

# DEVELOPMENT SERVICES DEPARTMENT

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# PLANNING OFFICIAL REPORT

File Number: MLDFY2023 - 0001

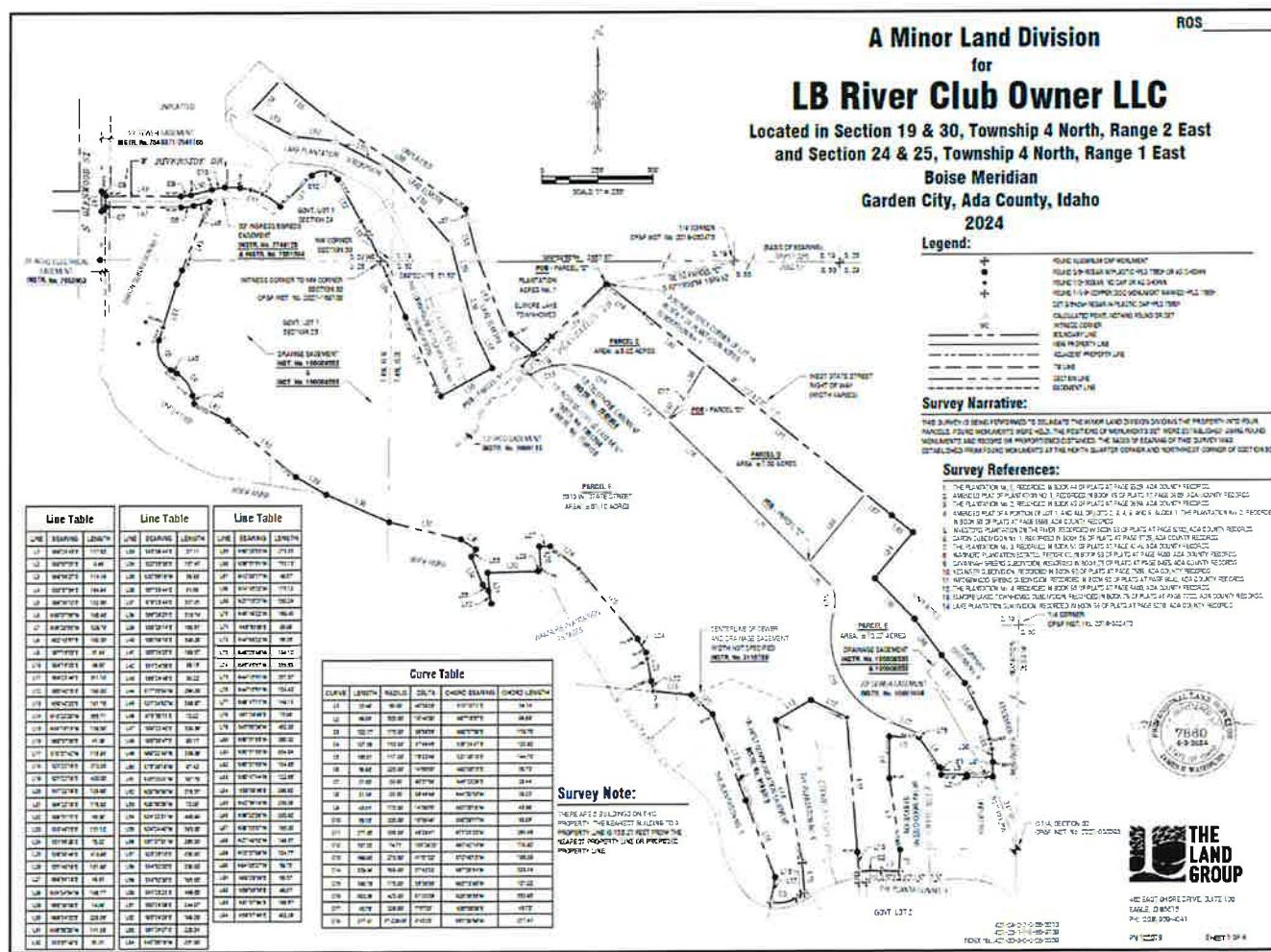
**Review Status: APPROVED AS CONDITIONED**

## Plan Review Number: 2

**Reviewer:** Hanna Veal

Date: 08/09/2024

**Applicant:** Trever Nicoll



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## RECORD DOCUMENTS

### Application Materials

1. MLDFY2023-0001 Application and Materials, [April 7, 2023](#)
  - a) Minor Land Division application form
  - b) Application Narrative, Compliance Statement, and Statement of Intent
  - c) Preliminary Title Report from First American Title Insurance Company
  - d) Deed of Record
  - e) Neighborhood Map
  - f) Will Serve/Ability to Serve dated June 25, 2022
  - g) Affidavit of Legal Interest
  - h) Minor Land Division Survey stamped and signed by James R. Washburn on February 3, 2023 (2 sheets)
2. MLDFY2023-0001 Resubmittals, [June 11, 2024](#)
  - a) Comment response letter from Jason Densmer dated June 11, 2024
  - b) E-mail from Christy Little of ACHD dated June 10, 2024 (email from September 24, 2024)
  - c) Four land descriptions stamped by James R. Washburn, PLS, parcels C, D, and E, dated October 26, and parcel F dated November 1, 2024
  - d) Record of Survey – Minor Land Division signed by James R. Washburn, PLS, and dated June 3, 2024 (4 sheets)
  - e) Topo survey, site, and landscape plan dated January 3, 2024 (1 sheet)

Agency Comments: Linked to SAP

Public Comments: None

1. Noticing Documents
  - a) City Noticing, [June 27, 2023](#)
  - b) Neighborhood Meeting: August 15, 2023

Planning Official Report and Potential Decision

## SITE INFORMATION

- 1) Owner: LB River Club Owner LLC
- 2) Street Address: 6515 W. State Street, Garden City, ID
- 3) Ada County Tax Parcel Number(s): S0630223350 & S0630212910
- 4) Property Description:
  - a) Parcel S0630212910 @ NE4NW4 in TCA 06-15 Section 30 4N 2E;
  - b) Parcel S0630223350 of Sec 24-25 & 30 Lots 2-3 4N2E & Lots 2-3 Block 4 Plantation Subdivision #1 #222680C #244315C S0630212900C S0525110106C S0619336570C R7100400583C R7100400605C
- 5) Legal Lot of Record: Yes
- 6) Property Size: ~ 103.78 acres
- 7) Zoning District: R-2 Low Density Residential
- 8) Comprehensive Plan Land Use Map Designation:
  - a) Activity Node: Neighborhood Destination
  - b) Green Boulevard Corridor

- c) Residential Low Density
- d) Future Park/ Open Space

9) The project is in the:

- a) A portion of the project is in the 500 Year and 100 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
- b) A significant part of the project is in the 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.

10) Adjacent Uses:

- a) Dwelling unit, single family detached
- b) Dwelling unit, multiple family
- c) Business complex with various non-residential uses

11) Existing Use: The site is a portion of a golf course.

12) Easements on site: There are no records on file with Garden City of existing easements.

13) Site Access: Current access is from W. Plantation Drive

14) Sidewalks: There are no existing sidewalks adjacent to State Street.

15) Wetlands on site: None identified

## PROJECT INFORMATION

- 1) Proposed development:
  - a) New construction of mixed-use multi-family development associated with SAPFY2023-0001 (Ord. 1018-20).
  - b) The average density of the project is 33 units/ acre with a build out of up to 750 dwellings and up to 40,000 square feet of commercial. There will be a minimum density of 14 units/ acre with density to be focused on transit and activity nodes.
  - c) The MLDFY2023-0001 application does not request the approval of the buildings, amenities, landscaping, etc. Further permits will be required for the approval of such items.
  - d) The request is to separate the property into four parcels for development. Three of which are included in the SAP application identified as parcels C, D, & E.
- 2) Noticing was completed on: June 27, 2023
- 3) The neighborhood meeting was held on: August 15, 2023
- 4) Site Coverage: 103.78 acres

## AGENCY COMMENTS

The following comments were submitted as part of the associated SAPFY2023-0001 file. There were no additional comments made from agencies regarding MLDFY2023-0001:

Agency	Comment Date	Summary
Garden City Engineer: <a href="#">Link</a>	01/08/2023	<p>The comments identify necessary reviews; notes that the applicant's stated intent for a Minor Land Division; and that development should occur at or above FEMA's proposed flood maps base flood elevation.</p> <p>The ability to serve letters prepared on <a href="#">January 27, 2023</a>, and <a href="#">June 28, 2022</a>, are conditional. The application proposes a connection to the Boise City sanitary sewer collection system. It would be the applicant's responsibility to confirm that adequate sewer supply is available.</p> <p>If there is to be further subdivision, providing city utility services might be impacted by a subdivision of the land.</p>
Department of Environmental Quality: <a href="#">Link</a>	01/04/2023	Standard Comments
Valley Regional Transit: <a href="#">Link</a>	02/13/2023	Requesting consistency with design and phasing as identified by VRT and the ACHD intended Pierce Park Lane intersection redesign.
Boise School District: <a href="#">Link</a> ; <a href="#">Link</a>	03/10/2023; 05/08/2023	<p>Bus stop on a non-arterial public street requested.</p> <p>The current bus stop is located at Fair Oaks Lane,</p>

City of Boise: <a href="#">Link</a>	03/15/2023	<p>A public bicycle and pedestrian connectivity between the Pierce Park Lane intersection and greenbelt is far superior to current conditions.</p> <p>An internal drive aisle between the Central and East sub-districts is safer.</p>
Ada County Highway District: <a href="#">Link</a> ; <a href="#">Link</a>	04/17/2023; 04/27/2023	<p>ACHD's intersection project scheduled for 2025 is anticipated to mitigate impacts on state street.</p> <p>The construction of a multi-use pathway along State Street is recommended as alternative mitigation.</p> <p>Remove the westernmost right-in-right out access that is the existing Plantation Drive. If required by emergency service providers, an emergency access could be located here, or other location as preferred by emergency service providers. Emergency access should be restricted by a gate or bollards that are located outside of the right-of-way for State Street.</p> <p>To ensure there is adequate left turn queue length to turn on to State Street from the private road, the city should require a northbound left turn lane that extends the entire length of the north/south private road between State Street and the east/west private road. [Garden City staff understands this as the private leg of Pierce Park Lane]</p> <p>The need for additional access beyond the State Street/Pierce Park Lane intersection was demonstrated in the traffic study. However, ACHD does not recommend approval of the proposed left-in movement at this location due to other driveways and turning movements on the north side of State Street and recommends that this driveway be restricted to right-in/right-out only and be constructed with the ACHD project.</p> <p>Redesign the private road/drive aisle network between the Central and East Sub-Districts of the development for better access to Pierce Park Lane.</p> <p>If private roads are not approved by the City of Garden City, the applicant will be required to revise and resubmit the design review application to provide public standard local streets in these locations.</p> <p>Do not connect to Fair Oaks Place for the purpose of motor vehicles.</p> <p>Require pedestrian and bicycle connectivity connection at Fair Oaks Place.</p> <p>Require a 10'-12' multi-use path along State Street.</p>

## PUBLIC COMMENT

None provided as of the drafting of this document. There were public comments regarding the associated SAPFY2023-0001 application.

## MEETING SUMMARY

Refer to code analysis and policy review below.

## CODE AND POLICY REVIEW

This minor land division application has been submitted as part of completing two of the conditions set forth in the SAPFY2023-0001 (ORD. 1018-20) conditions of approval. Where additional design standards of code are required to be reviewed by Garden City Code 8-5A, conditions have been drafted to ensure additional entitlements are applied for and in compliance with SAPFY2023-0001 zoning code amendments and master plan. Further review of residential and commercial structures, vehicular, bike and pedestrian connectivity and parking, landscaping, amenities, and open space, etc. have all been conditioned to be in compliance with SAPFY2023-0001 (ORD. 1018-20), associated master plan, and code amendment. Future applications within the area designated by SAPFY2023-0001 shall be in conformance with the Residences at River Club District, Development Agreement and in substantial conformance with the conceptual master plan.

In order to approve this MLD, a restricted build agreement between the applicant and the City shall be recorded and noted on the survey.

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
<b>Title 8, Chapter 1: General Regulations</b>			
<u>8-1A-4</u> <u>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</u> <u>Nonconforming Properties</u>	No compliance issues noted		<p>Documentation shall be provided demonstrating that the property is a legal lot of record. Please submit property deeds showing original parcel descriptions.</p> <p>If the property description is the same as described in deeds predating August 9, 1988, then the parcel is of legal status.</p> <p>If there is a ROS with the City Engineer's signature and stamp post August 9, 1988, then the parcel is of legal status.</p> <p><b>Resolved.</b> <b>The parcel exists as the unplatting remainder of the parent parcel from which various subdivisions have been platted. Plantation No. 1 was platted in 1977, Plantation No.2 in 1978, and Plantation No. 3 in 1981. After August 9, 1988, other subdivisions</b></p>

			<b>were platted and approved by the City including Plantation No. 4 (1990), Wedgewood Greens (1992).</b>
8-1B-2 Nonconforming Structures		No compliance issues noted	<p>Existing buildings were not shown on the ROS.</p> <p>In accordance with the City Engineer's review comment, please add a note on the ROS noting the existing number of structures and the nearest building is location in relation to the nearest and proposed property line. <b>Resolved.</b></p>
<u>8-1B-3 Nonconforming Uses</u>		No compliance issues noted	<p>This application is not for the occupancy of a specific use. Current occupants either have a certificate of occupancy, certificate of compliance, and/or existing conditional use permit. Any future use shall abide by the current code procedures at the time to occupy a tenant space, building, or for the construction of new structures.</p>

**Title 8, Chapter 2: Base Zoning District Regulations Required by 8-5A-4**

8-2B-1 Purpose	PO	No compliance issues noted	<p>The property is currently zoned R-2 Low Density Residential. This district allows for a maximum density of 6du/acre.</p> <p>This minor land division does not specifically request entitlements for any use in conjunction with this application. Therefore it is compliant with the current standards of code.</p> <p>The associated SAPFY2023-0001 (Ord. 1018-20) has identified the intended multi-family uses, in addition to non-specified commercial uses. Further permits will be required prior to the construction and occupancies of both residential and commercial uses and shall abide by the master plan and zoning code amendment as identified in SAPFY2023-0001.</p> <p>The current code only allows for 6du/acre, whereas the SAP proposes a density of 33du/acre. The increased density is not compliant with current Garden City Code, however, once the SAP is approved, the 33du/acre would be permitted.</p> <p>As this MLD application does not propose any uses, the application is compliant. However, the SAP will need to obtain final approval and other permits, such as a design review, will be required prior to any construction.</p>
8-2B-2 Allowed Uses	PO	No compliance issues noted	<p>The application has not identified a specific use within the MLD application.</p> <p>Until the SAP is recorded, Garden City Code 8-2B-2 allowed uses within the R-2 zoning district is applicable to the property.</p> <p>Multifamily Dwellings are a conditional use within the R-2 zoning district requiring a conditional use permit. If the SAP is not approved, a conditional use permit in the approval shall be required prior to any construction.</p> <p>The non-residential components have not been identified.</p>
8-2B-3 Form Standards	PO	No compliance issues noted	The required setbacks within the R-2 zoning district are: Front: 15'/20'

			<p>Interior Side: 0'/5' Rear: 15' Street side: 20'</p> <p>The allowable maximum height is: 35'</p> <p>The minimum lot size is: 6,000sqft</p> <p>It is unknown if there are any encroachments as existing buildings were not depicted on the ROS provided. Please provide a note on the ROS ensuring all existing structures meet the setback standards of the R-2 zoning district set forth in current Garden City Code 8-2B-3. <b>Existing buildings are shown on the plan and are all located within the proposed Parcel F. Existing buildings all meet the dimensional standards of the R-2 zone. Note added to Sheet 1 of the MLD ROS.</b></p> <p>Once the SAP is approved, there will be new setback and height maximum standards applicable to the future development (for reference only):</p> <p>Setbacks (from project perimeter):</p> <ul style="list-style-type: none"> <li>• State Street: 15'</li> <li>• Along Golf Course: 10'</li> <li>• Side: 10'</li> <li>• Between buildings except for parking structures: 10' total</li> <li>• Pierce Park Lane: 10'</li> <li>• Any other right-of-way: 3'</li> <li>• Parking structure: 3'</li> </ul> <p>Height Maximums</p> <ul style="list-style-type: none"> <li>• Multi-family and Retail: 65'</li> <li>• Single Family (including detached and townhouse): 35.'</li> </ul> <p><b>The SAP has obtained final approval from the city, there are no existing buildings on Parcels C, D or E. Future development of these parcels will be reviewed by the City for compliance with the SAP when other permits are submitted.</b></p>
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#### **Title 8, Chapter 4: Design and Development Regulations**

8-4A-3 Fences and Walls	PO	No compliance issues noted	<p>This proposal does not identify any fence or wall. Please show existing fences on the ROS indicating height and material used. <b>Refer to note 2.3 regarding existing fences on the topographic survey.</b></p> <p><b>There are multiple existing fences that encroach upon the property as shown in the survey provided. These fences constitute as legal nonconforming fences and may remain so long as the property does not undergo significant site improvements.</b></p> <p><b>The applicant has stated that all property owners are aware of the encroachments. It is possible that removal of the fences will be required once significant improvements are proposed on any of the parcels involved in this MLD.</b></p>
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			Any future fence or wall will be required to be in compliance with code at the time of development.
8-4A-4 Outdoor Lighting	PO	No compliance issues noted	This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development.
8-4A-5 Outdoor Service and Equipment Areas	PO	No compliance issues noted	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.
8-4A-6 Self- Service Uses	PO	Not applicable	
8-4A-7 Stormwater Systems	PO	No compliance issues noted	This proposal does not identify any stormwater systems. Any future stormwater systems shall be built in compliance with provisions of 8-4A-7.
8-4A-8 Utilities	PO	No compliance issues noted	Connection to the city of Boise's sanitary sewer collection system must be coordinated with the City of Boise at the time of future development.
8-4A-9 Waterways	PO	No compliance issues noted	Any alteration to the Boise River or the floodway will be required to comply with an approved floodplain development permit.
<b>8-4B Design Provisions for Residential Structures Required by 8-5A-4</b>			
8-4B-4 Multi- family Residential Dwelling Units	PO	No compliance issues noted	<p>The MLD does not propose any new use or construction.</p> <p>A design review consultation will be required for the new development associated with the SAP.</p>
<b>8-4C Design Provisions for Nonresidential Structures Required by 8-5A-4</b>			
8-4C Design Provisions for Nonresidential Structures	PO	No compliance issues noted	<p>The minor land division (MLD) application does not include the proposal of non-residential uses/structures. It does, however, relate to SAPFY2023-0001, that which does propose non-residential components. The MLD application is compliant as conditioned, requiring any future development to obtain a Design Review approval, or other permits necessary at the time of development.</p> <p>The proposal does not include any interior or exterior changes to the existing structure.</p>
<b>8-4D Parking and Off-Street Loading Provisions Required 8-5A-4</b>			
8-4D-3 Parking Design and Improvement Standards	PO	Not applicable	The provisions of this article shall not apply to any existing building or structure as the application does not include any new construction, alteration, or moving of a structure, nor does it include a new or more intense use of the property.

			Parking associated with the new development of the SAP master plan will be reviewed in association with the SAPFY2023-0001 code and future required design review applications.
8-4D-4 Parking Use Standards	PO	No compliance issues noted	
8-4D-5 Required Number of Off-Street Parking Spaces	PO	No compliance issues noted	
8-4D-6 Standards for Alternatives to On Site Parking	PO	No compliance issues noted	None identified.
8-4D-7 Off Street Loading Standards	PO	No compliance issues noted	None identified.
<b>8-4E Transportation and Connectivity Provisions Required 8-5A-4</b>			
8-4E-3 Public Street Connections	PO	No compliance issues noted	<p>Each new parcel within the development has access to a public street. Access to Glenwood, and State Street.</p> <p>There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.</p>
8-4E-4 Internal Circulation Standards	PO	No compliance issues noted	<p>The application proposes utilizing the existing roads. These roads are shown on the ROS submitted, however, the width of the roadways are not shown. Please show compliance with Garden City Code 8-4E-4. Driveways, aisles, and turnaround areas, when required for fire and refuse access, shall be a minimum width of 20'. <b>Resolved.</b></p> <p>Any future internal circulation such as driveways, aisles, and turnaround areas shall be in compliance with SAPFY2023-0001 Ord. 1018-20 at the time of development.</p>
8-4E-5 Private Street Standards	PO	Compliant as conditioned	<p>No private drives are associated with the MLD.</p> <p>The private road through the Central and East sub-districts of SAPFY2023-0001 shall be reviewed at the design review of the sub-districts to ensure that it adequately addresses the Garden City Design Consultants recommendation to increase intuitive function of the traffic flow through the sub-districts to the State Street/Pierce Park intersection.</p>
8-4E-6 Sidewalk Standards	PO	Compliant as conditioned	<p>A MLD application requires streetscape improvements. Site plans have not been submitted showing compliance with the current Garden City Code.</p> <p>The site is required to provide a detached sidewalk with street trees within the landscape buffer along W. State Street.</p> <p>W. Riverside Drive has an existing detached sidewalk along the southern portion of the roadway. The sidewalk transitions</p>

			<p>into an attached sidewalk. There is no sidewalk along the northern portion of the road. Parcel F incorporates the entirety of W. Riverside Drive; in which case a detached sidewalk is required. <b>The parcel appears to only consist of the right-of-way, if detached sidewalks were to be required then it would result in an encroachment upon adjacent parcels S0524449285 &amp; S0524449270 which are not associated with this application. The city cannot require offsite improvements in this instance. Therefore, a detached sidewalk along the northern portion of W. Riverside drive will not be required.</b></p> <p>W. Plantation Drive is a public ROW that does not have sidewalks on either side. Detached sidewalks with landscape buffers and street trees are required to comply with the current code. However, vacation of the existing right-of-way for Plantation Drive, and removal of associated access onto State Street is required by ACHD as part of the SAPFY2023-0001 approval. Improvements are not required on this street at this point in time due to the conflicting nature of the applications and SAP master plan.</p> <p>There is a small portion of frontage along N. Fair Oaks Place, there is an existing attached sidewalk at this location.</p> <p>So not to conflict with the proposed streetscape plans of the SAP, a condition of this MLD approval will be that a <b>restricted build agreement be entered into between the applicant/property owner and the City.</b> See discussion.</p>
8-4E-7 Pedestrian and Bicycle Accessibility Standards	PO	No compliance issues noted	Pedestrian and bicycle accessibility will be reviewed in association with the SAPFY2023-0001 and future required permit applications.
8-4E-8 Transit Facilities	PO	No compliance issues noted	<p>The MLD does not propose a transit facility.</p> <p>The SAP application does propose the construction of a new bus station/stop. This section will be reviewed in association with the SAPFY2023-0001 and future required design review applications.</p> <p>Bus pullouts, shelter pads, shelters, and related right of way and easements may be required when a development is adjacent to an existing or planned bus stop or transit station. These facilities shall be integrated into the overall pedestrian plan of a project and designed consistent with the requirements of the Valley Regional Transit authority.</p>
8-4H Flood Hazard	PO	No compliance issues noted	No action is required for the MLD; however, it will be required when future development is proposed.
<b>8-4G Sustainable Development Provisions Required by 8-5A-4</b>			
8-4G Sustainable Development Provisions	PO	Not applicable	No action is required for the MLD; however, it will be required when future development is proposed.

<b>8-4I Landscaping and Tree Protection Provisions</b> Required 8-5A-4			
8-4I-3 General Landscaping Standards and Irrigation Provisions	PO	Compliant as conditioned	<p>All development, redevelopment, additions, or site modifications to existing development shall be required to conform to this code.</p> <p>A landscape plan was not submitted as part of the application, there is not enough information to review.</p> <p>As an MLD, the application is required to meet current Garden City code standards. However, a condition has been drafted to ensure that landscaping is installed in accordance with the process of the Restricted Build Agreement. At the time landscaping will be installed, it shall be found in compliance with Garden City Code.</p>
8-4I-4 Landscaping Provisions for Specific Uses	PO	Compliant as conditioned	<p><b>Future development of Parcels C, D and E will be reviewed by the City for compliance with the SAP code.</b></p> <p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.</p> <p>Landscape Area proposed: Unknown % of the site.  <b>The majority of the proposed parcels c, d, e &amp; f are currently used as the river club golf course and are therefore landscaped. Actual landscaped area is not calculated, but significantly exceeds 5% of the gross site area due to the use.</b></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.</p> <p>Trees required: unknown  Trees provided: none  Shrubs required: unknown  Shrubs provided: none  <b>As the property's primary use is a golf course, the site appears to meet these standards as supported by sheet V100.</b></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>State Street Trees required (1,570.76LF): 31  State Street Trees provided: None</p> <p>Plantation Drive (449.59LF)  Street Trees required: 9 on the east side, 9 on the west side, 18 total.  Street Trees Provided: none  <b>Installation of these trees will be required prior to signature of the survey, or a restricted build agreement is recorded. A restricted build agreement would allow for the survey to be signed prior to installation and allowing for the SAP associated improvements and vacation of ROW to occur.</b></p>

8-4I-5 Perimeter Landscaping Provisions	PO	No compliance issues noted	Perimeter landscaping is required along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property.  <b>As the primary use is a golf course, a vast majority of the site consists of landscaping and meets the intent of perimeter landscaping.</b>
8-4I-6 Parking Lot Landscaping Provisions	PO	Not applicable	The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.
8-4I-7 Tree Preservation Provisions	PO	No compliance issues noted	No action is required for the MLD; however it will be required when future development is proposed. No trees are proposed to be removed.
<b>8-4L Open Space Provisions Required 8-5A-4</b>			
8-4L-3 General Open Space Standards	PO	Not applicable	No action is required for the MLD; however, it will be required when future development is proposed.
8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-Family Duplex Developments	PO	Not applicable	No action is required for the MLD; however, it will be required when future development is proposed.
8-4L-5 Open Space Standards for Multi-family Developments	PO	Not applicable	No action is required for the MLD; however, it will be required when future development is proposed.
<b>Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</b>			
8-5A-4 General Standards	PO	No compliance issues noted	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.  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.
8-5A-5 Design Standards	PO	No compliance issues noted	
<b>8-5C-4 Subdivisions located within a Floodplain</b>			
8-5C-4 Subdivisions located within a Floodplain	PZ/DRC/CC	No compliance issues noted, provided the draft conditions of	No action is required for the MLD; however, it will be required when future development is proposed.

		approval, or similar are in place.	
Title 8, Chapter 6, Article A: Administration			
<u>8-6A-3 General Application Process</u>	PO	No compliance issues noted	<p>All uses, structures, or work defined by this title as requiring review by council, planning and zoning commission, design review consultant(s) or planning official must obtain the appropriate permit or permits prior to commencing the use, construction, or alteration in or on any property within the Garden City boundaries.</p> <p>The application was reviewed within 30 days of submittal and staff started processing the application.</p>
<u>8-6A-4 Required Application Information</u>	PO	No compliance issues noted	<p>There were no application waivers requested pursuant to 8-6A-4A.</p> <p>The application did not submit a full packet, it lacked the required documents necessary for review. <b>Resolved.</b></p>
<u>8-6A-5 Administrative Process with Notice</u>	PO	No compliance issues noted	<p>The applicant provided a neighborhood meeting more than 15 days prior to a decision being rendered by the planning official.</p> <p>A notice was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>The applicant posted on the property in accordance with the timing, location, language, and dimensional requirements of the city found in section 8-6A-7.</p>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
<u>Garden City Comprehensive Plan</u>	<p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.</p> <p>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> <li><b>RESIDENTIAL LOW DENSITY:</b> The areas designated for low density residential is north of the river, and south of the river west of Glenwood. These areas are predominately single-family detached housing, although some areas of attached housing may be appropriate near major arterials and public facilities.</li> <li><b>ACTIVITY NODE:</b> Activity nodes are identified on the Land Use map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some</li> </ol>

	<p>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:</p> <p><b>Neighborhood and Destination Centers:</b> 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. <u>Identified centers are:</u></p> <ul style="list-style-type: none"> <li>• Adams and 50th Streets intersection to the Boise River</li> <li>• Adams and 42nd street intersection to the Boise River.</li> <li>• East city boundary to 36th street between the Boise River and Chinden Boulevard</li> <li>• Glenwood and Marigold Streets intersection</li> <li>• Chinden Boulevard and Garrett Street intersection</li> <li>• Chinden Boulevard and 50th Street intersection</li> <li>• State Street and Pierce Park Transit Oriented Development Nodes</li> <li>• Chinden Boulevard and Glenwood Street intersection</li> <li>• Chinden Boulevard and Veterans Parkway intersection</li> <li>• State Street and Horseshoe Bend Road</li> <li>• State Street and Glenwood Street</li> </ul> <p>3. <b>GREEN BOULEVARD CORRIDOR:</b> The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.</p>
<u>Garden City Sidewalk Policy</u>	No waiver submitted. Sidewalks along State Street and W. Plantation Drive will be installed at the time of development of Parcels C, D, & E so long as a restricted build agreement is recorded.
<u>Garden City Street Light Policy</u>	A streetlight is installed along N. Glenwood Street and State Street in accordance with the policy.
<u>State Street</u>	State Street improvements associated with SAPFY2023-0001 (Ord. 1018-20) will be required at the time of development of those parcels. A Restricted Build Agreement will be required in order to delay the installation of the State Street streetscape and signature of the survey.
<u>Garden City Transportation Needs List</u>	State Street improvements associated with SAPFY2023-0001 (Ord. 1018-20) will be required at the time of development of those parcels. A

	Restricted Build Agreement will be required in order to delay the installation of the State Street streetscape and signature of the survey.
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## DECISION PROCESS

### **General Provisions**

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

**Required Decisions:** The following decision processes are required for the project as governed by [GCC Table 8-6A-1](#). The Planning Official and City Council have decision authority once the Planning Official has made their final review of MLDFY2023-0001.

### **Decision**

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

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

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

### **Appeals of Decision:**

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

## REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION

### **Required Findings**

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

GCC 8-5C-6(C) Required Findings	Determination	Reasoned Statements
1. No minor land division shall create more than four (4) new parcels.	Compliant	A total of four parcels are being created.
2. Single-family detached homes may not be built on parcels created through the minor land division process.	Compliant	No single-family detached homes are proposed as part of this application.

3. No property involved in a minor land division shall be involved in a subsequent minor land division for a period of one year from the recording date of the previous record of survey for a minor land division.	Compliant	This property has not been involved in a previous minor land division for a period of one year.
4. No new public street may be created.	Compliant	No new public street is created as a result of this application.
5. Existing buildings to remain shall meet all applicable requirements established in this title. <ul style="list-style-type: none"> <li>a. A setback that was legally nonconforming prior to the minor land division may remain as a legal nonconforming setback provided the legal nonconforming setback is not altered by the minor land division.</li> <li>b. Any building not meeting the required setback shall be either remodeled to meet the setback, demolished, or moved prior to the approval of the minor land division.</li> <li>c. If parking is provided by means of a permanent shared parking agreement, a note on the face of the survey must list the total required and provided parking for all parcels to which the shared parking agreement applies.</li> <li>d. When utilities cross land being divided a utility easement shall be provided and indicated on the record of survey. If an easement is located in a proposed permanent structure construction area, the easement shall be vacated prior to the planning official approval of the minor land division.</li> <li>e. If the street(s) adjacent to the parcel(s) have not been improved with a sidewalk, or all adopted street improvements, they must be installed.</li> </ul>	Complaint	The application is complaint with all required findings. The application is in conformance with the reviewed sections of code noted in this decision.
6. Properties created through an approved minor land division shall be considered conforming property under provisions of Title 8.	Compliant	The application is compliant with all required findings. The application is in conformance with the reviewed sections of code noted in this decision.

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

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

## IN APPROVAL

### Scope of this permit:

1. This approval is for this application only.
2. The scope of this permit is to divide the existing two parcels into four parcels via a minor land division.
3. The existing encroaching fences constitute as legal nonconforming fences and may remain so long as the property does not undergo significant site improvements.
4. Future applications within the area designated by SAPFY2023-0001 (Parcels C, D and E) shall be in conformance with the Residences at River Club District, Development Agreement and in substantial conformance with the conceptual master plan and code amendment.

### For Final City Approval:

1. Signature of the record of survey is contingent upon the completion of the improvements that will render this application in compliance with Garden City Code or a Restricted Build Agreement is recorded.
  - a. Improvements include the State Street and W. Plantation Road streetscape sidewalk and street trees.
2. The recorded restricted build agreement shall be noted on the survey.
3. Address all City Engineer comments.

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

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

### **General Requirements:**

1. This review and approval is specific to the design of the project. Final approval is subject to the approval of other reviewing agencies. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail. This approval shall not annul any portion of Garden City Code or other applicable regulation unless specifically noted.
2. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
3. All improvements and operations shall comply with applicable local, state, and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape Maintenance Provisions 8-4I-9; and Standards for Transportation and Connectivity Provisions identified in 8-4E.
4. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
5. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.

6. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
7. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
8. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
10. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
13. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways, and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
14. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
18. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to a Certificate of Occupancy.
19. Property Maintenance Standards shall be maintained as required by Garden City Code.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. All outdoor living spaces must comply with Garden City Code 8-3C General Provisions-Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.
24. System Installation Required: Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
25. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
26. Any changes in the design, construction, operation, or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any modification to approved plans shall

require submittal and approval of these modifications prior to construction. Final approval is based on substantial conformance with the plans reviewed and approved.

27. Any substantial changes to the design shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
28. Occupying the site prior to Certificate of Occupancy is a criminal offense.
29. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
30. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
31. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code.
32. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.



Development Service Staff

08/09/2024

Date

## IMAGES

None

