



CITY OF GARDEN CITY

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

STAFF REPORT

File Number: SUBFY2025 - 0001, Rivervillas Subdivision

For: Preliminary Plat and Planned Unit Development

A 15-lot residential subdivision

Location: 606 E. 43rd Street

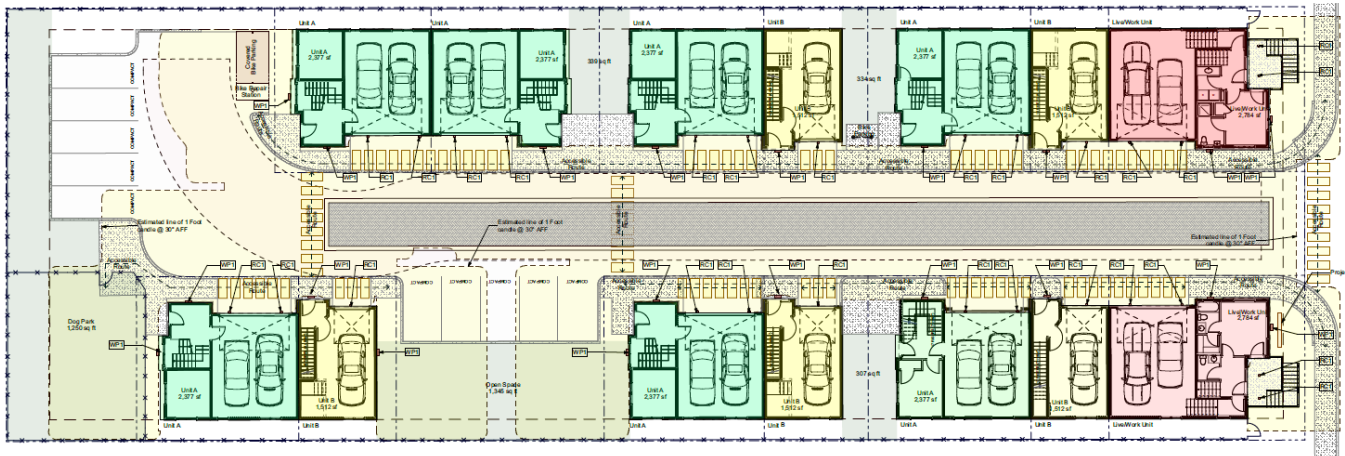
Applicant: Connor Lindstrom

Report Date:

Design Review: March 17, 2025

Planning and Zoning: March 26, 2025

City Council: April 14, 2025



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) SUBFY2025 - 0001 [Initial application and materials](#)
 - b) SUBFY2025 – 0001 [Resubmittals 01/29/2025](#)
 - c) SUBFY2025 - 0001 [Resubmittals 03/03/2025](#)
2. Staff Reports
 - a) Staff Report Design Review Consultation February 18, 2025
 - b) Staff Report Design Review Consultation March 17, 2025
 - c) Staff Report Planning and Zoning
 - d) Staff Report City Council
3. Agency Comments: linked in [Section F](#)
4. Public Comments: linked in [Section G](#)
5. Noticing Documents
 - a) [City Noticing](#)
 - b) Property Posting for Planning and Zoning
 - c) Property Posting for City Council
6. Recommendations
 - a) Draft Potential Planning and Zoning

B. Recommendation Summary:

This summary will be updated 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-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: 606 E. 43rd Street
- 2) Parcel Number(s): R2734521681
- 3) Subdivision: FAIRVIEW ACRES SUB NO 03
- 4) Property Size: 0.690 acres
- 5) Zoning District: C-2 General commercial
- 6) Comprehensive Plan Land Use Map Designations:
 - a) Mixed Use Residential
 - b) Activity Node: Neighborhood Destination
- 7) Legal Parcel of Record: Yes
- 8) The project is in the:
 - a) Outside of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) Within the 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) Dwelling unit, single family attached
 - b) Dwelling unit, single Family detached
 - c) Multi-family development
 - d) School (Future Public School) and Boys and Girls Club
 - e) Manufactured/mobile home park
 - f) Service Provider(s)
 - g) Greenbelt
 - h) Existing Use: Non-conforming use of, and no record of, vehicle storage and services. The site does not have grandfather rights for vehicle uses.
- 10) Easements on site: None
- 11) Site Access: 43rd Street
- 12) Sidewalks: Sidewalks are installed and are in good repair
- 13) Wetlands on site: None identified

Project Details:

- 1) Proposed development: Residential Subdivision - Preliminary Plat – Processed as a Planned Unit Development
- 2) Total number of lots: 15
 - a) Common: 1
 - b) Residential: 14
 - i) Live-Work: 2
- 3) Density: 20.3 Dwellings per acre
- 4) Site Coverage: 25,635sqft
 - a) Building: Unknown % of the site
 - b) Landscaping: 29% of the site
 - c) Paved Areas: Unknown % of the site
- 5) Access: E. 43rd Street
- 6) Total number of vehicular parking spaces: 33
 - a) Enclosed: 23
 - b) Surface: 10
- 7) Total number of bicycle parking: 10
 - a) Covered Surface: 10
- 8) Refuse: Republic Services will pick up individual services internal to the development
- 9) Fencing:
 - a) 6' tall vinyl privacy fencing
 - b) 4' tall metal fence
- 10) Sidewalk: Existing attached sidewalk to remain.
- 11) Landscaping: 3,120sqft
 - a) Perimeter Landscaping: provided
- 12) City Utilities
 - a) Water and Sewer connection to lots
 - b) Hydrant
- 13) Proposed Easements:
 - a) Maintain the existing 30' Sewer Easement per INST. No. 459612 & 2014-096767
 - b) Proposed 30' Utility Easement along common drive
- 14) PUD Adjustments requested:
 - a) More than four lots on a common drive
 - b) Reduction of setbacks

c) Common open space

D. Discussion

This application (SUBFY2025-0001) is a preliminary plat subdivision application that is to be processed as a Planned Unit Development (PUD). The application involves one parcel totaling 0.69 acres, which is proposed to be subdivided into one common lot, and fourteen townhomes. The proposed development will include access through a shared driveway, with the entrance located on E. 43rd Street. The project is designed with a density of 20.3 dwelling units per acre and is situated in the C-2 General Commercial base zoning district as well as the Mixed Use Residential and Neighborhood Destination Node future land use designations of the Comprehensive Plan.

Planned Unit Development

Under the PUD code, developments proposing 10 or more dwelling units 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.

This development proposal addresses the PUD's requirement for housing variety by offering fourteen three-story townhome units, each with a similar architectural design. The specific breakdown of unit types is as follows:

- (7) Unit A: three-bedroom, two-car garage
- (5) Unit B: two-bedroom, one-car garage
- (2) Live-Work Units: three-bedroom, two-car garage, one live-work space

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.

Code Adjustments

As a PUD, the applicant can and has submitted formal requests for code adjustments. The requests include:

1. Allowing more than four dwelling units to be served by a common drive, permitting 14 dwelling units to access the development via a shared driveway.
2. Reducing the side setback requirements to 0 feet to accommodate attached dwelling units (townhomes).
3. Deviating from the common open space requirements.

The purpose of the PUD process is to encourage well-planned developments that may deviate from district regulations in order to achieve the broader goals set forth by the PUD code. These goals include fostering a diversity of housing types (Objective 1), promoting functional open space (Objective 2), and ensuring compatibility with land use density, transportation systems, and community facilities (Objective 5) as detailed in the Comprehensive Plan. It is not the intent

that the planned unit development process be used solely for the purposes of deviation from the dimensional standards.

Although the C-2 zoning district does not have a maximum density, the Comprehensive Plan’s Future Land Use designation for the Neighborhood Destination Node requires a minimum density of 14 dwelling units per acre. This development exceeds that requirement with a density of 20 dwelling units per acre. However, this increased density has resulted in a shortfall of common open space, which constitutes a conflict with the objectives of the PUD code (GCC 8-6B-7.A).

Design Review Discussion Summary:

1. Open Space Adjustment: Reference new PUD code categories for examples of “give-and-take”. This new code is not enforceable on this application; however, it is a good reference source. Adjacent public open space cannot be constituted as a substitute for code deficiency. In conflict with Objective 2 of the PUD code.
2. Terminal View: The terminal view needs to terminate with a unique feature or landscaping such as landscaping and/or art.
3. Public ROW facing Façade: New architectural features required to improve the pedestrian level designs to help encourage the interaction between the building and the public realm.

E. Decision Process

General Provisions

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

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

| Decision | | Recommendation Authority/ Hearing Date | Decision Authority |
|-------------------------|------|--|---------------------------------|
| Preliminary Subdivision | Plat | Design Review Consultation: 2/18/2025, 03/17/2025 | City Council: Hearing 4/14/2025 |
| And Planned Development | Unit | and Planning and Zoning Commission: Hearing 3/26/2025 | |

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.

Motion

A recommendation might be made to sound like “I move to recommend approval/denial of [application file #] as drafted by staff in the affirmative/as drafted by staff for denial, based on the drafted reason statements and conditions of approval.” Or “I move to recommend approval of [application file #] as drafted by staff in the affirmative with the following modifications [list modifications to reasons statements and/or conditions].”

The recommendations of the Design Consultants and the Planning and Zoning Commission do 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;

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2. Modify the recommendation;
 3. Reject the recommendations; or
 4. Remand the application to a recommending body for additional proceedings and findings.

Motion

A motion should include:

1. Action: "I move to approve/deny/continue the application to the date certain of..."
2. File number
3. Note findings of fact, conclusion of law, and decision: "As drafted by staff in the affirmative", "as drafted by staff for denial," or "as amended to remove, amend, or add conditions".

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 |
|---|--------------|--|
| Ada County Highway District Link to Comment | 1/28/2025 | <ul style="list-style-type: none"> • Site specific conditions include payment of impact fees, and civil plan review • Standard conditions required |
| Central District Health Link to Comment | 1/15/2025 | <ul style="list-style-type: none"> • Standard comments and conditions for central water and sewage |
| Garden City Engineer Link to Comment | 1/18/2025 | <ul style="list-style-type: none"> • <u>Street Names:</u> 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. • <u>Fire District:</u> Please advise on how fire department access/turnaround requirements will be met. • <u>Floodplain Comments:</u> <ul style="list-style-type: none"> ○ PP2.0 – It appears the finished floor (we presume the lowest floor for floodplain compliance) is approximately 6 feet or so above surrounding ground. Is this correct? If so, what is the expected garage floor elevation? ○ 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. • Standard comments regarding QLPE Review of Planned Public Water/Sewer extensions, connections, and easements, pressure irrigation, erosion and sediment control, site grading and drainage plans, stormwater operation and management, and FEMA. • Other comments regarding the drafted CC&Rs, preliminary plat, restricted build agreement, and subdivision name reservation. |
| Idaho Transportation Department Link to Comment | 1/14/2025 | ITD does not have any comments. |
| North Ada County Fire and Rescue Link to Comment | 1/29/2025 | <p>North Ada County Fire & Rescue District has reviewed and can approve the application subject to compliance with all the code requirements and conditions of approval as outlined in their review.</p> <ul style="list-style-type: none"> • Hydrant located at front of 612 E 43rd is located within this 600-foot maximum distance. Its fire flow must be sufficient for these buildings to comply with code. A fire flow report is needed to confirm this. |

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| | | <ul style="list-style-type: none"> 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. (IFC D105) The common drive is must be 26 feet wide to afford the required fire department aerial access for these buildings. Parking will be not be allowed along the common drive. Parking will only be allowed in the individual driveways and marked parking stalls. Signage indicating this will need to be posted at the entrance to this subdivision. |
| Republic Services Link to Comment | 1/13/2025 | Proposal works fine. |
| Department of Environmental Quality Link to Comment | 02/03/2025 | General comments and conditions. |
| Boise School District Link to Comment | 03/03/2025 | The Developer and/or Owner have made arrangements to comply with all requirements of the Boise School District. Whittier Elementary School, Riverglen Junior High, Capitol High. 0 additional student projection. |

G. Public Comment

The following public comments were provided:

| Commenter | Comment Date | Summary |
|---|---------------------|--|
| Amanda Cox Link to comment | 01/14/2025 | Concerns regarding road access and traffic flow that will impact the school during construction. |

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 | | No compliance issues noted | |
| 8-1B-2 Nonconforming Structures | | No compliance issues noted | Existing structure(s) to be demolished. |
| 8-1B-3 Nonconforming Uses | | No compliance issues noted so long as no business is operating on site | Previous nonconforming uses related to vehicle storage and vehicle services have ceased operation. The property does not have any existing entitled use(s) on file. |
| Title 8, Chapter 2: Base Zoning District Regulations | | | |
| 8-2B-1 Purpose | DRC/PZ/CC | No compliance issues noted | <p>The application just over 20 units per acre, within the allowed density of the C-2 Zoning District which doesn't have a minimum or maximum density limitation, and above the 14-dwelling unit density minimum of the neighborhood destination designation of the future land use designation.</p> <p>The subdivision specifically requests entitlements for single family attached residential units, which is consistent with the purpose identified for the C-2 Zoning District.</p> |
| 8-2B-2 Allowed Uses | DRC/PZ/CC | No compliance issues noted | <p>Single Family Attached Dwellings are a permitted use.</p> <p>The non-residential components of the live-work units have not been identified. Any commercial use within the work portions of the live work units will be required to obtain additional permits prior to occupancy.</p> |
| 8-2B-3 Form Standards | DRC/PZ/CC | Compliant upon approval of PUD adjustments being granted | <p>The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5'</p> <p>The allowable maximum height is: n/a The minimum lot size is: n/a All improvements are more than 70' from the Boise River.</p> <p>There are encroachments. A code adjustment request has been made for the setback encroachments. An adjustment has</p> |

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| | | | been requested to allow for a 0' foot side setback to allow for attached dwelling units. |
| Title 8, Chapter 4: Design and Development Regulations | | | |
| 8-4A-3 Fences and Walls | DRC/PZ/CC | Compliant as Conditioned | <p>A 6' tall vinyl privacy fence is proposed around the perimeter of the property. This fence extends into the front setbacks of Lots 1 & 8, as a note the fence cannot be 6' tall in the front setbacks. The fence may be a maximum of 3.5' tall until it is flush with the building.</p> <p>A 4' metal fence is proposed around the dog park. Chain-link fencing is a prohibited fencing material. The fence shall be made of compliant fencing materials.</p> <p>Any future fence or wall will be required to be in compliance with code at the time of development.</p> |
| 8-4A-4 Outdoor Lighting | DRC/PZ/CC | Compliant as Conditioned | <p>This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development.</p> <p>Any subdivision lighting, like streetlights along the common drive, will need to be compliant with 8-5A standards. Future structure's lighting will be reviewed at the time of building permits.</p> <p>Any parking area utilized for more than two dwelling units and which is intended to be used during non-daylight hours shall be properly illuminated to increase security and avoid accidents. Any lights used to illuminate parking lots shall be arranged so as to direct the light from trespassing on adjoining property and adhere to this section of code.</p> |
| 8-4A-5 Outdoor Service and Equipment Areas | DRC/PZ/CC | Compliant as Conditioned | <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> <p>Any transformers or other utility equipment required by Idaho Power will need to be screened from view.</p> |
| 8-4A-7 Stormwater Systems | DRC/PZ/CC | Compliant as Conditioned | <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> |

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| 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. This includes all existing utilities found on-site and within the adjacent right-of-way.</p> |
| 8-4A-9 Waterways | DRC/PZ/CC | No compliance issues noted | There does not appear to be Boise River irrigation facilities to the site. |

8-4B Design Provisions for Residential Structures

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|--|-----------|----------------------|---|
| 8-4B-3 Single Family and Two-Family Attached and Detached Dwelling | DRC/PZ/CC | May not be compliant | <p>There is a mix of unit layouts provided, identified as Unit A (7), B (5), and Live-Work (2). The two live-work units, on Lots 1 & 8, face 43rd 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>Not all the front entries appear to have a covered porch, dormer, stoop, decorative posts or roof. The March 3rd resubmittals do not address this comment.</p> <p>“Building Type One” identifies the structure facing 43rd Street. There are windows and modulation on the building façades facing E. 43rd Street.</p> <p>The first-floor facades lack pedestrian level architectural features like glazing, presumably due to the need to have living space above the base flood elevations. Most of these elevations do not face a public right-of-way but rather are internal to the development.</p> <p>The March 3rd resubmittals show the stair design being changed, and perforated metal deco panels being added. The panels are labeled as “Entrance Screening” per the open space exhibit. And Signage is called out on the rendering but not shown in the elevations. A sign permit will be required if a sign is proposed.</p> |
|--|-----------|----------------------|---|

8-4C Design Provisions for Nonresidential Structures

| | | | |
|--|-----------|----------------------|--|
| 8-4C Design Provisions for Nonresidential Structures | 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> <p>All portions of a site should be accessible by a direct, convenient, attractive, safe and comfortable system of pedestrian pathways.</p> <p>Terminal views within the site should be provided via landscaping, landmarks or significant site features. Typically, this would not be required for a residential subdivision except when specifically required as part of a</p> |
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PUD conditions of approval. The applicant has not updated the terminal view per the consultant's request.

8-4D Parking and Off-Street Loading Provisions

[8-4D-3 Parking Design and Improvement Standards](#)

DRC/PZ/CC

Compliant as Conditioned

Vehicle parking:

| Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS | | | | |
|--|-------------|-------------|----------------|---|
| Parking Angle | Stall Width | Stall Depth | Length Per Car | Driveway Width* Must also meet fire requirements |
| Standard | | | | |
| 90° | 9'0" | 20'0" | 9'0" | 22'0" |

Vehicle Parking Provided: 33 regular parking spaces
 Stall Width: 9' or 10'
 Stall Length: 20'
 Driveway Width: 24'

As Live-Work units are proposed, it is recommendable to require at least 1 ADA parking space for ease of development/redevelopment.

Parking lots shall be designed in compliance with the requirements as set forth in 8-4C, Design Provisions for Nonresidential Structures; and 8-4I, Landscaping And Tree Protection Provisions.

[8-4D-4 Parking Use Standards](#)

DRC/PZ/CC

No compliance issues noted

[8-4D-5 Required Number of Off-Street Parking Spaces](#)

DRC/PZ/CC

No compliance issues noted

| Dwelling Parking | | |
|--|--|---|
| Dwelling Type | Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered) | Required Covered Parking Per Each Dwelling Unit |
| All Other Dwelling Units: | | |
| More than 1 bedroom | 2 | 1 |
| 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. | | |

Required Residential Parking: 28
 Provided: 28

Required Covered Parking: 14
 Provided: 23

The live-work units and Unit A provide two vehicle parking spaces within their garages. Unit B provides a one car garage,

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| | | | <p>with the additional required vehicle parking space being located elsewhere on site, via a surface parking lot.</p> <p>Guest Parking Required: 5 Provided: 5</p> <p>No bicycle parking spaces are required single family attached Units, but 10 covered spaces are provided.</p> <p>Parking will be not be allowed along the common drive. Parking will only be allowed in the individual driveways and marked parking stalls. Signage indicating this will need to be posted at the entrance to this subdivision.</p> |
| 8-4D-6 Standards For Equivalent Parking Adjustments | DRC/PZ/CC | No compliance issues noted | None requested. |
| 8-4E Transportation and Connectivity Provisions | | | |
| 8-4E-3 Public Street Connections | DRC/PZ/CC | Not Compliant | <p>Public street connection at E. 43rd 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. Landscaping and fencing, as well as subdivision signs will need to comply.</p> <p>It appears that structures are encroaching into the vision triangles. This was not addressed in the March 3rd resubmittals.</p> |
| 8-4E-4 Internal Circulation Standards | DRC/PZ/CC | No compliance issues noted | <p>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.”</p> <p>If sidewalks are to be included in this measurement, then the sidewalks on each side of the roadway shall be designed for 75,000-pound loading.</p> |
| 8-4E-5 Private Street Standards | DRC/PZ/CC | Compliant as Conditioned | <p>No private street was proposed.</p> <p>A binding contract that establishes the party or parties responsible for the repair and maintenance of the common drive 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> <p>The common drive shall be constructed on a perpetual ingress/egress easement or a single plated lot that provides access to all applicable properties.</p> |
| 8-4E-6 Sidewalk Standards | DRC/PZ/CC | No compliance issues noted | The existing sidewalk meets the provision. |

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| 8-4E-7 Pedestrian and Bicycle Accessibility Standards | DRC/PZ/CC | No compliance issues noted | |
| 8-4H Flood Hazard | | | |
| 8-4H Flood Hazard | Planning Official | Compliant as Conditioned | <p>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.</p> <p>A floodplain permit will be required prior to construction and approval of civil drawings.</p> |
| 8-4G Sustainable Development Provisions | | | |
| 8-4G Sustainable Development Provisions | DRC/PZ/CC | Not Determined | <p>A Sustainability Checklist was submitted on March 3, 2025. The application is required to provide at least 6 points from the checklist.</p> <p>The applicant needs to demonstrate that the application meets all of the requirements as identified in #2 of the checklist:</p> <p>2. A residential development that will be:</p> <ul style="list-style-type: none"> a. Built to the maximum density or a floor area ratio of 1.0; b. Located on a site that was previously developed with at least 50% site coverage; c. Located within ¼ mile of a residential zone with an average density of (10) units per acres net; d. Located within ¼ mile walking distance of at least two of the following basic services: <ul style="list-style-type: none"> i. Restaurant ii. Church or Place of Religious Worship iii. Food Store iv. Day Care (Ada County Boys & Girls Club/Giraffe Laugh Preschool) v. Dry Cleaning Establishment vi. Personal or Professional Services vii. Health Care and Social Services viii. Post Office ix. School (Future Public School) x. Health Club |
| 8-4I Landscaping and Tree Protection Provisions | | | |
| 8-4I-3 General Landscaping Standards and Irrigation Provisions | DRC/PZ/CC | Compliant as Conditioned | <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. The number of species to be planted shall vary according to the overall number of trees required.</p> |

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| | | | <p>At least 3 tree species are required; while 4 are proposed.</p> <p>Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils, or planted with sufficient space to provide for the full maturity of the particular tree species.</p> |
| 8-4I-4 Landscaping Provisions for Specific Uses | DRC/PZ/CC | Compliant as Conditioned | <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 proposed: 7,440 =29% Excluding setback/perimeter: 3,120sqft = 12% of the site.</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 Trees provided: 61 Shrubs required: 50 Shrubs provided: 279</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>43rd Street Trees required: 3 trees Provided: 4 trees The proposed species do not provide a large tree canopy and are not acceptable to be a street tree. A condition has been drafted to require Class II trees with high, and wide branching canopies.</p> |
| 8-4I-5 Perimeter Landscaping Provisions | DRC/PZ/CC | May not be compliant | <p>Perimeter landscaping is required along the common property line between an adjacent nonresidential use and a residential use, which is the western property boundary line.</p> <p>A perimeter landscaping area shall be at least 10 feet (10') wide measured from the property line to the interior of the lot. Provided.</p> <p>A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity. Perimeter landscaping is not provided due to the location of the dog park, however the dog park adds additional land area, therefore additional buffer space, between the residential unit on Lot 14 and the adjacent commercial property to the west. The dog park does not include landscaping within it.</p> <p>At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage. Provided. Trees are not placed evenly at 15' apart due to tree species and canopy being provided.</p> |

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| 8-4I-6 Parking Lot Landscaping Provisions | DRC/PZ/CC | No compliance issues noted | As required by 8-4D-3. |
| 8-4I-7 Tree Preservation Provisions | DRC/PZ/CC | May not be compliant | <p>Arborist report was not submitted for review. Landscape plans note that there are no healthy trees greater than 4" Cal. Proposed for removal, however, according to Google imagery, there might be existing trees on site. Site photos are required, as well as a certified arborist report.</p> <p>Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed or damaged from the site. Mitigation shall be replacement of the total calipers lost on site up to an amount of one hundred percent (100%) replacement. (Example: Two 10-inch caliper trees removed may be mitigated with four 5-inch caliper trees, five 4-inch caliper trees, or seven 3-inch caliper trees.)</p> <p>If trees are removed prior to health status being determined. All trees will be considered healthy and thus 1:1 caliper mitigation will be required.</p> |
| 8-4L Open Space Provisions | | | |
| 8-4L-3 General Open Space Standards | DRC/PZ/CC | No compliance issues noted | Despite the adjustment being requested, what is provided meets this section of code standards. |
| 8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments | DRC/PZ/CC | Not compliant – Code adjustment requested | <p>A minimum of ten percent (10%) of the gross site area shall be in common open space. The site is 0.69acres (30,056sqft) and needs at least 3,005sqft of common open space.</p> <p>The site provides 0.06 acres (2,613sqft) of common open space. This accounts for about 8% of the overall site. The site is deficient by about 2%.</p> <p>The applicant stated that 15.9% of the property contains open space, but some of those areas do not meet the minimum dimensional standards of 8-4L to count towards the open space requirement.</p> <p>The applicant has requested a reduction to the open space standards, due to its' proximity to the Boise Greenbelt, the Boise River, and multiple city parks.</p> <p>The March 3rd resubmittals show the addition of a barbeque plaza and horseshoe pit area which replaced previously proposed landscaping. It is not clear if the additional areas of amenities meet the dimensional standards for common open space. And the Design Review Consultants did not recommend approval of the adjustment request. The BBQ plaza and firepit areas do not appear to meet dimensional requirements.</p> <p>The dog park and horseshoe pit/landscaped area account for 2,595sqft; only 8.6% of the overall site. The site is still deficient in open space.</p> |
| Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards | | | |

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| 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-5 Design Standards | DRC/PZ/CC | No compliance issues noted – Application is a PUD | <p>Interior lots shall be configured so that no front yard shall be adjacent to a rear yard on an adjoining property. Compliant.</p> <p>Common driveways shall serve a maximum of four (4) dwelling units, unless approved through a planned unit development.</p> |
| 8-5A-6 Improvement Standards | DRC/PZ/CC | Compliant as Conditioned | <p>A subsequent application will be required for staff approval to ensure that the proposed improvements meet code standards and policies for storm drainage, water, sewer, utilities, and monuments and are otherwise in conformance with this approval.</p> <p>The fire hydrant located at 612 E. 43rd Street is located within the 600-foot maximum distance from the furthest proposed structure. Refer to North Ada County Fire and Rescue comments. A fire flow report must show sufficient flow for these buildings to comply with code.</p> <p>Street improvements are not necessary, existing facilities are to remain.</p> <p>There is an existing streetlight located on E. 43rd Street.</p> <p>Common open space easement(s) will be required over all common areas within the individual lots. The CC&Rs shall state that the HOA is responsible for maintenance of all common open space and landscaping and shall remain unaltered and in good condition in perpetuity.</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 | | | |

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| 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 | No compliance issues noted | |
| 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 the PUD code adjustments | <p>Application code adjustments requested pursuant to 8-6B-7:</p> <ol style="list-style-type: none"> 1. More than 4 dwelling units being accessed off a common drive; 2. Reduction to setbacks 3. Reduction in common open space <p>There needs to be discussion about whether the application provides adequate diversity of housing to qualify for the planned unit development.</p> |

| Other Items Reviewed | |
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| 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 | This statute enables Garden City to process applications for planned unit developments. |
| Garden City Comprehensive Plan | This application is in future land use designations of the Comprehensive Plan: |

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.

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.

2. **ACTIVITY NODE:** Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Activity Nodes by type shown on the Land Use Map are as follows:
Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential.
Identified centers are:
 - Adams and 50th Streets intersection to the Boise River
 - Adams and 42nd street intersection to the Boise River.
 - East city boundary to 36th street between the Boise River and Chinden Boulevard
 - Glenwood and Marigold Streets intersection
 - Chinden Boulevard and Garrett Street intersection
 - Chinden Boulevard and 50th Street intersection
 - State Street and Pierce Park Transit Oriented Development Nodes
 - Chinden Boulevard and Glenwood Street intersection
 - Chinden Boulevard and Veterans Parkway intersection
 - State Street and Horseshoe Bend Road
 - State Street and Glenwood Street

The application may be supported by:

Goal 1. Nurture the City

- 1.3 Objective: Consider the needs of all citizens, businesses and the environment.
- 1.4 Objective: Create a premier destination place to live, work, and recreate.

Goal 2. Improve the City Image

- 2.1 Objective: Encourage new and distinctive neighborhoods.
- 2.3 Objective: Promote quality design and architecturally interesting buildings.

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| | <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> 4.1 Objective: Beautify and landscape. 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 6. Diversity in Housing</p> <ul style="list-style-type: none"> 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing. 6.3 Objective: Maintain the diversity of housing. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> 7.1 Objective: Create pedestrian and bicycle friendly connections. 7.3 Objective: Protect neighborhoods from through traffic. 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. <p>Goal 10. Plan for Future</p> <ul style="list-style-type: none"> 10.4 Objective: Designate locations in proximity to existing and future transit stops throughout the city that serve as activity centers. <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> 12.1 Objective: Support a positive business environment 12.2 Objective: Continue to support commercial and industrial land uses. 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"> 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting. <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>Goal 10. Plan for Future</p> <ul style="list-style-type: none"> 10.4 Objective: Designate locations in proximity to existing and future transit stops throughout the city that serve as activity centers. |
| Garden City Sidewalk Policy | Existing attached sidewalk to remain. |
| Garden City Street Light Policy | A streetlight is installed along E. 43 rd Street in accordance with the policy. |
| Garden City Transportation Needs List | <p>43rd Street has been identified as a regional bike and pedestrian spine connecting the City of Boise, Garden City and the Greenbelt. Below are identified enhancements to the roadway network to create a safer bike and pedestrian experience:</p> <p><u>Safety Crossing on Chinden at 43rd Street:</u> This request is currently anticipated to be funded for design. The request is to provide a safe and comfortable crossing at Chinden to facilitate the bike and pedestrian traffic crossing from the Boise bench to the amenities and regional connections at 42nd Street. This is a connection to the requested bike/ pedestrian</p> |

connection at 43rd and will serve the ability to connect to the node at 42nd and provide a safe route to school.

Pathway Connection 43rd and Ustick: Formalize and improve a pathway that is being utilized as a bike/ ped connection at 43rd and Ustick.

Pedestrian Crossing 43rd and Ustick: Multiple traffic fatalities have occurred in proximity of this intersections. Due to multiple lanes of traffic, downhill slope, and both speed and volumes necessitate a more visible crossing. Install Pedestrian Hybrid Beacon and overhead lighting at marked crosswalk. Per Looking Glass Academy Garden City February 2019 recommendations.