

11. The project is outside of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
12. The project outside the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
13. The following standards apply to this proposal:
 - a. Garden City Code 8-1A-4 Applicability
 - b. Garden City Code 8-1B Existing Nonconforming Properties, Structures, and Uses
 - c. Garden City Code 8-2B Base Zoning District Provisions
 - d. Garden City Code 8-2C-15 Land Use Provisions
 - e. Garden City Code 8-4A Design and Development Regulations- General Provisions
 - f. Garden City Code 8-4B-4 Multi-family Residential Dwelling Units
 - g. Garden City Code 8-4C Design Provisions for Nonresidential Structures
 - h. Garden City Code 8-4D Parking and Off-Street Loading Provisions
 - i. Garden City Code 8-4E Transportation and Connectivity Provisions
 - j. Garden City Code 8-4H Flood Hazard
 - k. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - l. Garden City Code 8-4L Open Space Provisions
 - m. Garden City Code 8-6A-3 General Application Process
 - n. Garden City Code 8-6A-4 Required Application Information
 - o. Garden City Code 8-6A-5 Administrative Process with Notice
14. The following plans and policies apply to this proposal:
 - a. Garden City Comprehensive Plan
 - b. Garden City Sidewalk Policy
 - c. Garden City Street Light Policy
15. The applicant submitted all documents required by City Code, along with additional supporting materials beyond those minimum requirements.

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived pursuant to GCC 8-6A-4	
X			Compliance Statement
X			Neighborhood Map
X			Site Plan
X			Landscape Plan
X			Schematic Drawings

X			Lighting Plan
X			Topographic Survey
X			Grading Plan
X ¹			Will Serve
X			Approved Address

16. Application documentation was provided:
- a. Initial Submittal 05/07/2025
 - b. Additional documentation, 07/17/2024
 - c. Additional documentation, 08/11/2025
 - d. Additional documentation, 09/11/2025
 - e. Additional documentation, 11/13/2025
 - f. Additional documentation, 11/20/2025
 - g. Additional documentation, 12/11/2025
 - h. Additional documentation, 12/22/2025
17. Agency Comments were received from:
- a. Ada County Highway District, dated June 17, 2025, and November 24, 2025
 - b. Garden City Engineer, dated June 9, 2025
 - c. Idaho Transportation Department, dated June 10, 2025
 - d. Republic Services, dated June 23, 2025
 - e. Department of Environmental Quality, dated June 9, 2025, and December 15, 2025
 - f. North Ada County Fire and Rescue, dated November 6, 2025
 - g. Garden City Attorney, dated December 30, 2025
18. The following is a record of the written public comments received by December 1st, 2025, in accordance with Resolution 1053-18. All comments are included in their entirety as a part of the record:

Committer/Date	Committer/Date	Committer/Date
Bob Sorvaag 06222025	Capozzi Sandy 07012025	Carrie Witt 07222025
Charles Leffler 06062025	Corey Arnold 09092025	Corey R. Arnold 06062025
Darla Rhude 06092025	Dopko, Matthew 06242025	Janis Rusev 09112025
Johnson, Cheryl 09182025	Ken Johnson 06262025	Kenley Grover 07072025
Laurie Langdon 09232025	Les Bock 09122025	Les Bock 09252025
Les Bock 09302025	Leslie Bock 09102025	Linda Gurrola 06192025
Mark C. Mitchell	Mark Wasdahl 07032025	Nick & Robin Bradish

¹ A conditional water and sanitary sewer ability to serve letter was provided by the city engineer stating the very limited capacity to serve any expansion in the area.

09232025		09222025
Nick and Robin Bradish 10052025	Paul Cooperrider 08152025	Rodney Wolfe 06272025
Sandra and Lawrence Chess 09292025	Sara Poppleton & Jason McGlynn 09292025	Sorvaag, Bob 06302025
Thiel, Rebecca 06202025	Trent, James & Carol 08012025	Trent, James & Carol 08012025
WB residents 06122025: Sherry Montosa, Edward Montosa, Mary Jean Norton, Barbara Filiatreaux, Gloria Nutter, Marila Jones, Mike Huffman, Fred and Jane Hahn, Deborah Caserotti, Lisa and Dave Toney, Marsha Huffman, Yvonne Nelson, Tina Duran, Cynthia Rose, Larry Kelsey, Jane Hahn, Mike O'Brian, Kali Carringer, Judy O'Brian, Linda Hales Sutch, David Caswell, George and Gail Newton, Gerrie Kenyon, Ineligible names and signatures,	WB residents 06302025: Carolo Zimmermann, Tanya Edwards, Chris Dirschl, James Carney, Cheryl Watts-Bastida, John Carey, and Rosanna Ford	WB residents 07022025: Jay Agosta, Janis Rusev, Gretchen Siri, Frances Rehrmann, Jim Yeamans, Tanna Willis, James Trent, Jordana Trent, and Carol Trent
WB residents 07032025: David Nichols, Mary Adams, and Sharon and Cory Hawkins	Karen Tino 10262025	Yvonna Brown 11242025
Andrew Birdwell 11262025	Penny J. Salow 11252025	Audrey R. Gillett 11252025
Jay Agosta 11222025	Victor and Joy Hummel-Sternbergs 11242025	Jocelyn Wright 12012025
Don and Anita Doyle 12012025	Larry Hinshaw 12012025	June Marguet 11282025

Jonathan Perry 12022025	Rebecca Thiel 12022025	Terry Dean Willowbrook HOA 12022025
Les Bock 12092025	Terry Dean Willowbrook HOA 12182025	Terry Dean Willowbrook HOA 12232025
Jeanne Jackson- Heim on behalf of River's Edge HOA 12232025	Kenley Grover representing Raymond Stone 12232025 07032025 representing Ramond Stone, Nate and Carole Calvin, Wendy Carver-Herbert and Terry Dean president of Willowbrook HOA	Wendy Carver Herbert 12242025
Judith Chesnut 12292025		

19. The following noticing was completed in accordance with GCC 8-6A and GCC 8-6B-3:

Noticing Requirement	Required Date	Completion Date
Receipt of application	n/a	05/07/2025
Letter of Acceptance	n/a	10/22/2025
Radius Notice	For Design Review Neighborhood Meeting: 09/07/2025 For City Council: 11/23/2025	For Design Review Neighborhood Meeting: 09/05/2025 For City Council: 11/18/2025 and 12/11/2025
Legal Notice	11/19/2025 12/15/2025	11/21/2025 12/11/2025
Agency Notice	11/23/2025 12/15/2025	06/05/2025 12/11/2025
Property Posting Sign	For Design Review Neighborhood Meeting: 09/12/2025 For City Council: 11/28/2025	For Design Review Neighborhood Meeting: 09/11/2025 For City Council: 12/11/2025
Affidavit of Property Posting	For Design Review Neighborhood Meeting: 09/15/2025 For City Council: 12/01/2025	For Design Review Neighborhood Meeting: 09/11/2025 For City Council: 12/12/2025

20. On November 3, 2025, in accordance with GCC 8-6B-3, a Design Review Consultation was held with the Design Consultants. The Consultants provided the following comments and requests:
- a. The building does not address Marigold.
 - b. The off-site shared parking totals 51 stalls; plans must clearly show counts and space dimensions (9'x20' standards vs. 9'x18' with overhang). Clarify how stalls are allocated and where pedestrians move safely through the lots.
 - c. Add pedestrian connections between Buildings 1 & 2, to Parcel 4, and across drive aisles; include crosswalks, material changes, and emergency access controls. Also needed from the shared parking locations to the project sites.
 - d. Republic Services access, turning/back-up distances, and enclosure location were discussed. Current location meets code, but aesthetics/visibility and neighbor adjacency should be improved; alternate locations away from the east boundary to be explored.
 - e. Obtain updated ACHD staff report confirming third access point and right-turn lane.
 - f. Thurman Mill Canal Path: Provide an 8' pathway and low-maintenance landscape between path and canal or document a phased approach (gravel substructure now; final surface later) with easement/authorization details. Garden City has a long-range transportation plan to require pathways and easements for public use along drainage canals.
 - g. Proceed with District No. 2 Drainage Ditch tiling as an alternative compliance approach submit engineering/narrative justification based on extenuating circumstances (sewer line directly under the ditch).
 - h. Adjust Marigold fence to $\leq 3.5'$ or flush with façade; taper east vinyl fence to 3.5' in front setback.
 - i. While code does not prohibit gated communities, gating is not appropriate based on the required findings regarding bicycle and pedestrian accessibility, and overall compatibility with the neighborhood.
 - j. Strengthen primary entries with form/material emphasis; add canopies/awnings/material shifts at secondary entries.
 - k. Recalculate landscaping (exclude setback/perimeter areas), add Class II and III street trees along Marigold, trees at the start/end of each parking row, more evergreens on the east edge.
 - l. Remove signage from current application; submit later as a staff-level review.
21. The Design Review Consultants provided written comments in response to the November 13, 2025, resubmittals, the following comments, and requests were made:
- a. The façade updates do not clearly identify the building's primary residential entry. Improvements to the leasing office and lounge façades do not resolve this issue. Primary building entrances should be clearly identifiable for both visitors and residents and should be expressed through façade articulation

that defines the main entry points. The main entrance serving the 300–400 daily users appear tucked near the 1A units and is not visually defined from key approaches.

- b. Additional façade refinement is needed, including breaking up the cornice line on Building 1’s northeast corner, similar to the treatment on Building 2.
 - c. The proposed gated development configuration does not satisfy requirements for a direct, convenient, and attractive pedestrian pathway. The project shall be revised to comply with connectivity standards and Comprehensive Plan direction discouraging gated developments.
 - d. Fencing along the front of the building shall comply with visibility and engagement objectives. A 3.5’ fence provides minimal security benefit and reduces street interaction; therefore, any fencing in this location shall not be solid or constructed as privacy fencing.
 - e. Landscaping plans shall verify and comply with GCC 8-4I-6.E.3.a regarding internal tree counts in the south lot and shall incorporate required landscaped medians pursuant to GCC 8-4I-5.
22. On December 8, 2025, a public hearing before the Garden City Council was scheduled:
- a. Council Member Jacobs recused himself.
 - b. The hearing was rescheduled due to lack of quorum to a special meeting December 10, 2025.
23. On December 10, 2025, the public hearing before the Garden City Council was rescheduled to December 30, 2025, to remedy any defects in noticing.
24. On December 30, 2025, a public hearing before the Garden City Council was held:
- a. Mayor Evans introduced the application.
 - b. Council Member Jacobs was absent due to previously recusing himself.
 - c. Council President Page disclosed conversation with Judy Chesnut.
 - d. Mayor Evans noted that he would not be voting on the matter in that there could not be a tie with three voting Council members. He disclosed meetings with the applicant team as well as with Terry Dean with the Willowbrook Homeowners Association.
 - e. Mayor Evans and each of the Council members indicated that they had no conflict.
 - f. Mayor Evans read a preamble including each of the required findings.
 - g. The applicant representatives Deberah Nelson with Givens Pursley and Caleb Roope with Pacific Companies represented the application.
 - h. Jenah Thornborrow provided a staff report. Others who assisted were Rebecca Phillips with ACHD and Charles Wadams with Garden City.
 - i. Tim Nicholson with Kimley Horn provided clarification on the traffic study.
 - j. Public Hearing was opened. Testimony was heard from:
 - i. Kenley Grover representing Willowbrook residents (no signatures or specifications of who)
 - ii. Terry Dean representing the Willowbrook HOA

- iii. Jeanne Jackson-Heim representing Rivers Edge and self
 - iv. Kate Jennings representing Rivers Edge HOA
 - v. Linda Gurrola
 - vi. Wendy Carver Herbert
 - vii. Bob Sorvaag
 - viii. Matthew Dopko
 - ix. Jonathan Perry
 - x. Ken Dillman
 - xi. Sandra Chess
 - xii. Les Bock
 - xiii. Mark Mitchell
 - xiv. Rodney Wolfe representing Bentwood
 - xv. Mike O'Brian
 - xvi. Linda Armstrong representing self and Cindy Gwynn
 - xvii. Adam Jennings
 - k. Testimony read into record:
 - i. Mary Meg Gorham
 - ii. Carol Zimmerman
 - iii. James Trent
 - iv. Jordana Trent
 - l. Rebuttal was heard from Deborah Nelson and Caleb Roope
 - m. During the rebuttal there was a one-minute lapse of audio at the recording time of 4:17-4:18. The Council requested that Deborah Nelson reiterate anything that may need to be reiterated to result in a complete transcribable record.
 - n. The Public Hearing was closed.
 - o. The Council accepted all late written testimonies and exhibits.
 - p. The matter was continued to a date certain of Saturday, January 10th at 4:00pm.
 - q. Council President Page noted that the matter was closed and requested that no one contact the city council on this matter until after the deliberation and decision.
25. On January 10, 2026, the City Council deliberated and decided on the matter:
- a. The following disclosures were made:
 - i. Two emails were submitted to the city by public after the close of the hearing. They will be kept as a public document but will not be considered as a part of the record.
 - ii. The December 30, 2025, verbatim transcript is a part of the record and was posted online for public access.
 - iii. Each Council Member indicated that they had no conflict of interest.
 - iv. The public hearing is closed; no new testimony or evidence has been accepted.
 - v. Changes to the document from the December 30, 2025, meeting were limited to include the proceedings and matters addressed during the hearing. No new information was added.

- b. The Council unanimously adopted the Findings of Fact.
 - c. Council President Page directed that each required finding and the corresponding staff-drafted reasoned statement be read in full, followed by individual Council discussion and a vote on each finding.
 - d. Upon a vote of the Council:
 - i. Findings 1,2,3,6,7, and 8 were found to be met as drafted.
 - ii. Findings 4 and 5 were found not to be met, based on incompatibility of building height with the neighborhood, resulting in an adverse impact.
 - e. Mayor Evans requested specific guidance for matters to be addressed in remand. Council clarified:
 - i. The applicant is not required to maintain features that exceed code requirements, such as additional parking, enhanced setbacks, or enhanced landscaping. There is no requirement to reduce density.
 - ii. Structural height was identified as the sole matter causing incompatibility with and adverse impact on the neighborhood. The height must be reduced to three stories.
 - f. Council President Page moved to remand the application preserving the original application submittal date.
 - g. Council member Jorgenson seconded the motion.
 - h. The motion passed on a 2/1 vote with Council President Page and Council Member Jorgenson voting in favor, and Council Member Rasmussen voting in dissent.
26. The record contains:
- a. Application Documents
 - b. Noticing Documents
 - c. Agency Comments
 - d. Public testimony
 - e. Design Review Consultation Reviews
 - f. Staff Reports and suggested decision documents
 - g. City Council meeting documents
 - h. Findings of Fact, Conclusions of Law, and Decision

CONCLUSIONS OF LAW

The Garden City Council reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application **does not meet** the standards of approval under **GCC 8-6B-3 Design Review**.

Required Findings: In order to approve a design review application, the decision maker shall make a determination with written reasoned statements on the following findings.

To the extent that any reasoned statement or explanation of finding set forth under a specific finding is applicable to other findings, such statement or explanation is hereby incorporated by reference and shall apply to all relevant findings. Facts included within the Conclusions of Law section are hereby incorporated as Findings of Fact, and conclusions of law included within the Findings of Fact section are hereby incorporated as Conclusions of Law.

GCC 8-6B-3 DESIGN REVIEW: REQUIRED FINDINGS	
Finding	Standard
Application is compliant with standard	<p>Finding 1. The proposed design shall comply with all design standards in Garden City Code, Title 8.</p> <p>Explanation of Finding (Reasoned Statement): As conditioned, the application meets this finding because it conforms to the reviewed sections of code noted in this decision, finding of fact number thirteen. Based on weighing the totality of the evidence in the record and specifically the analysis provided in the staff report dated December 8, 2025, pages 12-29, the proposed design complies with all applicable design standards in Garden City Code, Title 8, subject to conditions of approval. The key evidence is summarized below:</p> <p>The project is located in the R-3 Medium Density Residential District, where multi-family dwellings are a permitted use.</p> <p>Density calculations comply when considered per parcel under the associated Minor Land Division application, file number MLDFY2024-0001.</p> <p>Required setbacks and building height standards are met, including Building 1 being set back approximately thirty-two feet from Marigold Street, exceeding the minimum front setback requirement.</p> <p>The design incorporates articulation through wall offsets, balconies, and material changes, and primary entries have been revised to include enlarged canopies and accent materials, improving visibility and hierarchy as recommended by the Design Review Consultants.</p>

Amenities required for developments with more than seventy-five units are provided, including a clubhouse, fitness facilities, open space, and walking trails.

The tiling of the District No. 2 Drainage Ditch is an appropriate and permissible approach based on the extenuating circumstances demonstrated. The sewer line is located directly beneath the ditch, creating unavoidable maintenance conflicts for both the sewer system and the drainage facility. Due to the site's existing slopes, relocation of the sewer line is not feasible under DEQ slope design standards. Garden City Code § 8-4A-9(B)(2) authorizes the tiling of waterways when extenuating circumstances are present. Additionally, Garden City Code § 8-1A-5(C) requires that, in the event of conflicting code provisions, the more restrictive standard must be applied. In this case, ensuring the ability to adequately maintain both the sewer line and the drainage ditch is essential to public health. Accordingly, it is found that permitting the tiling of the ditch is the most appropriate and legally supportable solution under the circumstances.

Landscaping exceeds minimum requirements, with fourteen percent of the site landscaped excluding setbacks, surpassing the five percent minimum. Tree and shrub counts meet or exceed code standards, and perimeter landscaping is provided along residential boundaries. Conditions of approval require Class II or III street trees along Marigold to ensure compliance with best practices.

Parking meets cumulative requirements with three hundred ninety-two spaces provided versus three hundred eighty-nine required, and bicycle parking complies with code with two hundred sixty-four spaces provided. Furthermore, a parking demand study prepared by Kittelson & Associates indicates that, based on the ITE Parking Generation Manual, 5th Edition, the projected peak parking demand for the development is approximately two hundred eight-nine spaces using a dwelling-unit-based analysis, or two hundred seventy spaces using a per-bedroom analysis. The proposed provision of three hundred ninety-two parking spaces is sufficient to meet the anticipated parking demand for the development.

Internal circulation and pedestrian connectivity have been improved per design consultant recommendations, with crosswalks and defined pathways added.

Proposed fencing meets height and material standards, outdoor lighting complies with section Garden City Code § 8-4A-4, and trash enclosures are screened per section Garden City Code § 8-4A-5.

	<p>Stormwater systems utilize permeable pavers and landscaped drainage features, consistent with code. All drainage will be required to be approved by the city engineer for compliance with applicable regulations.</p> <p>Sewer and water service compliance is conditioned upon resolution of capacity issues and installation per City Engineer requirements.</p> <p>Private and common open space requirements are met for all units, with Parcel 4 dedicated entirely to open space. The applicant is conditioned to achieve certification through a recognized green building program or equivalent measures prior to occupancy.</p>
<p>Application is compliant with standard</p>	<p>Finding 2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.</p> <p>Explanation of Finding (Reasoned Statement): As designed and conditioned, this proposal provides effective bicycle and pedestrian access and movement to, from, within, and across the site.</p> <p>The site plan includes a system of internal pedestrian pathways that connect major building entrances to parking areas, open spaces, and the public sidewalk along Marigold Street, complying with the connectivity standards of Garden City Code section § 8-4E.</p> <p>A primary pedestrian route links the buildings to the public sidewalk, ensuring direct and safe access to and from the site. Crosswalks and material changes have been incorporated to enhance visibility and safety across drive aisles.</p> <p>The design aligns with Garden City’s long-range transportation goals by including a future public access easement along the Thurman Mill Canal for a multi-use pathway.</p> <p>The project provides two hundred and sixty-four bicycle parking spaces, including two hundred and thirty-six enclosed spaces and twenty-eight surface spaces, meeting, and exceeding code requirements. Enclosed bike storage areas are located near primary building entries to support convenience and security for residents.</p>
<p>Application is compliant with standard</p>	<p>Finding 3. The proposed design shall be compatible with or improve the public’s use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise River and waterways, canals, and other surface irrigation.</p> <p>Explanation of Finding (Reasoned Statement): The application is compatible with the current public use of public spaces.</p>

	<p>It provides a connected attached and detached sidewalk system with an eight-foot, landscape buffer that will provide a safe and comfortable space for pedestrians walking along Marigold Street, a collector street.</p> <p>Based on documentation provided, the proposal does not exceed the level of service criteria required by ACHD on surrounding roadways. Further, based on the 2024 Trip Generation Review prepared by Kimley Horn for the applicant and accepted by the transportation agencies, the project does not warrant mitigation at the Marigold and Glenwood intersection as the percent of site traffic to total traffic is 2.1% in the AM peak hour and 1.6% in the PM peak hour.</p> <p>The design supports Garden City’s long-range transportation goals by providing a public access easement along the Thurman Mill Canal. The Thurman Mill Canal will remain open as a natural amenity, consistent with code requirements.</p> <p>The proposal to tile the Drainage District No. 2 canal is supported by engineering justification and agency approval due to infrastructure conflicts, ensuring continued hydraulic function while improving groundwater management. The site design includes internal pedestrian routes that connect to public sidewalks and future pathway corridors, improving accessibility for residents and visitors.</p> <p>Enhanced perimeter landscaping and tree planting are proposed along Marigold Street to improve the visual quality of the streetscape.</p>
<p>Application is not compliant with standard</p>	<p>Finding 4. The proposed design shall be compatible with the neighborhood in scale and intensity.</p> <p>Explanation of Finding (Reasoned Statement): Based on the Council’s deliberations and the evidence contained in the record, finding four is not met because the proposed height is not compatible with the surrounding neighborhood.</p> <p>While this finding does not require that the proposal be the same as the surrounding neighborhood, the proposed four-story height of the structure is inconsistent and incompatible with the character of the surrounding area, which is predominantly composed of one and two-story structures. Public testimony and written comments, as well as an exhibit introduced during the public hearing by Katie Jennings, demonstrate that most structures in the neighborhood are single or two stories, with the remainder being three stories, and that there are no four-story structures within the part of the city south of the Boise River, west of Glenwood, north of Chinden.</p> <p>Consistent and substantial public testimony, including but not limited to testimony provided by Jeanne Jackson-Heim, indicated that the scale and</p>

	<p>of a four-story development would be out of character with, and adversely perceived by, the existing neighborhood.</p> <p>It is acknowledged that the enhancement of perimeter landscaping along with the six-foot opaque fence, and carports with a solid wall along the eastern property line create a physical and visual transition between the development and the adjacent neighborhood, and that enhanced landscaping, including evergreen trees along the eastern boundary, softens the interface between properties.</p> <p>The Council further recognized that the combination of solid fencing and enhanced landscaping, including an extra deep landscape buffer of fifteen-feet instead of ten-feet and sixty-nine additional trees beyond code requirements, serves to mitigate potential lighting and privacy impacts.</p> <p>Traffic and parking impacts were reviewed by the Ada County Highway District (ACHD) and that the development was found not to exceed ACHD adopted level of service thresholds for Marigold Street, that onsite parking meets code requirements, and that these features may assist in minimizing spillover impacts to surrounding streets.</p> <p>Additionally, while there is public concern that the architectural design is perceived to be urban in character, the Council acknowledges that the proposal meets applicable code standards and incorporates articulation, material variation, landscaping, and open space consistent with those standards.</p> <p>Nevertheless, even though the application complies with all applicable zoning and design standards and incorporates mitigation measures beyond those required by code, such compliance does not alone warrant approval where a required finding is not met. The proposed four-story buildings remain incompatible in terms of scale of other nearby structures. For this reason, the proposed design fails to satisfy Finding 4.</p>
<p>Application is not compliant with standard</p>	<p>Finding 5. The proposed design shall not create an adverse impact on the surrounding neighborhood.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>There is significant public concern regarding potential adverse impacts on the neighborhood. Concerns raised include traffic congestion and safety, parking, structural massing, architectural design, environmental impacts, drainage, income levels of potential tenants, light trespass, privacy, strain on public services, and drainage. These issues are code complaint or have been mitigated through conditions of approval.</p>

As conditioned, with the exception of building height, the proposed design will not create an undue adverse impact on the surrounding neighborhood. For purposes of this finding, undue adverse impact means impacts that exceed those reasonably anticipated for a permitted use under applicable zoning and design standards.

The testimony submitted by neighboring residents identifies genuine concerns regarding traffic impacts. Their observations of existing conditions are acknowledged and given due weight. However, in determining compliance with applicable traffic standards, evidence supported by adopted methodologies and objective performance measures is more authoritative. In this case, the professional traffic analyses in the record consist of the Ada County Highway District (ACHD) review and the applicant's traffic impact study. Both conclude that the additional vehicle trips generated by the proposal will remain within the ACHD adopted level-of-service threshold for Marigold Street. Accordingly, the professional analyses provide the appropriate basis for assessing compliance with the governing traffic standards.

Marigold Street is classified as a residential collector roadway, for which ACHD policy allows up to five hundred and thirty vehicle trips during the PM peak hour. Existing PM peak hour traffic volumes are three hundred and ninety-one trips. The proposed project is expected to generate an additional ninety-two PM peak hour trips, resulting in a total of approximately four hundred and eighty-three PM peak hour trips, which remains below the adopted service-level threshold.

Further, based on the 2024 Trip Generation Review by Kimley Horn provided by the applicant and accepted by the transportation agencies, the project does not warrant mitigation at the Marigold/Glenwood intersection as the percent of site traffic to total traffic is 2.1% in the AM peak hour and 1.6% in the PM peak hour.

The application proposes two access points, including one shared access with Boise Bible College. Minimizing the number of access points onto Marigold Street is desirable to reduce vehicular conflict points and limit pedestrian exposure. This is because additional entrances increase the number of potential interaction points between vehicles and vehicles or vehicles and pedestrians, thereby elevating safety risks. Consistent with this principle, the adjacent Boise Bible College and the Antioch Apartments be served by two access points, with internal circulation occurring within the development rather than relying on Marigold.

	<p>One of the proposed access points exceeds the width typically permitted under ACHD policies; however, ACHD has recommended approval of wider access under the circumstances.</p> <p>To mitigate safety concerns associated with the two newly proposed accesses, the applicant has proposed relocating the wider entrance to align with the existing Pintail Way access, which is controlled by stop signs. Additional conditions of approval further reduce pedestrian exposure by requiring bulb-outs to narrow the vehicular apron and extend the landscape island to function as a pedestrian refuge. These measures reduce pedestrian exposure. A secondary condition also requires that the vehicular apron be designed so that the sidewalk maintains a flush and consistent grade across the driveway. This measure reduces the need for individuals with mobility impairments to navigate repetitive and unnecessary inclines.</p> <p>There is condition of approval that prior to building permit issuance, the applicant must obtain and comply with all required ACHD permits and reviews and complete the traffic-related improvements as conditioned by ACHD. These conditions, together with ACHD's findings that adopted levels-of-service will not be exceeded, address concerns raised in public comments regarding traffic safety and congestion.</p> <p>The project provides three hundred and ninety-two parking spaces, exceeding the cumulative requirement of three hundred and eighty-nine spaces under Garden City Code, and bicycle parking also meets code requirements, reducing reliance on vehicles and minimizing overflow parking on adjacent streets.</p> <p>The applicant is required to provide an acceptable solution to the sewer constraints to ensure that levels of service are not exceeded.</p> <p>The use, and as conditioned, the architectural design, complies with Garden City Code, Title 8, and all findings required for applications processed under Garden City Code § 8-6B-3 Design Review.</p> <p>North Ada County Fire and Rescue (NACFR) reviewed the application and approved it subject to compliance with fire code requirements.</p> <p>Stormwater management uses permeable pavers and landscaped drainage features to reduce runoff impacts, and sewer capacity concerns have been addressed through an alternative connection plan, conditioned for review for compliance prior to construction.</p> <p>To address neighboring properties concerns regarding noise and odor, trash enclosures were moved to the west side of the property, during the</p>
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hearing the applicant indicated that they will also relocate the recycling, further minimizing impact on the neighborhood.

There is a condition that construction activities shall be limited to designated hours to minimize construction noise impacts on the adjacent neighborhood. Upon completion of the project, the property shall be subject to the same noise regulations that apply uniformly throughout the City.

The applicant is required to pay ACHD and NACFR impact fees as well as water and sewer connection fees. These fees are established to address the impact of the development on roadways, fire, and water and sewer systems.

Concerns were raised regarding the compatibility of the proposed units being affordable and therefore incompatible with the surrounding neighborhood. Federal and state fair housing laws prohibit land use decisions based on the income level or voucher status of prospective residents. Accordingly, this decision does not consider the identity, socioeconomic status, or household characteristics of future occupants.

The proposed development does not constitute illegal spot zoning. Properties to the west and south are similarly zoned R-3; properties to the north and east are zoned R-2. The Applicant has not requested a rezone of the property.

Claims that the Boise Bible College property was subject to spot zoning without proper notice in 2015 are incorrect and not germane to the current application. The 2015 action was a citywide rezone affecting all properties zoned R-3. At that time, the City Council determined that the code amendment complied with the Comprehensive Plan and was legally noticed. Regardless of these assertions, the statutory period to contest that application has long expired.

Concerns were raised regarding the potential for flooding of adjoining properties due to tiling the existing drainage ditch. Under Idaho law, a land use approval may not authorize development that causes unlawful diversion, obstruction, or concentration of surface or storm water resulting in material damage to adjacent properties. The improvements are required to be designed by a qualified engineering professional to ensure that the risk of flooding on adjacent properties is not increased. A further condition is required that the ditch be maintained in perpetuity.

As currently designed, the project incorporates setbacks that significantly exceed the minimum code requirements of fifteen feet at the rear and five feet at the front and sides, with Building 1 setback approximately one

	<p>hundred fifty-two feet and Building 2 approximately eighty-eight feet from the property lines of adjacent homes. The design further includes enhanced perimeter landscaping, with evergreen trees and a six-foot privacy fence, intended to buffer the development from neighboring properties and reduce lighting and privacy impacts. Building articulation and material variation are incorporated to lessen perceived mass and visual dominance, while landscaped areas and solid walls within the carports are designed to further mitigate light trespass and related privacy concerns.</p> <p>While the design incorporates mitigation measures, in some instances far exceeding applicable code requirements which are intended to lessen impacts, those measures do not eliminate the fundamental incompatibility resulting from the vertical scale of the buildings. The Council further finds that while these mitigation features reduce certain secondary impacts, they do not overcome the primary adverse impact associated with the height. The Council notes that a reduction in height could cause a redesign which decreases the enhanced mitigation features (such as robust setbacks and augmented perimeter landscaping).</p> <p>Even with the mitigation measures incorporated into the application and compliance with applicable code standards, this finding cannot be met due to the adverse impact created by the height of the proposed buildings. Multiple residents provided oral and written testimony in the record that the four-story mass would be perceived to loom over adjacent backyards and homes, alter existing views, and create a visual dominance that is intrusive and out of character with a neighborhood. The Council relied on this testimony and exhibits provided with testimony that demonstrate that the height of the proposed buildings would create a perceptible change to the established neighborhood character that exceeds what is reasonably anticipated for a permitted use in this location.</p> <p>For these reasons, the Council concludes that the height of the proposed buildings results in an adverse impact on the surrounding neighborhood. Accordingly, the application as proposed fails to satisfy Finding 5.</p>
<p>Application is compliant with standard</p>	<p>Finding 6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>The proposed architecture and site improvements incorporate design elements intended to meet Garden City Code standards and enhance neighborhood compatibility.</p>

	<p>The building elevations include articulation through wall offsets, recessed areas, balconies, and varied materials, which reduce visual mass and create pedestrian-scale interest.</p> <p>Materials include brick, accent colors, and durable finishes consistent with multi-family residential standards. These updates improve wayfinding and create focal points, addressing prior concerns about unclear entry sequences.</p> <p>In response to recommendations from the Design Review Consultants to strengthen primary entries and improve hierarchy, the applicant added enlarged entry canopies with accent colors at major entrances, expanded brick massing at building corners for visual anchoring, and brick inlay patterns near entries to provide craftsmanship and detail. This has been further conditioned to require the primary entries be clearly identifiable and provide additional façade refinement.</p> <p>Site improvements include enhanced perimeter landscaping and evergreen buffers that soften the transition to adjacent single-family homes. Street-facing improvements feature a detached sidewalk with an eight-foot landscape buffer and Class II or III trees, as conditioned, to improve the public realm.</p> <p>While the building height of four stories differs from surrounding one- and two-story homes, this form is permitted under the R-3 zoning district. Architectural detailing and landscaping mitigate perceived scale and intensity, aligning with the intent of Garden City’s design standards.</p> <p>Conditions of approval require confirmation that secondary entries also receive canopy or material emphasis to ensure consistency across the site, and additional conditions address tree species selection and screening of service areas to maintain visual quality.</p> <p>Allegations have been raised asserting that the proposed development does not comply with the Garden City Comprehensive Plan. A formal finding of compliance with the Comprehensive Plan is not required by City Code for a design review application, and the Comprehensive Plan itself is not a legally binding regulatory document in this context. However, it is an important guiding policy document and should inform the decision-making process.</p> <p>The application is not in direct conflict with the Comprehensive Plan. On the contrary, several elements of the proposal are supported by specific Comprehensive Plan objectives. These include Objectives 6.2 and 6.3, which encourage the creation and maintenance of diverse housing opportunities; Objective 2.3, which promotes high quality design and</p>
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	<p>architecturally engaging buildings; Objectives 4.1 and 4.3, which call for enhanced landscaping, beautification of streets and sidewalks, and incorporation of trees and public art; and Objective 7.1, which supports the development of pedestrian and bicycle friendly connections.</p>
<p>Application is compliant with standard</p>	<p>Finding 7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions.</p> <p>Explanation of Finding (Reasoned Statement):</p> <p>As conditioned, the proposed design provides outdoor spaces and landscaping that are compatible with southwest Idaho climatic conditions. The design and landscaping improve the site’s functionality and respond to the regional climate by organizing buildings, parking areas, and open spaces to create clear pedestrian and vehicular circulation.</p> <p>Trash enclosures and service areas are screened and integrated into the site design to minimize visual and acoustic impacts.</p> <p>Landscaping exceeds minimum code requirements, with fourteen percent of the site landscaped excluding setbacks and more than fifty thousand square feet of dedicated open space on Parcel 4.</p> <p>Perimeter buffers and evergreen plantings provide privacy and mitigate visual impacts on adjacent residential properties, while landscaped islands in parking areas and street trees along Marigold enhance aesthetics and environmental performance.</p> <p>Plant selections include drought-tolerant species suitable for southwest Idaho’s semi-arid climate, reducing irrigation demand.</p> <p>Stormwater management incorporates permeable pavers and landscaped drainage features to support infiltration and reduce runoff during seasonal precipitation events. Building materials and finishes are durable and appropriate for local temperature fluctuations and freeze-thaw cycles.</p> <p>Class II or III street trees along Marigold to provide shade and long-term canopy growth, improving microclimate and pedestrian comfort. Sustainability measures, including green building certification, further align the project with regional environmental goals.</p>
<p>Application is compliant with standard</p>	<p>Finding 8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.</p> <p>Explanation of Finding (Reasoned Statement):</p>

The proposed design is compatible with natural and scenic features and does not adversely affect historic resources.

The site includes two waterways: the Thurman Mill Canal along the southern property boundary and the Drainage District No. 2 canal along the northeastern boundary. The Thurman Mill Canal will remain open as a natural amenity, consistent with Garden City Code requirements. The applicant has committed to providing a ten-foot pathway and low-maintenance landscaping along this canal or documenting a phased approach with interim gravel and easement details, which supports Garden City's long-range connectivity goals.

The Drainage District No. 2 canal is proposed to be tiled due to a significant infrastructure conflict with an existing sewer main located directly beneath the ditch. This request meets code exceptions because maintaining the ditch in its current form is infeasible. This is supported by the engineering justification that demonstrates a direct conflict with the existing public sewer main and easement and meets the exception criteria under Garden City Code § 8-4A-9.B.2, which allows enclosure when maintaining the ditch in its current form renders the property's use infeasible. The Drainage District supports the proposal, confirming that hydraulic function will be preserved and groundwater management will improve.

Questions were raised by the public regarding the absence of a hydraulic study for the proposed canal tiling. The proposed 18" pipe will connect to and match the size of the existing 18" pipe flowing to the west along the southern frontage of Marigold Street. As described in the November 12, 2025, letter from Applicant's engineer, David Evans, and Associates, Inc., the proposed system will maintain all existing flow capacities and ensure conveyance of water consistent with Garden City Code § 8-4A-9(B)(4). Further, the Drainage District supports the proposal and prior to commencing any tiling work, the applicant will be required to comply with all applicable standards and requirements of the Drainage District. This will ensure that the identified concerns are adequately addressed and that the tiling fully conforms to Drainage District standards.

The application is conditioned to meet regulatory wetlands standards.

The site is outside the Special Flood Hazard Area. Conditions encourage building to the best available flood data for safety and insurance considerations. There are no historic structures on the site, and the proposed development does not impact any identified historic resources. Enhanced perimeter landscaping and tree planting improve the visual quality of the site and its interface with natural features, and conditions require Class II or III trees along Marigold Street to provide shade and ecological benefits consistent with Garden City's design objectives.

27. The record was reviewed by the Garden City Council to render the decision.

DRAFT

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Garden City Council hereby **REMANDS** the application, subject to the following conditions:

Matters to be addressed upon remand:

1. This is not a final decision. Approval of this application can be achieved by addressing the deficiencies identified in the reasoned statements of the required findings, 4 and 5 of this decision document. The deficiencies can be corrected by reducing the height of the structures to three stories.

Scope of this permit:

1. The scope of this permit is new construction of a multi-family development.
2. The scope of this permit is limited to Parcels 2, 3, and 4 of the proposed Minor Land Division application. Without the approval of MLDFY2024-0001, this application is not viable as proposed based on the limited scope of the project, and the city's current inability to service the proposed project until the Minor Land Division as conditioned is approved.
3. Approval of this permit is contingent upon resolution of all outstanding issues related to adequate water and sewer service pursuant to the Minor Land Division, MLDFY2024-0001, as conditioned. The developer shall meet all City requirements for providing water and sewer connections to Parcels 1, 2, 3, and 4.
4. Construction noise that is disruptive to the neighborhood shall be limited to Monday through Saturday from 7:00a.m. to 8:00p.m. unless residents within 300' and the city have been notified in advance of the specific days which will be necessary to exceed this limitation.
5. The tiling of the Drainage District No. 2 canal along the northeastern boundary is allowed as an approved exception under Garden City Code § 8-4A-9 due to the documented conflict with the public sewer main and easement.
 - a. The applicant shall ensure that any improvements involving the existing drainage ditch are designed by qualified engineering staff so as not to increase the risk of flooding on adjacent properties. Under Idaho law, this approval does not authorize any unlawful diversion, obstruction, or concentration of surface or storm water resulting in material damage to adjoining properties. The drainage ditch shall be preserved and maintained in perpetuity to ensure continued functionality and compliance with applicable laws.

Prior to Building Permit Issuance:

1. The associated Minor Land Division (MLDFY2024-0001) shall be approved by the city and recorded by the County prior to the issuance of any building permit(s).
2. All comments from the City Engineer, including but not limited to the comments regarding water and sewer services, shall be fully addressed and resolved.
3. Submit a sustainability checklist that demonstrates compliance with, or an exemption from Garden City Code § 8-4G.
 - a. The applicant shall comply with GCC 8-4G by obtaining certification through a nationally or regionally recognized green building program. Prior to building permit issuance, the applicant shall submit: (1) the selected certification program; (2) the intended certification level; and (3) proof of project enrollment or pre-verification from the certifying body. Prior to certificate of occupancy, the applicant shall submit documentation from the certifying agency verifying that the project has achieved the required certification level.
 - b. If certification is not obtained, the applicant shall complete corrective measures acceptable to the City, which may include fulfilling the remaining sections of the Garden City Sustainability Checklist or implementing equivalent sustainability measures as determined by the Planning Official.
4. A copy of recorded legally binding documents that states the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features shall be provided to the City.
 - a. This document shall also include that all common open space shall remain unaltered and maintained in perpetuity, and that parcel 4 shall remain unbuildable.
5. The building permits must be in conformance with the approved plans. Staff may approve minor changes to the approvals so if they are compliant with Garden City Code including:
 - a. Substitutions of plant species, if there is no reduction in landscaping and the species are comparable in height and width. Substitutions of trees must be of the same or larger tree classification and be comparable or larger in tree canopy and height.
 - b. Less than 5% of rearrangement of elevations or building façade materials if there is no reduction in building modulation, fenestration, or glazing.
 - c. Less than 5% of rearrangement of site.
6. All utilities serving the development shall be installed underground, including electric, natural gas, telecommunications, water, wastewater, and storm drainage lines.
7. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.

- a. An updated arborist report and tree mitigation plan shall be submitted to the City for review and approval prior to the issuance of building permits. The updated documents shall reconcile inconsistencies between Sheet L2.00 and the tree identification chart, clearly establish the required caliper-inch mitigation in accordance with Garden City Code § 8-4I-7, and demonstrate how required mitigation will be provided on-site.
 - i. Any trees removed prior to this clarification will be considered to have been healthy, and thus, mitigation will be required.
 - ii. Mitigation shall be required for all existing trees 4" caliper or greater that are removed from or damaged at the site.
 - 1. Mitigation shall be provided at a 1:1 caliper inch replacement ratio, up to 100% of the total caliper inches lost.
 - 2. All mitigation trees shall be a minimum of 2-inch caliper at the time of planting, unless otherwise approved by the Planning Official.
 - b. A minimum of one class II or class III tree shall be planted in the frontage of every adjacent streetside. An additional Class II or III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
 - i. The frontage of Marigold Street shall have a total of 10 class II or III trees.
 - c. 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.
 - d. 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.
 - e. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
 - f. 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 Open Space Provisions 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 Consultants or decision maker.
8. To enhance pedestrian visibility and safety within the development and to the adjacent Boise Bible School, all internal pedestrian street crossings shall be designed with enhanced features. These enhancements shall include at minimum, but are not limited to:
- a. Increased crossing widths to improve pedestrian comfort and visibility; and
 - b. Raised crosswalks to calm vehicular traffic and emphasize pedestrian priority; and

- c. Use of contrasting hardscape materials to clearly delineate pedestrian zones; and
 - d. Additional crossing width where appropriate to accommodate higher pedestrian volumes or improve accessibility.
 - e. All pedestrian pathway crossings that traverse the common drive and parking lot drive isles shall be directly aligned with the corresponding pathway on the other side.
 - f. Final design details shall be subject to review and approval by the Planning Official, and all modifications shall meet the intent of the comments made by Design Review Consultants.
9. All outdoor lighting will be required to be in compliance with code at the time of development.
- a. Lighting shall be downshielded to mitigate light trespass on adjacent properties.
 - b. Pedestrian Pathway Lighting:
 - i. A revised site lighting plan shall be submitted for review and approval. The plan shall demonstrate consistent and adequate illumination along all pedestrian pathways throughout the development, including but not limited to shared walkways, common areas, and access routes between lots.
 - ii. The lighting plan shall incorporate a combination of pedestrian-scale lighting fixtures such as bollard lights, pole-mounted pathway lights, or recessed step/pathway lighting. Fixtures shall be compliant with dark sky standards; designed to minimize glare and light pollution and shall maintain a consistent color temperature for visual comfort and safety.
 - iii. Lighting fixtures shall be spaced and positioned to ensure continuous illumination with no significant dark spots along pedestrian routes. The plan shall include photometric analysis or diagrams demonstrating adequate light levels across all pedestrian areas.
 - iv. Lighting shall be integrated with the site's landscaping and architectural features.
10. All stormwater systems must comply with Garden City Code § 8-4A-7.
- a. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Gravel, rock, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature.
 - b. All drainage shall be retained on site;
 - c. All comments made by the City Engineer regarding site grading and drainage plan(s) and a Storm Water Operation and Management Agreement shall be resolved prior to civil plan approval.

11. All vehicle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code § 8-4D-3 or as otherwise reviewed and approved.
 - a. When a bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced two feet (2') in length if two feet (2') is added to the width of the sidewalk or landscaped area planted in ground cover.
 - b. There shall be a minimum of 389 vehicular parking spaces provided; with 236 to be covered, and 28 to be guest.
12. There shall be a minimum of 264 bicycle parking spaces provided.
13. The applicant must obtain and comply with all required ACHD permits and reviews and complete the traffic-related improvements as conditioned by ACHD.
14. The proposed driveways shall be constructed so that the sidewalk remains flush with the adjacent sidewalk and the vehicular apron does not cause the sidewalk to change elevation across the drive aisles.
15. The proposed vehicular entrance at Pintail Way shall be designed and constructed to incorporate the following pedestrian safety features:
 - a. Bulb-outs shall be installed to narrow the pedestrian crossing distance and reduce pedestrian exposure to the drive aisle.
 - b. The landscape island shall be configured and dimensioned to function as a pedestrian refuge, providing for a protected midpoint crossing.
16. The site shall be developed in accordance with the revised access plan submitted December 22, 2025, with the following adjustments:
 - a. Removal of the first and most westerly driveway serving the Boise Bible College property.
 - b. Enhancement and widening of the Pintail Way access to provide two 20-foot ingress and egress lanes separated by a 10-foot landscaped island.
 - c. Reduction of the third access serving the apartment complex to a standard 28-foot width or smaller.
 - d. A detached sidewalk shall be installed along the entire Marigold Street frontage of the apartment property. The sidewalk shall be separated from the roadway by a landscaped buffer consistent with City and ACHD standards.
17. Architectural Revisions Required. Architectural revisions shall be submitted, reviewed, and approved in accordance with the Design Review Administrative Rules of Procedure Thresholds Policy. The revisions must address the following requirements to ensure a clear and legible entry hierarchy for the primary residential buildings:
 - a. The primary residential building entrances and associated façade elements shall be redesigned to establish a clearly identifiable, emphasized, and integrated hierarchy of entry points for residents and

visitors. As articulated by the Design Consultant, Brett Labrie, on December 22, 2025, this shall be achieved through revisions to massing, articulation, and material transitions. Required revisions include, but are not limited to:

- i. Vertical Articulation: Façade articulation shall extend vertically across the building to reinforce the prominence of primary entry elements.
 - ii. Prominence of the East-Facing Main Entrance: The main entrance on the east-facing façade, located at the center of the building, shall be designed to be at least as prominent as, or more prominent than, the leasing office and lounge entrances.
 - iii. Expression of Stairwells: The stairwells on the north and south elevations shall be designed to clearly express their function as the primary vertical circulation elements serving all floors; or
 - iv. Alternative Compliance: The applicant may propose alternative revisions to façade elements, including but not limited to massing, articulation, and material transitions, provided such revisions demonstrably establish a clear and coherent entry hierarchy consistent with the intent of this condition.
18. A pathway shall be installed along the Thurman Mill Canal, within the Public Access Easement, with the dimensions and specific location as identified in EASFY2026-0004. The pathway within the easement area shall:
- a. Have at least a ten-foot (10') wide prepared travel width, ADA compliant, and constructed with either asphalt or concrete;
 - b. Connect to the adjacent properties at the terminus of the property so that the pathway can continue along the Thurman Mill.
19. A solid wall shall be constructed and maintained on all carports to mitigate light trespass onto adjacent properties, as proposed by the applicant during the public hearing.
20. To address concerns regarding noise and odor from neighboring properties, all trash enclosures shall be located on the west side of the property. In addition, the applicant shall relocate the recycling facilities to the west side of the property, as stated during the public hearing.
21. If wetlands are identified, the application must be designed to meet regulatory wetlands standards.

Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.

2. A building permit including fire and environmental review shall be applied for and approved by the Garden City Development Services Department.
3. A copy of recorded legally binding documents that states the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features shall be provided to the City.
4. A keyless entry system, or suitable alternative, to provide police access to the common corridors under exigent circumstances shall be installed and maintained. The keyless entry system or alternative shall be subject to review and approval by the Garden City Police Department.
5. All outdoor service areas, including HVAC equipment, trash and recycling facilities, compactors, transformers, and utility vaults, shall be located out of public view or screened in accordance with Garden City Code § 8-4A-5 Outdoor Service and Equipment Areas prior to the City prior to Certificate of Occupancy.
 - a. The existing transformer/utility box adjacent to W. Marigold shall be screened with a privacy fence or landscape material.
 - b. Any future outdoor service equipment shall be incorporated into the building and landscape design to ensure visual and acoustic impacts are fully contained.
6. A master sign plan shall be submitted for review and approval.

Site Specific Requirements for the Duration of the Use:

1. The development 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.
 - a. The common open spaces shall not be altered or eliminated unless otherwise approved by the City of Garden City.
2. The following amenities shall be provided or replaced with an amenity from the same category of amenity as identified in Garden City Code:
 - a. Quality of life amenities provided: clubhouse, fitness facilities, enclosed bike storage, coworking space;
 - b. Open space amenities provided: open grassy area of ~ 66,322 SF feet. All of parcel 4 is considered open space;
 - c. Recreation amenities provided: walking trails and dog park.
3. A property management office must be on site, and tenants, and outside members of the public or police must be able to get a hold of emergency services 24- hours a day.
4. A maintenance storage area must be provided.

5. A central mailbox location is provided in accordance with this approval.
6. A directory and map of the development is located at the entrance or convenient location for those entering the development.
7. All roof and wall mounted mechanical, electrical, communications, and service equipment should be screened from public view from the adjacent public streets and properties by the use of parapets, walls, fences, enclosures, or by other suitable means.

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. 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.
18. Property Maintenance Standards shall be maintained as required by Garden City Code.
19. The property owner is responsible for the maintenance of all landscaping and screening devices required.
20. 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.
21. 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.
22. 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.
23. 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.
24. Occupying the site prior to Certificate of Occupancy is a criminal offense.
25. 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.

26. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the action and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
27. A takings analysis pursuant to Idaho Code may be requested on final decisions.
28. 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.
29. This approval shall expire two (2) years from its approval, unless otherwise extended as allowed by Garden City Code.

January 26, 2026

Council President Page

Date