BEFORE THE CITY COUNCIL
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	DSRFY2019-10
	)	
Design Review	)	FINDINGS OF FACT,
Address: 9555 W. State Street	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
	)	

THIS MATTER, came before the Garden City Council for consideration on November 12, 2019 and was continued to November 25, 2019. The City Council reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the City Council makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The applicant is Dave Evans Construction.
2. The property owner is Residences at Sleepy Hollow, LLC.
3. The location of the project is 9555 W. State St., Garden City, Id. Assigned Ada County Parcel No.: S0514438580.
4. The application is for new construction of multiple structures.
5. The project is located in the Garden City C-2 Zoning District.
6. The project is not located in the floodplain according to the 2003 FIRM.
7. The project is located in the floodplain according to the 2017 FIS.
8. The applicant met with the Design Review Committee on May 6, 2019 for a pre-application consultation.
9. The application was received May 23, 2019. The application was scheduled for a meeting on June 17, 2019.
10. A copy of the application was transmitted to affected public agencies on May 29, 2019 and written comments were received from:
    a. Garden City Engineer;
    b. Idaho Transportation Department;
    c. Republic Services;
    d. Boise School District;
    e. Central District Health Department;
11. The applicant provided verification that the property was posted on June 5, 2019, ten or more days prior to the meeting.
12. The applicant met with the Design Review Committee on June 17, 2019:
    a. Applicants Thomas Schofield and Rob Powell present to represent the request.
    b. Public testimony was received from:
        i. Debra Hanks concerning traffic, change of character to area, property values;
        ii. Jennifer Matthews reflecting Ms. Hanks' concerns;

iii. Bert Bradley reflecting Ms. Hanks' concerns;
iv. Rose Dvorak reflecting Ms. Hanks' concerns;
v. Jean Cariaga
vi. James Page in neutral and concerned about landscape buffering, cross parking and adjacent pedestrian access;
vii. Jamin Martin reflecting Mr. Page's concerns;

c. Public testimony was closed.
d. The Committee requested the applicant return with the following revisions:
   i. Add additional articulation to the rear garage elevations;
   ii. Provide an alternative to the proposed fencing;
   iii. Add trees along W. State Street

13. The applicant requested to return to the Design Committee with revised drawings on September 25, 2019. A hearing was scheduled for October 21, 2019. Noticing was completed in accordance with Garden City Code 8-6A.

14. The applicant met with the Design Review Committee again on October 21, 2019.
    a. Applicants Thomas Schofield and Rob Powell present to represent the request.
    b. Public testimony was received from:
       i. Louis Landry in neutral and concerned about irrigation water usage vs. city water for site irrigation
       ii. Hannah Ball in neutral and concerned with pedestrian connectivity.
    c. Public testimony was closed.
    d. Committee member Labrie moved to **APPROVE** with the following additional site specific conditions:
       i. Screen the roll up door facing State Street with evergreen trees;
       ii. A detached sidewalk and landscaping buffer shall be installed along W. State Street. Tall bushes shall be installed between the sidewalk and W. State Street to provide an additional pedestrian buffer. The bushes shall not be planted within the clear vision triangle.
       iii. Fencing along W. State Street shall be limited to 3.5' in height within the setback.
    e. Committee member Hurd seconded the motion.
    f. The motion carried unanimously

15. Written opposition was received from Jamin Martin, Teresa Jorgenson, and Jean Cariaga.

16. A Public Hearing was scheduled with City Council on November 12, 2019. Garden City Council continued the hearing to a date certain of November 25, 2019 to remedy a deficiency in order as the Design Review Committee decision had not been signed yet.

17. On November 18, 2019, the City received written opposition which triggered City Council review in accordance with Garden City Code 8-6A-6 Administrative Process with Notice.

18. A Public Hearing was held with City Council on November 25, 2019.
    a. Mayor Evans and Council Members Page and Souza disclosed conflicts of interest and recused themselves.
    b. Rob Powell with Dave Evans represented the application.
    c. Jenah Thornborrow provided a staff report.
    d. Public testimony was received from:
        i. Dave Cutner in favor (also providing a letter from Tricia Callies in favor).
        ii. Lori Lindsey and Teresa Jorgenson in opposition.
    e. Council Member Higgins moved to **APPROVE** as approved by the Design Review Committee.
    f. Council Member Beaumont seconded the motion.
    g. The motion carried unanimously.

19. The record contains:
    a. Application Materials including all revisions.
    b. Staff Reports;
    c. Design Review Findings of Fact, Conclusions of Law and Decision;
    d. Design Review Committee Minutes;
    e. Public Comment;
    f. Agency Reviews;
    g. Objection.

20. The following standards apply to this proposal:
    a. Title 8-Chapter 4, Article A: "General Provisions;"
    b. Title 8-Chapter 4, Article C: "Design Provisions for Nonresidential Structures;"
    c. Title 8-Chapter 4, Article D: "Parking and Off Street Loading Provisions;"
    d. Title 8-Chapter 4 Article E: "Transportation and Connectivity Provisions;"
    e. Title 8-Chapter 4, Article I: "Landscaping and Tree Protection Provisions."

21. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	NA	
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

22. 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:

GCC 8-6B-3 DESIGN REVIEW REQUIRED FINDINGS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			**Standard:** The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.
			Explanation: The proposed design, as conditioned, is in conforming with the purpose of the C-2 General Commercial District and all dimensional regulations of the district.
X			The proposed design adheres to standards for the protection of health, safety, and general welfare.
			Explanation: The proposed design, as condition, adheres to applicable City Code for the protection of health, safety, and general welfare.
X			The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.
			Explanation: The proposed design, as conditioned, creates a sense of place and contributes to the uniqueness of the City by complying with applicable code standards and by providing pedestrian connectivity.
X			The proposed design improves the accessibility of development to non-motorized and public modes of transportation.
			Explanation: The proposed design, as conditioned, improves accessibility to

			pedestrian and bicycle transportation modes.
X			The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.
			Explanation: The proposed design creates a node like development pattern focused both toward the street and inward toward the site amenities.
X			The proposed design supports a compact development pattern that enables intensification of development and changes over time.
			Explanation: The proposed design, as conditioned, supports a compact development pattern through increased density. Vertical and horizontal expansion is possible.
X			The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.
			Explanation: The proposed design, as conditioned, complies with Garden City Code 8-4E and 8-4I.

CONCLUSIONS OF LAW

The City Council 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 8-4C and the required findings under 8-6B-3D.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the City Council hereby **APPROVES** the application, subject to the following conditions:

Site Specific Requirements:

1. Materials submitted shall comply with those that were approved. The approved documents include:
   - **a.** Record documents reviewed and approved at the October 21, 2019 hearing.
2. The Grading Plan will be reviewed for compliance with the building permit application.

3. Screen the roll up door facing State Street with evergreen trees;
4. A detached sidewalk and landscaping buffer shall be installed along W. State Street. Tall bushes shall be installed between the sidewalk and W. State Street to provide a comfortable buffer for the pedestrian. Plants that are taller than 3' in height or lower than 10' in height shall not be planted within the clear vision triangle.
5. Fencing along W. State Street shall be limited to 3.5' in height within the setback.

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.
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.
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 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. Final decisions are subject to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
27. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
28. A takings analysis pursuant to Idaho Code may be requested on final decisions.
29. 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.

11/27/19

Council President, Pam Beaumont Date