



## CITY OF GARDEN CITY

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

### STAFF REPORT

**File Number:** SUBFY2023-0002, Carolyn Circle

**For:** Combined Preliminary and Final Plat processed as a Planned Unit Development  
A 12-lot residential subdivision

**Location:** 3981 N. Reed Street and 415 E. 40<sup>th</sup> Street

**Applicant:** Teran Mitchell

**Design Review Consultation:** May 15, 2023

**Planning and Zoning:** June 21, 2023

**City Council:** July 10, 2023



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) [SUBFY2023-0002 Application and Materials](#)
  - b) [SUBFY2023-0002 Combined Resubmittals 05082023](#)
  - c) [Tree Mitigation Report](#)
2. Staff Reports
  - a) Staff Report Dated May 15, 2023
3. Agency Comments: linked in [Section F](#)
4. Public Comments: linked in [Section G](#)
5. Noticing Documents
  - a) City Noticing
  - b) Property Posting for Planning and Zoning
  - c) Property Posting for City Council
6. Recommendations
  - a) Design Review Consultant: Derek Hurd
  - b) Design Review Consultant: [Brett Labrie](#)
7. Draft Potential Decision

## 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
<a href="#">8-5B-4</a> Combined Preliminary and Final Subdivision Process	
<a href="#">8-6B-7</a> Planned Unit Development	A Planned Unit Development and a Subdivision can be processed concurrently

Special Provisions	Notes
Subdivisions located within a Floodplain <a href="#">8-5C-4</a>	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: 3981 N. Reed Street and 415 E. 40th Street
- 2) Parcel Number(s): R2734560115 & R2734560096
- 3) Subdivision:
  - a) LOTS 10 & 11 EXC DEED TO GARDEN CITY BLK 1 FAIRVIEW ACRES # 7 #869943 VIN 70244CKDS3151 TL # B453770
  - b) PAR #0096 OF LOTS 12 & 13 BLK 1 FAIRVIEW ACRES SUB 7 #0095 S VIN # 60CK4TU449 TL #
- 4) Property Size: 0.640 and 0.240 acres
- 5) Zoning District: R-3 Medium Density Residential
- 6) Zoning Overlay(s): None
- 7) Comprehensive Plan Land Use Map Designations:
  - a) Mixed Use Residential
- 8) Legal Parcel of Record: Yes
- 9) Floodplain Designation:
  - a) 2003 FIRM: 100 Year - AE
  - b) 2020 FIS: 100 Year - AE
- 10) Surrounding Uses within 600 feet:
  - a) Residential Single Family Detached Dwellings

- b) Residential Single Family Attached Dwellings
  - c) Multi-family Residential – The Boardwalk
  - d) Manufactured Home Park
  - e) Public Use – Blue Heron Park
- 11) Existing Use: Residential – Manufactured Home
- 12) Easements on site:
- a) Right-Of-Way easement along 40<sup>th</sup> Street and N. Reed Street
- 13) Site Access: E. 40<sup>th</sup> Street and N. Reed Street
- 14) Sidewalks: no existing sidewalks
- 15) Wetlands on site: none identified

**Project Details:**

- 1) Proposed development: Residential Subdivision - Combined Preliminary and Final Plat – Processed as a Planned Unit Development
- 2) Total number of lots: 12
  - a) Common: 1
  - b) Residential: 11
- 3) Density: 33 Dwellings per acre
- 4) Site Coverage:
  - a) Building: 11,775.65 = 30.7% of the site
  - b) Landscaping: 9,820sqft = 25% of the site
  - c) Paved Areas: 14,822.05 = 38.7% of the site
- 5) Total number of vehicular parking spaces: 43
  - a) Enclosed: 36
  - b) Surface: 7
- 6) Total number of bicycle parking: 12
- 7) Refuse: Republic Services will pick up individual services internal to the development
- 8) Fencing: **Unknown**
- 9) Sidewalk: detached proposed
- 10) City Utilities
  - a) Water and Sewer connection to lots
  - b) Hydrant
- 11) Proposed Easements:
  - a) Perpetual ingress/egress easement on shared drive.
- 12) PUD Waivers requested:
  - a) More than four units on a drive;
  - b) Minimum Parking Requirements;
  - c) Vehicular Parking Space Dimensions;
  - d) Reduced Setbacks;
  - e) Common Open Space

**D. Discussion**

**Overview**

The application consists of two separate parcels totaling 0.88 acres, which are to be subdivided into a residential subdivision and planned unit development (PUD) consisting of 7 townhomes, 22 multi-family units, and one common lot. The development proposes access to the property through a common drive with an entrance from E. 40th Street and N. Reed Street. The proposed

density of the project is 33du/acre, and is located within the R-3 High-Density Residential base zoning district as well as the Mixed Use Residential future land use designation of the Comprehensive Plan.

**Planned Unit Development**

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

A section of PUD code requires that in any development that which proposes 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.

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

**Waivers**

As a PUD development, the applicant can submit waivers to code standards such as minimum setbacks to allow for different setback dimensions, for allowing a greater number of lots to be accessible off a common drive and proposing noncompliant parking space sizes and amounts. The applicant has provided a formal request for the waivers mentioned above. However, staff has also drafted additional waivers based on code compliance issues discovered through analysis, a list of the waiver is provided below:

- 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 for dwelling units between 500 and 1,200sqft, allowing the minimum requirement to decrease from 250sqft to 150sqft.

**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
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Combined Preliminary/Final Subdivision	Plat	Planning and Zoning Commission: Hearing June 21, 2023	City Council: Hearing July 10, 2023
And Planned Development	Unit	and Design Review Consultation: Hearing May 15, 2023	

**Required Findings:**

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

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

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

- A. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;
- B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;
- C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
- D. Any proposed commercial development can be justified at the locations proposed;

- E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the PUD and the adopted policy of the council;
- F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- G. The PUD is in general conformance with the comprehensive plan; and
- H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

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

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

### **Decision**

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

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

### **Recommendations**

The Recommending Authority may take one of the following actions:

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

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

### City Council Decision

The City Council may take one of the following actions:

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

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

## F. Agency Comments

The following is a summary of the agency comments that were provided at the time of the drafting of this report. All comments are included in their entirety as a part of the record.

Agency	Comment Date	Summary
Garden City Engineer	No comment to date	
Idaho Transportation Department <a href="#">Link to Comment</a>	05/02/2023	<ul style="list-style-type: none"> <li>The subdivision does not abut a state highway, nor does it meet ITD's threshold. There are no objections to this project.</li> </ul>
North Ada County Fire and Rescue <a href="#">Link to Comment</a>	05/08/2023	<ul style="list-style-type: none"> <li>The proposed structures are greater than 30-feet in height. The fire apparatus access road is 26' wide per the drawing.</li> <li>Per the drawings, the fire apparatus access lane is 26' wide. Parking is only allowed in the marked parking stalls. No parking is allowed along the fire apparatus access road throughout the development. "No Parking" signage is required to be placed along the fire apparatus access road. The specifications for the signage are located in Appendix D103.6 of the 2018 IFC.</li> </ul>

## G. Public Comment

The following public comments were provided: None provided as of the drafting of this document.

## H. Code/Policy Review

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

<b>Garden City Title 8 Code Sections</b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</a>			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	
8-1B-3 Nonconforming Uses		No compliance issues noted	

<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2B-1 Purpose	DRCPZ/CC	No compliance issues noted	The application proposes 33 dwelling units per acre, under the 35 units per acre maximum within the R-3 Zoning District. The application proposes single family attached residential units, and multi-family dwelling units, which is consistent with the purpose identified for the R-3 Zoning District.
8-2B-2 Allowed Uses	DRC/PZ/CC	No compliance issues noted	Single Family Attached Dwellings and Multifamily Dwellings are permitted uses.
8-2B-3 Form Standards	PZ/CC	May not be complaint	<p>The required setbacks are:  Front: 5'/20'  Interior Side: 0'/5'  Rear: 15'  Street side: 5'</p> <p>The allowable maximum height is: n/a  The minimum lot size is: n/a  There are encroachments.</p> <p>A waiver has not been requested to allow for deviations to setback requirements for the individual lots within the subdivision.</p> <p>All improvements are more than 70' from the Boise River.  All properties meet the minimum street frontage.</p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
8-4A-3 Fences and Walls	DC/PZ/CC	Compliant as conditioned	This proposal does not identify any fence or wall. Any future fence or wall will be required to be in compliance with code at the time of development.
8-4A-4 Outdoor Lighting	DC/PZ/CC	No compliance issues noted	<p>Proposed lighting appears to be compliant with code. Any future outdoor lighting will be required to be in compliance with code at the time of development.</p> <p>Further review will commence during the construction plans review and building permit review.</p>
8-4A-5 Outdoor Service and Equipment Areas	DC/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>Further review will commence during the construction plans review and building permit review.</p>
8-4A-7 Stormwater Systems	DC/PZ/CC	Compliant as conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.

			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 <a href="#">8-4-4A</a> , "Landscaping For Single-Family Residential Units", of this chapter if located in a required landscape area
8-4A-8 Utilities	DC/PZ/CC	Compliant as conditioned	A draft condition of approval is provided requiring each lot to be connected to City services.  Another draft condition of approval is provided requiring that all utilities be underground, including right-of-way overhead utilities.
8-4A-9 Waterways	DC/PZ/CC	No compliance issues noted	There does not appear to be existing irrigation facilities on the site.
<b><a href="#">8-4B Design Provisions for Residential Structures</a></b>			
8-4B-3 Single Family and Two-Family Attached and Detached Dwelling	DC/CC	Not Compliant	The applicant did not provide building schematics to review. This review is based on the renderings provided.  Building 1 and 6 are considered single family attached dwelling units. The buildings consist of lots 5-11.  Lot 5 faces E. 40 <sup>th</sup> Street, and lot 11 faces N. Reed Street, both of which appear to be lacking windows and façade modulation. The front elevations appear to be side elevations in nature.  Site plans show pedestrian pathways connecting to the primary entrances of these residential units via the rear setback (yard).  Additional design shall be required per the consultants comments.
8-4B-4 Multi-family Residential Dwelling Units	DC/CC	Not Compliant	The applicant did not provide building schematics to review. This review is based on the renderings provided.  Building 2, 3, 4, and 5 are considered multi-family structures.  Main entrances, which are the primary point(s) of entry where the majority of building users will enter and leave, shall be designed as an obvious entrance and focal point of the building through architectural treatment, lighting, and address identification. It is unclear if the doors facing the private drive meet these provisions. Further review will be required.  Entrances do appear to be covered and recessed per code requirements.  Development of multiple structures on one site shall comply with the requirements set forth in subsection <a href="#">8-4C-4B</a> , "Multiple Nonresidential Structures On One Development Site", of Garden City Code.

			<ul style="list-style-type: none"> <li>- Pedestrian pathways throughout the development appear to connect all primary entrances to the public sidewalks.</li> <li>- There does not appear to be dedicated pedestrian crossings along the private drive.</li> <li>- Terminal views expire with some vegetation and open space amenities.</li> </ul>
<b>8-4D Parking and Off Street Loading Provisions</b>			
8-4D-3 Parking Design and Improvement Standards	DC/PZ/CC	Compliant upon waiver request approval	<p>It is not clear if parking spaces are the required 10'x20'. If they are smaller than code standards, a waiver can be requested.</p> <p>A waiver has been drafted to allow for 9' x 20' dimensions, which meet the soon to be adopted parking code dimensional requirements.</p>
8-4D-4 Parking Use Standards	DC/PZ/CC	No compliance issues noted	
8-4D-5 Required Number of Off-Street Parking Spaces	DC/PZ/CC	Not Compliant	<p><u>Parking Required for Single Family Attached Dwelling:</u> Enclosed Required: 14 Enclosed Provided: 14</p> <p><u>Parking for Multi-Family Dwellings:</u> Enclosed Required: 22 Enclosed Provided: 22</p> <p>Guest Parking Required: 15 Guest Parking Provided: 8 <b>(Deficient 7 parking spaces)</b></p> <p><u>New Parking Code:</u> The applicant has requested that the new parking code be applied. The application is still deficient in parking spaces.</p> <p><u>Single Family Attached Dwelling:</u> Enclosed Parking Required: 14 (provided)</p> <p><u>Multi-Family Requirements:</u> Enclosed Parking Required: 22 (provided) Surface Parking Required: 13 <b>(not provided)</b></p> <p>Guest Parking Required: 7 (provided) Total Required: 57 <b>(Deficient by 13)</b></p>
8-4D-6 Standards for Alternatives to On Site Parking	DC/PZ/CC	No compliance issues noted	None Requested
<b>8-4E Transportation and Connectivity Provisions</b>			
8-4E-3 Public Street Connections	DC/PZ/CC	No compliance issues noted	<p>Public street connection at N. Reed Street and E. 40<sup>th</sup> Street for a common driveway to access all buildable lots.</p> <p>There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.</p>

8-4E-4 Internal Circulation Standards	DC/PZ/CC	No compliance issues noted	The drive is 20' or greater in width.
8-4E-5 Private Street Standards	DC/PZ/CC	Compliant as conditioned	The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot that provides access to all applicable properties.  A binding contract that establishes the party or parties responsible for the repair and maintenance of the private street including regulations for the funding shall be recorded with a final plat. No building permit shall be issued until the contract has been recorded.
8-4E-6 Sidewalk Standards	DC/PZ/CC	Compliant as conditioned	A 5-foot-wide detached sidewalk with landscape buffer is proposed along 40 <sup>th</sup> Street and N. Reed Street.  The landscape buffers do not appear to be the standard 6' or 8' wide dimensions required. It has been conditioned to require appropriate widths, dependent on the installation of root barrier.
<b>8-4H Flood Hazard</b>			
8-4H Flood Hazard	Planning Official	Compliant as conditioned	A floodplain permit will be required.  Conditions have been drafted to ensure that the subdivision is found in compliance with FEMA regulations at the time of development.
<b>8-4G Sustainable Development Provisions</b>			
8-4G Sustainable Development Provisions	DC/PZ/CC	Compliant as conditioned	A sustainability checklist was not submitted for review.
<b>8-4I Landscaping and Tree Protection Provisions</b>			
8-4I-3 General Landscaping Standards and Irrigation Provisions	DRC/PZ/CC	No compliance issues noted	When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, perimeter landscaping, parking lot landscaping and other landscape guidelines) a mix of species shall be provided. Trees required: 16 total = Minimum of 3 species to be provided. Tree species provided: 5, including evergreen and deciduous.
8-4I-4 Landscaping Provisions for Specific Uses	DRC/PZ/CC	Not Compliant	<u>Landscaping for townhomes and multi-family dwelling units:</u> A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Landscape Area required: 1,916 square feet Landscape Area proposed: 9,820 square feet = 26% of the site.  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: 10 Trees provided: 68 Shrubs required: 64 Shrubs provided: 64+

			<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><u>E. 40<sup>th</sup> Street Trees (~100LF):</u>  Street Trees required: 3 trees  Trees provided: 0 trees <b>(Deficient 3 trees)</b></p> <p><u>N. Reed Street Trees (~106LF):</u>  Trees Required: 3 trees  Trees Provided: 0 <b>(Deficient 3 trees)</b></p>
8-4I-5 Perimeter Landscaping Provisions	DRC/PZ/CC	May not be complaint	<p>Perimeter landscaping is required between a multi-family residential use and a single-family residential use and/or residentially zoned property.</p> <p>Perimeter 5' wide perimeter landscaping has been proposed along the eastern and southern property boundary lines between the multi-family units and the neighboring properties.</p> <p>The vegetation provided appears to match the xeriscape of the rest of the subdivision. Arborvitae trees are proposed, which will reach 15' tall at maturity. The intent of the perimeter landscaping trees is to establish a continuous canopy coverage, to which the arborvitae does not provide. Discussion regarding the proposed perimeter landscaping is required.</p>
8-4I-6 Parking Lot Landscaping Provisions	DRC/PZ/CC	May not be complaint	<p>There is a proposed parking lot of 6 vehicular spaces that require compliance with this section of code.</p> <p>Kinder Spirit Oak trees are proposed at the end of the row. While the trees provide height (~30 at maturity) they do not provide a wide tree canopy. This is in direct conflict with the intent of this section, where it states that the landscaped areas shall provide continuous canopy coverage. This is to help mitigate environmental factors such as heat island effects.</p>
8-4I-7 Tree Preservation Provisions	DRC/PZ/CC	Not Complaint	The application will be required to mitigate 52.5 caliper inches on-site. The landscape plan does not show proper mitigation for the calipers removed.
<b>8-4L Open Space Provisions</b>			
8-4L-3 General Open Space Standards	DRC/PZ/CC	No compliance issues noted	
8-4L-4 Open Space Standards for Single-family, Townhouse, and Two- Family Duplex Developments	DRC/PZ/CC	Not Complaint	<p><u>Minimum Requirements for Single Family Attached Dwellings:</u>  A minimum of ten percent (10%) of the gross site area shall be in common open space. The site is 38,332.8sqft.  <b>Required: 3,833sqft</b></p> <p><u>Minimum Requirements for Multi-Family Developments:</u>  A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. <b>Provided.</b></p> <p>Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area.  <b>Required: 5,550</b></p>
<b>AND</b> 8-4L-5 Open Space			

Standards for Multi-family Developments			<p><b>Total:</b>  <b>Required: 5,550sqft</b>  <b>Provided: 5,355sqft (Deficient 145sqft)</b></p> <p>The application provides enough common open space to meet the minimum requirements for the single family attached dwelling units, about 13% of the site is dedicated to open space. However, the site lacks the necessary open space to meet the multi-family open space standards.</p> <p>There is also a waiver request to reduce the required amount for the 1-bedroom apartments from 250sqft to 150sqft.</p> <p>If this were to be applied then 150sqft x 22 = 3,300sqft would be required for the multi-family, and 3,833sqft would be required to meet the 10%. At minimum, the 3,833sqft of open space would be required, to which the development has provided.</p> <p><b><u>If the waiver is granted, then the application is compliant. An alternative waiver would be to allow for the deficiency of the 145sqft.</u></b></p>
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**Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards**

8-5A-4 General Standards	PZ/DRC/CC	No compliance issues noted	<p>See discussions on Design Review 8-4 B&amp;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>
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8-5A-6 Improvement Standards	DRC/PZ/CC		<p>A subsequent application will be required for staff approval to ensure that the proposed improvements meet code standards and policies for storm drainage, water, sewer, utilities, and monuments and are otherwise in conformance with this approval.</p> <p>A hydrant and a fire turn-around have been proposed.</p> <p>Street improvements are necessary.  There is an existing street light along E. 40<sup>th</sup> Street.</p>
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**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.
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Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>	PZ/DRC/CC	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<a href="#">8-6A-4 Required Application Information</a>	PZ/DRC/CC	No compliance issues identified	Application waivers requested pursuant to 8-6A-4A: <ul style="list-style-type: none"> <li>- Ability to Serve</li> <li>- Approved Addresses</li> <li>- Irrigation/Ditch Company Letter</li> <li>- Natural Hazard and Resources Analysis</li> <li>- Master Sign Plan</li> </ul>
<a href="#">8-6A-7 Public Hearing Process</a>	PZ/DRC/CC	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.
<a href="#">8-6B-7 Planned Unit Development</a>	DC/PZ/CC	May not be complaint – Compliant upon approval of waivers	Application waivers requested pursuant to 8-6B-7: <ol style="list-style-type: none"> <li>1. More than 4 units on a common drive;</li> <li>2. Minimum Parking Requirements;</li> <li>3. Vehicular Parking Space Dimensions;</li> <li>4. Reduced Setbacks;</li> <li>5. Common Open Space</li> </ol>

<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#">Idaho Code 67-6513</a> Local Land Use Planning Subdivision Ordinance	<p>Garden City has, by ordinance, adopted hearing procedures compliant with section <a href="#">67-6509</a>, Idaho Code, for standards and for the processing of applications for subdivision permits under sections <a href="#">50-1301</a> through <a href="#">50-1329</a>, 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 <a href="#">67-8003</a>, Idaho Code, consistent with the requirements established thereby.</p>
<a href="#">Idaho Code 67-6515</a> Local Land Use Planning Planned Unit Developments	This statute enables Garden City to process applications for planned unit developments.

<p><a href="#">Garden City Comprehensive Plan</a></p>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>a) Mixed Use Residential</li> </ul> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> <li>a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li>a.) 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li>b.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting.</li> </ul> <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> <li>a.) 4.1 Objective: Beautify and landscape.</li> <li>b.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> <li>a.) 4.3.1 Objective: Continue to require sidewalks and landscaping in all new development, and in major alterations and re-use of existing commercial sites.</li> </ul> <p>Goal 6. Diversity in Housing</p> <ul style="list-style-type: none"> <li>a.) 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing.</li> <li>b.) 6.3.2. Objective: Continue to explore opportunities that encourage mixed income housing in new developments.</li> </ul> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> <li>a.) 7.1. Objective: Create pedestrian and bicycle friendly connections.</li> </ul> <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li>a.) 2.1 Objective: Encourage new and distinctive neighborhoods.</li> <li>b) 2.1.2 Objective: Encourage high quality design and landscaping, including the use of water features, in new development.</li> <li>c) Amend the Land Use Code to expand planned unit development (PUD) requirements to all sizes of parcels through a design review process. Amend the PUD standards to encourage a variety of housing, including well-designed smaller units; flexibility in setbacks and parking requirements to meet the needs of specific dwellings; and requirements for pedestrian amenities, including parks, open spaces and pathways.</li> <li>d) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting.</li> </ul> <p>Goal 6. Diversity in Housing</p> <ul style="list-style-type: none"> <li>a.) 6.3 Objective: Maintain the diversity of housing.</li> <li>b.) 6.3.1 Objective: Provide for a variety of housing types in the Land Use Code including smaller cottage and second housing units. Allow for housing that attracts niche markets such as senior housing, live-work structures, and cooperative housing.</li> </ul>
<p><a href="#">Garden City Sidewalk Policy</a></p>	<p>Sidewalk is proposed in accordance with this policy.</p>
<p><a href="#">Garden City Street Light Policy</a></p>	<p>A streetlight is installed along E. 40th Street in accordance with the policy.</p>