

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

THIS IS NOT A PREDETERMINED DECISION. ALL EVIDENCE WILL BE CONSIDERED. A DIFFERENT DECISION MAY RESULT IN AN UPDATE OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, OR CONDITIONS.

In the Matter of:)	DSRFY2020-22
)	
Design Review)	FINDINGS OF FACT,
4844 N. Fenton St.)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER, came before the Garden City Design Review Committee for consideration on November 2, 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 the new construction of a multi-tenant structure.
2. The applicant is Glenn Walker.
3. The property owner of record is Dennis Sand.
4. The location of the project is 4844 N. Fenton St; Ada County Assessor parcel number(s) R7334150644.
5. The property is a legal lot of record.
6. The application is for a design review for the use of a multi-tenant professional services structure. The scope of the design review is limited to the entire property.
7. The subject property is 0.343 acres.
8. The project is located in the C-2 General Commercial zoning district.
9. The project is located in the Neighborhood Commercial Node zoning overlay.
10. The project is located in the Activity Node: Neighborhood Destination and the Light Industrial Bradley Technology District of the Garden City Comprehensive Plan Land Use Designation.
11. The project is not located in the SFHA according to the 2003 FIRM.

12. The project is not located in the SFHA 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 8-3D Neighborhood Commercial Node
 - 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 8-4F Sign Provisions
 - h. Garden City Code 8-4H Flood Hazard
 - i. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - j. Garden City Code 8-6A-3 General Application Process
 - k. Garden City Code 8-6A-4 Required Application Information
 - l. Garden City Code 8-6A-5 Administrative Process with Notice
14. The following plans and policies apply to this proposal:
 - a. Garden City Comprehensive Plan
 - b. Garden City Sidewalk Policy
 - c. Garden City Street Light Policy
15. The applicant 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. Site Plan;

- b. Floor Plans;
- c. Grading Plan;
- d. Landscape Plan;
- e. Affidavit of Legal Interest;
- f. Application;
- g. Sustainability Check List;
- h. Statement of Intent.

17. Agency Comments were received from:

- i. Ada County Assessor's Office, dated October 2, 2020
- ii. Garden City Engineer, dated October 3, 2020
- iii. ACHD, dated October 26, 2020

18. There were no written public comments 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	09/24/2020	09/21/2020
Letter of Acceptance (30 days after receipt of application)	10/24/2020	09/25/2020
Radius Notice (15 days prior to hearing)	10/18/2020	09/30/2020
Interested Parties	n/a	n/a
Legal Notice (19 days)	10/14/2020	09/30/2020
Agency Notice (15 days)	10/18/2020	10/01/2020
Property Posting Sign (10 days)	10/23/2020	10/23/2020
Affidavit of Property Posting and Photos (7 days)	10/26/2020	10/23/2020

20. On October 19, 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:

- I. Pam Gains and Dennis Sand presented the application.
- II. There was no staff report.
- III. The Committee made the following comments and suggestions:
 - a. Do something on the east elevation side to give more character. Fenestration on the blank wall elevation.
 - b. Detached sidewalk along Fenton is required by code. Must be compliant with Garden City Code including but not limited to providing a drive aisle crossing and continuing to the west side of the property.

- c. Enhance the street facing unit more so that it becomes obvious that it is the entrance.

Include adjacent properties and their buildings in the site plans.

21. On November 2, 2020, a public hearing before the Design Review Committee was held and the application was moved to the date certain of November 16, 2020.

22. The record contains:

- i. Application Documents
- j. Noticing Documents
- k. Agency Comments: Garden City Engineer and Ada County Assessor's Office
- l. Written Public Comments: none provided
- m. Staff report
- n. October 19, 2020 Design Review Committee Pre-application Minutes
- o. October 19, 2020 Design Review Committee Pre-application Audio
- p. November 2, 2020 Design Review Committee Hearing Minutes
- q. November 2, 2020 Design Review Committee Hearing Audio
- r. 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:

<p>The draft findings are written both in approval and in denial. The Design Review Committee will select the corresponding conclusions and explanations during their decision. Potential explanations have been provided.</p>			
<p>GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS</p>			
<p>Conclusion</p>			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X		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 meets this finding. The application is in conformance with the C-2 zoning district and the regulations of the district.</p>

			<p>In Denial: The application is not in conformance with this finding. The application is not in conformance with Garden City Code 8-2B-3, 8-4C, 8-4E-6, and 8-4I.</p>
X		X	<p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p>Explanation:</p> <p>In Approval: There is no evidence that this application will be detrimental to the health, safety, or general welfare to the community or members within.</p> <p>In Denial: The application does not meet this finding in that the application is not in conformance with Garden City Code 8-2B-3, 8-4C, and 8-4E-6.</p>
X		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 Approval: The application meets this finding. The application's proposed design contributes to the uniqueness of the light industrial district of the comprehensive plan through its architectural features and color pallet.</p> <p>In Denial:</p> <p>Denial: The application does not meet this finding in that the design does not meet the minimum design requirements as prescribed by Garden City Code.</p>

X		X	<p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The application proposed sidewalks along Fenton street and a pedestrian access from the sidewalk to the primary entrance of the building and through to the rear of the site.</p> <p>In Denial: The application does not meet this finding by not proposing detached sidewalks nor does it create a separation between the parking lot and the proposed pathway through the property.</p>
X		X	<p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The application is for a location that is not located adjacent to the arterial corridor.</p> <p>In Denial: N/A.</p>
X		X	<p>The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p> <p>Explanation:</p> <p>Approval: The application is sited so that there could be additional construction on the site in the future.</p>

			Denial: the application is sited so as to only allow for the development as proposed on site. Future compact development could not occur as proposed.
X		X	<p>The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The application proposes landscaping that which is compatible with the southwest Idaho climatic conditions. It also helps to improve the pedestrian activity along Fenton Street.</p> <p>In Denial: The application does not meet this finding the required street tree and detached sidewalk have not been provided. The design as proposed does not meet landscaping standards nor does it encourage pedestrian activity.</p>

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 **meets/ 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 **APPROVES/DENIES** the application, subject to the following conditions:

POTENTIAL CONDITIONS FOR APPROVAL DECISION

Prior to Occupancy:

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

Site Specific Requirements:

1. This approval is for a conditional use permit for the use of professional service providers at 4844 N. Fenton Street.
2. All installed sidewalks must be detached to allow for the required street trees from the public street and must be a minimum of five feet (5') in width.
3. A code complaint street tree must be installed.
4. All Utilities, Grading, and Drainage plans must show the updated site plan, and be compliant with Garden City Code 8-4A Design and Development Regulations.
5. Clear vision triangles are to be shown in all updated landscape plans and in compliance with Garden City Code 8-4E-3 Public Street Connections.
6. A master sign program must be submitted to the Design Review Committee for their approval.
7. The applicant must provide a Flood Acknowledgment record on the property in the instance that they do not build to the FEMA 2017 flood standards.
8. All sheets in the plans must be updated to reflect the layout and improvements as shown on the sheet 000 dated 12/28/18.

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. All outdoor living spaces must comply with Garden City Cod 8-3C General Provisions- Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.
24. 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.
25. 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.
 26. 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.
 27. Occupying the site prior to Certificate of Occupancy is a criminal offense.
 28. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code .
 29. 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.
 30. 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

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