

BEFORE THE DESIGN REVIEW COMMITTEE  
GARDEN CITY, ADA COUNTY, IDAHO

In the Matter of:	)	DSRFY2019-17/MPUDFY2019-2
	)	
Design Review/MPUD	)	FINDINGS OF FACT,
404 E. 49 <sup>th</sup> Street	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
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THIS MATTER, came before the Garden City Design Review Committee for consideration on September 16, 2019. 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 Pam Gaines, Neudesign Architecture.
2. The property owner is Sunwest Properties
3. The location of the project is 404 E. 49<sup>th</sup> Street Garden City, Id. Assigned Ada County Parcel No.: R7334160441
4. The application is for:
  - a. DSRFY2019 – 17: Design Review for an 8 unit residential development
  - b. MPUDFY2019 – 2: Minor PUD
5. The project is located in the Garden City R-3 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 July 15, 2019 for a pre-application consultation.
9. The application was received July 31, 2019. The application was scheduled for a meeting on August 19, 2019. The application was continued at the applicant's request to the September 3, 2019 hearing.
10. A copy of the application was transmitted to affected public agencies on August 2, 2019 and written comments were received from:
  - a. Idaho Transportation Department
11. The applicant provided verification that the property was posted on August 23, 2019 ten or more days prior to the meeting.
12. The applicant met with the Design Review Committee on September 3, 2019:
  - a. Applicant Pam Gaines and Pat Corbett presented the application.
  - b. Frank D. Page testified in neutral on the application, requesting a fence be constructed by the property owner on the south property line.
  - c. Public testimony was closed.
  - d. Committee member Labrie moved to approve the application with an additional site specific condition requiring class 2 and class 3 trees as required by City Code.

- e. Committee member Hurd seconded the motion.
  - f. The motion carried unanimously.
13. The record contains:
- a. Application Materials including all revisions.
  - b. Staff Report;
  - c. Design Review Findings of Fact, Conclusions of Law and Decision;
  - d. Design Review Committee Minutes.
14. 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."
  - f. Title 8-Chapter 6, Article B, Section 8: "Minor Planned Unit Development"
15. The applicant provided the following application information:

<b>Materials Provided Per GCC Table 8-6A-2 Required Application Information</b>			
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

16. 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			
Compliant	Not Compliant	Not Applicable to this Application	Standard

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: Not applicable. This finding is superseded by 8-6B-8 (Minor Planned Unit Development).</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 adheres to applicable standards for the protection of health, safety, and general welfare.</b></p>
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><b>Explanation: The proposed design creates a unique residential neighborhood feel through residential façade design.</b></p>
X			<p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p><b>Explanation: Not applicable. This finding is superseded by 8-6B-8 (Minor Planned Unit Development).</b></p>
X			<p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p><b>Explanation: Not applicable. The proposed design is not located along an arterial corridor.</b></p>
X			<p>The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p> <p><b>Explanation: Not applicable. This finding is superseded by 8-6B-8 (Minor Planned Unit Development).</b></p>
X			<p>The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.</p>

			<b>Explanation: Not applicable. This finding is superseded by 8-6B-8 (Minor Planned Unit Development).</b>
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17. In order to approve a minor planned unit development application and based on the standards set forth in chapter 6, article B, section 8, the design review committee shall make the following findings:

<b>GCC 8-6B-8 MINOR PLANNED UNIT DEVELOPMENT – REQUIRED FINDINGS</b>			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
X			<p><b>Standard:</b> The minor PUD is in general conformance with an adopted site layout template and any deviations are minor as defined in this section.</p> <p><b>Explanation: The minor PUD is in general conformance with requested site template. Deviations from the template are within the threshold allowed by the ordinance.</b></p>
X			<p>The minor PUD meets all findings for a site layout template as set forth in this subsection G.</p> <p><b>Explanation: The minor PUD, as conditioned, meets all required findings of this ordinance.</b></p>
X			<p>The minor PUD complies with requirements of the city and other agencies with jurisdiction.</p> <p><b>Explanation: The minor PUD is required by the conditions of approval to comply with city and agency requirements.</b></p>
X			<p>The minor PUD has been designed to minimize impacts on adjacent properties.</p> <p><b>Explanation: The minor PUD, as conditioned, is specifically designed to minimize impacts on adjacent properties through building footprint placement, landscaping and outdoor spaces.</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 the standards of approval under GCC 8-4C and the required findings under 8-6B-3D and 8-6B-8.

## **DECISION [For Approval]**

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Design Review Committee hereby **APPROVES** the applications, subject to the following conditions:

### **Design Review:**

#### **Site Specific Requirements:**

1. Materials submitted shall comply with those that were approved. The approved documents include:
  - a. Schematic Drawings reviewed on September 3, 2019 and subsequently approved.

#### **Minor Planned Unit Development:**

1. Site layout template #8 is the template utilized for this development with deviations noted in the application materials.
  - a. Compliance Statement, Site Plan, and Landscape Plan reviewed on September 3, 2019 and subsequently approved.
2. Class 2 and class 3 trees shall be utilized as required by Garden City Code 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.
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. 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. 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.
  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