



## CITY OF GARDEN CITY

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**File Number:** DSRFY2019 - 24  
**For:** New Structure  
**Location:** 8561 W. State St.  
**Applicant:** Shay Bertola, Maverik Country Stores  
**Report Date:** 10/4/2019



Garden City Design Committee  
Staff Contact: Chris Samples

STAFF REPORT: DSRFY2019-24 – Application materials can be found here: [Link](#)

**City of Garden City  
Staff Report**

## **A. Project Overview**

### **Project Description:**

Shay Bertola with Maverik Country Store is requesting a combined pre-application conference and design review approval for a new commercial structure located at 8561 W. State Street; Ada County Parcel R8123251860. The property is zoned C-2 General Commercial and located in the Green Boulevard Corridor land use designation of the Comprehensive Plan.

### **Proposed Scope of Work:**

Request	Review Process	Notes
Design Review for a new structure	8-6B-3 Design Review	None

### **Project Details:**

- 1) Proposed development: New Structure for food store associated with expansion of nonconforming use
- 2) Number of buildings: 1
- 3) Parking spaces: 24
- 4) Bicycle parking: 2
- 5) Site Coverage:
  - a) Property: 53,293 sq. ft.
  - b) Building: 4,384 sq. ft.
  - c) Landscaping: 14,816 sq. ft.
- 6) Paved Areas: Unknown
- 7) Trash Enclosure: 1

### **Site Conditions:**

- 1) Address: 8561 N. State Street
- 2) Parcel Number: R8123251860
- 3) Property Size: 1.2 acres
- 4) Zoning District: C-2 General Commercial
- 5) Comprehensive Plan Land Use Map Designation: Green Boulevard Corridor
- 6) Legal Parcel of Record: Yes
- 7) Floodplain Designation:
  - a) 2003 FIRM: X
  - b) 2017 Draft FIRM: X

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- 8) Surrounding Uses: Only note uses that we have record of within 600' of the property
- Dwelling Unit, Single Family Detached
  - Vehicle Service
  - Retail Sales
- 9) Existing Use: Legal nonconforming use – Service Station
- 10) Easements on site: There are no records on file with Garden City of existing easements
- 11) Site Access: Proposed dual access along W. State Street (consistent with existing access)
- 12) Sidewalks: None on site.

**Required Decisions:** The following decision processes are required for the project:

Decision	Recommendation Authority	Decision Authority	Hearing Date
Conditional Use	N/A	P&Z Commission	October 16, 2019
Design Review	N/A	Design Committee	October 7, 2019

A conditional use permit has been requested to expand the existing fuel sales use pursuant to 8-1B-3 (Nonconforming Uses). The use expansion is not within the scope of the Design Committee.

**Standards for Review:** Standards for review of this application are:

Design Review Standards	
Standard	Staff Comments
<a href="#">8-2B-3 Form Standards</a>	No substantial issues noted
<a href="#">8-4A General Provisions</a>	More information needed re: outdoor lighting, outdoor equipment, self service uses
<a href="#">8-4C Nonresidential Design Provisions</a>	More information need re: design, pedestrian connectivity, design prohibitions
<a href="#">8-4D Parking and Loading Provisions</a>	Parking counts determined administratively
<a href="#">8-4E Transportation and Connectivity Provisions</a>	More information needed re: sidewalk landscaping, vehicular access and vehicular circulation
<a href="#">8-4I Landscaping and Tree Protection Provisions</a>	More information needed re: sidewalk landscaping
<a href="#">8-6B-3 Design Review Committee</a>	More information needed re: compliance with other sections

**Policies and Studies:** The following policies and studies were reviewed for this application:

- [Garden City Sidewalk Policy](#)
- [Garden City Street Light Policy](#)

**Design Review Pre-Application Conference:** A concurrent pre-application and formal application hearing are being heard at the October 7, 2019 hearing.

**Exhibits:** [Link](#)

- Staff Report
- Draft Legal Findings
- Application

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- 4) Letter of Intent/Compliance Statement
- 5) Plan Sheets:
  - a) Cover Sheet
  - b) Civil Sheets C0.1 – C5.2
  - c) Landscape Sheets L1.1 – L3.1
- 6) Noticing:
  - a) Neighborhood Meeting
  - b) Acceptance Letter
  - c) Agency Notice
  - d) Legal Notice
  - e) Radius Notice/1<sup>st</sup> Notice of Intent to Approve/Deny
  - f) Affidavit of Property Posting and Photos
  - g) Agenda Posting
- 7) Agency Comments:
  - a) Garden City Engineer
  - b) Republic Services

## **B. Design Review**

<b>DESIGN STANDARDS FOR REVIEW</b>	
<b>City Code</b>	<b>City Standards/Staff Comments</b>
<b><u>GCC 8-2B-3 Form Standards</u></b>	The proposal appears to comply with the required form standards of this section.
<b><u>GCC 8-4A General Provisions</u></b>	
<b>GCC 8-4A-4 Outdoor Lighting</b>	A photometric plan and fixture cut sheets were not provided.
<b>GCC 8-4A-5 Outdoor Service and Equipment Areas</b>	The screening of outdoor equipment is proposed with landscaping and a six foot (6') vinyl fence. The record is not clear as to whether the screening full encloses or baffles the equipment from adjoining property.
<b>GCC 8-4A-7 Stormwater Systems GCC 8-4A-8 Utilities</b>	Stormwater systems and utilities are reviewed administratively during the building permit and/or public works permit processes.
<b><u>GCC 8-4C Design Provisions for Non-Residential Structures</u></b>	
<b>GCC 8-4C-3(A)</b>	Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian and adjacent properties.

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	<p>Subsection A.2 provides a maximum 15' setback as a means of meeting this objective. However, the nonconforming use expansion of the fuel sales area supersedes this provision, as the Commission has the authority to expand a nonconforming use.</p> <p>Subsection A.4 allows a minimum of 50% a façade to include windows, showcases, displays or pedestrian access elements to comply with this objective. Calculations to determine the percentage on the building were not found.</p> <p>Subsection A.7 provides mitigation methods to blank walls along public streets as part of meeting the objective. A blank wall is located on the front elevation and does not appear to be addressed by mitigation methods noted in the subsection.</p>
GCC 8-4C-3(B)	<p>Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.</p> <p>Subsection B.1 considers side and rear located parking lots to meet this objective or mitigation is provided to meet the objective. The applicant addresses this with landscaping.</p>
GCC 8-4C-3(C)	<p>Objective 3: Buildings shall be designed and constructed of quality materials.</p> <p>Subsection C.1 – C.6 list materials, finishes and colors that are encourage and discouraged to meet this objective. The following materials are proposed:</p> <p style="text-align: center;"><b>KEYED NOTES</b></p> <hr style="width: 30%; margin: auto;"/> <p>04.05 CULTURED STONE VENEER, SKYLINE, COUNTRY LEDGESTONE  04.06 CULTURED STONE VENEER CAP, SKYLINE, COUNTRY LEDGESTONE  05.01 PRE-FINISHED GUTTER, BRITE RED  05.03 PAINTED STEEL, BLACK FOX  05.06 MBCI PRE-FINISHED METAL ROOF, 1 3/4" STANDING SEAM, MEDIUM BRONZE  05.10 PRE-FINISHED METAL EAVE FLASHING BY ROOF MANUFACTURER, MEDIUM BRONZE  05.15 STEEL AWNING, COLOR P-9, SEE DETAILS 5 &amp; 6 ON SHEET A5.14 AND SCHEDULE ON SHEET A6.03  06.08 FIBER CEMENT BOARD &amp; BATTEN SIDING, COBBLESTONE  06.10 FIBER CEMENT BOARD &amp; BATTEN SIDING, AGED PEWTER  06.15 STACKED FIBER CEMENT TRIM BOARDS, COBBLESTONE  08.02 ALUMINUM STOREFRONT SYSTEM, DARK BRONZE</p>
GCC 8-4C-3(D)	<p>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</p>

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	<p>Subsection D.3 provides that existing sites that are completed scraped of natural and structural improvements should meet the requirements of 8-4I. Compliance with 8-4I is already required by that section.</p>
GCC 8-4C-3(E)	<p>Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community.</p>
	<p>Subsection E.1 considers buildings oriented toward a prominent feature listed in the subsection and that provide an inviting entry as a method to meet this objective. The building is oriented toward the street but is set behind the fuel pumps. As noted above, the fuel pump expansion is decided by the Commission through a conditional use permit.</p> <p>Subsection E.2 provides methods to provide building articulation to meet the objective. The blank walls on the structure do not appear to provide a variety of articulation noted in this section. The applicant can address this with the Committee.</p>
GCC 8-4C-3(F)	<p>Objective 6: The site development should support and be consistent with the adopted streetscape.</p>
	<p>The applicant has proposed a detached sidewalk and landscaping. However, the landscaping may not be in compliance with the required tree standards of 8-4E-6, 8-4I and the Garden City Sidewalk Policy. This will be evaluated below.</p>
<b><u>GCC 8-4C-4 Special Provisions for Specific Non-residential Development</u></b>	
GCC 8-4C-4(A) Large Scale Non-Residential Structures	<p>Subsection A.1 provides methods of relief to provide variation to structures exceeding 50'. The partial blank wall on the front and the blank wall on the rear do not appear to address this subsection.</p> <p>Subsection A.2 provides methods of relief to create variation in rooflines. The rooflines on most of the structure appears to be flat, with the exception of the focal roof element at the front of the structure.</p>

<b>GCC 8-4C-4(F) Outdoor Service and Equipment Areas</b>	Outdoor service and equipment areas were addressed above, as the regulations of this section are the same as 8-4A-5.
<b>GCC 8-4C-5 Prohibitions</b>	<p>All new businesses, corporate and franchise designs will be reviewed on a case-by-case basis by the Design Review Committee to assure compliance with Garden City Code, Comprehensive Plan and Goals.</p> <p>The proposed design appears to be a corporate design indicative of other buildings operated by the applicant for the same purpose. However, compliance with the other applicable sections of 8-4C should be considered when determining whether the design is prohibited under this subsection.</p>
<b><u>GCC 8-4D Parking and Off Street Loading Provisions</u></b>	
<b>GCC 8-4D-5 Required Number of Parking Spaces</b>	Parking space counts are determined administratively pursuant to this section. This is usually reviewed during the building permit process.
<b>GCC 8-4D-7 Off Street Loading Standards</b>	An off street loading area is provided for fuel at the front of the property along W. State Street. This can also serve as a loading area for food store deliveries.
<b><u>GCC 8-4E Transportation and Connectivity Provisions</u></b>	
<b>GCC 8-4E-3 Public Street Connections</b>	<p>Subsection A requires the clear vision triangle at access points to be clear of obstruction. ITD also requires this for access points and determines the dimensions of the triangle. ITD has not provided comment as of the report date and the record is not clear as to whether this requirement is met.</p> <p>Subsection B requires any use to have access to a public street as approved by the transportation authority. While the proposed access points exist, ITD must review and approve the access for the expansion. A condition of approval should be considered requiring access be approved by ITD prior to the issuance of a building permit.</p>

<b>GCC 8-4E-6 Sidewalk Standards and The Garden City Sidewalk Policy</b>	This subsection and the Garden City Sidewalk Policy require a detached sidewalk and landscape buffer. 8-4I requires street trees along the right of way. The landscape plan has proposed trees on the other side of the right of way.
<b>GCC 8-4E-7 Pedestrian and Bicycle Accessibility Standards</b>	Subsection A requires a pedestrian pathway connecting the sidewalk to primary building entrances. The application document show a sidewalk connecting down the east side of the property to a sidewalk along the building frontage. No other connectivity appears to be proposed.
<b><u>GCC 8-4I Landscaping and Tree Protection Provisions</u></b>	
<b>GCC 8-4I-4(B) Landscaping Provisions for Non-Residential Uses</b>	Subsection B.2 requires one class 2 or class 3 tree planted in the frontage and every adjacent street side. The proposed frontage trees are planted behind the sidewalk rather than along the frontage.
<b>GCC 8-4I-6 Parking Lot Landscaping Provisions</b>	Subsection E.3b requires a parking space be no further than 100' from a tree. The landscape plan is not clear whether this requirement is met.
<b>GCC 8-4I-7 Tree Preservation Provisions</b>	This subsection requires trees over four (4) caliper inches to be mitigated. The application documents show three (3) trees that are being removed, but the caliper calculations were not provided to determine compliance.
<b><u>GCC 8-6B-3 Design Review</u></b>	
<b>GCC 8-6B-3D Required Findings</b>	Design Review approval may be granted by the Committee only if the applicant meets the required findings of this section. The findings are analyzed below.
<b>General Finding</b>	Finding: The project conforms to all applicable standards and criteria as set forth in Title 8, Chapter 4.
	Analysis: More information is needed to review the following sections: <ul style="list-style-type: none"> <li>• 8-4A-4 (Outdoor Lighting)</li> </ul>

	<ul style="list-style-type: none"> <li>• 8-4A-5 (Outdoor Service and Equipment Areas)</li> <li>• 8-4C-3 (General Provisions for Nonresidential Development)</li> <li>• 8-4C-4 (Specific Provisions for Nonresidential Development)</li> <li>• 8-4C-5 (Prohibitions)</li> <li>• 8-4E-6 (Sidewalk Standards)/Garden City Sidewalk Policy</li> <li>• 8-4I-4(B) Landscaping Provisions for Nonresidential uses</li> <li>• 8-4I-6 (Parking Lot Landscaping Provisions)</li> <li>• 8-4I-7 (Tree Preservation Provisions)</li> </ul>
<b>Finding 1</b>	<p>Finding: The proposed design is in accordance with the purpose of the zoning district and all dimensional regulations of that district;</p> <p>Analysis: The proposed design did not appear to raise any significant issues with the purpose of the C-2 General Commercial zoning district or with the dimensional regulations of the district.</p>
<b>Finding 2</b>	<p>Finding: The proposed design adheres to standards for the protection of health, safety, and general welfare;</p> <p>Analysis: More information is needed to review the following sections:</p> <ul style="list-style-type: none"> <li>• 8-4A-4 (Outdoor Lighting)</li> <li>• 8-4A-5 (Outdoor Service and Equipment Areas)</li> <li>• 8-4C-3 (General Provisions for Nonresidential Development)</li> <li>• 8-4C-4 (Specific Provisions for Nonresidential Development)</li> <li>• 8-4C-5 (Prohibitions)</li> <li>• 8-4E-6 (Sidewalk Standards)/Garden City Sidewalk Policy</li> <li>• 8-4I-4(B) Landscaping Provisions for Nonresidential uses</li> <li>• 8-4I-6 (Parking Lot Landscaping Provisions)</li> <li>• 8-4I-7 (Tree Preservation Provisions)</li> </ul>
<b>Finding 3</b>	<p>Finding: The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods in the city;</p>

	<p>Analysis: More information is needed to review the following sections:</p> <ul style="list-style-type: none"> <li>• 8-4A-4 (Outdoor Lighting)</li> <li>• 8-4A-5 (Outdoor Service and Equipment Areas)</li> <li>• 8-4C-3 (General Provisions for Nonresidential Development)</li> <li>• 8-4C-4 (Specific Provisions for Nonresidential Development)</li> <li>• 8-4C-5 (Prohibitions)</li> <li>• 8-4E-6 (Sidewalk Standards)/Garden City Sidewalk Policy</li> <li>• 8-4I-4(B) Landscaping Provisions for Nonresidential uses</li> <li>• 8-4I-6 (Parking Lot Landscaping Provisions)</li> <li>• 8-4I-7 (Tree Preservation Provisions)</li> </ul>
<p><b>Finding 4</b></p>	<p>Finding: The proposed design improves the accessibility of development to non-motorized and public modes of transportation;</p> <hr/> <p>Analysis: More information is needed to review the following sections:</p> <ul style="list-style-type: none"> <li>• 8-4A-4 (Outdoor Lighting)</li> <li>• 8-4C-3 (General Provisions for Nonresidential Development)</li> <li>• 8-4C-4 (Specific Provisions for Nonresidential Development)</li> <li>• 8-4E-6 (Sidewalk Standards)/Garden City Sidewalk Policy</li> </ul>
<p><b>Finding 5</b></p>	<p>Finding: The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors;</p> <hr/> <p>Analysis: More information is needed to review the following sections:</p> <ul style="list-style-type: none"> <li>• 8-4A-4 (Outdoor Lighting)</li> <li>• 8-4A-5 (Outdoor Service and Equipment Areas)</li> <li>• 8-4C-3 (General Provisions for Nonresidential Development)</li> <li>• 8-4C-4 (Specific Provisions for Nonresidential Development)</li> </ul>

	<ul style="list-style-type: none"> <li>• 8-4C-5 (Prohibitions)</li> <li>• 8-4E-6 (Sidewalk Standards)/Garden City Sidewalk Policy</li> <li>• 8-4I-4(B) Landscaping Provisions for Nonresidential uses</li> <li>• 8-4I-6 (Parking Lot Landscaping Provisions)</li> <li>• 8-4I-7 (Tree Preservation Provisions)</li> </ul>
<b>Finding 6</b>	Finding: The proposed design supports a compact development pattern that enables intensification of development and changes over time; and
	<p>Analysis: More information is needed to review the following sections:</p> <ul style="list-style-type: none"> <li>• 8-4C-3 (General Provisions for Nonresidential Development)</li> <li>• 8-4C-4 (Specific Provisions for Nonresidential Development)</li> <li>• 8-4C-5 (Prohibitions)</li> </ul>
<b>Finding 7</b>	Finding: The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.
	<p>Analysis: More information is needed to review the following sections:</p> <ul style="list-style-type: none"> <li>• 8-4E-6 (Sidewalk Standards)/Garden City Sidewalk Policy</li> <li>• 8-4I-4(B) Landscaping Provisions for Nonresidential uses</li> <li>• 8-4I-6 (Parking Lot Landscaping Provisions)</li> <li>• 8-4I-7 (Tree Preservation Provisions)</li> </ul>

## **C. Agency and Public Comments**

**Agency Comments:** The following agency comments were provided:

<b>Agency</b>	<b>Comment Summary</b>
Garden City Engineer	Standard comments
Republic Services	Dumpster location and access concerns. Further details not provided by commenter.

**Public Comments:** None received

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**D. Policy and Study Analysis**

<b>Policy/Study</b>	<b>Staff Comments</b>
<b><u>Garden City Sidewalk Policy</u></b>	The Sidewalk Policy was reviewed as part of this report. Landscaping issues pursuant to this policy were noted.
<b><u>Garden City Street Light Policy</u></b>	The Streetlight Policy requires one street light every 400 ft. along a street. The nearest street light to the property is 410 ft. away, located at the intersection of Bogart St. and W. State St. An additional streetlight is required by the policy.

**E. Decision Options**

The Committee may take one of the following actions:

- 1. Approve the application as presented;
- 2. Approve the application with conditions;
- 3. Request the applicant return with revised materials for additional review;
- 4. Deny the application.