parking Per Each Dwelling Unit																			
Dwelling, Accessory:	0	0																			
All Other Dwelling Units:																					
Studio and 1 bedroom	1	1																			
More than 1 bedroom	2	1																			

			<p>Parking for all units is tandem parking. In 2-bedroom units, parking for one car is in the garage and parking for another car is on the driveway. There is no separate parking for guests.</p> <p>Existing Residential Dwelling Unit: It is unclear how many bedrooms the existing dwelling unit contains. Therefore, a review was not possible. More information is required. The existing unit will be required to provide adequate parking per current code standards unless a waiver is formally requested by the applicant.</p>
<u>8-4D-6 Standards for Equivalent Parking Adjustment</u>	PZ/DRC/CC	No compliance issues noted	None requested.
8-4E Transportation and Connectivity Provisions			
<u>8-4E-3 Public Street Connections</u>	PZ/DRC/CC	Compliant as Conditioned	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.
<u>8-4E-4 Internal Circulation Standards</u>	PZ/DRC/CC	No compliance issues noted	The common drive is 20' wide.
<u>8-4E-5 Private Street Standards</u>	PZ/DRC/CC	No compliance issues noted	A private street is not proposed.
<u>8-4E-6 Sidewalk Standards</u>	PZ/DRC/CC	No compliance issues noted	A 5-foot-wide detached sidewalk with 8' landscape buffer is proposed along 48 th Street.
<u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u>	PZ/DRC/CC	No compliance issues noted	<p>Also refer to GCC 8-4B section of code review.</p> <p>A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances.</p> <p>The site proposes a pathway from the public sidewalk to the large and small units.</p> <p>There is a direct pathway from the public sidewalk to the primary entrance of the existing structure on Lot 2 through utilization of the existing driveway.</p>
<u>8-4H Flood Hazard</u>	Planning Official	Compliant as Conditioned	The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer. The work maps are

			available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020.
8-4G Sustainable Development Provisions			
<u>8-4G Sustainable Development Provisions</u>	PZ/DRC/CC	Compliant as Conditioned	Sustainability Checklist not submitted. The application is required to provide for at least 6 points from the checklist.
8-4I Landscaping and Tree Protection Provisions			
<u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u>	PZ/DRC/CC	No compliance issues noted	Based on the required number of trees, at least 5 tree species are required. Provided.
<u>8-4I-4 Landscaping Provisions for Specific Uses</u>	PZ/DRC/CC	Compliant as Conditioned This section remains not compliant. However, there are drafted conditions of approval that require compliance.	A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Required: $29,959 \text{ SF} * 0.05 = 1,498 \text{ SF}$ Provided: 2,473 SF Landscape plans submitted September 18, 2024, were updated to correct original plan discrepancies. It remains unclear if the calculations provided included setback and perimeter landscaping. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage. E. 48 th Street: (~101 LF) = 1 Street Tree + 2 Frontage tree=3 trees Provided: 1 (Deficient 2 trees) 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: 60 Provided: 54 Shrubs Required: 400 Provided: 235 (including shrubs, ornamental grasses, and perennials).
<u>8-4I-5 Perimeter Landscaping Provisions</u>	PZ/DRC/CC	No compliance issues noted	Not required.
<u>8-4I-7 Tree Preservation Provisions</u>	DRC/CC	No compliance issues noted	The provisions of this section are intended to preserve existing trees of four inch (4") caliper or greater from destruction before and during the development process. The site contains 9 trees of 4" caliper or greater and 7 trees of 3" caliper and under.

			<p>The arborist's report states: "Of the 4" and greater, many of the trees have been suppressed due to trunk and canopy proximity of adjacent trees. Some have structural issues including co-dominant stems and bark inclusions, and some species have probably grown from self-seeding or volunteers. Overall, most of the trees are weak wooded species prone to breakage during wind events and this attribute paired with existing structural issues, present public safety hazards."</p> <p>No mitigation required.</p>
8-4L Open Space Provisions			
<u>8-4L-3 General Open Space Standards</u>	PZ/DRC/CC	No compliance issues noted	<p>Common open space shall be designed as an integral part of a residential development project by demonstrating adherence to the following standards:</p> <ul style="list-style-type: none"> - Areas on the site of mature landscaping, trees, and natural features have been incorporated into the common open space area; - The common open space area provides connectivity with other open areas, public spaces, trails, or water features within and off the site; and - The common open space area is located and designed to serve a passive or recreational function.
<u>8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments</u>	PZ/DRC/CC	No compliance issues noted	<p>A minimum of ten percent (10%) of the gross site area shall be in common open space.</p> <p>Site Square Footage: 29,959 SF Open Space Required: 2,996 SF Provided: 3,008 SF (Per September 18, 2024, resubmittals)</p> <p>A common open space plan has been submitted identifying where the common open space is proposed. Areas that count towards common open space would be:</p> <ul style="list-style-type: none"> - Open grassy area of at least forty feet by ten feet (40' x 10'). Provided on Lot 1 towards the rear/eastern portion of the subdivision. - A landscape buffer with a minimum of five feet (5') between the street and sidewalk and eighty feet (80') in linear distance. Provided along E. 48th. (640SF) - Any open space, not less than four hundred (400) square feet in area, and with a minimum length and width dimension of twenty feet (20') that is active or passive in its intended use
Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards			
8-5A-4 General Standards	PZ/DRC/CC	No compliance issues noted	<p>See discussions on Design Review 8-4 B&C; Driveways 8-4-E; Floodplain 8-4H; Landscaping 8-4-I; Open Space 8-4-L; Parking 8-4-D; Planned Unit Development 8-6B; Private Streets 8-4-E; Sidewalks 8-4-E; Street design and development standards 8-4-G; Sustainable development provisions 8-4-G; Utilities 8-4-A; Zoning Provisions 8-2-B</p> <p>There are general conditions of approval that the application must be in conformance with the requirements of Garden</p>

			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.
8-5A-6 Improvement Standards	PZ/DRC/CC	Compliant upon approval of waiver request	<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>Interior lots shall be configured so that no front yard shall be adjacent to a rear yard on an adjoining property.</p> <ul style="list-style-type: none"> - Lot 2 and Lot 3 conflict with this code. Lot 2's rear yard is adjacent to a portion of Lot 3's front yard (driveway) setback. A waiver has been drafted to allow for this noncompliance. <p>Common driveways shall serve a maximum of four (4) dwelling units, unless approved through a planned unit development. A waiver has been drafted to allow for more than 4 units to be accessed off a common drive.</p>
8-5C-4 Subdivisions located within a Floodplain			
8-5C-4 Subdivisions located within a Floodplain	PZ/DRC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	There are proposed conditions coinciding with provisions found within code section.
Title 8, Chapter 6, Article A: Administration			
<u>8-6A-3 General Application Process</u>	PZ/DRC/CC	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<u>8-6A-4 Required Application Information</u>	PZ/DRC/CC	No compliance issues noted	
<u>8-6A-7 Public Hearing Process</u>	PZ/DRC/CC	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.
<u>8-6B-7 Planned Unit Development</u>	PZ/DRC/CC	Compliant upon approval of waiver request	<p>Application waivers requested pursuant to 8-6B-7:</p> <ol style="list-style-type: none"> 1. More than 4 units off a common drive 2. Reduced setbacks 3. Front yard and rear yard of interior lots

		There shall be significant discussion whether the application provides adequate diversity of housing to qualify for the planned unit development. RECOMMENDATION
--	--	--

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6513 Local Land Use Planning Subdivision Ordinance	<p>Garden City has, by ordinance, adopted hearing procedures compliant with section 67-6509, Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329, Idaho Code.</p> <p>This statute enables Garden City regulations to provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.</p> <p>This section notes that denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.</p>
Idaho Code 67-6515 Local Land Use Planning Planned Unit Developments	<p>This statute enables Garden City to process applications for planned unit developments.</p>
Garden City Comprehensive Plan	<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> <p>1. MIXED USE COMMERCIAL: The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.</p> <p><u>The application may be supported by:</u></p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> • 1.4 Objective: Create a premier destination place to live, work, and recreate. <p>Goal 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. <p>Goal 4. Emphasize the “Garden” in Garden City</p>

	<ul style="list-style-type: none"> 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"> 6.1 Objective: Eliminate and upgrade substandard housing. 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing. 6.3 Objective: Maintain the diversity of housing. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> 7.4 Objective: Maintain and improve standards for sidewalks, curbs, and gutters. <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. 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.
Garden City Sidewalk Policy	A detached sidewalk is proposed.
Garden City Street Light Policy	A streetlight is installed along E. 48 th Street in accordance with the policy.

Images



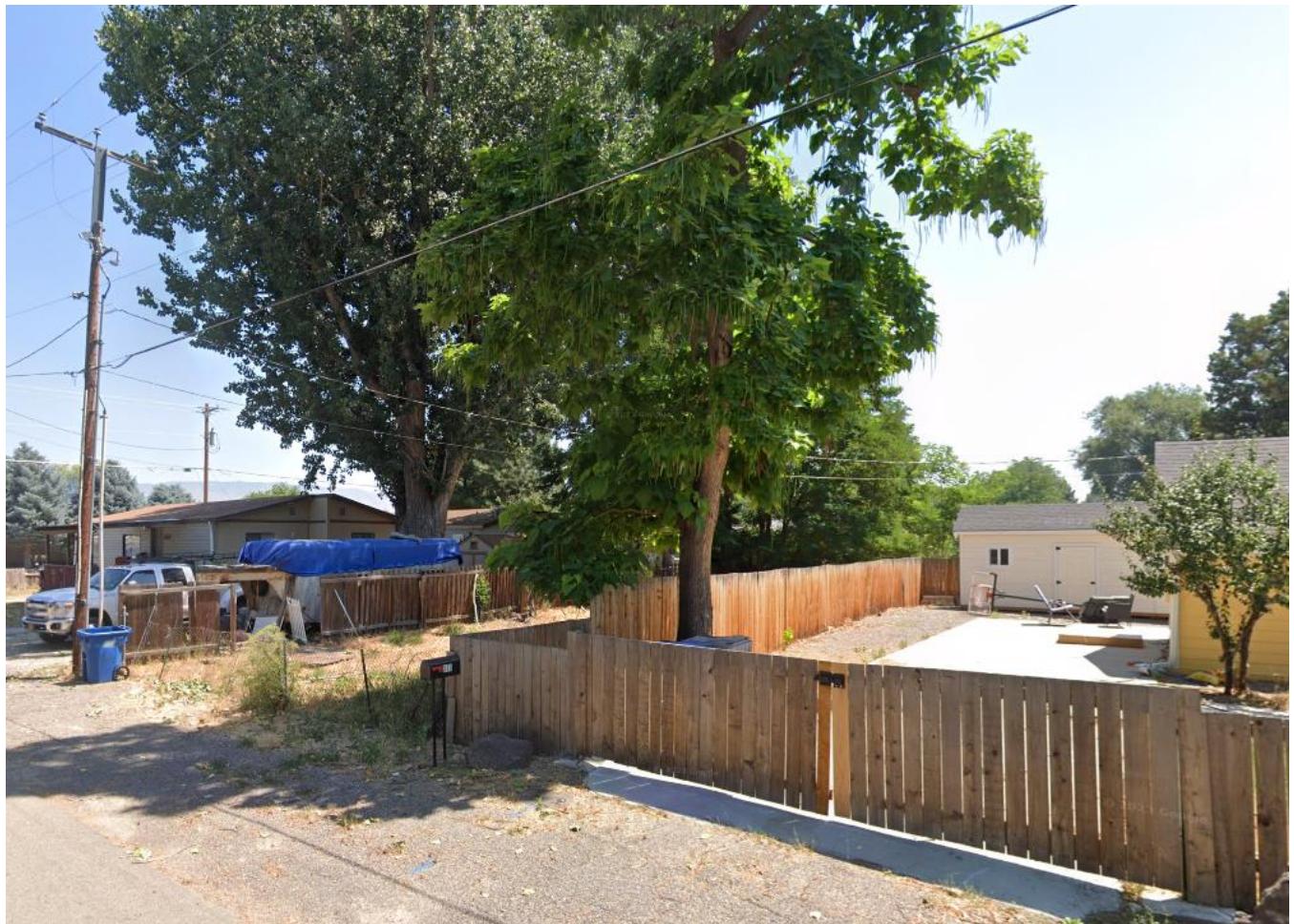
Picture 1



Picture 2



Picture 3



Picture 4