

BEFORE THE GARDEN CITY PLANNING AND ZONING COMMISSION  
GARDEN CITY, ADA COUNTY, IDAHO

THIS IS NOT A PREDETERMINED DECISION. ALL EVIDENCE WILL BE  
CONSIDERED. A DIFFERENT DECISION MAY RESULT IN AN UPDATE OF THE  
FINDINGS OF FACT, CONCLUSIONS OF LAW, OR CONDITIONS

In the Matter of:	)	SUBFY2023-0002
	)	
	)	
Preliminary & Final Plat Subdivision	)	FINDINGS OF FACT
3981 N. Reed & 415 E. 40 <sup>th</sup> Street	)	CONCLUSIONS OF LAW,
Garden City, Ada County, Idaho	)	ANDRECOMMENDATION
_____	)	

THIS MATTER, came before the Garden City Planning and Zoning Commission for consideration on June 21, 2023. The Garden City Planning and Zoning Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Garden City Planning and Zoning Commission makes the following Findings of Fact, Conclusions of Law and Recommendation:

**FINDINGS OF FACT**

1. The application is for a Combined Preliminary and Final Plat processed as a Planned Unit Development subdivision.
2. The applicant is Teran Mitchell.
3. The property owner of record is Reed Street Development II LLC.
4. The location of the project is:
  - a. 3981 N. Reed Street; Taxing Parcel Number R2734560115; Property is described as LOTS 10 & 11 EXC DEED TO GARDEN CITY BLK 1 FAIRVIEW ACRES # 7 #869943 VIN 70244CKDS3151 TL # B453770;
  - b. 415 E. 40<sup>th</sup> Street; Taxing Parcel Number R2734560096; Property is described as PAR #0096 OF LOTS 12 & 13 BLK 1 FAIRVIEW ACRES SUB 7 #0095 S VIN # 60CK4TU449 TL#.
5. The subject property are 0.640 and 0.240 acres.
6. The project is located in the Mixed-Use Residential designation of the Comprehensive Plan Future Land Use Map.

7. The project is in the R-3 Zoning District.
8. The project is located in the floodplain according to the 2003 FIRM.
9. The project is located in the floodplain according to FEMA's most recent modeling of the Lower Boise River, adopted by resolution 1083-20.
10. There has been no denial of any application in the same form for the same use on this property within one year.
11. The following section of the Garden City Development Code apply to this proposal:
  - a. Garden City Code 8-5: Land Division Regulations
  - b. Garden City Code 8-2B: Base Zoning District Regulations
  - c. Garden City Code 8-4A: Design and Development Regulations – General Provisions
  - d. Garden City Code 8-4B: Design and Development Regulations – Design Provisions for Residential Structures
  - e. Garden City Code 8-4D: Parking and Off-Street Loading Provisions
  - f. Garden City Code 8-4E: Transportation and Connectivity Provisions
  - g. Garden City Code 8-4H: Flood Hazard
  - h. Garden City Code 8-4G: Sustainable Development Provisions
  - i. Garden City Code 8-4I: Landscaping and Tree Protection Provisions
  - j. Garden City Code 8-4L: Open Space Provisions
  - k. Garden City Code 8-6A: Administration – General Provisions
  - l. Garden City Code 8-6B-7 Planned Unit Development
  - m. Garden City Code 4-14: Storm Drainage and Erosion Control
  - n. Garden City Code Title 6: Public Water and Sewer Systems
12. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived	
X			Compliance Statement
X			Preliminary Title Report
X			Neighborhood Map
X			Subdivision Map
	X		Master Plan
X			Site Plan
X			Landscape Plan
	X		Schematic Drawings
X			Lighting Plan
X			Topographic Survey
X			Grading Plan

X			Soils Report
X			Hydrology
X			Engineering drawing and Specifications
		X	Natural Hazards and Resource Analysis
	X		Dedications and Easements
X			Covenants and Deed Restrictions
		X	Will Serve
	X		Subdivision Name Reservation
		X	Verification that address is an Ada County Approved Address*
<b>Other Materials Provided</b>			
			Schematic Renderings; Floorplans; Due Diligence Meeting Notes

\*Items that may be required for reviews later.

13. The following noticing was completed in accordance with GCC 8-6A-7:

Noticing Requirement	Required Date <sup>1</sup>	Completion Date
Receipt of application	n/a	04/11/2023
Letter of Acceptance	05/11/2023	04/27/2023
Radius Notice	06/06/2023	04/27/2023
Interested Parties	n/a	n/a
Agency Notice	06/06/2023	04/27/2023
Legal Notice	06/02/2023	05/08/2023
Property Posting Affidavit	06/14/2023	06/09/2023
Property Posting Sign	06/11/2023	06/09/2023

14. Agency Comments were received from:

- a. Idaho Transportation Department, dated May 2, 2023
- b. North Ada County Fire and Rescue, dated May 8, 2023
- c. Ada County Highway District, dated May 15, 2023
- d. City Engineer, dated June 12, 2023

15. Written Public Comments were received from:

- a. No public comments were received.

16. On June 21, 2023, the Garden City Planning and Zoning Commission recommended approval of the application, discussion included:

- a. Property management information, emergency contact information, and directory of site located on mailboxes internal to the site.
  - i. Condition
  - ii. Condition

<sup>1</sup> This date is based on the date of the first of any public hearing scheduled.

17. The record contains:
- a. Application
  - b. Noticing Documents
  - c. Agency Comments
  - d. Public Comments
  - e. Planning and Zoning Commission Minutes and Hearing Audio: June 21, 2023
  - f. Planning and Zoning Recommendation
18. In consideration of a combined preliminary and final plat subdivision the decision maker shall make the following findings:

<b>The draft findings are written both in approval and in denial. The Planning and Zoning Commission may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.</b>			
<b>GCC 8-5B-5: SUBDIVISION PROCESS: REQUIRED FINDINGS</b>			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
<b>X</b>		<b>X</b>	<p><b>Finding 1.</b> The subdivision is in conformance with the Comprehensive Plan;</p> <p><b>Explanation:</b>  <b>In Approval:</b> The application is cohesive with the Comprehensive Plan’s Mixed-Use Residential land use designation as it proposes a residential subdivision that which aligns with the existing and developing neighborhood.</p> <p>The application is in conformance with the Comprehensive Plan’s Goal 1 Nurture the City, Goal 2 Improve the City Image, Goal 4 Emphasize the “Garden” in Garden City, Goal 6 Diversity in Housing, and Goal 7 Connect the City.</p> <p><b>In Denial:</b> The application is not cohesive with the Comprehensive Plan’s Mixed-Use Residential future land use designation. The proposal does not achieve the necessary design standards to generate a</p>

			<p>mix of commercial and residential uses, as it does not contain any commercial components. Additionally, the proposal exceeds the maximum height parameters requested by the Comprehensive Plan by proposing three stories versus two.</p> <p>By not abiding to the Planned Unit Development code requirements for a variety of housing, the application is in conflict with Goal 6 of the Comprehensive Plan. Goal 6 speaks to diversity in housing, objective 6.3 speaks to managing and creating a diverse housing market that which attracts niche markets to which this development does not do.</p>
X		X	<p><b>Finding 2.</b> The subdivision is in conformance with all applicable provisions of this title;</p> <p><b>Explanation:</b>  <b>In Approval:</b>  As conditioned, and with the approved waivers to code via the Planned Unit Development process, the application is in conformance with the applicable sections of Garden City Code.</p> <p><b>In Denial:</b>  The application is not in conformance with the applicable sections of Garden City Code as there was not enough information to review thoroughly. The application was found to not be in conformance with the applicable sections of Code 8-2B-3, 8-4A-9, 8-4B-3, 8-4D, 8-4I, and 8-4L.</p>
X		X	<p><b>Finding 3.</b> Public services are available or can be made available; and are adequate to accommodate the proposed development;</p> <p><b>Explanation:</b>  <b>In Approval:</b>  The application has been conditioned to require that the ability to serve documents are submitted, and prove that there are</p>

			<p>public services available that can accommodate the proposed development.</p> <p><b>In Denial:</b> There is inadequate information provided to verify that public services can accommodate the proposal.</p>
X			<p><b>Finding 4.</b> The subdivision is in conformance with scheduled public improvements in accord with the city's capital improvement program;</p> <p><b>Explanation:</b> <b>In Approval:</b> The subdivision does not undermine scheduled public improvements or the City's capital improvement program.</p>
X		X	<p><b>Finding 5.</b> There is public financial capability of supporting services for the proposed development</p> <p><b>Explanation:</b> <b>In Approval:</b> The application has provided a waiver for the ability to serve letter and a condition of approval for the submittal of this letter has been made.</p> <p><b>In Denial:</b> There is inadequate information provided to verify that public services can accommodate the proposal.</p>
X		X	<p><b>Finding 6.</b> The development will not be detrimental to the public health, safety, or general welfare;</p> <p><b>Explanation:</b> <b>In Approval:</b> This proposal will not unreasonably diminish the health, safety, or welfare of the community. The installation of pedestrian sidewalks along E. 40th Street and N. Reed Street provides for better pedestrian and bicycle connection(s) than what currently exists.</p> <p>The inter-development pathway systems, designated vehicular and bicycle parking</p>

			<p>spaces contribute to the health and welfare of the community by addressing both pedestrian needs as well as vehicular.</p> <p>Residents will be capable of traversing the development via the system of walkways to utilize the common open space while vehicles are limited to common drives. Potential conflict points between pedestrians and vehicles is kept minimal due to the limited number of crossings and separated pathways.</p> <p><b>In Denial:</b> The proposal will be detrimental to and unreasonably diminish the health, and safety of the community. The lack of adherence to City Codes and the City's Comprehensive Plan is detrimental to the welfare of the city and its community members.</p> <p>Without the necessary comments from Ada County Highway District it is difficult to determine if the proposed ingress/egress onto E. 45th Street is adequate for the type of development proposed.</p> <p>Waivers from code are requested while not clearly demonstrating how the purpose of the Planned Unit Development is met.</p>
<b>X</b>		<b>X</b>	<p><b>Finding 7.</b> The development preserves significant natural, scenic, or historic resources.</p> <p><b>Explanation:</b> <b>In Approval:</b> The application integrates with the surrounding urban area, the Greenbelt, and proposes to landscape the development site.</p> <p><b>In Denial:</b></p>

			The development does not adequately address its proximity to the Greenbelt and Boise River, nor does it provide complementary trees and vegetation for its location adjacent to the river.
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19. In consideration of a planned unit development, the decision maker shall make the following findings:

<b>The draft findings are written both in approval and in denial. The Planning and Zoning Commission may select the explanations that correspond to their conclusions or amend the explanations based on the record that they have reviewed. Potential explanations have been provided.</b>			
<b>GCC 8-6B-7: PLANNED UNIT DEVELOPMENT: REQUIRED FINDINGS</b>			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X		X	<p><b>Finding 1.</b> The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;</p> <p><b>Explanation:</b>  <b>In Approval:</b>  Approval of this application is conditioned that the development shall be initiated within two years of the date of approval.</p> <p><b>In Denial:</b>  The application has not provided documentation that the development will be initiated within two years of the date of approval.</p>
X		X	<p><b>Finding 2.</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</p>

			<p>achieved under standard district regulations;</p> <p><b>Explanation:</b>  <b>In Approval:</b>  The proposed development and each structure can successfully exist independently of the surrounding area and will not be detrimental to the surrounding neighborhood.</p> <p><b>In Denial:</b>  If the entire project fails to be completed the components of the development cannot sustainably continue.</p>
X		X	<p><b>Finding 3.</b> 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;</p> <p><b>Explanation:</b>  <b>In Approval:</b>  The proposed development has a private drive that is capable of handling anticipated traffic which will provide ingress/egress onto 40th Street and N. Reed Street. The PUD is not large enough to trigger a traffic impact analysis.</p> <p><b>In Denial:</b>  The PUD subdivision development does not propose adequate parking and thus will cause congestion on the street.</p> <p>The Ada County Highway District has not provided comments regarding the proposed ingress/egress and other street right-of-way improvements which are necessary in the decision of the application.</p>
	X		<p><b>Finding 4.</b> Any proposed commercial development can be justified at the locations proposed.</p> <p><b>Explanation:</b>  <b>Not Applicable:</b></p>

			This development does not propose any commercial aspects.
X		X	<p><b>Finding 5.</b> 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</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b></p> <p>This application meets the provisions identified by the planned unit development process. The requested waivers provide for a more useful pattern of open space and recreation areas.</p> <p>The application provides a choice of living environments through a variety of floorplans within the two-bedroom single family attached dwelling units and one bedroom multi-family dwelling units.</p> <p>The layout of the project preserves and utilizes the natural features of the site and preserves existing trees.</p> <p>The buildings provide architectural variation.</p> <p><b>In Denial:</b></p> <p>The exception from standard district requirements is not warranted as they there is inadequate demonstration that 8-6B-7 A is achieved. Subsequently, the proposal has not achieved the ability to deviate from code standards. More specifically, the application does not: Provide a maximum choice of living environments, create a more useful pattern of open space and recreational areas, establish a development pattern which utilizes the land more efficiently than what is achieved through conventional development, or provide a</p>

			<p>land pattern in harmony with transportation and community facilities.</p> <p>Additionally, the application results in a proposal that is overtaxing of the location and detracts from the adjacent recreational areas of the Greenbelt that already exist.</p>
X		X	<p><b>Finding 6.</b> The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;</p> <p><b>Explanation:</b>  <b>In Approval:</b>  The proposal is compatible with the surrounding uses and the neighborhood vision.</p> <p>The proposal is a component of the overall neighborhood. The types of housing will provide for more comprehensive variety of residential options in the neighborhood.</p> <p><b>In Denial:</b>  The proposed development is not compatible with the surrounding uses nor is it in alignment with the Comprehensive Plan's vision for the Mixed-Use Residential neighborhood.</p>
X		X	<p><b>Finding 7.</b> The PUD is in general conformance with the comprehensive plan;</p> <p><b>Explanation:</b>  <b>In Approval:</b>  With the architectural design of the dwellings and increase in density, this development may be considered compatible with the existing residential uses in the neighborhood.</p> <p><b>In Denial:</b></p>

			The application cannot be found in conformance with the comprehensive plan. See 8-5B-5 Finding 1.
X		X	<p><b>Finding 8.</b> The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed;</p> <p><b>Explanation:</b>  <b>In Approval:</b>  Approval of this application is conditioned in that the ability to serve shall be provided prior to signature of the plat or approval of construction plans.</p> <p><b>In Denial:</b>  Without ability to serve information the application does not meet this finding.</p>
<b>GCC 8-6B-2 CONDITIONAL USE: REQUIRED FINDINGS</b>			
Conclusion			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X		X	<p><b>Finding 1.</b> The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;</p> <p><b>Explanation:</b>  <b>In Approval:</b>  The development is compatible with the surrounding uses and is permitted within the R-3 zoning district. The application meets the setback standards set forth in Garden City Code, and any deviations have been conditioned for compliance or waived as part of the Planned Unit Development.</p> <p><b>In Denial:</b>  The application is not appropriate to the location or the neighborhood as the proposal ignores its special location adjacent to the Greenbelt, The Boardwalk Development, and the Boise River.</p>

			Furthermore, the application requires more parking to not overrun the neighborhood.
X		X	<p><b>Finding 2.</b> The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;</p> <p><b>Explanation:</b>  <b>In Approval:</b>  Approval of this application is conditioned in that the ability to serve shall be provided prior to signature of the plat or approval of construction plans.</p> <p><b>In Denial:</b>  The subdivision does not meet this finding as the Ability to Serve Letter was never submitted reviewed. Furthermore, the proposal is under parked.</p>
X		X	<p><b>Finding 3.</b> The use will not unreasonably diminish either the health, safety, or welfare of the community;</p> <p><b>Explanation:</b>  <b>In Approval:</b>  This proposal will not unreasonably diminish the health, safety, or welfare of the community.</p> <p><b>In Denial:</b>  The lack of adherence to City Codes and the City's Comprehensive Plan is detrimental to the welfare of the city.</p>
X		X	<p><b>Finding 4.</b> The use is no in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.</p> <p><b>Explanation:</b>  <b>In Approval:</b>  The reviewed sections are in conformance with this finding. The comprehensive plan objectives reviewed, and land use designation support this application.</p> <p><b>In Denial:</b>  Refer to 8-5B-5 Finding 1, and Finding 2.</p>

20. The record was reviewed in its entirety by the Garden City Planning and Zoning Commission to render the decision.

### **CONCLUSIONS OF LAW**

The Garden City Planning and Zoning Commission reviewed the application with regard to Garden City Code, Title 8, and based on the conditions required herein, concludes the application **satisfies/does not satisfy** the required findings under GCC 8-5B-5, 8-6B-2, and 8-6B-7.

### **DECISION/RECOMMENDATION**

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and Recommendation, the Garden City Planning and Zoning Commission hereby recommend **APPROVAL/DENIAL** application SUBFY2023-0002 for a Combined Preliminary and Final Plat Subdivision processed as a Planned Unit Development and subject to the following conditions:

#### **Prior to City Signature on Plat:**

1. The final plat shall be in conformance with this approval as reviewed and approved or otherwise conditioned through this approval.
2. Common driveways, open space, and other common areas shall be included in an easement or on a common lot noted as unbuildable.
3. A note must be provided on the final plat documenting:
  - a. The current flood zone in which the property or properties are located;
  - b. FEMA FIRM panel(s), FIRM effective date(s), flood zone(s), base flood elevation(s); and
  - c. A note: "Flood zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by this code.
  - d. The boundary line must be drawn on the plat in situations where two (2) or more flood zones intersect over the property or properties being surveyed.
4. Easements
  - a. As required by the City Engineer or this decision easements shall be provided.
  - b. All easements must be noted on the plat either directly or by instrument number (generally preferred method) or otherwise recorded.
  - c. Easements shall define the grantee and adequate information to depict the location of the easement such as a legal description and illustration.
  - d. Easements shall be unobstructed unless otherwise specified.
  - e. At a minimum, the following easements shall be provided:



recorded with a final plat. No building permit shall be issued until the contract has been recorded.

10. The CC&Rs must state: "The Association shall not be dissolved without the prior written approval of the City of Garden City, Idaho".
11. Submit a sustainability checklist that demonstrates compliance with or an exemption from Garden City Code 8-4G for each anticipated lot and or structure prior to final plat signature.

**Prior to approval of construction plans:**

1. The site plan and subsequent construction shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. A Floodplain development permit is required.
3. The ability to serve shall be provided.
4. Landscaping
  - a. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
  - b. If any trees are to be removed from the site, a tree mitigation plan must be submitted and in compliance with GCC 8-4I-7 Tree preservation provisions.
    - i. Any trees removed prior to the certified arborist's report being submitted will be considered to have been healthy, and thus, mitigation will be required.
  - c. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
    - i. The frontage of N. Reed Street shall have a total of 3 class II or III trees.
      1. Frontage trees shall have high-and-wide branching canopies. Staff level approval is permitted.
    - ii. The frontage of E. 40<sup>th</sup> Street shall have a total of 3 class II or III trees.
      1. Frontage trees shall have high-and-wide branching canopies. Staff level approval is permitted.
    - iii. If the landscape buffer between the right-of-way curb and sidewalk is required to be a drainage swale per ACHD standards, then the swale shall be designed in such a way to accommodate the required street trees.
    - iv. If any overhead utilities conflict with the required trees, then the utilities shall be relocated underground.

- v. The landscape buffer strip between curb and sidewalk shall be at least 6' wide with root barrier, or 8' wide without root barrier.
        - d. 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.
        - e. 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.
        - f. 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.
        - g. All 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.
        - h. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
        - i. The landscaping plan may be amended, and reviewed at a staff level, to ensure compliance with Garden City Code 8-4I Landscaping and Tree Protection Provisions, and 8-4L-4 Common Open Space provided that there is equal or greater landscaping provided and no reduction in tree canopy. All other changes to landscaping must be approved by the Design Review Committee or decision maker.
5. Pressurized irrigation shall be provided in conformance with Garden City Code 8-5A-5H. 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.
6. All light fixtures must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.
7. All outdoor service and equipment areas shall be screened and comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
8. All utilities on the site and in the right-of-way adjacent to the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
9. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along E. 40<sup>th</sup> Street and N. Reed Street.

10. Pedestrian crossings internal to the development shall consist of contrasting hardscape materials.
11. Vehicular parking:
  - a. Parking spaces shall be a minimum of 9' X 20'
  - b. The guest parking shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
12. Bicycle Parking:
  - a. Bicycle parking spaces shall be placed in such a way that when mounting and dismounting the bicycles do not reverse into the sidewalk traffic area, N. Reed Street, or E. 40th Street.
  - b. All bicycle parking shall be located so as to not prevent the sidewalk traffic from maintaining a continuous momentum.
  - c. The enclosed bicycle parking structure shall:
    - i. Have a secondary entrance/exit that faces the common drive.
    - ii. Elevations for bike enclosure shall be submitted for staff level review.
13. The ability to serve shall be provided.
14. All stormwater systems must comply with Garden City Code 8-4A-7.
15. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications, and ordinances.

**Prior to approval of building permits for structures:**

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. The floorplans shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
3. All structures shall adhere to the requirements of GCC 8-4H Flood Hazard should the FEMA flood insurance maps be updated prior to building permit submittal.
4. The subdivision must obtain Ada County Approved addresses for all new lots.
5. All HVAC systems and outdoor service and equipment areas shall be identified in building plans for permit review and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
6. All units adjacent to streets shall have a primary entrance on the street.
7. Setbacks for all lots shall be from the property lines.

8. Enclosed ADA compliant parking space elevations shall be submitted for review.
9. The end of building facades internal to the development shall incorporate additional design features including but not limited to glazing, fenestrations, articulation of wall plane, changes to materials.

**For the Duration of the Use:**

1. Any future fence or wall will be required to be in compliance with code at the time of development.
2. There shall be no landscaping work done beyond the parameters of the ownership of Carolyn Circle without expressed permission of the ownership of the property owner, including on public property.
3. All streets and driveways shall adhere to the standards of a clear vision triangle.
4. Landscaping:
  - a. The property owner is responsible for the maintenance of all landscaping and screening devices required.
  - b. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem.
  - c. Dead plant materials shall be replaced equal or larger species.
  - d. 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.
  - e. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
  - f. 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.
  - g. The landscape installation shall stabilize all soil and slopes.
5. Property maintenance standards shall be maintained in perpetuity as required by Garden City Code.
6. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
7. All common open spaces shall be located on an open space easement with the grantee being the Carolyn Circle Subdivision or be located within a common lot.
  - a. The common open spaces shall not be altered or eliminated by individual property owners.
  - b. The subdivision shall maintain all open spaces in accordance with Garden City Code 8-1C Property Maintenance Provisions as well as Garden City

Code 8-4L Open Space Provisions.

8. A property management service shall be provided for as long as the use remains.
  - a. Property management information, emergency contact information, and a directory of the site shall be located centrally within the development.
  - b. Services shall be available 24/7. With in-person availability office hours being normal business hours such as 9:00-5:00.
  - c. An on-site visit on a bi-weekly basis shall be performed by property management.
9. All refuse bins shall be picked up within the development.

**General:**

1. This approval is for a combined preliminary and final plat for a residential subdivision encompassing 12 lots – 11 lots are to be designated for residential use, and 1 lot is to be designated as common lot.
2. This approval is based on the following plans:
  - a. Landscape Plan Submitted on April 11, 2023, dated March 28, 2023;
  - b. Architectural Renderings submitted May 24, 2023
  - c. Floor Plans submitted on April 11, 2023, dated January 9, 2023;
  - d. Site Plan Submitted May 24, 2023, dated May 23, 2023.
3. Approved waivers to Garden City Code, Title 8 regulations include:
  - a. Setbacks, allowing for setbacks interior to the development to be 0'; and
  - b. More than 4 dwelling units being served through a common drive, allowing for 29 dwelling units to be served on a common drive;
  - c. 0.5 guest parking spots for every dwelling unit, allowing for the deficiency of 7 guest parking spaces;
  - d. Vehicular parking space dimensions, allowing for 9' x 20' dimensions;
  - e. Multi-Family common open space requirements; allowing the site to be deficient as proposed.
4. There is no guarantee that public parking will remain public.
5. The development shall be initiated within two (2) years of the date of approval.
6. The applicant shall comply with all requirements of the reviewing entities.
7. 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.

8. Approval of the subdivision does not constitute as the approval for any uses.
9. The approved addresses and a copy of the recorded plat must be provided to the city prior to the city considering the subdivision complete.
10. The approval is specific to the application provided and reviewed.
11. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained.
12. 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.
13. 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 conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction and recordation of the final plat. Any changes to the plans and specifications upon which this approval is based, other than those required by the conditions noted in this decision, will require submittal of an application for modification and approval of that application prior to commencing any change. Final approval is based on conformance with the plans reviewed and approved.
14. Any changes to the design of this project shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Other changes that are not in conformance with the approval shall be remanded to the decision-making body.
15. No public board, agency, Commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Title until final plat has received the approval by the Council.
16. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing any permits or signing the final plat.
17. In the event that an applicant and/or owner cannot complete the non-life, safety, and health improvements, within the time specified in the final subdivision approval or prior to occupancy, the City may require a surety agreement in accordance Garden City Code. Unless financial guarantees of improvement completion have been accomplished, no approval of the final subdivision or recording thereof shall be permitted unless the applicant provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.

18. The Development Services Director may enter into a restricted build agreement on the City's behalf, provided the agreement is compliant with the approved restricted build agreement policies.
19. This approval shall expire two (2) years from its approval, unless otherwise extended as allowed by Garden City Code.
20. Approval shall become null and void if the applicant fails to record a final subdivision within two (2) years of the approval. If the timetable is not met and the applicant does not receive a time extension, the application will expire and become null and void.
21. This application shall be considered intent to vacate any previous use on site; all previous uses at this location shall be considered abandoned.
22. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
23. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
24. A takings analysis pursuant to Idaho Code may be requested on final decisions.
25. 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.

June 21, 2023

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Chairman, Planning and Zoning Commission

Date

### **STANDARD CONDITIONS FOR DENIAL DECISION**

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-5B-5, 8-6B-2, and 8-6B-7. This project is not in compliance with 8-5B-5, 8-6B-2, and 8-6B-7 standard(s) because it is not in compliance with the Garden City Comprehensive Plan Future Land Use Designation of the Mixed-Use Residential Neighborhood; or the Comprehensive Plan's Goal [State which goal it conflicts with]; and Garden City Code sections [State code sections]. Compliance can be met by [STATE HOW].
2. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.

3. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
4. A takings analysis pursuant to Idaho Code may be requested on final decisions.
5. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

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Chairman, Planning and Zoning Commission	June 21, 2023
	Date

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