

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

In the Matter of:	)	DSRFY2020 - 19
	)	
Design Review	)	FINDINGS OF FACT,
3200 W. Chinden Blvd.	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
_____	)	

THIS MATTER, came before the Garden City Design Review Committee for consideration on August 3, 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 new construction of a structure.
2. The applicant is Ian McLaughlin with Pivot North Architecture.
3. The property owner of record is Jed Galvin.
4. The location of the project is 3200 W. Chinden Blvd.; Ada County Assessor parcel number(s) R2734541685.
5. The property is a legal lot of record.
6. The application is for a design review for the use of new construction for the uses of food products small scale processing and drinking establishment limited services. The scope of the design review is limited to the ENTIRE PROPERTY.
7. The subject property is 0.51 acres.
8. The project is located in the C-1 Highway Commercial zoning district.
9. The project is located in the Surel Mitchel Live-Work-Create; Neighborhood Commercial Node zoning overlay.
10. The project is located in the Activity Node: Neighborhood Destination; Green Boulevard Corridor, and Live-Work-Create 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 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-2 Nonconforming Structure
  - 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 8-4C Design Provisions for Nonresidential Structures
  - g. Garden City Code 8-4D Parking and Off-Street Loading Provisions
  - h. Garden City Code 8-4E Transportation and Connectivity Provisions
  - i. Garden City Code 8-4F Sign Provisions
  - j. Garden City Code 8-4G Sustainable Development Provisions
  - k. Garden City Code 8-4I Landscaping and Tree Protection Provisions
  - l. Garden City Code 8-6A-3 General Application Process
  - m. Garden City Code 8-6A-4 Required Application Information
  - n. 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
  - d. Old Town Circulation network plan
  - e. Chinden ITD Access Management
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. Context Images
- b. 300' Neighborhood List;
- c. Application;
- d. Site Photos; and
- e. Statement of Intent.
- f. Compliance Statement
- g. Site Renderings

17. Agency Comments were received from:

- i. Ada County Highway District, dated July 23, 2020
- ii. Central District Health, dated July 22, 2020

18. No written 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 <a href="#">here</a>	07/09/2020	06/25/2020
Letter of Acceptance (30 days after receipt of application)	07/25/2020	07/20/2020
Radius Notice (15 days prior to hearing)	07/19/2020	07/17/2020
Interested Parties		No interested parties
Legal Notice (19 days)	Per Code 8-6A-3 Design Review Committee does not need a legal notice. However, 07/15/2020 marks the day that which would require noticing by if it were mandatory.	07/16/2020 Legal ad was sent to Idaho Statesmen. 07/20/2020 Legal Ad was posted.
Agency Notice (15 days)	07/19/2020	07/16/2020
Property Posting Sign (10 days)	07/24/2020	07/24/2020
Affidavit of Property Posting and Photos (7 days)	07/25/2020	07/24/2020

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:

- i. Jed Glavin, Ian McLaughlin, and Michael McHugh presented the application.

- ii. Suggestions from the Committee included:
  - 1. Fairview Acre- noted as being on site.
  - 2. No engineered structures are allowed. Mitigation of appearance is needed.
  - 3. Long roofline on west side needs to be articulated.
  - 4. Fenestration on west side needs to be addressed.
  - 5. Fencing along Chinden and 32nd wall is not a strong pedestrian component. Treatment such as openings, visual connection, or artwork to strengthen pedestrian relationship to the street are suggested.
  - 6. Note staff report where not enough information or noncompliance.
  - 7. Staff will send perimeter landscaping and screening ordinance to applicant to ensure Osage is compliant.

21. On August 3, 2020, a public hearing before the Design Review Committee was held:

- i. John King, Ben Semple, Jed Glavin, and Ian McLaughlin presented the application.
- ii. Staff, Hanna Veal, presented the staff report.
- iii. Committee Member Hurd moved to request the revised materials addressing:
  - 1. Submittal of a topographic map waiver is permitted so long as a grading plan is submitted during the building permit phase.
  - 2. Submittal of required lighting plan will be reviewed for compliance by staff.
  - 3. Committee approved the current "Split Rail" sign design as presented in the application.
  - 4. Fencing along Osage St. must be setback 5ft and be an art or architectural feature.
  - 5. Drive isle must be at minimum 20 feet wide.
  - 6. West elevation wall may not remain blank. A mural must be installed for at least half the wall's length. Must be a signature piece.
  - 7. W. Chinden and 32<sup>nd</sup> St. CMU fence/wall does not need perforation on Chinden side. Metal and wood materials are permitted and encouraged. The maximum height of the fence/wall is 6-8 feet and must lower to three feet on 32<sup>nd</sup> St. side.
- iv. Committee Member Labrie seconded the motion.
- v. The motion passed on a 2/0 vote.

22. The record contains:

- h. Application Documents
- i. Noticing Documents
- j. Agency Comments: ACHD and Central District Health
- k. Written Public Comments: none provided
- l. Staff report
- m. June 15, 2020 Design Review Committee Pre-application Minutes

- n. June 15, 2020 Design Review Committee Pre-application Audio
- o. August 3, 2020 Design Review Committee Hearing Minutes
- p. August 3, 2020 Design Review Committee Hearing Audio
- q. 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:

<b>GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS</b>			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X			<p><b>Standard:</b> The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p>
X			<p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></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><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p>

X			<p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p>
X			<p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p>
X			<p>The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p>
X			<p>The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></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** 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:

### POTENTIAL CONDITIONS FOR APPROVAL DECISION

#### Prior to Occupancy:

1. A staff level review shall be completed for all revised and newly submitted materials.
2. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
3. A building permit shall be applied for and approved by Garden City Development Services Department.
4. Lighting Plan documents must be submitted, reviewed for compliance, and approved by staff.
5. Topographic Survey documents must be submitted, reviewed, and approved as a part of the construction documents prior to construction of the proposed site.
6. Grading Plan documents must be submitted, reviewed, and approved as a part of the construction documents prior to construction of the proposed site.
7. Affidavit of Legal Interest must be legally listed as the current owner prior to construction of the proposed site.
8. Will Serve Letter/ Fire Flow Test document must be submitted once full water and sewer connections have been designed. Design must indicate connections to utilities as part of the construction documents. Water and sewer plans must be submitted, reviewed, and approved as part of the construction documents prior to construction of the proposed site.
9. Lot Line Consolidation must happen prior to construction.

#### Site Specific Requirements for the Duration of the Use:

1. Committee approved the current "Split Rail" sign design as presented in the application.
2. Fencing along Osage St. must be setback 5 feet and be an art or architectural feature.
3. Drive isle must be at minimum 20 feet wide.
4. The West elevation wall may not remain blank. A mural must be installed for at least half the wall's length and it must be a signature piece.

5. W. Chinden and 32<sup>nd</sup> St. CMU fence/wall does not need perforation on the Chinden St. side. Metal and wood materials are permitted and encouraged by the Design Review Committee. The maximum height of the fence/wall is 6-8 feet and must decrease in height to three feet on 32<sup>nd</sup> St. side.

**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.

*Hammert*

*09/09/2020*

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

Date