

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:	)	DSRFY2018-20
	)	
Foothills Christian Church	)	FINDINGS OF FACT,
New Structure for Food Pantry and	)	CONCLUSIONS OF LAW
Youth Activities	)	AND DECISION
Address: 9655 W. State St.	)	
Garden City, Ada County, Idaho	)	
_____	)	

THIS MATTER, came before the Garden City Design Review Committee for consideration on May 21, 2018 and June 18, 2018. Revised materials to the approved application came before the Committee for consideration on November 16, 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 applicant is Douglas Peake with Foothills Christian Church.
2. The property owner is Foothills Christian Church, Inc.
3. The location of the project is 9655 W. State St., Garden City, ID. Assigned Ada County Parcel No.: S0514346816.
4. The application is for new construction of a structure.
5. The project is located in the Garden City R-20 Zoning District.
6. The project is not located in the floodplain according to the 2003 FIRM.
7. The project is not located in the floodplain according to the 2017 FIS.
8. The applicant did not meet with the Design Review Committee for a pre-application consultation.

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9. The application was received April 30, 2018. The application was scheduled for a meeting on May 21, 2018.
10. A copy of the application was transmitted to affected public agencies on May 4, 2018 and written comments were received from:
  - a. US Dept. of Fish and Wildlife, May 7, 2018
  - b. Garden City Engineer, May 5, 2018
  - c. Republic Services, May 7, 2018
11. The applicant provided verification that the property was posted on May 11<sup>th</sup>, 2018, ten or more days prior to the meeting.
12. The applicant met with the Design Review Committee on May 21, 2018.
  - a. Applicants Douglas Peake and Debbie Schwinn were present to represent the request.
  - b. There was no member of the public in attendance.
  - c. The Committee requested:
    - i. Provide revised building elevations accurately showing materials, doors, colors, window sizes, types of features and dimensions of the building and architectural features.
    - ii. Provide the location of any outdoor HVAC and service equipment. For the equipment, indicate how they will fit in with the proposed design.
    - iii. Provide an amended landscape plan that accurately depicts plantings (including species, location and size at maturity), pedestrian access, and patio configuration and amenities.
13. The applicant met with the Design Review Committee again on June 18, 2018.
  - a. Applicants Douglas Peake and Debbie Schwinn were present to represent the request.
  - b. There was no member of the public in attendance.
  - c. Committee member Gresham moved to **APPROVE** as submitted.
  - d. Committee member Hurd seconded the motion.
  - e. The motion carried unanimously.
14. The applicant submitted modification materials on October 16, 2020 and was scheduled to review the request on November 16, 2020.
15. On November 16, 2020, meeting with the Design Review Committee was held to consider modifications to the approval consisting of a change in materials
  - a. This item will be completed to accurately reflect the meeting.
16. The record contains:
  - a. Application Materials including all revisions;
  - b. Modification Materials;
  - c. Agency and Public Comments;

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- d. June 18, 2020 Staff Report;
  - e. November 16, 2020 Modifications Staff Report;
  - f. June 18, 2020 Design Review Findings of Fact, Conclusions of Law and Decision;
  - g. November 16, 2020 Design Review Findings of Fact, Conclusions of Law and Decision;
  - h. Design Review Committee Minutes.
17. The following standards apply to this proposal:
- a. Title 8-Chapter 4, Article C: “Design Provisions for Nonresidential Structures;”
18. The applicant provided the following application information:
- a. Design Review Pre-Application Request
  - b. Elevations
  - c. Site Photos
19. On June 18, 2018, The Design Review Committee made the following findings based on the standards set forth in chapter 4, article C of this title:

<b>GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS</b>			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
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: The proposed design is in conformance with the purpose of the R-20 zoning district and all dimensional regulations of the district.</b></p>
X			<p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p><b>Explanation: The proposed design, as conditioned, adheres to standards for the protection of health, safety, and general welfare.</b></p>

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X			The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.
			<b>Explanation: The proposed design, through unique design features, pedestrian connectivity, and open space, contributes to the uniqueness of the different districts and neighborhoods within the city.</b>
X			The proposed design improves the accessibility of development to non-motorized and public modes of transportation.
			<b>Explanation: The proposed design contains pedestrian improvements that improve non-motorized accessibility.</b>
X			The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.
			<b>Explanation: The proposed design is not indicative of a strip commercial development along an arterial corridor.</b>
X			The proposed design supports a compact development pattern that enables intensification of development and changes over time.
			<b>Explanation: The proposed design is intended to support a compact development pattern and can be expanded over time through additional renovations.</b>
X			The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.
			<b>Explanation: The proposed design's landscape plan is compatible with the southwest Idaho climatic conditions. Pedestrian improvements encourage pedestrian activity.</b>

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20. In order to approve a design review application and based on the standards set forth in chapter 4, article C of this title, the design review committee shall make the following findings:

<b>GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS</b>			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
<b>X</b>		<b>X</b>	<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>  <b>In Approval: The proposed design, through unique design features, pedestrian connectivity, and open space, contributes to the uniqueness of the different districts and neighborhoods within the city.</b></p> <p><b>In Denial: The proposed design modification to replace the previously approved stone wainscoting with black metal siding does not contribute to the uniqueness of the neighborhood and goes against Garden City Code 8-4C</b></p>

**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 8-4C and the required findings under 8-6B-3D.

**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:

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**Prior to the Issuance of a building permit:**

1. This approval is updated to approve the changes to the application including:
  - a. The previously approved stone wainscoting shall be replaced by the currently existing steel wainscot. The steel wainscot is to be painted black.

**Site Specific Requirements:**

1. Materials submitted shall comply with those that were approved. The approved documents include:
  - a. Compliance Statement, Site Plan, Landscape Plan, Schematic Drawings (Building Elevations), and Lighting Plan submitted on June 8, 2018 reviewed on June 18, 2017 and subsequently approved.
  - b. The Grading Plan will be reviewed for compliance with the building permit application.
  - c. All previously approved plans indicating stone wainscoting on the exterior of the building are to be replaced with the black steel wainscoting as proposed in the site modifications application reviewed on November 16, 2020.

**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.

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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.
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 8-4G-1 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 8-4K.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. System Installation Required: Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines, but shall not necessarily be in the same trenches.
22. 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.
23. 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.
24. 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

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not in substantial conformance with the approval shall be remanded to the decision-making body.

25. Occupying the site prior to Certificate of Occupancy is a criminal offense.
26. There is a 10 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 ten (10) days after the action of the decision.
27. Final decisions are subject to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
28. A request for reconsideration must be submitted prior to judicial review.
29. A takings analysis pursuant to Idaho Code may be requested on final decisions.
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.

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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.

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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.

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

Date