

12. The project is in the AE flood hazard category according to the 2017 FIS.
13. The following standards apply to this proposal:
 - a. Garden City Code 8-1A-4 Applicability
 - b. Garden City Code 8-1B Existing Nonconforming Properties, Structures, and Uses
 - c. Garden City Code 8-3C Surel Mitchell Live-Work-Create
 - d. Garden City Code 8-3D Neighborhood Commercial Node
 - e. Garden City Code 8-4A Design and Development Regulations- General Provisions
 - f. Garden City Code 8-4E Transportation and Connectivity Provisions
 - g. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - h. Garden City Code 8-6A-4 Required Application Information
14. The following plans and policies apply to this proposal:
 - a. Garden City Comprehensive Plan
15. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived pursuant to GCC 8-6A-4	
X			Compliance Statement
X			Neighborhood Map
X			Site Plan
		X	Landscape Plan
		X	Schematic Drawings
		X	Lighting Plan
		X	Topographic Survey
X			Grading Plan
		X	Will Serve
		X	Approved Address

16. Additional application materials submitted include:
 - a. 300' Neighborhood List;
 - b. Affidavit of Legal Interest;
 - c. Application;
 - d. Fence Narrative
 - e. Return Receipts
 - f. Letter to neighbors about fence.

17. No Agency Comments were received.

18. No public comments were received.

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

Noticing Requirement	Required Date	Completion Date
Receipt of application here	08/14/2020	08/04/2020
Letter of Acceptance (30 days after receipt of application)	09/04/2020	08/27/2020 08/28/2020 – updated date error from September 7 th to September 8 th .
Radius Notice (15 days prior to hearing)	08/24/2020	08/05/2020 Requested 08/11/2020 Mailed
Interested Parties		N/a
Legal Notice (19 days)	08/20/2020	08/11/2020 published 08/13/2020
Agency Notice (15 days)	08/24/2020	08/11/2020
Property Posting Sign (10 days)	08/29/2020	08/29/2020
Affidavit of Property Posting and Photos (7 days)	09/01/2020	09/01/2020

20. On June 15, 2020, in accordance with GCC 8-6B-3, a pre-application conference was held with the Design Committee. The Committee provided the following comments and requests:

- a. Tamara Thompson presented the application.
- b. Jenah Thornborrow presented the staff report.
- c. Discussions included:
 - i. Internal fence needs to tie into architecture of building so that it acts as a building screen wall rather than fence if the screening is greater than 6' in height. The internal fence may be 6' as a staff level approval.
 - ii. A staff level approval would be appropriate of the side lot line fence proposal if:
 1. The side fence will be on the 0' lot line.
 2. A notarized agreement from the adjacent residential lots in agreement with the fence
 3. No dual fence- remove chain link

21. On September 8, 2020, a public hearing before the Design Review Committee was held:

- A. **DSRFY2020-18:** Tamara Thompson with the Land Group is requesting a formal application conference for a proposed eight foot (8') fence at Telaya Winery. The property is located at 240 E. 32nd Street, Garden City, ID 83714; Ada County Parcel #R2734541570.
 - I. Tamara Thompson presented the application in person.
 - II. Staff, Hanna Veal, presented the staff report.
 - III. No one wished to provide public testimony.
 - IV. Committee Member Labrie moved to deny the application based on the premise that the applicant did not address any of the concerns the committee had previously expressed.
 - V. Committee Member Gresham seconded the motion.
 - VI. The motion passed unanimously.

22. The record contains:

- g. Application Documents
- h. Noticing Documents
- i. Agency Comments: none provided
- j. Written Public Comments: none provided
- k. Staff report
- l. June 15, 2020 Design Review Committee Pre-application Minutes
- m. June 15, 2020 Design Review Committee Pre-application Audio
- n. September 8, 2020 Design Review Committee Hearing Minutes
- o. September 8, 2020 Design Review Committee Hearing Audio
- p. Design Review Committee Signed Findings of Fact, Conclusions of Law and Decision

23. In order to approve a design review application, the Design Committee shall make the following findings:

GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
		X	<p>Standard: The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.</p> <p>Explanation:</p>

			<p>In Denial: The application is not in conformance with the proposed zoning district C-2 as the commercial activities taking place at Telaya Winery are disruptive to the neighborhood due to the proposed 8' fence.</p>
		X	<p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p>Explanation:</p> <p>In Denial: The application does not meet this finding as the proposed 8' fence does not enhance the health, safety nor the general welfare of the community.</p>
		X	<p>The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.</p> <p>Explanation:</p> <p>In Denial: The application does not meet this finding as the proposed 8' tall fence does not contribute to the uniqueness of the Surel Mitchell Work-Live-create district. The proposed 8' fence disrupts the sense of place as it appears to cover the architecture of the existing building.</p>
	X		<p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p>Explanation:</p> <p>Not a reason for denial.</p>
	X		<p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p>

DESIGN REVIEW COMMITTEE DECISION - 5

DSRFY2020 – 18; Telaya Winery fence; 240 E. 32nd St.

			Not applicable.
	X		The proposed design supports a compact development pattern that enables intensification of development and changes over time. Not applicable.
	X		The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity. Explanation: Not applicable, the application does not include landscaping and the proposed fence will not alter current landscaping.

24. The record was reviewed by the Design Committee to render the decision.

CONCLUSIONS OF LAW

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

DECISION

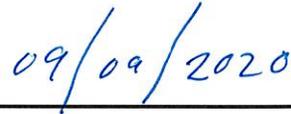
WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Design Review Committee hereby **DENIES** the application, subject to the following conditions:

STANDARD CONDITIONS FOR DENIAL DECISION

1. There is a 15 day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within ten (10) days after the action of the decision.
2. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
3. Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within

fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

4. Pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code, a takings analysis may be requested on final decisions.
5. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.



This signature verifies that this decision document has been reviewed and approved

by the Design Review Committee Date

