

BEFORE THE DESIGN REVIEW COMMITTEE
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:)	DSRFY2020-26
)	
Design Review)	FINDINGS OF FACT,
158 E. 52 nd St.)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER, came before the Garden City Design Review Committee for consideration on September 21, 2020. The Design Review Committee reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Design Review Committee makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The application is for a design review for storefront renovation of less than 25% of the façade of an existing service provider and for the use of a Drinking Establishment; limited services as defined by Garden City Code as “The use of a site primarily for the service of only wine or beer by the glass, but not including restaurants with a wine and beer license where the principal business is serving food. The use includes wine bar, beer pub, and brewery.”
2. The applicant is Walter Lindgren.
3. The property owner of record is Mark Pasculli.
4. The location of the project is 158 E. 52nd St.; Ada County Assessor parcel number(s) R1055420060.
5. It was not determined if the property was a legal lot of record at the time of the hearing. As a condition of approval, the applicant must submit to staff proof of lot legality.
6. The application is for a design review for the use of drinking establishment, limited services. The scope of the design review is limited to Southwest corner of the building and portions of parking lot.
7. The subject property is 0.72 acres.
8. The project is located in the C-2 General Commercial zoning district.
9. The project is located in the Light Industrial Bradley Technology District of the Garden City Comprehensive Plan Land Use Designation.

10. The project is not located in the SFHA according to the 2003 FIRM.
11. The project is not located in the SFHA according to the 2017 FIS.
12. 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 8-4A Design and Development Regulations- General Provisions
 - d. Garden City Code 8-4C Design Provisions for Nonresidential Structures
 - e. Garden City Code 8-4D Parking and Off-Street Loading Provisions
 - f. Garden City Code 8-4E Transportation and Connectivity Provisions
 - g. Garden City Code 8-4H Flood Hazard- add after June 19
 - h. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - i. Garden City Code 8-6A-3 General Application Process
 - j. Garden City Code 8-6A-4 Required Application Information
 - k. Garden City Code 8-6A-5 Administrative Process with Notice
13. The following plans and policies apply to this proposal:
 - a. Garden City Comprehensive Plan
 - b. Garden City Sidewalk Policy
 - c. Garden City Street Light Policy
14. 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

15. Additional application materials submitted include:

- a. Floor Plans;
- b. Materials Plan;
- c. Landscape Plan;
- d. 300' Neighborhood List;
- e. Application;
- f. Statement of Intent.

16. Agency Comments were received from:
 i. Garden City Engineer, dated September 10, 2020

17. No written public comments were received.

18. 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	08/27/2020	08/31/2020
Letter of Acceptance (30 days after receipt of application)	09/30/2020	09/08/2020
Radius Notice (15 days prior to hearing)	09/06/2020	08/31/2020 requested
Interested Parties	n/a	n/a
Legal Notice (19 days)	09/02/2020	08/31/2020 sent 09/02/2020 published
Agency Notice (15 days)	09/06/2020	08/31/2020
Property Posting Sign (10 days)	09/11/2020	09/11/2020
Affidavit of Property Posting and Photos (7 days)	09/14/2020	09/11/2020

19. On September 21, 2020, in accordance with GCC 8-6B-3, a pre-application conference was held in conjunction with a Formal Hearing with the Design Committee. The Committee provided the following comments and requests:

- i. Brett Labrie recused himself.
- ii. Walter Lindgren presented the application.
- iii. Staff, Hanna Veal, presented the staff report.
- iv. There was no public testimony.
- v. Walter Lindgren provided rebuttal testimony.
 - 1. The applicant owns the existing chain link fence on the southwest property line.
 - 2. Applicant would prefer to see the fence moved to the southwest corner.
- vi. Committee Member Hurd moved to approve the application with the following request:

1. Chain-link to be removed along the side, and the gate needs to be an improved material of architectural feature.
2. Provide staff with a description of a legal lot of record.
3. Signs would go through a separate design review.

vii. Committee Member Gresham seconded the motion.

The motion passed unanimously.

20. The record contains:

- g. Application Documents
- h. Noticing Documents
- i. Agency Comments
- j. Written Public Comments
- k. Staff report
- l. 09/21/2020 Design Review Committee Pre-application Minutes
- m. 09/21/2020 Design Review Committee Pre-application Audio
- n. 09/21/2020 Design Review Committee Hearing Minutes
- o. 09/21/2020 Design Review Committee Hearing Audio
- p. Design Review Committee Signed Findings of Fact, Conclusions of Law and Decision

21. 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 Approval: The application is in conformance with the C-2 zoning district in that it is a proposal for a drinking establishment, limited services which is a permitted use.</p>
X			<p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p>Explanation:</p>

			In Approval: The application design adheres to the protection of health, safety, and the general welfare of the community by providing better pedestrian connectivity from the sidewalk on 52 nd to the primary entrance of the business.
X			The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city. Explanation: In Approval: The application proposes a unique design that will help create a uniqueness to the district and its surrounding neighborhood.
X			The proposed design improves the accessibility of development to non-motorized and public modes of transportation. Explanation: In Approval: The application improves the bicycle and pedestrian transportation in the area due to the proposed bike stalls and increased connectivity to the site.
X			The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors. Explanation: In Approval: The application proposes to enhance the features of an already existing commercial building. The patio design becomes the focus of the business building due to the applicant removing preexisting awning.
	X		The proposed design supports a compact development pattern that enables intensification of development and changes over time.

			Explanation: Not applicable as it is not a development.
X			The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity. Explanation: In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.

22. 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 **meets** 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 **APPROVES** the application, subject to the following conditions:

CONDITIONS FOR APPROVAL DECISION

Site Specific Requirements:

1. The signage on the tower shall go through a separate Design Review approval process.

Prior to the Issuance of a Building Permit:

1. Prior to the issuance of a building permit, the applicant must provide proof to staff that the lot is of legal record.
2. Chain link fencing to be removed, and replaced with permitted building materials to create an architectural feature for the winery.

Prior to Occupancy:

3. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
4. A building permit shall be applied for and approved by Garden City Development Services Department.

General Requirements:

1. This review and approval is specific to the design of the project. Final approval is subject to the approval of other reviewing agencies. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail. This approval shall not annul any portion of Garden City Code or other applicable regulation unless specifically noted.
2. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
3. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape Maintenance Provisions 8-4I-9; and Standards for Transportation and Connectivity Provisions identified in 8-4E.
4. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
5. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.
6. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
7. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
8. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
10. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
13. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted

- soils or planted with sufficient space to provide for the full maturity of the particular tree species.
14. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
 15. The landscape installation shall stabilize all soil and slopes.
 16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
 17. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
 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.
 20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
 21. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
 22. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction. Final approval is based on substantial conformance with the plans reviewed and approved.
 23. Any substantial changes to the design shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
 24. Occupying the site prior to Certificate of Occupancy is a criminal offense.
 25. There is a 15 day right to appeal to City Council. The applicant or any interested parties may appeal the decision or a part of the decision. An appeal shall be made on the form provided by the City and filed with the City Clerk within 15 days after the action of the decision.
 26. 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.



09/22/2020

This signature verifies that this decision document has been reviewed and approved by the Design Review Committee

Date

