

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

In the Matter of:)	DSRFY2019-18
)	
Design Review)	FINDINGS OF FACT,
0 Freeride Lane)	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 March 3, 2020 and March 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 Bill Truax.
2. The property owner is Parkway 405, LLC.
3. The location of the project is 0 Freeride Lane; Ada County Parcel #R8583760500.
4. The application is for a design review for new construction of a structure associated with a mixed-use development. The scope of the application is limited to what is depicted in the application documents.
5. The project is located in the Garden City M – Mixed Use Zoning District.
6. The project is located in the following designations of the Garden City Comprehensive Plan Land Use Map:
 - a. Activity Node: Neighborhood Destination
 - b. Main Street Corridor
 - c. Mixed Use Residential
7. The project is not located in the floodplain according to the 2003 FIRM.
8. The project is not 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 8-7A: Definitions

- d. Garden City Code 8-1A: Purpose, Applicability and Interpretation
- e. Garden City Code 8-2B-2: Allowed Uses
- f. Garden City Code 8-2B-3: Form Standards
- g. Garden City Code 8-2C-15: Land Use Provisions – Dwelling Unit, Multi-Family
- h. Garden City Code 8-4A: General Provisions
- i. Garden City Code 8-4B-4: Design Provisions for Residential Structures – Multi-Family Residential Dwelling Units
- j. Garden City Code 8-4C: Design Provisions for Nonresidential Structures
- k. Garden City Code 8-4D: Parking and Off Street Loading Provisions
- l. Garden City Code 8-4E: Transportation and Connectivity Provisions
- m. Garden City Code 8-4I Landscaping and Tree Protection Provisions
- n. Garden City Code 8-4L: Open Space Provisions

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

14. The following noticing was completed in accordance with GCC 8-6A and GCC 8-6B-3:

Noticing Requirement	Required Date	Completion Date
Letter of Acceptance	2/3/2020	1/30/2020

Notice of Intent to Approve or to Deny	2/3/2020	1/30/2020
Interested Parties	N/A No Interested Parties	
Legal Notice	<ul style="list-style-type: none"> • Originally 1/30/2020 • 2/14/2020 after hearing continuance to 3/2/2020 	<ul style="list-style-type: none"> • Original legal not complete • 2/14/2020 after hearing continuance to 3/2/2020
Agency Notice	2/3/2020	1/30/2020
Property Posting Sign	<ul style="list-style-type: none"> • Originally 2/8/2020 • 2/22/2020 after hearing continuance to 3/2/2020 	<ul style="list-style-type: none"> • Original property posting sign not complete • 2/21/2020 after hearing continuance to 3/2/2020
Affidavit of Property Posting and Photos	<ul style="list-style-type: none"> • Originally 2/11/2020 • 2/24/2020 after hearing continuance to 3/2/2020 	<ul style="list-style-type: none"> • Original affidavit not complete • 2/21/2020 after hearing continuance to 3/2/2020
Agenda Posting	3/1/2020	2/24/2020
Website Posting	3/1/2020	2/24/2020

12. On 8/5/2019, in accordance with GCC 8-6B-3, a pre-application conference was held with the Design Committee. The Committee provided the following comments and requests:
- Address the blank walls on the stair tower. The stair walls could have a façade treatment, landscaping, or a combination thereof to mitigate the blank walls.
 - Address required landscape buffers required on property lines.
 - Consider having the building step back from residentially zoned property.
 - Consider methods such as street scaping or other treatments to address interaction with the street.
 - Reconfigure the building design to open up entry to allow crossing of greenspace or other entryway instead of only the garage.
13. The original hearing date of 2/18/2020 was continued to a date certain of 3/2/2020 to correct the following noticing errors:
- Legal Notice
 - Property Posting Sign
 - Affidavit of Property Posting

14. On 3/2/2020, a public hearing before the Design Committee was held:
 - a. Bill Truax and Deborah Nelson, applicant's legal counsel, Jeremy Puttman, applicant's architect presented the application.
 - b. Staff Chris Samples presented the staff report. The following late exhibits were added to the record
 1. Public comment from David Buccolo
 2. Applicant response to staff report
 3. Applicant power point presentation
 - c. Public testimony was heard from:
 1. Charles Williams in opposition, noting:
 - i. Lives directly west of project
 - ii. Agreement with City for use of house on the property adjacent to development.
 - iii. 30' x 100' grassy area – development would prevent sunlight from getting to this area
 2. David Buccolo in opposition, noting:
 - i. Supports commercial development on site, but issue is with residential component
 - ii. Residential portion was marketed one way, invested considerable money into property based on previous design
 - iii. Proposed design robs adjacent properties of privacy and light, as townhomes are south facing
 - iv. Building height and footprint too high and dense
 - v. Supportive of design like 405 E. 42nd Street, but wants HVAC screened unlike 405 E. 42nd Street
 - d. Bill Truax and Deborah Nelson provided rebuttal testimony.
 1. 405 E. 42nd St. screening is being worked through and was not a city error.
 2. Setbacks and buffer space: We are significant investors in area. We are buying townhomes back and property values are going up.
 3. Setback from Freeride has been reduced since Design Review Pre-Application meeting.
 4. Massing reduced from previously approval.
 5. Overall height consistent with mixed use zone.
 6. Agrees with condition that irrigation company must verify trees cannot be planted in easement.
 - e. Public testimony was closed.
 - f. The Committee requested the applicant come back with the following materials:
 1. Revised elevations showing a reduced height, including parapet to 72' maximum

2. Plans showing the relationship of the building to the adjacent properties
 3. Plans showing more roofline undulation and variation along the N. Adams Street elevation.
 4. Entryways should be more clearly depicted and delineated for tenants, guests, deliveries, and other persons.
 - g. Committee member Gresham moved to continue to a date certain of March 16, 2020
 - h. Committee member Labrie seconded.
 - i. The motion passed unanimously.
15. On 3/16/2020, a public hearing before the Design Committee was held:
 - a. Bill Truax presented the application.
 - b. Chris Samples presented the staff report.
 - c. Public testimony was heard from:
 1. Rome Acopan, Jr. in opposition noting traffic safety as a concern.
 2. Paul Powell in opposition, noting the proposed heights do not address adjacent properties.
 - d. Bill Truax provided rebuttal testimony concerning traffic and building heights.
 - e. Public testimony was closed.
 - f. Committee member Hurd moved to approve the application as noted in the draft decision in the affirmative.
 - g. Committee member Labrie seconded the motion.
 - h. The motion carried unanimously.
16. The record contains:
 - a. Pre-Application Meeting Conference Materials
 - b. Application
 - c. Compliance Statement
 - d. Letter of Intent
 - e. Revised Letters of Intent with Clarifications
 - f. Plan Sheets:
 - i. Site Plan
 - ii. Elevations
 - iii. Two Town Subdivision Final Plat
 - iv. Ability to Serve Letter dated 11/2/2017
 - v. Phasing Plan
 - vi. Neighborhood Map
 - vii. Legal Description
 - viii. Title Report
 - ix. Lighting Location Drawing
 - x. Vicinity Map
 - xi. Sustainability Checklist
 - xii. Civil Drawings

- g. Noticing Documents
- h. Agency Comments:
 - i. Ada County Highway District
 - ii. Garden City Engineer
 - iii. Idaho Department of Environmental Quality
- i. Public Comments:
 - i. David Buccolo
 - ii. Claudia Celestial
 - iii. Dave Vermedal
 - iv. Rome Acopan
 - v. Steve Boscawen
 - vi. Jenny Martin
 - vii. Kati Powell
 - viii. Paul Powell
 - ix. Gracie Johnston
- j. 8/5/2019 Design Committee Hearing Minutes
- k. 8/5/2019 Design Committee Hearing Audio
- l. 3/2/2020 Design Committee Hearing Minutes
- m. 3/2/2020 Design Committee Hearing Audio
- n. 3/16/2020 Design Committee Hearing Minutes
- o. 3/16/2020 Design Committee Hearing Audio
- p. Signed Findings of Fact, Conclusions of Law and Decision

17. In order to approve a design review application, the Design Committee shall make the following findings:

GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
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 in conformance with the reviewed sections of code noted in this decision.</p>
X			The proposed design adheres to standards for the protection of health, safety, and general welfare.

			<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 creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.</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 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 is in conformance with the reviewed sections of code noted in this decision.</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> <p>Explanation:</p>

			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 is in conformance with the reviewed sections of code noted in this decision.

18. The record was reviewed by the Design Committee to render the decision.

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 8-6B-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:

Prior to Building Permit Issuance:

1. A revised site plan shall be provided prior to the issuance of a building permit showing the location of a property maintenance office, a maintenance storage area, a central mailbox, and a directory and map of the development at the development’s entrance or convenient location.
2. An ability to serve letter shall be obtained prior to the issuance of building permits.
3. A parking analysis shall be submitted with building permit and occupancy permit applications to review and determine parking requirements pursuant to Garden City Code.

4. Documentation from Fairview Acres Water Users Association shall be submitted demonstrating trees cannot be planted in the irrigation easement located on the west property line and depicted in the Two Town Subdivision plat.

Site Specific Requirements for the Duration of the Use:

1. A master sign plan shall be approved by the Design Committee prior to the issuance of any sign permits.

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. 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 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.

27. 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.

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

Date