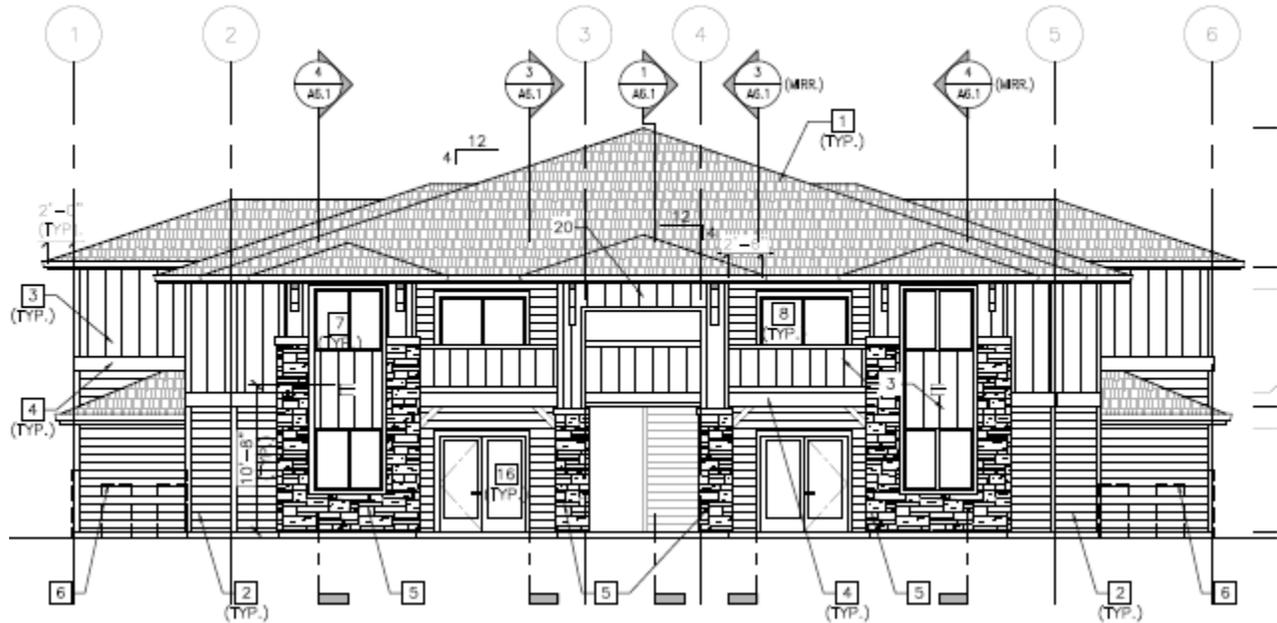


CITY OF GARDEN CITY

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File Number: DSRFY2019-10
Application Scope: Determination of Substantial Compliance
Location: 9555 W. State Street
Applicant: Mysti Stelluto - Dave Evans Construction
Report Date: 3/31/2020



Staff Report
Report prepared by Chris Samples

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A. Report Summary

- Determination of substantial compliance requested due to accidental inclusion of windows on Building B, which was in error according to the applicant

B. Project Information

Proposed Scope of Work:

Request	Review Process	Notes
Determination of substantial conformance for an approved Design Review	8-6B-3 Design Review Committee	Administrative policy defers determinations to Design Committee

Project Details:

- 1) Proposed modification: Removal of windows from Building C

C. Discussion

Reductions in Building C's glazing does not appear to conflict with Garden City Code 8-4B-4 (Design Provisions for Residential Structures – Multi-Family Dwelling Units). Garden City Code does not set a minimum glazing requirement for multi-family dwelling units.

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
Design Review Pre-Application Conference – Determination of Substantial Compliance	N/A	Design Committee	4/6/2020

Required Findings:

To determine if a modification is within the scope of an original design review decision, the Design Committee must find the proposed modification is within the scope of the original decision. If the Committee does not determine the proposed modification is within the scope of the original decision, a new hearing is required in accordance with Garden City Code 8-6A (Administration) and 8-6B-3. Modifications must meet 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.

Determination of Substantial Compliance Options:

The Design Committee may take one of the following actions:

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1. Determine the proposed modification is in substantial conformance with the original decision;
 2. Determine the proposed modification is not in substantial conformance with the original decision. A new, fully noticed hearing is required for the proposed modification;
 3. Request the applicant return with revised materials for additional review;

Appeal of Determination:

A determination of substantial compliance is not a decision, but a review of the decision to determine if modifications fall within the scope of the original decision. It cannot be appealed. If the Design Committee determines a new hearing is required, an appeal of the decision following that hearing may be made and appeal procedures would be detailed in that hearing's staff report.

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			
8-4B Design Provisions for Residential Structures	Design Committee	No compliance issues noted	The reduction of windows does not appear to conflict with the design provisions of 8-4B-4 (Multi-Family Dwelling Units). Multi-family dwelling units do not have a minimum glazing requirement.
Title 8, Chapter 7: References			
8-7A Definitions	Design Committee	N/A	None referenced