

GARDEN CITY PLANNING AND ZONING COMMISSION

Parkway Station Subdivision

4232 Adams Street and 418 & 500 42nd Street

SUBFY2016-1/ZONFY2016-1

) FINDINGS OF FACT, CONCLUSIONS

) OF LAW, AND RECOMMENDATION

This application came before the Garden City Planning and Zoning Commission for consideration on February 17, 2016. The Commission reviewed the application and materials submitted and considered public testimony. Based on the evidence presented, the Commission makes the following findings of fact and conclusions of law and recommendation:

FINDINGS OF FACT

1. The applicant is Parkway Station LLC
2. The location of the project is 4232 Adams Street and 418 & 500 42nd Street, Garden City, ID 83714. Assigned Ada County Parcel #: R2734521056, R2734521071, R2734521081.
3. The subject property is 4.07-acres.
4. The application is for a Preliminary Plat with a Planned Unit Development and Rezone from C-2 to M for a 50-Lot (41-buildable, 8-common, 1-mixed use) subdivision.
5. The project is located in the Mixed Use Residential and Transit Oriented land use designation of the Comprehensive Plan.
6. The project is in the C-2 General Commercial Zoning District and M Mixed Use Zoning District.
7. The following section of the Garden City Development Code apply to this proposal:
 - a. Design Review Title 8-Chapter 4, Articles B and C
 - a. Driveways: Title 8- Chapter 4, Article E
 - b. Erosion Control: Title 4-Chapter 15
 - c. Landscaping: Title 8-Chapter 4, Article I
 - d. Open Space: Title 8-Chapter 4, Article L
 - e. Parking: Title 8-Chapter 4, Article D
 - f. Planned Unit Development Title 8-Chapter 6, Article B.
 - g. Public water and sewer systems: Title 6
 - h. Sidewalks: Title 8-Chapter 4, Article E
 - i. Storm drainage and erosion control: Title 4-Chapter 14
 - j. Street design and development standards: Title 8-Chapter 4, Article E
 - k. Sustainable Development Provisions Title 8-Chapter 4, Article G.
 - l. Utilities: Title 8-Chapter 4, Article A
 - m. Zoning District Provisions: Title 8-Chapter 2, Article B
 - n. Zoning Map Amendment: Title 8-Chapter 6, Article B
8. A copy of the application and plans was transmitted to interested and affected public agencies and written comments were received from:
 - a. Approval of the development is subject to compliance with the conditions of the Garden City Engineer.
 - b. Ada County Highway District, approval subject to conditions.
 - c. The Central District Health Department has comments with conditions to be met to obtain approval.
 - d. COMPASS has no comment.
 - e. The Garden City Environmental Division and Public Works have no concerns, subject to compliance with all applicable codes.
 - f. Idaho Transportation Department has no concerns.

- g. North Ada County Fire & Rescue can approve subject to compliance with requirements and conditions of approval.
 - h. Pioneer Irrigation District has no comment.
9. The record contains:
- a. Neighborhood meeting materials
 - b. Application Materials
 - c. Agency Referral Notice
 - d. Agency Comments
 - e. Property Owner Notices
 - f. Legal Advertisements in Idaho Statesman for hearings
 - g. Affidavit of property posting
 - h. Staff report
 - i. Planning and Zoning Commission Hearing Sign Up Sheet
10. The application was received January 12, 2016. The Commission Public Hearing was held within sixty (60) days of receipt of an application certified as complete.
11. A public hearing notice for the proposed application was published on January 29, 2016, and on January 29, 2016, notice was mailed to all property owners within a 300-foot radius of the said property in compliance with the public notice requirements of Section 8-6A-7 of the Garden City Municipal Code.
12. Notice to agencies was sent January 19, 2016.
13. The applicant provided an affidavit that the property was posted on premise in accordance with Garden City Code.
14. A staff report was presented by Jeff Lowe at the public hearing on February 17, 2016.
15. The applicant provided testimony at the public hearing on February 17, 2016.
16. Public testimony at the public hearing on February 17, 2016, was provided by:
17. Application for SUBFY2016-1/ZONFY2016-1 was **Approved/Denied** with the Conditions of Approval listed herein.

CONCLUSIONS OF LAW

In consideration of a preliminary subdivision or combined preliminary and final subdivision, the decision-making body shall make the following findings (GCC 8-5B-5):

- A. The subdivision is in conformance with the Comprehensive Plan;
Parkway Station Subdivision has been proposed for development in conformance with the Garden City Comprehensive Plan and consistent with the requirements of Garden City Code and as approved through a PUD;
 - B. The subdivision is in conformance with all applicable provisions of the Development Code.
Parkway Station Subdivision has been proposed for development in conformance with the requirements of Garden City Code and as conditioned herein;
 - C. Public services are available or can be made available; and are adequate to accommodate the proposed development;
Services are available to serve the site and the proposed development. Approval is conditioned upon the applicant designing and constructing public water and wastewater systems within the development in compliance with Garden City Code and engineering standards;
 - D. The subdivision is in conformance with scheduled public improvements in accord with the City's capital improvement program;
Currently, the City does not have a capital improvements program.
 - E. There is public financial capability of supporting services for the proposed development;
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Existing services are capable of serving the site and the proposed development.

- F. The development will not be detrimental the public health, safety or general welfare; and
The development is planned for residential uses similar to uses in the surrounding area, and it is not anticipated that any uses or activities will be detrimental to the surrounding properties upon completion of the site work.
- G. The development preserves significant natural, scenic or historic features.
No natural, scenic, or historic features of major importance are known to exist on the site.

Planned Unit Development approval is governed by 8-6B-7 of the Garden City Code:

1. The applicant has demonstrated that the proposed development can be initiated within two (2) years of the date of approval;
Approval of this application is conditioned that the development shall be initiated within two years of the date of approval.
2. 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;
The proposed development and each structure can successfully exist independently of the surrounding area and will not be detrimental to the neighborhood.
3. 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;
With this development, the streets are expected to remain at better than Level of Service "D" and are adequate to carry anticipated traffic, as stated by the Ada County Highway District.
4. Any proposed commercial development can be justified at the locations proposed;
No commercial development is proposed.
5. 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;
The exceptions requested are changes to setbacks and driveway access. The unique design of the dwelling units and the site facilitates compatibility and transition between residential and commercial uses in the area, thus warranting these exceptions.
6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
The proposal is compatible with the surrounding uses and vision of the surrounding area.
7. The PUD is in general conformance with the comprehensive plan; and
With the unique design of the dwellings, the mixed use character, and the increase in density, this development may be considered very compatible with the existing residential uses surrounding the site. The project is in general conformance with the adopted Garden City Comprehensive Plan.

8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

There are adequate services available for the proposed densities.

To approve a Zoning Map Amendment, the following must be found (GCC 8-6B-10):

1. The zoning map amendment complies with the applicable provisions of the Comprehensive Plan;
The zoning of the subject property to M (Mixed Use) is compliant with the comprehensive plan as the zoning designation of Mixed Use (M) corresponds to the Mixed Use Residential designation in the plan. With the urban design of the dwellings and the increase in density, and the future commercial to be developed, this project may be considered a good transition from the Riverside Park north of the site to the commercial area to the south of Adams Street; the residential units are compatible with the existing residential uses to the west and complementary to the Trailwinds Apartments to the east.
2. The zoning map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
The proposed single-family dwellings, multi-family dwellings, and proposed commercial are permitted in the zoning district.
3. The zoning map amendment shall not be materially detrimental to, or impacts can be mitigated that affect, the public health, safety, and welfare or impacts; and
This proposal is not detrimental to the public health, safety, or welfare of the community.
4. The zoning map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the City including, but not limited to, school districts.
No information has been provided to indicate that the proposal affects the delivery of services.
5. The annexation of land, if proposed, is in the best of interest of City and complies with the procedures as set forth in IC §50-222.
The subject property is located within the Garden City limits and therefore no annexation is required.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, the Garden City Planning and Zoning Commission hereby **recommends Approval/Denial** of SUBFY2016-1/ZONFY2016-1 for a Preliminary Plat with a Planned Unit Development and Rezone from C-2 to M for a 50-Lot (41-buildable, 8-common, 1-mixed use) subdivision to be located at 4232 Adams Street and 418 & 500 42nd Street, Garden City, ID 83714, Parcel #: R2734521056, R2734521071, R2734521081 and subject to the following conditions:

Site Specific Requirements

1. The applicant shall comply with all requirements of the City Engineer.
2. The applicant shall comply with all requirements of the Ada County Highway District, including but not limited to approval of plans and construction or replacement of curb, gutter, and

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sidewalk on 42nd Street and Adams Street. The streetscape shall be in substantial compliance with the plans date stamped by the City on January 12, 2016.

3. Approval of water and wastewater systems for the subdivision is required prior to the submittal of the final plat. The applicant shall work with the City Public Works Department and the City Engineer to ensure that connections to public services are designed and constructed to meet Public Works standards and City ordinances. Plans and specifications shall be submitted for review and approval prior to the submittal of a final plat.
4. Each and every lot within the subdivision shall have underground pressurized irrigation water pursuant to GCC 8-5A-5 H. 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.
5. All internal sidewalks, common driveways with curbing, hardscaping, and stormwater facilities shall be constructed in substantial compliance with the plans date stamped by the City on January 12, 2016, or as otherwise conditioned herein.
6. Lot 50, Block 1 is recognized as a future phase of development. The development of the Lot will be required to comply with all applicable ordinances and application processes in addition to the current application.
7. Add a note to Article 4.4 in the CC&Rs describing that the landscaping shall remain in substantial compliance with the plans and construction as approved by the Garden City Design Review Committee. The approved landscape plan should be attached as exhibits to the CC&Rs. The applicant shall provide a copy of the CC&Rs prior to the City Clerk signing the final plat.
8. Add a note to Article 3.11 in the CC&Rs describing that the drainage is not to be modified from the plans and construction in compliance with the plans date approved by Garden City. Any changes proposed to the drainage system shall be approved by the City Engineer. The approved drainage plan should be attached as exhibits to the CC&Rs. The applicant shall provide a copy of the CC&Rs prior to the City Clerk signing the final plat.
9. Add a Note to the Final Plat stating that no other vehicle access to the public streets, other than designated on the plat, is permitted. Clarify in the CC&Rs stating that Lot 1, Block 1, includes the provision for access to the public street.
10. Delineate a cross access easement on the plat along the western property line to allow bike/pedestrian and/or vehicle traffic connectivity in the future when the property(ies) to the west redevelops. Place a note in the CC&Rs identifying the intent of the easement and that a road or pathway may be established in the future when the property(ies) to the west redevelops.
11. Pursuant to GCC 8-5A-5 D, Lot 1, Block 1 may provide access to more than four-dwelling units.
12. Relative to GCC 8-5A-5 B5, all Lots within the subdivision are permitted relief from direct access to a public street since vehicle access is provided to via Lot 1, Block 1.
13. Provide a recorded copy of a Maintenance and Operations Manual detailing how the common driveways and private roads are to be maintained in good condition in perpetuity. The Maintenance and Operations Manual shall be provided prior to the City Engineer signing the final plat.
14. Provide a note on the final plat to read, "Minimum building setback lines shall be in accordance with the following":

Front: 10-feet maximum*

Rear: 0-feet (facing driveways)

Side: 0-feet to 3-feet between units

Street Side: 0-feet facing private street or common area

*For Lots 21-24, 26-30 facing the community garden (Lot 25), a 13-foot front setback is permitted.

15. The dwelling units to be built within the subdivision shall be in substantial with the architectural schematics as approved by the Design Review Committee. To assure compliance with this condition, the City reserves the right to deny, at its discretion, any building permit application that does not meet these architectural schematics. The City also reserves the right to deny a Certificate of Occupancy if the units are not built according to approved plans.
16. Clarify Article 4.2 of the CC&Rs to state that the dwellings shall be in substantial compliance with the architectural schematics as shown as approved by the Garden City Design Review Committee. The architectural schematics should be attached as exhibits to the CC&Rs.
17. Regarding on-site tree mitigation, the applicant shall submit details on the amount of tree caliper to be removed and verify that the new landscaping will meet the requirements of the Tree Preservation Provisions of Garden City Code (GCC 8-4I-7). Part of this mitigation may be accomplished through planting trees in the front yards of each dwelling.
18. Pedestrian scale yard lights are encouraged to be installed in the front yard setback of each dwelling.
19. Comply with all requirements of the North Ada County Fire and Rescue District pursuant to the letter of February 9, 2016.
20. Comply with all requirements of the Central District Health Department pursuant to the letter dated January 21, 2016.
21. The applicant shall submit payment to the City for all outstanding fees incurred by the City in obtaining a review of this project prior to the City issuing any permits or signing the final plat.
22. 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.
23. RECOMMENDATION: As of the date of this writing, the Federal Emergency Management Agency has issued Draft Digital Federal Insurance Rate Maps (DFIRM) which proposes to delineate the subject properties to be within the 100-year Floodplain. The applicant should consider that any new structures must have the top of the lowest floor at or above BFE (as defined by adopted FIRM) pursuant to current Garden City Code. Stricter standards may be required in the future for building permit approval.

General Requirements

1. 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. 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.
3. 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.
4. 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.
5. 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.

6. 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.
7. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
8. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan.
9. 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.
10. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
11. 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.
12. 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.
13. 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.
14. The landscape installation shall stabilize all soil and slopes.
15. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
16. Demonstrate compliance with 8-4G-1 prior to certificate of occupancies.
17. The approval is specific to the application provided and reviewed.
18. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to a Certificate of Occupancy.
19. Property maintenance standards shall be maintained as required by Garden City Code 8-4K.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. 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.
22. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.
23. Utility easements that are unobstructed by permanent structures shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary by the City Engineer. Total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
24. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City.
25. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
26. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction. Final approval is based on substantial conformance with the plans reviewed and approved.

27. Any substantial changes to the design shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.

28. No subdivision plat required shall be recorded by the Ada County Recorder until such subdivision plat has received final approval by the Council. No public board, agency, Commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Title until final plat has received the approval by the Council.

29. In the event that an applicant and/or owner cannot complete the non-life, safety and health improvements, within the time specified in the final subdivision approval or prior to occupancy, the City may require a surety agreement in accordance Garden City Code. Unless financial guarantees of improvement completion has been accomplished, no approval of the final subdivision or recording thereof shall be permitted unless the applicant provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed. Approval of a preliminary subdivision shall become null and void if the applicant fails to record a final subdivision within one (1) year of the approval of the preliminary subdivision. Development shall commence within two (2) years of approval. If the timetable is not met and the applicant does not receive a time extension, the application will expire and become null and void.

30. The Planning Official may authorize a single extension of time to record the final subdivision not to exceed one (1) year. Additional time extensions up to one (1) year as determined and approved by the City Council may be granted. With all extensions, the Planning Official or City Council may require the preliminary subdivision or combined preliminary and final subdivision to comply with the current regulations.

31. Final decisions are subject to a 28-day right to judicial review. A takings analysis pursuant to Idaho Code may be requested on final decisions.

32. Occupying the site (dwelling units) prior to Certificate of Occupancy is a criminal offense.

33. This application shall be considered a commencement of this use; all previous uses at this location shall be considered abandoned.

Chairman, Planning and Zoning Commission

Date