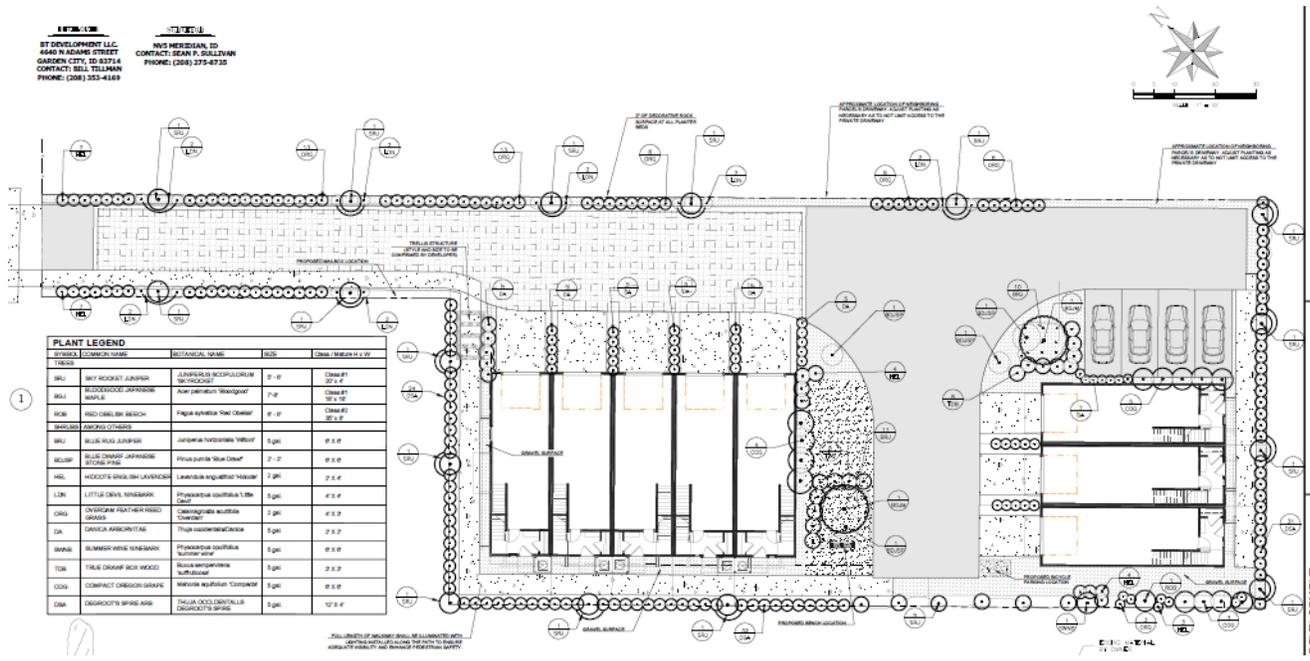


CITY OF GARDEN CITY

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STAFF REPORT
File Number: SUBFY2024 - 0006, Edgemere Subdivision
For: Combined Preliminary and Final Plat and Planned Unit Development
 An 8 residential and 1 common lot subdivision
Location: 219 E. 44th Street
Applicant: Jadon Schnider
Report Date:
Design Review: May 19, 2025
Planning & Zoning: November 19, 2025
City Council: February 23, 2026



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) SUBFY2024 - 0006 [application and materials](#)
 - b) SUBFY2024 - 0006 [Resubmittals 10/21/2024](#)
 - c) SUBFY2024 - 0006 [Resubmittals 04/18/2025](#)
 - d) SUBFY2024 – 0006 Video’s 1, 2, & 3
 - e) SUBFY2024 – 0006 [Resubmittals 05/05/2025](#)
 - f) SUBFY2024 – 0006 [Resubmittals 05/27/2025](#)
 - g) SUBFY2024 – 0006 [Resubmittals 08/12/2025](#)
 - h) SUBFY2024 – 0006 [Resubmittals 11/03/2025](#)
 - i) SUBFY2024 – 0006 [Resubmittals 02/03/2026](#)
 - j) SUBFY2024 – 0005 [Resubmittals 02/12/2026](#)
2. Staff Report
 - a) Design Review Staff Report DRAFT [November 18, 2024](#)
 - b) Design Review Staff Report May 19, 2025
 - c) Planning & Zoning Staff Report [September 17, 2025](#)
 - d) Planning & Zoning Staff Report [November 19, 2025](#)
3. Agency Comments: linked in [Section F](#)
4. Public Comments: linked in [Section G](#)
5. Noticing Documents
 - a) [City Noticing](#)
 - b) [Planning & Zoning Property Posting](#)
 - c) [City Council Property Posting](#)
6. [Planning and Zoning Decision Recommendation](#)

B. Recommendation Summary

Staff’s position on the SUBFY2024-0006 application is that while the proposed Edgemere Subdivision demonstrates alignment with certain elements of the Comprehensive Plan—such as infill development, compact residential form, and moderate density, it does not currently comply with several key provisions of the Garden City Development Code. Notable areas of noncompliance include parking design and dimensions, overall development landscaping (including interior and perimeter landscaping), configuration and usability of common open space, and placement and screening of mechanical equipment. These issues represent not only numerical deviations from code but also result in design and livability concerns that affect the quality and functionality of the development.

The Planning and Zoning Commission considered the revised November 3rd application and acknowledged that the applicant had made updates; however, the core issues identified in staff’s analysis remained largely unresolved. While the Commission expressed support for certain requested code adjustments, such as tiling of the irrigation facility, deviations from sidewalk standards, and allowing a common drive to serve more than four dwellings, they found that the overall design continued to exceed the functional and physical capacity of the site. Key concerns included inadequate parking and circulation, reliance on tandem garages that are unlikely to

accommodate typical vehicle sizes without obstructing the drive aisle, limited guest parking, and operational conflicts anticipated with trash service, emergency access, and daily vehicle use.

The Commission also noted that the number and nature of adjustment requests appeared to use the PUD process to bypass development standards rather than to achieve the intended purpose of innovative or high-quality design. Although a continuance was discussed, it was determined that meaningful resolution would require significant reconfiguration or reduction of units.

Based on these findings, the Planning and Zoning Commission voted to recommend denial of SUBFY2024-0006. For the record, the Commission stated that an approvable project would require a substantial reduction in the number of lots, reconfiguration of the site to allow adequate perimeter and interior landscaping, provision of compliant parking and circulation, and the incorporation of functional common open space.

C. Project Information

Proposed Scope of Work:

This application is for a subdivision and a Planned Unit Development per Garden City Code 8-7A-2 Definition of Terms:

Subdivision: The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which may also include easements and the dedication of a public street or designation of private lanes or rights-of-way, and the addition to, or creation of, a cemetery.

Planned Unit Development: Property planned as a whole that demonstrates innovation in design to protect natural features or create public amenities through more flexible standards, such as lot sizes, densities, and setbacks, than those restrictions that would normally apply under these regulations.

Review Process	Notes
8-5B-4 Combined Preliminary and Final Subdivision Process	
8-6B-7 Planned Unit Development	A Planned Unit Development and a Subdivision can be processed concurrently

Special Provisions	Notes
Subdivisions located within a Floodplain 8-5C-4	A floodway development application will be reviewed in conjunction with construction plans provided approval of the requested application.

Purpose of a Planned Unit Development

A. Purpose: The intent of this section is to provide for well planned developments which conform to the objectives of this title but may deviate in certain respects from the zoning map and the district regulations. It is not the intent that the planned unit development process be used solely for the purposes of deviation from the dimensional standards in the district unless the following objectives are also achieved:

1. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements.

2. Create a more useful pattern of open space and recreation areas; and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses, and services.
3. Establish a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation and prevents the disruption of natural drainage patterns.
4. Use land more efficiently than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
5. Develop a land pattern in harmony with land use density, transportation, and community facilities objectives of the comprehensive plan.

Site Conditions:

- 1) Street Address: 219 E. 44th Street
- 2) Parcel Number: R2734500928
- 3) Subdivision: LOT 23 EXC NW 100' OF SW 75' BLK 03 FAIRVIEW ACRES SUB NO 01 VIN # S1305C17ZS3281 TITLE # B184065
- 4) Property Size: 0.520 acres
- 5) Zoning District: R-3 Medium density residential
- 6) Comprehensive Plan Land Use Map Designations:
 - a) Mixed Use Commercial
 - b) Activity Node: Neighborhood Destination
- 7) Legal Parcel of Record: Yes
- 8) The project is in the:
 - a) 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 9) Surrounding Uses within 600 feet:
 - a) Manufactured/mobile home park
 - b) Dwelling unit, single family detached
 - c) Dwelling unit, single family attached
- 10) Existing Use: Residential lot with two mobile homes
- 11) Easements on site:
 - a) FAIRVIEW ACRES SUB 01 PLAT; 200600045; UTILITY, DRAINAGE, IRRIGATION EASEMENT
- 12) Site Access: Common drive from 44th Street
- 13) Sidewalks: Driveway approach
- 14) 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: 9
 - a) Common: 1
 - b) Residential: 8
- 3) Density: 15 dwellings per acre
- 4) Site Coverage: (22,651.2sqft)

- a) Building: 5,410sqft, 23% of the site
- b) Landscaping: 1,460sqft 6.4% of the site
- c) Paved Areas: 11,553sqft, 50% of the site
- 5) Total number of vehicular parking spaces: 28
 - a) Enclosed: 16
 - b) Surface: 12¹
- 6) Total number of bicycle parking: **Provided, unknown amount**
- 7) Refuse: The refuse will be individual services and picked up from the driveways.
- 8) Fencing: No fence
- 9) Sidewalk: None
- 10) Perimeter Landscaping: Conifer trees, shrubs, class I trees
- 11) City Utilities:
 - a) Water and Sewer connection to lots
 - b) Fire Hydrant #3032
- 12) Proposed Easements:
 - a) Cross access easements
 - b) Ingress-egress easement (common drive)

D. Discussion

This application (SUBFY2024-0006) is a combined preliminary and final plat subdivision application that is to be processed as a Planned Unit Development (PUD). The proposal would subdivide a 0.520-acre parcel into one common lot and eight townhomes², with access provided from a private drive off E. 44th Street. The development will include access via a private drive, with an entrance located on E. 44th Street. The resulting density is 15 dwelling units per acre, which is consistent with the R-3 Medium Density Residential zoning district and aligns with the Mixed-Use Commercial and Neighborhood Destination Activity Node designations in the Comprehensive Plan.

The R-3 zoning district allows a maximum of 35 units per acre, and the Comprehensive Plan requires a minimum of 14 units per acre within the Neighborhood Destination Node. While the proposed density of 15 units per acre fits within these limits, achieving this density results in shortfalls in common open space, landscaping, and parking.

Code Compliance Summary: Based on February 3, 2026, Resubmittals

In response to concerns raised by staff, the Design Review Consultant's and the Planning and Zoning Commission, the applicant has provided changes to the subdivision's plans, below is a summary of those changes, including staff's comments regarding them:

Parking Design and Dimensions (GCC 8-4D-3 & 8-4D-5)

- **Garage Dimensions:** The proposed tandem garages measure 38' deep by 10'-11¼" wide, while GCC 8-4D-3 requires 40' deep by 10' wide for tandem configurations. The applicant is requesting a code adjustment to allow these reduced dimensions, resulting in the garages being classified as compact parking rather than standard.
- **Guest Parking:** The updated design introduces four full-size guest parking spaces at the rear of the property, off the private drive. The applicant requests a code adjustment to allow for driveway spaces to be classified as compact stalls.

¹ Applicant has requested that the driveways act as the vehicular guest parking spot(s), as well as requesting that the driveway guest parking space(s) be reduced to the compact sizing.

² The original application was for 10 townhomes, and 1 common lot.

- The project proposes a total of 28 parking stalls; only 12 parking stalls meet the minimum 10'x20' standard for 90-degree parking.
- Code allows no more than 30% of required parking to be compact. For this project, a maximum of 6 compact stalls are allowed, but 16 compact stalls are proposed, significantly exceeding the maximum allowance.
- Extending the tandem garages by roughly 2' could allow standard-sized 90-degree parking, but doing so would reduce driveway depth and limit their usability. It would also create setback encroachment issues for either the front or rear setbacks.

Open Space Configuration (GCC 8-4L-4)

The applicant proposes a landscaped area of approximately 575sqft (25' × 23') as the only code compliant common open space, which represents only 3% of the site and does not meet the 10% minimum required by code. The applicant has requested a code adjustment to include additional landscaped areas and internal pedestrian pathways throughout the development, increasing the total to 4,020sqft (18%). While this revised calculation meets the numeric requirement, it is not evident that these areas meet the purpose and intent of GCC 8-4L or qualify as common open space.

The code emphasizes that open space should improve neighborhood livability, foster community connection, and integrate natural amenities. It also requires that open space be designed as an integral part of the project, demonstrating connectivity with other open areas or public spaces and serving a passive or recreational function. The current proposal relies heavily on fragmented landscaped strips and circulation paths rather than a cohesive, functional common area. As a result, the application does not clearly demonstrate how these spaces will operate as meaningful community amenities consistent with the code's objectives.

Waterway Enclosure (GCC 8-4A-9)

The applicant proposes to tile the Fairview Acres Irrigation Ditch. While staff and design review consultants support this due to site constraints, the Council must determine whether the proposal meets the criteria for enclosure under code.

Common Drive (GCC 8-5A-5)

Staff recommends classifying the proposed access as a common drive rather than a private street. This approach is consistent with previous discussions with the Council and better reflects the physical characteristics and intended function of the access. The driveway meets the minimum width requirement of 20' and complies with surfacing standards for fire apparatus, which aligns with the design expectations for a common drive. While Garden City Code 8-5A-5D limits common driveways to four dwelling units, this restriction can be addressed through the Planned Unit Development process. The applicant has expressed willingness to pursue this classification and requests a code adjustment to allow 10 units (proposed and existing) to take access from the shared common drive. [See Images.](#)

Staff believes this classification is preferable because it accurately represents the scale and design of the access, avoids unnecessary application of private street standards, and maintains compliance with emergency access requirements. However, the increased unit count does warrant careful consideration of long-term maintenance responsibilities and circulation impacts.

70% Coverage, Xeriscaping, and Internal Pedestrian Areas

While the proposed use of Hidcote English Lavender, Little Devil Ninebark, and Skyrocket Junipers along the site boundaries may achieve the required 70% vegetative coverage at

maturity, staff has broader design concerns regarding the distribution of landscaping within the site. Staff is not opposed to xeriscaping and in fact encourages water-efficient landscape design, consistent with GCC 8-4I-3C, which promotes water-conserving principles. Drought-tolerant species, reduced turf, and efficient irrigation are all desirable and supported by the City when integrated appropriately.

However, staff is concerned with the lack of landscaping along the internal pedestrian pathway that serves the front doors of each unit. This area has direct southern exposure, and without shade trees or adjacent plantings, the walkway will be exposed, hot, and visually stark. Concentrating all vegetation at the perimeter does not meet GCC 8-4I-3A, which requires landscaping to be an integrated part of the overall site design.

While drought-tolerant species are appropriate, the absence of tree canopy and planting near the unit entries raises design, comfort, and livability concerns. Additional landscaping, preferably including shade-providing trees, should be incorporated along this corridor to meet the intent of the code.

Pedestrian Experience and Mechanical Equipment Placement (GCC 8-4A-5)

The internal pedestrian pathway is further impacted by the placement of HVAC and other mechanical units directly beside the front doors of each dwelling. In an area already lacking shade and landscaping, exposed equipment adds heat, noise, and visual clutter, making the entry experience less comfortable and inviting. This conflicts with the Design Review Consultants' direction that mechanical equipment screening be integrated into the architecture and landscaping and does not appear consistent with GCC 8-4A-5C, which requires these functions to be incorporated into the overall design, so their visual and acoustic impacts are contained.

Street Tree Deficiency (GCC 8-4I-4)

One street tree is required along E. 44th Street. Due to the width of the driveway approach, no tree is proposed. A code adjustment may be considered to allow internal placement along the common driveway.

Perimeter Landscaping (GCC 8-4I-5)

The proposed development does not comply with the perimeter landscaping standards of GCC 8-4I-5. Per subsection 8-4I-5C.1, a perimeter landscaping area "shall be at least 10' wide measured from the property line to the interior of the lot." The submitted plans show a perimeter landscape strip that is approximately 2' wide, representing an 80% reduction from the required standard.

A 2' wide strip does not physically allow the code-required minimum elements, including:

- A 6' wide vegetative screen at maturity (8-4I-5C.2);
- One tree per 15 linear feet of perimeter frontage (8-4I-5C.3);
- Adequate planting depth for Class I, II, or III trees;
- Space for layered shrubs needed to provide buffering, privacy, and visual screening.

Because of these width limitations, the required buffering, privacy, noise/glare mitigation, and streetscape enhancement functions outlined in 8-4I-5A cannot be achieved. The proposal therefore fails to meet the purpose and minimum measurable standards of the perimeter landscaping code.

Planned Unit Development

In response to the various code compliance issues outlined above, the applicant has elected to proceed as a Planned Unit Development (PUD). The PUD process allows for flexibility in design standards when a project demonstrates innovation, efficiency, or alignment with broader planning objectives. As part of this process, the applicant has formally requested some adjustments, while staff has identified others. The following code adjustments are under consideration:

1. Common Open Space Dimensional Standards: allow alternative configurations;
2. Vehicular Parking Space Dimensional Adjustments: allow for slightly undersized tandem garages and compact parking located within driveways;
3. Perimeter Landscaping Dimensional Standards: allow for a reduced buffer width and alternative screening configuration along the common driveway;
4. Street Tree Placement: allow internal placement of the required street tree due to limited frontage width and driveway constraints;
5. More than 4 units accessed off a common drive.

The purpose of the PUD mechanism is not solely to permit deviations from dimensional standards, but to encourage creative design solutions that achieve the objectives outlined in Garden City Code. These include:

- Promoting a diversity of housing types (Objective 1);
- Enhancing open space and recreational opportunities (Objective 2);
- Utilizing land more efficiently than conventional development (Objective 4);
- Ensuring compatibility with land use density, transportation systems, and community facilities (Objective 5).

Although the project does not meet the threshold of ten or more units that would require a mix of housing types, the revised site design no longer includes the range of unit sizes previously proposed. The previous layout featured a combination of two- and three-bedroom townhomes; however, the updated design now consists solely of two-bedroom units. As a result, the housing diversity that was once part of the project is no longer included, though it is not required by code.

Staff strongly recommends that the private drive be constructed and paved to the eastern property boundary, with provisions for future connectivity³, such as cross-access easements and references in the CC&Rs, are incorporated into the final design. Doing so will allow the development to better align with the [Old Town Circulation Network Plan](#), which identifies a micro street connection in this location. This recommendation directly supports Comprehensive Plan Goal 7: Connect the City, particularly its objectives to discourage cul-de-sacs and strengthen neighborhood interconnectivity.

Additionally, under the PUD objectives, this approach aligns with the directive to develop land patterns harmonious with broader transportation and community infrastructure goals, while enabling efficient use of street, sidewalk, and utility systems. Extending the common drive would safeguard future pedestrian and vehicular access, fostering walkable, mixed-use, and well-integrated urban forms, and is consistent with the Mixed-Use Commercial future land use designation of the area.

Legal Lot Status

³ [See images](#) section at the end of this report for reference.

A warranty deed dated 1968 has been submitted, establishing the parcel as a legally recognized lot of record. This documentation qualifies the property for "grandfathered" status.

Design Review Consultation Meeting May 19, 2025:

- Elevations A101 and A102 feature blank facades that lack sufficient fenestration. Additional glazing is recommended to enhance visual interest and comply with design standards.
- Awning placement directs water runoff onto the pedestrian pathway, which may pose safety and maintenance issues.
- The pedestrian pathway entry lacks a clear and inviting design. Enhancements such as a trellis or defined entry feature are recommended.
- **Mechanical equipment screening should be integrated into the architectural design to ensure visual cohesion and compliance with code.**
- Security lighting is needed along the shared pedestrian pathway to enhance safety.
- The terminal view at the end of the pathway should include a focal element or feature beyond perimeter landscaping to improve aesthetics and orientation.

Design Review Consultation Meeting August 18, 2025:

- Given the uncertainty surrounding the future extension of the road, it is recommended that the applicant provide interim improvements at the property boundary. These should include updated fencing and a landscape treatment that enhances visual appeal and buffers the site until such time as the road connection is established.⁴
- Although space is limited, the applicant should incorporate a design feature at the end of the pedestrian pathway to improve the terminal view. A combination of ornamental grasses and a small-scale artistic element, such as a decorative metal panel, is recommended to meet design standards and enhance visual interest.
- Lighting along the shared pedestrian pathway should be conditioned as a common area improvement. It must be maintained in perpetuity either through the CC&Rs or as part of the building permit process, given the pathway’s role in defining the primary pedestrian access to the residential units.

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
Combined Preliminary/Final Subdivision	Plat	Design Review Consultation: November 18, 2024, and May 19, 2025	City Council Hearing: February 23, 2026
And Planned Development	Unit	And Planning and Zoning Commission Hearing: September 17, 2025, and November 19, 2025	

⁴ Staff would recommend construction of the roadway to the edge of property so that future connections could be made easier.

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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 shall report whether the application is granted, granted with conditions, or denied. The decision also needs to include the facts upon which it is based, the ordinance and standards used in evaluating the application, reasoned statements that specifically address all required findings and all disputed facts, and a conclusion of law. It is important that the decision maker carefully reviews the reasoned statements to ensure that the disputed facts brought up during the hearing are addressed. Finally, if there is a decision or recommendation to deny the application, the decision needs to include the actions, if any, that the applicant could take to obtain approval.

Pursuant to Garden City Code Table 8-6A-1 Authorities and Processes, the Planning and Zoning Commission is a recommending authority to the City Council, the final decision maker for a subdivision application.

Recommendations

The Planning and Zoning Commission 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.

Recommendation Motion

A motion should include a clear statement of the recommendation, for example:

1. Action: "I move to recommend approval/denial/, or I move to continue the application to the date certain of..."
2. File number

- Note findings of fact, conclusion of law, and decision: “As drafted by staff in the affirmative,” “as drafted by staff for denial,” or “as amended to remove, amend, or add conditions...”.

The Planning and Zoning Commission may wait to formalize the written recommendation at the next meeting to ensure that written decision correctly reflects the proceedings and Commission’s findings of the disputed facts. However, the Planning and Zoning Commission is required to formalize its decision no later than by the next regular scheduled meeting after the conclusion of the hearing.

The recommendation of 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 for a final decision.

City Council Decision

The City Council may take one of the following actions:

- Sustain the recommendation as presented to the City Council;
- Modify the recommendation;
- Reject the recommendation; or
- Remand the application to the recommending body for additional proceedings and findings.

Motion

A motion should include a clear statement of the recommendation, for example:

- Action: “I move to approve/deny/continue the application to the date certain of...”
- File number
- Note findings of fact, conclusion of law, and decision: “As recommended by the Planning and Zoning Commission,” or “as amended to.... remove, amend, or add conditions”.

The City Council may wait to formalize the written decision at the next meeting to ensure that written decision correctly reflects the proceedings and decision maker’s findings of the disputed facts. However, the City Council is required to formalize its decision no later than by the next regular scheduled meeting after the conclusion of the hearing.

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
Republic Services Link to Comment	10/10/2024	Discussions with the applicant resulted in Republic Services approving the option whereby residents would leave their carts on their own driveway.
North Ada County Fire and Rescue Link to Comment	10/21/2024	<ul style="list-style-type: none"> Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 600-feet from

		<p>the hydrant. The proposed hydrant location at East end of lane complies with this requirement.</p> <ul style="list-style-type: none"> • Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. • Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. The common drive is shown to be 26 feet wide to afford the required fire department aerial access.⁵ • The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. • Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Documentation maybe requested at final inspection that the road surface meets this standard. (IFC D102.1) • For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side, for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides, and all portions of the turn-around. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat by the City Engineer. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8) Parking will be not be allowed along the common drive. Parking will only be allowed in the individual driveways. Signage indicating this will need to be posted at the entrance to this subdivision.
DEQ Link to Comment	10/23/2024	General comments provided
Central Health District Link to Comment	10/24/2024	<p>After written approvals from appropriate entities are submitted, we can approve this proposal for:</p> <ul style="list-style-type: none"> • Central sewage • Central water <p>The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:</p> <ul style="list-style-type: none"> • Central sewage • Central water <p>Infiltration beds for storm water disposal are considered shallow injection wells. If they are not in the City of Boise or ACHD right-of-way, an application and fee per well, vicinity map and construction plans must be submitted to CDH.</p>
Garden City Engineer Link to Comment	10/30/2024	<ul style="list-style-type: none"> • We note the plat is a portion of Lot 23 of Block 3 of Fairview Acres Subdivision No. 1. Please provide evidence that the property is an original parcel of record, and, by default, that parcel R2734500929 is an original parcel of record. Should parcel R2734500929 be included in the subdivision to assure it is an original parcel of record? • The subdivision name of Edgemere Subdivision has been reserved for the project by the County Surveyor's office. • Is the internal road (Quadfour Lane) a private road? We expect due to the number of units proposed, it is a private road. Please provide an approval of the street name by the Ada County Street Name Committee.

⁵ The NACFRD requirement for a 26' wide drive isle could conflict with the ACHD maximum width allotment of 24'. Site plans appear to show the common drive isle narrowing where it connects with E. 44th St.

		<ul style="list-style-type: none"> • Provide QC results of the construction of the internal private roadways when completed. • The project’s letter of intent notes an ingress-egress easement on the property that serves the land to the northeast. The letter notes that this access is to continue, but we do not see any indication of the easement or its continuation on the final plat. Please clarify. • Apparently, the easement is recorded under instrument numbers 8939658 and 9040561 in Ada County. • Approval of the project by the North Ada County Fire and Rescue District will be required. Should fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans. • Will the applicant plan on creating a Restricted Build Agreement (RBA) for the project? • The submitted preliminary plat (note 7) indicates a pressurized irrigation system will be installed noting irrigation water will be provided by non-potable water. Please provide a report from an Idaho licensed design professional noting the water available, frequency of its delivery and a hydraulic analysis of the proposed delivery and pump system. Will an off-season or supplemental city water supply back-up be installed? • Will the applicant request a QLPE review by the city be performed? If so, the applicant will be responsible to pay for the review in addition to ordinary plan review. • The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer. The work maps are available on the city’s website. They are attached to a city council resolution 1083-20 dated 22 June 2020. Additionally, as the site is within the current AE zone, the building’s lowest floor must be at least 2 feet above the current BFE. We note the plans call out an FFE (livable space) elevation, but the lowest floor elevation must comply with the required elevation. Is the FFE the lowest floor? • Site Note 10 indicates there will not be an HOA, but C,C&Rs will be created to provide “guidance” to owners for upkeep of the private road. Please provide the specifics of this “guidance”. The results must be an enforceable document regarding any common facility in the project, including the operation and use of the proposed private road, walkways, pressure irrigation system and the storm water system. • Note 4 conflicts with the final plat. The note references Lot 11 and the final plat references Lot 9 of Block 1. • Please add the gravity irrigation note to the plat regarding supply of surface irrigation water and who the provider is. The note needs to reference future irrigation assessments to lot owners. As noted previously with the proposed permeable pavers, the city will not repair the paver section should maintenance/repair/replacement of the water and sewer main lines under them be necessary. And, sanitary sewer service extending from the main line connection to the home must be private. The final plat and the project C,C&Rs must include notes and text noting the responsibility of the HOA/lot owners regarding permeable pavers. • Plat note 2: The city easement must cover all city infrastructure including fire hydrants and water meters. Please anticipate
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		<p>providing a sketch of how the boundary of the easement fits with all proposed city infrastructure. Appropriate clearances from infrastructure to the edge of the easement are expected. Please add appropriate subdivision boundary ties to GLO corners or corners accepted by the County Surveyor.</p> <ul style="list-style-type: none"> • Please reference the Basis of Bearing used. • A minor item, please add the tick mark to indicate US survey feet on all length dimensions or add a note that all dimensions are in US survey feet.
<p>ACHD Link to Comment</p>	11/13/2024	<ul style="list-style-type: none"> • Construct 44th Street as ½ of a 36-foot-wide street section with vertical curb, gutter and 5-foot wide attached concrete sidewalk abutting the site. • Dedicate right-of-way to 2-feet behind back of sidewalk, or for detached sidewalk, reduce the right-of-way to 2-feet behind back of curb and provide a permanent right-of-way easement from the right-of-way line to 2-feet behind back of sidewalk. • Pave the existing driveway and re-construct the approach as a curb cut type driveway. This driveway is restricted to a maximum width of 24-feet. • Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD. • There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD. • Comply with all Standard Conditions of Approval.

G. Public Comment

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.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations			
8-1A-4 Applicability			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-1B-1 Nonconforming Properties		No compliance issues noted	Parcel R2734500928 is a legally established non-conforming property. The Warranty Deed from September 13, 1968, matches the current legal description of the parcel, effectively “grandfathering” the property.
8-1B-2 Nonconforming Structures		No compliance issues noted	The two existing mobile homes will be removed from the site.

8-1B-3 Nonconforming Uses		No compliance issues noted	
8-1C-3 Property Maintenance Standards		No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands. There is no active code enforcement case on this property.
Title 8, Chapter 2: Base Zoning District Regulations required by 8-5A-4			
8-2B-1 Purpose	PZ/CC	No compliance issues noted	The application is 15 units per acre, under 35 units per acre maximum within the R-3 Zoning District. But above the minimum of 14 units per acre required in TOD or neighborhood commercial nodes. The subdivision specifically requests entitlements for single family attached residential units, which is consistent with the purpose identified for the R-3 Zoning District.
8-2B-2 Allowed Uses	PZ/CC	No compliance issues noted	Single Family Attached Dwellings are a permitted use.
8-2B-3 Form Standards	DC/PZ/CC	No compliance issues noted	This section was updated to reflect the February 3, 2026, changes. The required setbacks are: Front: 5'/20' Interior Side: 0'/5' Rear: 15' Street side: 5' The proposal meets current code standards; however, the applicant has identified specific setback standards for the development. Setback Identified: Front: 10' (to living space) Side Yard (interior to the development): 0' (attached units) Side Yard (exterior): 5' Side Yard (Lot 1, NW Side): 10' Rear (Garage to Private Drive): 15' For the sake of this review, let it be known that the front setback is along the southern property boundary line and the eastern property boundary line, where the primary pedestrian access is taken. The rear setback is along the private drive, where the garages are located. The allowable maximum height is: n/a The minimum lot size is: n/a The maximum lot coverage: 70%
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DC/PZ/CC	No compliance issues noted	This proposal does not identify any fence or wall.

8-4A-4 Outdoor Lighting	DC/PZ/CC	No compliance issues noted	<p>A new lighting plan was not submitted as part of the February 3, 2026, packet. The comments below reflect the analysis of the April 18, 2025, submittals. Updates have not been provided since.</p> <p>The application proposes a 20-foot street light pole to be installed along the right-of-way and one 9-foot-tall light within the common lot.</p> <p>According to the Garden City Street Lighting Policy, street light poles should have a mounting height of either 20 or 25 feet (20 feet for local streets, 25 feet for collectors).</p> <p>Since 44th Street is a local street, the height cannot exceed 20 feet.</p> <p>Additionally, the city code specifies that the height of a freestanding light fixture in a residential district shall not exceed nine feet (9').</p>
8-4A-5 Outdoor Service and Equipment Areas	DC/PZ/CC	May not be compliant	<p>Individual trash carts are proposed for pick up internal to the development, along the private drive. See Discussion.</p> <p>HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.</p> <p>The May 19, 2025, Design Review Consultant comments identified the need for mechanical equipment to be fully screened and integrated into the architectural design to ensure visual cohesion and compliance with code. Because the architectural renderings reviewed at that time have not changed in the February 3, 2026, resubmittal, these comments remain applicable. See Discussion.</p> <p>The submitted landscape plans do not indicate the presence of screening vegetation such as shrubs or grasses around the mechanical units. While schematic drawings suggest the use of screening materials such as a fence, no specific details have been provided.</p>
8-4A-7 Stormwater Systems	DC/PZ/CC	Compliant as Conditioned	<p>All stormwater that is created by the site improvements is proposed to be collected and disposed of within the project boundaries.</p> <p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p>
8-4A-8 Utilities	DC/PZ/CC	Compliant as Conditioned	<p>A draft condition of approval is provided requiring the sanitary sewer service extending from the main line connection to the home must be private.</p> <p>Another draft condition of approval is provided requiring that all utilities be underground.</p>

8-4A-9 Waterways	DC/PZ/CC	No compliance issues noted	<p>Code requires that irrigation ditches, laterals, canals, and drains shall be left open and used as a water amenity or linear open space. The Comprehensive Plan, Goal 5, also encourages the restoration and naturalization of water systems and discourages the enclosure or tiling of such features.</p> <p>However, the code provides an exception: these waterways may be enclosed if they are already piped at both ends adjacent to the subject property <u>and</u> if the surrounding parcels are fully developed in a manner that would render future reopening infeasible.</p> <p>In this case, the Fairview Acres Irrigation Ditch is partially tiled and partially open within the project site. It enters the property through a piped section in the southeast corner, transitions to an open ditch, and is then re-piped for approximately 30 feet before returning to an open condition. The ditch remains open as it continues through the adjacent property at 215 E. 44th Street until it reaches the public right-of-way.</p> <p>The adjacent properties consist primarily of mobile homes and mobile home parks. City records indicate a due diligence meeting with a potential buyer of the neighboring parcel, suggesting redevelopment is possible. As such, staff finds that reopening the ditch in the future remains feasible and that enclosure may not meet the criteria for exemption.</p> <p>The applicant has stated that the site layout isn't particularly conducive to leaving the ditch open in this area since the sidewalk is raised for stormwater/flood elevations. The shallow groundwater in this area caused the applicant to raise the proposed private drive a couple of feet, which in turn raised the sidewalk.</p> <p>Additionally, there is about 0.5 feet of space between the edge of the perimeter grading wall and the property line. The Fairview Acres Lateral ditch flows at about 4.5 cubic feet per second which would need to be about 2' wide x 1' deep to adequately convey the irrigation water as an open canal.</p> <p>Based on both existing and proposed site conditions, staff, the Design Review Consultants, and the Planning & Zoning Commission recommend that the Fairview Acres Irrigation Ditch be enclosed (tiled) within the project boundaries. The proposed site layout, including elevated sidewalks and driveways required for floodplain compliance, as well as limited space between the grading wall and property line, presents significant constraints to maintaining the ditch in an open condition.</p>
8-4B Design Provisions for Residential Structures			
8-4B-3 Single Family and Two-Family Attached and Detached Dwelling	DC/PZ/CC	Not Compliant	<p>The following comments were made based on the February 3, 2026, resubmittals.</p> <p>The application provides a 4' wide sidewalk along the private drive which widens to 5' to connect with the front entry of Units 1-5.</p> <p>Units 6-8 do not have a pathway connection.</p>

Each unit contains a roof covering the front entry.

8-4D Parking and Off-Street Loading Provisions

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

DC/PZ/CC

Not Compliant – Code adjustment requested

The following comments were made based on the February 3, 2026, resubmittals.

The applicant is requesting multiple code adjustments related to parking design standards as outlined in Garden City Code Table 8-4D-1.

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

Two-car tandem garages measuring 38' x 10'-1/4" are proposed, when code requires 40' x 10', which falls slightly short of the required minimum measurements. **A code adjustment request has been submitted.**

Guest parking is proposed within individual driveways, with compact stall dimensions of 15' x 12'. While these dimensions exceed the minimum for compact stalls (7'-6" x 7'-6"), they do not meet the standard stall dimensions required for general parking. **A code adjustment has been requested to allow these spaces to count toward guest parking requirements.**

The site is allowed to have 6 compact parking spaces in total (refer to GCC 8-4D-5).

The February 3, 2026, resubmittals show the addition of 4 guest parking spaces, however their dimensions were not provided.

The private drive meets the minimum 22' width requirement.

[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 – Code adjustment requested

The following comments were made based on the February 3, 2026, resubmittals.

				<p style="text-align: center;">Dwelling Parking</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Dwelling Type</th> <th style="width: 30%;">Required Parking Spaces Per Each Dwelling Unit (Including Covered and Uncovered)</th> <th style="width: 30%;">Required Covered Parking Per Each Dwelling Unit</th> </tr> </thead> <tbody> <tr> <td>More than 1 bedroom</td> <td style="text-align: center;">2</td> <td style="text-align: center;">1</td> </tr> </tbody> </table> <p>Guest Parking For developments with more than two (2) dwelling units there shall be one-half (0.5) additional parking space/unit provided for guest parking for the first ten (10) dwelling units. There shall be one-tenths (0.1) parking space/unit provided for guest parking for every unit after the first ten (10) units.</p> <p>Required Residential Parking: 16 Provided: 16</p> <p>Required Covered Parking: 8 Provided: 16</p> <p>Guest Parking Required: 4 Provided: 12 (in driveways and common area)</p> <p>Compact Parking: A maximum of thirty percent (30%) of the required parking spaces can be compact.</p> <p>Total Parking Required: 20 30% of 20 = 6 spaces can be compact. Proposed: 16</p> <p>The site provides 28 parking stalls, but only 8 meet the standard 90-degree parking dimensions of 10' x 20' (the forward stall of each tandem space). Without approval of the requested code adjustments, the site does not comply with this section of the code.</p> <p>The applicant has proposed that guest parking be accommodated within the individual driveways. These driveways are also intended to serve as trash collection areas, as confirmed through correspondence with Republic Services. This dual use may result in operational conflicts between parked vehicles and refuse collection services.</p>	Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (Including Covered and Uncovered)	Required Covered Parking Per Each Dwelling Unit	More than 1 bedroom	2	1
Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (Including Covered and Uncovered)	Required Covered Parking Per Each Dwelling Unit								
More than 1 bedroom	2	1								
8-4D-6 Standards for Equivalent Parking Adjustments	DC/PZ/CC	No compliance issues noted	Not requested							
8-4E Transportation and Connectivity Provisions										
8-4E-3 Public Street Connections	DC/PZ/CC	Compliant as Conditioned	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.							
8-4E-4 Internal Circulation Standards	DC/PZ/CC	No compliance issues noted	The private drive is 20 feet wide including the sidewalk, and 16 feet wide without it. Further within the development, the drive expands to a width of 26 feet.							

8-4E-5 Private Street Standards	DC/PZ/CC	May not be compliant	See GCC 9-5A-5.
8-4E-6 Sidewalk Standards	DC/PZ/CC	Compliant as conditioned	<p>The proposed development does not include a sidewalk along its street frontage. Under typical conditions, new developments are required to install a detached sidewalk along the public frontage. However, in this case, the site's frontage along E. 44th Street measures only 25 feet, which is insufficient to accommodate both a driveway approach and a detached sidewalk, per ACHD Policy SD-710B.</p> <p>Additionally, there is no existing sidewalk infrastructure along E. 44th Street to connect to, further complicating installation feasibility. As such, the applicant is not proposing a sidewalk at this time.</p> <p>To ensure future compliance and connectivity, the driveway approach shall be constructed in a manner that allows for the installation of a detached sidewalk when adjacent properties make sidewalk improvements.</p>
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC/PZ/CC	Not Compliant	<p>The following comments were made based on the February 3, 2026, resubmittals.</p> <p>The pedestrian pathway only connects to dwelling units 1-5, dwelling units 6-8 are not connected to the overall site.</p>
8-4H Flood Hazard			
8-4H Flood Hazard	Planning Official	Compliant as Conditioned	<p>The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer. The work maps are available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020.</p>
8-4G Sustainable Development Provisions			
8-4G Sustainable Development Provisions	DC/PZ/CC	Not Compliant	<p>Sustainability Checklist not submitted.</p> <p>The development is required to provide 6 points.</p>
8-4I Landscaping and Tree Protection Provisions			
8-4I-3 General Landscaping Standards and Irrigation Provisions	DC/PZ/CC	No compliance issues noted	
8-4I-4 Landscaping Provisions for Specific Uses	DC/PZ/CC	Not Compliant	<p>The following comments were made based on the February 3, 2026, resubmittals.</p> <p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.</p> <p>Required: A minimum of 1,133 square feet of qualifying landscape area.</p> <p>The open space exhibit submitted on February 3, 2026, highlights a 4,020sqft area; however, it continues to</p>

			<p>include setback landscaping, which is not compliant with code.</p> <p>Additional clarification was further provided in the February 3, 2026, open space (landscaping area exhibit), showing 1,460sqft, which is compliant with code requirements.</p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>E. 44th St. (~25 LF): 1 Street Tree + 0 Frontage tree = 1 tree</p> <p>The subject property has approximately 25 linear feet of frontage along E. 44th Street, which necessitates the planting of one street tree. Currently, no street trees are proposed, resulting in a deficiency of one required tree.</p> <p>This site presents a unique challenge, as the entire frontage is occupied by the driveway approach, leaving no available space for tree planting within the public right-of-way. Despite this constraint, the code requirement remains applicable. To address this, staff recommends that the required street tree be located internally along the private drive, in a manner that maintains visibility and contributes to the streetscape. The Council may consider granting a code adjustment to allow for alternative placement of the tree due to site limitations.</p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.</p> <p>The applicant has indicated that 1,480sqft of landscaping is provided. Based on this figure, the site would be required to include at least:</p> <ul style="list-style-type: none"> • 1 tree, and • 10 shrubs. <p>However, the submitted landscape plans do not clearly identify the quantity of trees and shrubs. As such, staff is unable to verify compliance at this time. Additional documentation and clarification are needed to confirm that the proposed landscaping meets the minimum planting requirements.</p>
<p>8-4I-5 Perimeter Landscaping Provisions</p>	<p>DC/PZ/CC</p>	<p>Not Compliant - code adjustment requested</p>	<p>The following comments were made based on the February 3, 2026, resubmittals.</p> <p>Per Garden City Code, perimeter landscaping is required between paved vehicular use areas, including driveways, and all property lines. In this case, perimeter landscaping is specifically required between the proposed private drive and the adjacent driveway at 215 E. 44th Street.</p> <p>The code requires a minimum 10-foot-wide landscape buffer. However, the Council has previously allowed a reduced width of 5 feet when adjacent parcels have redevelopment potential and could contribute the remaining width to achieve the full</p>

			<p>10-foot buffer.</p> <p>The proposed development includes a 2-foot-wide perimeter landscaped strip planted with lavender, little devil ninebark, and skyrocket junipers. This does not meet the minimum code requirement.</p> <p>Additionally, code requires that perimeter landscaping includes a vegetative screen at least 6 feet in height at maturity, and one tree for every 15 linear feet of perimeter length (or as appropriate to the selected species) to establish continuous canopy coverage.</p> <p>It should also be noted that installing a 6-foot-tall vegetative screen in this location may conflict with the required clear vision triangle, potentially creating a safety concern. Further design revisions or a code adjustment may be necessary to resolve this conflict while meeting the intent of the perimeter landscaping standards.</p>
8-4I-6 Parking Lot Landscaping Provisions	DC/PZ/CC	Not Applicable	No comment.
8-4I-7 Tree Preservation Provisions	DC/PZ/CC	Not Compliant	<p>The application proposes to remove all existing trees on site.</p> <p>An arborist report was not submitted for review.</p> <p>Per Garden City Code, the removal of existing trees requires either on-site mitigation or participation in the City's tree mitigation fund to offset the loss of tree canopy. While the applicant may choose either option, staff recommends that an arborist report be submitted prior to a final decision on the application.</p>
8-4L Open Space Provisions			
8-4L-3 General Open Space Standards	DC/PZ/CC	No compliance issues noted	<p>Garden City Code requires that common open space be designed as an integral component of residential development. These areas should include mature landscaping, trees, and natural features; provide connectivity to other open spaces, public areas, trails, or water features; and be located and designed to serve as a passive or recreational function.</p> <p>The proposed development includes a centrally located common open space area that will be landscaped with new plantings intended to mature over time. While the current design does not connect to existing open space on adjacent properties, since such spaces do not yet exist, there is potential for future connectivity if neighboring parcels redevelop. As currently proposed, the open space meets the intent of being centrally located and accessible to residents, though its long-term integration with surrounding development will depend on future land use changes.</p>
8-4L-4 Open Space Standards for Single-family, Townhouse, and Two-	DC/PZ/CC	Not Compliant – Code adjustment requested	<p>The following comments were made based on the February 3, 2026, resubmittals.</p> <p>A minimum of ten percent (10%) of the gross site area shall be in common open space. Required: 2,265sqft</p>

Family Duplex Developments			<p>Provided: 4,020sqft (17%) The applicant is requesting a code adjustment related to the dimensional standards and qualifying criteria for common open space. Per code, open space areas must meet specific configurations to be considered compliant, including:</p> <ul style="list-style-type: none"> - A minimum area of 400sqft with both length and width dimensions of at least 20 feet. The only area within the subdivision that qualifies for code compliant common open space is the area located within the common lot next to the guest parking lot; measuring 25'x23', or 575sqft. - The rest of the identified common open space does not meet the dimensional requirement. - Open grassy area of at least 40' x 10' in area; a 10'x200' and 10'x75' area is provided along the perimeter of the subdivision; however, it is primarily hardscaped for a pedestrian pathway as it is acting as the primary access for pedestrians to the front doors of the units. Staff has concerns with the lack of landscaping around this pedestrian pathway that leads to the front doors of each unit, especially considering its southern exposure. - A landscape buffer with a minimum of five feet (5') between the street and sidewalk and eighty feet (80') in linear distance; a sidewalk is not proposed, making this standard inapplicable. - Pedestrian pathways of at least five feet (5') in width and eighty feet (80') in length along canals, watercourses, or similar channels. The applicant is proposing to tile the Fairview Acres irrigation line; however, if left open and enhanced as an amenity, it could potentially qualify as open space. <p>As a PUD, the project is also subject to GCC 8-6B-9, which encourages residential developments to be designed so that units abut or are oriented toward common open space. While the proposed open space is centrally located and accessible, its configuration and lack of landscaping in key areas may limit its functionality and compliance with the intent of the code.</p> <p>The common open space is protected by an open space and cross access easement that will be maintained by the HOA/CC&Rs.</p>
Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards			
8-5A-4 General Standards	PZ/DC/CC	No compliance issues noted	See discussions on Design Review 8-4 B&C; Driveways 8-4-E; Floodplain 8-4H; Landscaping 8-4-I; Open Space 8-4-L; Parking 8-4-D; Planned Unit Development 8-6B; Private Streets 8-4-E; Sidewalks 8-4-E; Street design and development standards 8-4-G; Sustainable development provisions 8-4-G; Utilities 8-4-A; Zoning Provisions 8-2-B

			<p>There are general conditions of approval that the application must be in conformance with the requirements of Garden City Code Erosion Control 4-15; Public water and sewer systems Title 6; Storm drainage and discharge control 4-14 prior to the approval of the subdivision.</p>
8-5A-5 Design Standards	PZ/DC/CC	Not Compliant – code adjustment requested	<p>The proposed development includes a private driveway located on a single platted lot, which will provide access to all units within the subdivision as well as to the adjacent parcels at 225 and 223 E. 44th Street.</p> <p>The proposed private driveway does not meet the minimum 26-foot width requirements of a Garden City “Private Street” code. At its narrowest point, the driveway is 20 feet wide, including a 4-foot pedestrian pathway, but then expands to 26 feet wide as it moves east. The applicant has submitted a request for a code adjustment to allow for the reduced width if interpreted as a private street. However, approval of this adjustment would result in the street not meeting Ada County Highway District (ACHD) standards, thereby precluding the possibility of future public adoption.</p> <p>As an alternative to classifying the access route as a “Private Street,” the Council may consider designating it as a “Common Drive.” The designation of “Common Drive” is more appropriate given the proposed design and width constraints. However, since a common drive cannot serve more than four dwelling units, a code adjustment through the PUD process would be required to permit access to the 8 dwelling units. This approach may offer greater flexibility while still ensuring compliance with applicable standards.</p> <p>The City Engineer has provided comments regarding the absence of a homeowners’ association (HOA) and the need for clearly defined ownership and maintenance responsibilities for the common driveway. A binding agreement outlining the responsible party or parties, including funding mechanisms for ongoing maintenance and repair, must be recorded with the final plat. No building permits shall be issued until this agreement is in place.</p>
8-5A-6 Improvement Standards		No compliance issues noted	<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>
8-5C-4 Subdivisions located within a Floodplain			
8-5C-4 Subdivisions located within a Floodplain	PZ/DC/CC	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	<p>There are proposed conditions coinciding with provisions found within code section.</p>
Title 8, Chapter 6, Article A: Administration			

8-6A-3 General Application Process	PZ/DC/CC	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information	PZ/DC/CC	No compliance issues noted	
8-6A-7 Public Hearing Process	PZ/DC/CC	No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit more than 7 days prior to the hearing that the property was posted more than 10 days prior to the hearing.
8-6B-7 Planned Unit Development	DC/PZ/CC	Compliant upon approval of the PUD code adjustments	See discussion. Application waivers requested pursuant to 8-6B-7: a) Vehicular parking space dimensions; b) Perimeter landscaping buffer width and screening; c) Street tree placement; d) Common open space dimensions; e) More than 4 units accessed off a common drive; or

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6513 Local Land Use Planning Subdivision Ordinance	Garden City has, by ordinance, adopted hearing procedures compliant with section 67-6509 , Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329 , Idaho Code. 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. This section notes that denial of a subdivision permit or approval of a subdivision permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided for by section 67-8003 , Idaho Code, consistent with the requirements established thereby.
Idaho Code 67-6515 Local Land Use Planning Planned Unit Developments	This statute enables Garden City to process applications for planned unit developments.
Garden City Comprehensive Plan	This application is in future land use designations of the Comprehensive Plan: The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.

1. **MIXED USE COMMERCIAL:** The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.

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

Identified centers are:

- Adams and 50th Streets intersection to the Boise River
- Adams and 42nd street intersection to the Boise River.
- East city boundary to 36th street between the Boise River and Chinden Boulevard
- Glenwood and Marigold Streets intersection
- Chinden Boulevard and Garrett Street intersection
- Chinden Boulevard and 50th Street intersection
- State Street and Pierce Park Transit Oriented Development Nodes
- Chinden Boulevard and Glenwood Street intersection
- Chinden Boulevard and Veterans Parkway intersection
- State Street and Horseshoe Bend Road
- State Street and Glenwood Street

The application may be supported by:

Goal 1. Nurture the City

- 1.4 Objective: Create a premier destination place to live, work, and recreate.

Goal 2. Improve the City Image

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

Goal 6. Diversity in Housing

- 6.1 Objective: Eliminate and upgrade substandard housing.

Goal 7. Connect the City

- 7.1 Objective: Create pedestrian and bicycle friendly connections.

The application may not be supported by:

Goal 2. Improve the City Image

	<ul style="list-style-type: none"> • 2.3 Objective: Promote quality design and architecturally interesting buildings. • 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> • 4.2 Objective: Promote community gardens. • 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 5. Focus on the River</p> <ul style="list-style-type: none"> • 5.3 Objective: Restore and naturalize water systems, including canals, ditches, drains, river channels, and creeks. <p>Goal 6. Diversity in Housing</p> <ul style="list-style-type: none"> • 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing. • 6.3 Objective: Maintain the diversity of housing. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> • 7.1 Objective: Create pedestrian and bicycle friendly connections. • 7.4 Objective: Maintain and improve standards for sidewalks, curbs, and gutters.
Garden City Sidewalk Policy	See above staff analysis comments.
Garden City Street Light Policy	A streetlight is installed along E. 44 th Street in accordance with the policy.

I. Images



Figure 1: Aerial image showing adjacent parcels. 225 E. 44th Street contains two homes which will also utilize the proposed private drive of the development. (10 dwelling units being accessed off the common drive).

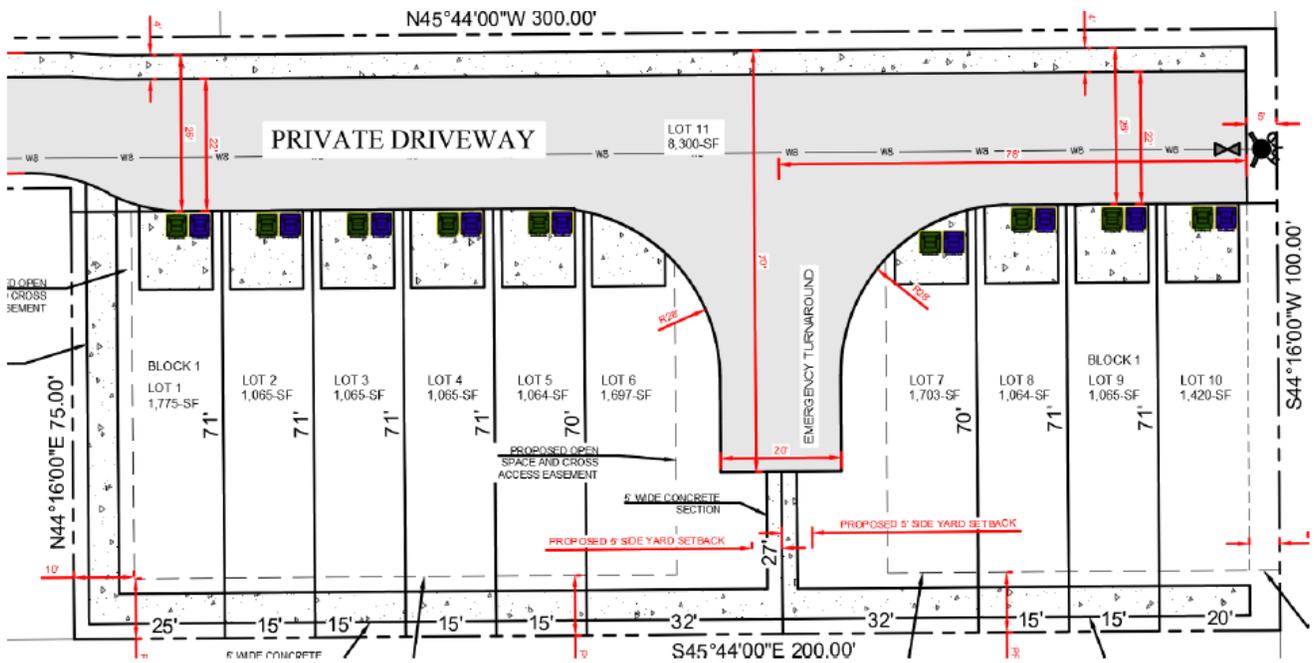


Figure 2: Old site plan, however it shows what trash services will look like within the development.



Figure 3: Example of the terminus signage that should be placed at the end of the private road.



Figure 4: Image showing future connections per Transportation Needs List and Old Town Circulation Network Plan. N. Ray St. and E. Bills Ave are already public right-of-way.