

CITY OF GARDEN CITY

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File Number: DSRFY2017 - 22
Application Scope: Determination of Compliance with Decision
Location: 6715 W. State street
Applicant: View Point Windows
Report Date: 3/11/2020



Staff Report
Report prepared by Chris Samples

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A. Report Summary

- Proposed amendment to eliminate parapet on east elevation may conflict with Garden City Code 8-4C-3, 8-4C-4, and 8-6B-3
- Proposed elimination of evergreen trees as required by site specific condition 3d may conflict with Garden City Code 8-4I-5
- Design Committee has authority over parapet changes
- City Council has authority over changes to site specific condition 3d as the City Council specifically added it to the Design Committee's decision

B. Project Information

Proposed Scope of Work:

Request	Review Process	Notes
Pre-application conference to discuss determination of substantial conformance	8-6B-3 Design Review	None

Project Details:

- 1) Proposed modifications:
 - a) Reduction of parapet corners
 - b) Elimination of parapet on east elevation
 - c) Modification of site specific question 3d to waive the required planting of 6 evergreen trees along Lake Elmore

Site Conditions:

- 1) Address: 6715 W. State Street, Garden City, ID 83714
- 2) Parcel Number: S0619336316
- 3) Property Size: 2.273 acres
- 4) Zoning District: C-2
- 5) Comprehensive Plan Land Use Map Designation: Green Boulevard Corridor
- 6) Legal Lot of Record: Yes
- 7) Floodplain Designation:
 - a) 2003 FIRM: X
 - b) 2017 Draft FIRM: AE
- 8) Surrounding Uses: Only note uses that we have record of within 600' of the property
 - a) Retail Store
 - b) Dwelling Unit, Single Family, Detached
- 9) Existing Use: None
- 10) Easements on site: Utility easements
- 11) Site Access: W. State Street
- 12) Sidewalks: In process of installation

C. Discussion

Elevation Modifications:

Modifications to the proposed elevations are within the authority of the Design Committee to decide whether the proposed changes are within the scope of the original approval.

Objective 5 of Garden City Code 8-4C-3 requires “The Design of all buildings shall provide visual interest, support the vision for the area as articulated in the Comprehensive Plan, and positively contribute to the overall urban fabric of the community. Subsection E.2 allows accomplishing this objective through architectural elements and distinctive rooflines. The approved roofline was in accordance with this objective. The elimination of the east parapet removes architectural elements and distinctive rooflines. The applicant does not provide an alternative method to meet this objective.

Garden City Code 8-4C-4 indicates that rooflines exceeding 50’ should include relief to the building mass through roofline variation. Elimination of the east parapet without providing an alternative conflicts with this subsection.

If the Committee determines that the proposed elimination does not meet Garden City Code 8-4C-3 and 8-4C-4, the proposed elimination may not meet the following required findings for a Design Review as noted in Garden City Code 8-6B-3:

1. The proposed design adheres to standards for the protection of health, safety, and general welfare;
2. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;

The changes to the corner of the remaining parapets do not appear to conflict with Garden City Code.

Landscaping Modifications:

The landscaping changes proposed by the applicant, consisting of the elimination of six evergreen trees required at the rear of the property, were specifically required by the City Council. Those changes must be heard by the City Council in a separate hearing and are not within the scope of the Design Committee’s authority.

Site specific condition #3e states:

“In addition to the landscaping detailed on the approved plans, six evergreen trees roughly 2” in caliper at the time of planting shall be installed adjacent to Lake Elmore”.

The City Council requires the additional landscaping to provide additional screening to screen the building from view of residential homes located across Lake Elmore. Eliminating this

requirement appears to conflict with the perimeter landscaping requirements of Garden City Code 8-4I-5.

D. Required Decisions; Required Findings; Decision Maker Actions; Appeals

Required Decisions: The following decision processes are required for the project:

Decision	Recommendation Authority	Decision Authority	Hearing Date
Determination of Substantial Compliance with Original Decision Concerning Elevations	N/A	Design Committee	3/16/2020
Modification of a Site Specific Condition	N/A	City Council	To Be Scheduled

Required Findings:

To approve a modification to a design review decision, the decision maker must find the proposed modification meets the following findings:

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district;
2. The proposed design adheres to standards for the protection of health, safety, and general welfare;
3. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;
4. The proposed design improves the accessibility of development to nonmotorized and public modes of transportation;
5. The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors;
6. The proposed design supports a compact development pattern that enables intensification of development and changes over time; and
7. The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.

Decision Options:

Elevation modifications:

The Design Committee may take one of the following actions:

1. Determine the proposed modifications are within the scope of the original decision;
2. Determine the proposed modifications are outside the scope of the original decision and require a public hearing on the proposed modifications;
3. Request the applicant return with revised materials for additional review;

Landscaping modifications:

The City Council may take one of the following actions:

1. Modify site specific condition 3d to remove the requirement
2. Deny the request to modify site specific condition 3d

Appeal of Decision:

Elevation Modifications- Design Committee Determination:

A determination of substantial compliance with the original decision is not a decision pursuant to Garden City Code 8-6A-9. If the Design Committee does not determine the proposed modification is within the scope of the original decision, a public hearing will be scheduled on the matter.

A decision rendered at that public hearing can be appealed pursuant to Garden City Code 8-6A-9. Pursuant to Garden City Code 8-6B-3 (Design Committee) and Garden City Code 8-6A-6 (Administrative Process with Notice), there is a 15 day period to file a written objection to the application. This period starts from the signed decision date. If a written objection is received within the 15-day period, a City Council hearing will be scheduled to decide the application.

Written objections received after the 15 day objection period will not be accepted.

Pursuant to 8-6A-9 (Appeals), there is a 15-day appeal period to appeal the decision to the City Council. **This period starts from the signed decision date and runs concurrently with the 15-day objection period noted above.** An appeal is \$210 and must be filed on the appeal application form provided by the City. **Appeals received after the 15-day appeal period will not be accepted.**

Landscaping Modifications – City Council Decision:

Appeal of a City Council decision is subject to the provisions of Idaho Code 67-6535(2b):

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.

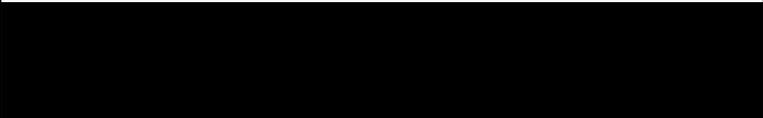
E. Code/Policy Checklist

Sections with compliance issues noted will be analyzed in detail in section E: Code/Policy Analysis of this report. Sections without any compliance issues noted will not be further detailed in this report.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Staff Comment
Title 8, Chapter 4: Design and Development Regulations			
8-4C Design Provisions for Nonresidential Structures	Design Committee	Compliance issues noted	8-4C-3: <ul style="list-style-type: none"> Removal of parapet conflicts with Objective 5 concerning building articulation and providing visual interest 8-4C-4: <ul style="list-style-type: none"> Removal of parapet conflicts with subsection A.2 concerning visual relief of rooflines exceeding 50'
8-4I Landscaping and Tree Preservation Provisions			
8-4I-5 Perimeter Landscaping Provisions	City Council	Compliance issues noted	Removal of trees at rear of property conflict with this subsection.
Title 8, Chapter 6: Administration			
8-6A-10 Substantial Conformance	Design Committee (Design of Building) City Council (Reduction in landscaping)	Compliance issues noted	<ul style="list-style-type: none"> Elimination of parapet may not in substantial conformance with decision Removal of landscaping along rear property may not in substantial conformance with decision and conflicts with site specific condition 3 required by the City Council

F. Code/Policy Analysis

Garden City Title 8 Code Section	
City Code	Analysis
<u>8-4C Design Provisions for Nonresidential Structures</u>	
8-4C-3 General Provisions for Nonresidential Development	<p>Design Committee Review:</p> <p>Objective 5 of this subsection states:</p> <p style="text-align: center;"><i>The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community.</i></p> <p>The objective lists ways to meet this requirement, including building articulation through architectural elements and roof lines:</p> <p style="text-align: center;"><i>b. Architectural Elements: The mass of long or large scale buildings can be made more visually interesting by incorporating architectural elements, such as arcades, balconies, bay windows, dormers, and/or columns.</i></p> <p style="text-align: center;"><i>c. Rooflines: A distinctive roofline can reduce perceived building height and mass, increase compatibility with smaller scale and/or residential development, and add interest to the overall design of the building.</i></p> <p style="text-align: center;"><i>(1) Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.</i></p> <p style="text-align: center;"><i>(2) Roofs that incorporate a variety of vertical dimensions such as multiplaned and intersecting rooflines are encouraged.</i></p> <p style="text-align: center;"><i>(3) Flat roofed designs should include architectural details such as cornices, and decorative facings to provide interest to the roofline.</i></p> <p>The parapet's elimination appears to render the building out of conformance with Objective 5, as a flat roof without the above compliance methods does not meet this requirement.</p> <p>If the Committee determines that the proposed elimination does not meet Garden City Code 8-4C-3, the proposed elimination may not meet the</p>

	<p>following required findings for a Design Review as noted in Garden City Code 8-6B-3:</p> <ol style="list-style-type: none"> <i>1. The proposed design adheres to standards for the protection of health, safety, and general welfare;</i> <i>2. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;</i>
<p>8-4C-4 Special Provisions for Specific Nonresidential Development</p>	<p>Design Committee Review:</p> <p>Subsection A 2. of this subsection states:</p> <ol style="list-style-type: none"> <i>3. Rooflines exceeding fifty feet (50'), should incorporate relief to the perceived building mass by providing roofline variation. Roofline variation should be achieved using one or more of the following methods: a) vertical offset in ridgeline; b) horizontal offset in ridgeline; c) variations in roof pitch; d) gables; and e) dormers.</i> <p>The parapet's elimination appears to render the building out of conformance with this subsection, as the flat roof does not contain roofline variation.</p> <p>If the Committee determines that the proposed elimination does not meet Garden City Code 8-4C-4, the proposed elimination may not meet the following required findings for a Design Review as noted in Garden City Code 8-6B-3:</p> <ol style="list-style-type: none"> <i>1. The proposed design adheres to standards for the protection of health, safety, and general welfare;</i> <i>2. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;</i>
<p><u>8-4I Landscaping and Tree Preservation Provisions</u></p>	

8-4I-5 Perimeter Landscaping Provisions

City Council Review:

This subsection requires perimeter landscaping between nonresidential uses and a residential use or vacant residentially zoned property where such uses are not separated by an arterial street. The nonresidential structure is adjacent to residential uses across Lake Elmore and is not separated from them by an arterial street.

The minimum standards for perimeter landscaping are:

- 1. A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot;*
- 2. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity;*
- 3. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.*
- 4. Additional standards for parking lots and carports are set forth in section 8-4I-6, "Parking Lot Landscaping Provisions", of this article.*
- 5. Structures less than one hundred twenty (120) square feet, including, but not limited to, trash enclosures and storage sheds may encroach into the perimeter landscape area.*
- 6. Perimeter landscape areas shall provide for pedestrian access from residential development to abutting commercial districts and vice versa*

Site specific requirement 3d requires 6 additional evergreen trees to meet the requirements of this subsection. Elimination of these trees may violate this code section.

<u>8-6A Administration</u>	
8-6A-10 Substantial Conformance	This subsection requires development to be in conformance with required decisions or to be remanded to the decision maker for review. The parapet elimination and parapet squaring fall within the authority of the Design Committee. Amendments to site specific condition 3d fall within the authority of the City Council, as the City Council required this conditions.