

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

In the Matter of:)	DSRFY2019-20
)	
Design Review)	FINDINGS OF FACT,
3203 and 3231 W. Chinden Blvd.)	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 Brian Garrett with OA+D.
2. The property owner of record is James A. Kissler, LLC.
3. The location of the project is 3203 and 3231 W. Chinden Blvd. Ada County Parcel R2734530430 and R2734530540, respectively.
4. The application is for new construction of a structure.
5. The project is located in the Garden City C-1 Highway Commercial 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 August 5, 2019 for a pre-application consultation.
9. The application was received August 12, 2019. The application was scheduled for a meeting on September 16, 2019.
10. A copy of the application was transmitted to affected public agencies on August 20, 2019 and written comments were received from:
 - a. Idaho Department of Transportation
 - b. Republic Services
 - c. Central District Health Department
 - d. Ada County Highway District
 - e. Garden City Engineer
11. The applicant provided verification that the property was posted on September 6, 2019, ten or more days prior to the meeting.
12. The applicant met with the Design Review Committee on September 16, 2019:
 - a. Applicants Brian Garrett was present to represent the request.
 - b. The following public testimony was received:
 - i. Charles Leffler provided written testimony in favor.
 - ii. Sybil Leffler provided written testimony in favor
 - c. Public testimony was closed.

- d. Committee member Gresham moved to **APPROVE** the application with the following additional site specific conditions:
 - i. Install required sidewalks and landscaping along the entirety of the property along W. Chinden Blvd and the entirety of the property along W. 32nd Street ending at Stockton Street.
 - 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."
15. 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

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:

GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS	
Conclusion	

Compliant	Not Compliant	Not Applicable to this Application	Standard
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: The proposed design is in conformance with the purpose of the C-1 Highway Commercial District and all dimensional regulations of the district.</p>
X			<p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p>Explanation: The proposed design, as conditioned, adheres to standards for the protection of the health, safety, and general welfare. The condition of approval requiring the completion of sidewalks is intended to meet this finding.</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: The proposed design is unique and unlike other structures in the neighborhood, contributing to the uniqueness of the City.</p>
X			<p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p>Explanation: The proposed design, as conditioned, improves non-motorized and public modes of transportation. The condition of approval requiring the completion of sidewalks is intended to meet this finding.</p>
X			<p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p>Explanation: The proposed design locates the structure along W. Chinden Blvd. without a parking lot between the</p>

			structure and the road. The building's placement and site configuration contributes to a node like development pattern.
X			The proposed design supports a compact development pattern that enables intensification of development and changes over time. Explanation: The proposed design is compact, two story, and creates a street focused frontage. Future intensification both vertically and within the site 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 meets this finding by complying with 8-4I (Landscaping and Tree Protection Provisions).

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.

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:

Site Specific Requirements:

1. Materials submitted shall comply with those that were approved. The approved documents include:
 - a. Compliance Statement, Site Plan, Landscape Plan, and Schematic Drawings (Building Elevations) reviewed on September 16, 2019 and subsequently approved.
2. Sidewalks and landscaping shall be installed along the entirety of the properties along W. Chinden Blvd and the entirety of the properties along W. 32nd Street ending at Stockton Street.

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.

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

Date

DRAFT