

BEFORE THE PLANNING OFFICIAL
GARDEN CITY, ADA COUNTY, IDAHO

| | | |
|--------------------------------|---|--------------------|
| In the Matter of: |) | DSRFY2019-06 |
| |) | |
| Design Review |) | FINDINGS OF FACT, |
| 503 E 47 th St. |) | CONCLUSIONS OF LAW |
| Garden City, Ada County, Idaho |) | AND DECISION |
| _____ |) | |

THIS MATTER, came before the Garden City Design Review Committee for a pre-application conference and formal hearing on May 6, 2019. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Planning Official makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The applicant is Jeff Hatch.
2. The property owner is Dave Schenker.
3. The location of the project is 503 E. 47th St. Garden City, ID 83714; Ada County Parcel #R2734522838 described as LOT 29 BLK 21 FAIRVIEW ACRES SUB NO 03 #2841-S.
4. The application is for a design review for a new 6,750 square foot multi-tenant commercial flex building. The structure is
5. The project is located in the Garden City C-2 General Commercial Zoning District.
6. The project is located in the mixed use residential designation of the Garden City Comprehensive Plan Land Use Designation.
7. The project is located in the floodplain according to the 2003 FIRM.
8. The project is located in the floodplain according to the 2017 FIS.
9. The following standards apply to this proposal:
 - a. Garden City Code 8-6B-3: Design Review Committee
 - b. Garden City Code 8-6A: Administration – General Provisions
 - c. Garden City Code 8-4C: Design Provisions for Nonresidential Structures
10. 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

11. 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 | | | Verification that address is an Ada County Approved Address |

12. On May 6, 2019, in accordance with GCC 8-6B-3, a pre-application conference was held in conjunction with a formal public hearing with the Design Committee. The Committee provided the following information and requests:

- a. Jeff Hatch presented the proposed design.
- b. Staff Chris Samples presented the staff report.
- c. The Committee recommended the applicant return with application for administrative decision.
- d. The Committee provided the following comments:
 - i. Use a differing material to show connectivity between proposed building and existing house and proposed street sidewalk.
 - ii. Reconfigure parking to enable 90-degree parking, including the ADA space.
 - iii. Comply with tree mitigation standards noted in Garden City Code 8-4I, including arborist certification for dead trees.
 - iv. Revise plans to show a detached sidewalk and landscaping.
 - v. The proposal appears to be a mixed-use development.

14. The record contains:

- a. May 5, 2019 combined Pre-Application and Formal Public Hearing Materials
- b. Design Review Application
- c. Compliance Statement

- d. Letter of Intent
- e. Site Plan
- f. Will Serve Letter
- g. Approved address
- h. Affidavit for Hatch
- i. Fire Flow
- j. Neighborhood Map
- k. Landscape plan L – 1.0
- l. Main Floor Plan
- m. Exterior elevation Plans A-4.0
- n. Exterior Elevation Plans A-4.1
- o. Resubmittal Form
- p. Waiver Request
- q. May 6, 2019 Design Review Hearing Minutes
- r. Signed Findings of Fact, Conclusions of Law and Decision

13. In order to approve a design review application, the Planning Official 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>The application meets this finding. The application is located in the C-2 General Commercial zoning district and is compliant with permitted uses and all required setbacks.</p> |
| X | | | <p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p>Explanation:</p> <p>The application meets this finding. The application has proposed a primary pedestrian and cyclist sidewalk to direct foot traffic away from vehicular</p> |

| | | | |
|---|--|--|---|
| | | | traffic. |
| 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>The proposed design of this application helps to create a sense of place and contributes to the uniqueness of the neighborhood by creating a structure that which matches the surrounding uses and existing infrastructure of the neighborhood.</p> |
| X | | | <p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p>Explanation:</p> <p>The application meets this finding. The application's location is approximately 0.2 miles away to the corner of W. Adams and E.46th . The location is also near the Greenbelt. The application has proposed a pedestrian pathway from the proposed detached sidewalk to the interior of the lot to the primary access point of the building. A bike rack has also been proposed.</p> |
| X | | | <p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p>Explanation:</p> <p>The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</p> |
| X | | | <p>The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p> |

DESIGN REVIEW DECISION - 4

DSRFY2019-06; Multi-tenant commercial flex space; 503 E 47th Street.

| | | | |
|---|--|--|---|
| | | | Explanation: In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision. |
| X | | | The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity. Explanation: The application meets this finding. The application proposes that about 40% of the site is dedicated to landscaping that is compatible with the southwest Idaho Climatic conditions while encouraging pedestrian activity. |
| X | | | Finding: There has been no denial of any application on this property within one year. |

14. The record was reviewed by the Planning Official to render the decision.

CONCLUSIONS OF LAW

The Planning Official 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:

IN APPROVAL

Site Specific Requirements:

1. The Design Review Committee delegated formal approval of this application to the Planning Official. The Planning Official's decision shall be carried out in accordance with GCC 8-6A-6 and GCC 8-6B-3, and formal approval is contingent upon verification of conformance with:

DESIGN REVIEW DECISION - 5

DSRFY2019-06; Multi-tenant commercial flex space; 503 E 47th Street.

- a. A detached sidewalk shall be installed and in compliance with GCC 8-4E-6 Sidewalk Standards.
- b. Building materials shall be a combination of cement fiber board with reglets, stucco and standing seam metal.
- c. A tree mitigation plan from a certified arborist must be submitted to the City and in compliance with GCC 8-4I.

General Requirements:

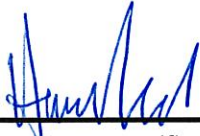
1. This review and approval is specific to the design of the project. Final approval is subject to the approval of other reviewing agencies. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies 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 Code 8-3C General Provisions- Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.
24. 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.
25. 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.
26. 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.
27. 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.

DESIGN REVIEW DECISION - 7

DSRFY2019-06; Multi-tenant commercial flex space; 503 E 47th Street.

28. Occupying the site prior to Certificate of Occupancy is a criminal offense.
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. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code.
31. 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.



11/20/2020

This signature verifies that this decision document is consistent with the Design Review Committee's decision to delegate formal approval to the Planning Official

Date