



CITY OF GARDEN CITY

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File Number: DSRFY2019-25
For: Mixed Use Development
Location: E. 40th and 41st Streets; Garden City, Idaho
Applicant: Erstad Architects
Report Date: 11/29/2019

Garden City Design Committee
Staff Contact: Chris Samples

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**City of Garden City
Staff Report**

A. Project Overview

Project Description:

Erstad Architects is requesting Design Review approval for structures associated with a mixed-use development. The development consists of a proposed hotel, restaurants, and multi-family housing. The properties are zoned C-2 General Commercial and R-3 Medium Density Residential and are in the Activity Node – Neighborhood/Destination and Mixed-Use Residential Land Use designations of the Comprehensive Plan. The project is located at 406 E. 40th, 507 E. 41st, and 510 E. 41st Streets; Ada County Parcels R2734520760 and R2734520765, R2734520787, and R2734520933 (respectively).

Proposed Scope of Work:

Request	Review Process	Notes
Design Review for a mixed-use development	8-6B-3 Design Review	None

Project Details:

- 1) Proposed development: Mixed Use Development
 - a) Multi-Family Dwelling Units
 - b) Hotel
 - c) Parking Garage

Site Conditions:

- 1) Address: 406 E. 40th, 507 E. 41st, and 510 E. 41st Streets
- 2) Parcel Number: Ada County Parcels R2734520760 and R2734520765, R2734520787, and R2734520933 (respectively)
- 3) Zoning District:
 - a) C-2 General Commercial
 - b) R-3 Medium Density Residential
- 4) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node – Neighborhood Destination
 - b) Mixed Use Residential
- 5) Legal Parcel of Record: Yes
- 6) Floodplain Designation:
 - a) 2003 FIRM: X
 - b) 2017 Draft FIRM: AE
- 7) Surrounding Uses:
 - a) Manufactured Home Park

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- b) Industry, Light
- c) Dwelling Unit, Multi-Family
- d) Dwelling Unit, Single Family, Detached
- e) Financial Institution
- 8) Existing Use:
 - a) Manufactured Home Park
 - b) Former Concrete Plant
- 9) Easements on site:
 - a) Water Line Easement – EAS2006-00047
 - b) Greenbelt Easement
- 10) Site Access:
 - a) E. 41st Street
 - b) E. 42nd Street
- 11) Sidewalks: None on or adjacent to the site
- 12) Other: Located along Greenbelt.

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

Decision	Recommendation Authority	Decision Authority	Hearing Date
Design Review	N/A	Design Committee	11/4/2019
Conditional Use Permit – Lodging Use	N/A	Planning and Zoning Commission	No application has been submitted by the applicant. A date will be set upon an accepted application.
Conditional Use Permit – Parking Facility			

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

Design Review Standards	
Standard	Staff Comments
8-1C-4 Interpretation	Verification of legal parcel required;
8-2B-1 Purpose	Two zoning districts noted; Rezone needed;
8-2B-2 Allowed Uses	Conditional uses noted
8-2B-3 Form Standards	Form standards of two zoning districts noted;
8-2C-15 Dwelling Unit, Multi-Family	No issues noted;
8-4A General Provisions	More information needed to provide complete comments;
8-4B Residential Design Provisions	Privacy issues noted;
8-4C Nonresidential Design Provisions	Privacy issues noted;
8-4D Parking and Loading Provisions	Parking count discussion;
8-4E Transportation and Connectivity Provisions	Interconnectivity noted; Vacation of right of way noted;
8-4I Landscaping and Tree Protection Provisions	More information needed to provide complete comments;
8-4L Open Space Provisions	No issues noted;
8-6B-3 Design Review Committee	More information needed to provide complete comments;
8-7A Definitions	Referenced terms noted;

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

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1. [Garden City Sidewalk Policy](#)
2. [Garden City Street Light Policy](#)
3. [Greenbelt Easements](#)

Design Review Pre-Application Conference: On October 7, 2019, a pre-application conference was completed in accordance with 8-6B-3. The Committee provided the following comments:

- a. Consider the effects of the massing of the residential structures along the east side of the development. Consider other mitigation measures to relieve the view of other properties facing toward it.
- b. Consider changing the color or material of the railing on the middle building.
- c. Roofline variation may be needed to break up middle and rear building.
- d. Provide true elevations with more detail and not just conceptual renderings.
- e. Identify pedestrian connections.
- f. Address lighting and vegetation along the Greenbelt.

Noticing: The following noticing was completed for this application:

Public Hearing Noticing		
Noticing Requirement	Required Date	Completion Date
Letter of Acceptance	10/21/2019	10/21/2019
Notice of Intent to Approve/Deny	10/20/2019	10/17/2019
Legal Notice	10/20/2019	10/18/2019
Agency Notice	10/20/2019	10/15/2019
Property Posting Sign	10/25/2019	10/25/2019
Affidavit of Property Posting and Photos	10/28/2019	10/28/2019
Agenda Posting	12/1/2019	11/30/2019

Exhibits: Link

- 1) Staff Report
- 2) Draft Decision
- 3) Application
- 4) Letter of Intent/Compliance Statement
- 5) Plans
- 6) Noticing:
 - a) Acceptance Letter
 - b) Agency Notice
 - c) Legal Notice
 - d) Radius Notice
 - e) Notice of Intent to Approve/Deny
 - f) Affidavit of Property Posting and Photos
 - g) Agenda Posting
- 7) Agency Comments
- 8) Public Comments
- 9) Previous Hearing Minutes
 - a) October 7, 2019 Design Committee Minutes

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Additional Information:

1) References:

To assist the Design Committee and the public with the project, the proposed structures will be addressed in the report as follows:

- a) Hotel
- b) Mixed Use Building along Greenbelt
- c) Multi-Family Dwelling Parking Structure – South Center Portion
- d) Multi-Family Dwelling Parking Structure – Southeast Portion

2) Design Committee Authority:

Pursuant to Garden City Code 8-6B-3, the Design Committee has authority over design review decisions. Issues outside of the scope of the Design Committee's authority have been raised by public comments received. A brief analysis of each issue is provided as follows:

- a) Irrigation Infrastructure: Public comment has been raised concerning the impact of the possible routing of irrigation infrastructure, specifically whether possible easements associated with this possible routing will inhibit, reduce, or prohibit development on adjoining properties. Idaho Code gives irrigation districts specific authority to create and maintain irrigation infrastructure that cannot be regulated by the City.
- b) Traffic: Public comment has been raised concerning the impact of traffic. The Design Committee does not have the authority to regulate traffic. The Ada County Highway District regulates traffic and associated improvements.
- c) Parking: Public comment has raised concerns regarding parking. Parking counts are regulated by Garden City Code 8-4D. This code requires a parking count to be determined by the Planning Official based on specific criteria.
- d) Conditional Use Permit: As noted above, the Design Committee does not have the authority to decide conditional use permits. A separate conditional use permit is required for the use "Lodging" and the use "Parking Facility". Conditional use permits are heard by the Planning and Zoning Commission in separately noticed hearings.
- e) Zoning Map Amendment: The applicant has proposed a parking facility associated with the proposed used on part of the project zoned R-3, a prohibited use in this zone. The applicant has noted that a future rezone to enable the opportunity to apply for a conditional use permit. The approval of a structure is separate from the zoning map amendment and can be made contingent upon the approval of the zoning map amendment and conditional use permit.

B. Design Review

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DESIGN STANDARDS FOR REVIEW	
City Code	City Standards/Staff Comments
<u>GCC 8-1B-4 Interpretation</u>	This subsection prohibits the City from awarding entitlements on a property unless verification that the properties were created legally is submitted. If the design review is approved, a condition of approval requiring this verification should be considered.
<u>GCC 8-2B-1 Purpose</u>	The project is located across two zoning districts, the C-2 General Commercial District and the R-3 Medium Density Residential Zoning District. The zoning district standards are applied to the project separately for each parcel. The applicant has not requested a zoning map amendment.
<u>GCC 8-2B-2 Allowed Uses</u>	<p>The use “Dwelling Unit, Multi-Family” is an allowed use in the C-2 and R-3 zones.</p> <p>The use “Lodging” is a conditional use in the C-2 zone and is proposed on a parcel zoned to this district.</p> <p>The use “Parking Facility” is a conditional use in the C-2 zone and a prohibited use in the R-3. However, according to the statement of intent dated 11/7/2019 and the site plan, this use is proposed on property zoned R-3. A zoning map amendment for the property zoned R-3 is required to change the zone to a zone such as C-2, enabling the ability to apply for a conditional use permit. If the Design Review is approved, a condition to this effect completing both processes prior to the issuance of a building permit should be considered.</p>
<u>GCC 8-2B-3 Form Standards</u>	The proposed design is not clear concerning the location of the 6,500 CFS (high water mark) from the Boise River, which requires a 70’ setback. While the record appears to depict structures at least 70’ from the riverbank, additional documentation should be provided. A condition of approval to this effect and requiring review by the City Engineer should be considered, if the application is approved.
<u>GCC 8-2C-15 Dwelling Unit, Multi-Family</u>	The proposed design appears to meet the required standards of this section.
<u>GCC 8-3B- Flood Hazard</u>	The property is not located in a 100-year flood zone under the 2003 FIRM but is proposed to be in a 100-year flood zone under the proposed 2017 FIRM. If a

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	building permit is submitted after the 2017 FIRM is adopted by the City, fill will likely be required on the site. The application does not address whether the proposed elevations and height consider potential site fill.
<u>GCC 8-4A General Provisions</u>	The standards of this section apply to all development.
GCC 8-4A-3 Fences and Walls	A 6' CMU fence is proposed for the development along the exterior property lines.
GCC 8-4A-4 Outdoor Lighting	A photometric plan has been provided. Compliance with this section is usually reviewed administratively in association with a building permit.
GCC 8-4A-5 Outdoor Service and Equipment Areas	The application does not appear to depict the location of outdoor service areas such as HVAC equipment. More information is needed to determine compliance.
GCC 8-4A-7 Stormwater Systems	Stormwater systems are usually reviewed administratively in association with a building or public works permit.
GCC 8-4A-8 Utilities	Utility systems are usually reviewed administratively in association with a building or public works permit.
GCC 8-4A-9 Waterways	As noted in this report, irrigation waterways are under the jurisdiction of irrigation companies as allowed by Idaho Code. Per guidance from the City Attorney, this subsection is superseded by Idaho Code and is not enforceable by the City.
<u>GCC 8-4B Design Provisions for Residential Structures</u>	The provisions of this section are applicable to the multi-family components of the development.
GCC 8-4B-3 Multi-Family Dwelling Units	Privacy concerns remain an issue and has been a concern raised in public comments. The applicant has provided elevations and renderings as requested by the Design Committee at the October 7, 2019 pre-application meeting. However, more information such as view sheds should be considered to determine compliance with this section.
<u>GCC 8-4C Design Provisions for Non-Residential Structures</u>	
GCC 8-4C-3(A)	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.

	The proposed design appears to comply with the requirements of this section.
GCC 8-4C-3(B)	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. The proposed design appears to comply with the requirements of this section.
GCC 8-4C-3(C)	Objective 3: Buildings shall be designed and constructed of quality materials. The proposed design appears to comply with the requirements of this section.
GCC 8-4C-3(D)	Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water. The applicant is proposing to scrape the site, requiring compliance with Garden City Code 8-4I (Landscaping and Tree Protection Provisions).
GCC 8-4C-3(E)	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. The proposed design appears to comply with the requirements of this section.
GCC 8-4C-3(F)	Objective 6: The site development should support and be consistent with the adopted streetscape. Sidewalk and landscaping improvements are required pursuant to Garden City Code 8-4E-6 (Sidewalk Standards) and the Garden City Sidewalk Policy. This will be addressed below.
<u>GCC 8-4C-4 Special Provisions for Specific Non-residential Development</u>	
GCC 8-4C-4(A) Large Scale Non-Residential Structures	The proposed design appears to meet the standards of this section.
GCC 8-4C-4(B) Multiple Non-Residential Structures on One Development Site	The proposed design appears to meet the standards of this section.
GCC 8-4C-4(C) Plaza Requirements	The proposed pedestrian plaza areas appear to meet the standards of this section.

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GCC 8-4C-4(D) Awning, Marquee, and Arcade Requirements	No awnings, marquees and arcades are proposed with this application.
GCC 8-4C-4(E) Murals	No murals are proposed with this application.
GCC 8-4C-4(F) Outdoor Service and Equipment Areas	The application does not appear to depict the location of outdoor service areas such as HVAC equipment. More information is needed to determine compliance.
GCC 8-4C-5 Prohibitions	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.
<u>GCC 8-4D Parking and Off-Street Loading Provisions</u>	
GCC 8-4D-3 Parking Design and Improvement Standards	The provisions of this section are standards and must be complied with.
GCC 8-4D-4 Parking Use Standards	The provisions of this section are standard and must be complied with.
GCC 8-4D-5 Required Number of Parking Spaces	<p>Pursuant to Garden City Code 8-4D, parking for mixed use developments are usually determined by the Planning Official based on a parking study. The Planning Official's determination can be appealed to the Planning and Zoning Commission. The application proposes conditional uses, for which parking can be specifically conditioned by the Planning and Zoning Commission.</p> <p>The application does not contain enough information pursuant to Garden City Code 8-4D to make a parking determination from the Planning Official. The scope of the conditional uses is not clear from the record. With this information in mind, a condition of approval noting this should be considered.</p>
GCC 8-4D-6 Standards for Alternatives to On Site Parking	The applicant has not requested alternatives to onsite parking pursuant to this section.
GCC 8-4D-7 Off Street Loading Standards	<p>A loading area has been proposed for the hotel building. As noted previously, the Planning and Zoning Commission can require additional conditions, including changes to the loading zone, during the conditional use permit process.</p> <p>A loading area for the mixed-use structure along the</p>

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	Greenbelt has not been identified.
<u>GCC 8-4E Transportation and Connectivity Provisions</u>	
GCC 8-4E-3 Public Street Connections	The proposed public street connections are subject to the requirements of ACHD. The section requires compliance with the clear vision triangle requirements of this section. The proposal appears to meet the clear vision triangle requirements of this section and of ACHD.
GCC 8-4E-4 Internal Circulation Standards	The proposed internal circulation appears to meet the requirements of this section.
GCC 8-4E-5 Private Street Standards	Not applicable. The applicant is not proposed a private street or a subdivision pursuant to GCC 8-5 (Subdivision Provisions) that would trigger a private road.
GCC 8-4E-6 Sidewalk Standards and The Garden City Sidewalk Policy	The application appears to propose attached sidewalks. Detached sidewalks and landscaping in accordance with this section and the Garden City Sidewalk Policy are required. A sidewalk waiver or partial waiver has not been submitted.
GCC 8-4E-7 Pedestrian and Bicycle Accessibility Standards	Pedestrian connectivity is proposed throughout the development in accordance with this section. 311 bicycle parking spaces have been provided in accordance with this section.
GCC 8-4E-8 Transit Facilities	Not applicable. The provisions of this section are not triggered unless the transportation agency requires them, or the applicant voluntarily installs the improvements. The applicant has not proposed transit facilities.
<u>GCC 8-4I Landscaping and Tree Protection Provisions</u>	
GCC 8-4I-3 General Landscaping Standards and Irrigation Provisions	The provisions of this section are standard provisions and appear to have been met pursuant to the landscaping plans.
GCC 8-4I-4(B) Landscaping Provisions for Multi-Family and Non-Residential Uses	This subsection requires one class two or class three tree and one class one tree per 50' of street frontage. Tree class is not noted in the application materials.
GCC 8-4I-5 Perimeter Landscaping Provisions	While the provisions of this section appear to have been met, remaining privacy concerns could be addressed through additional perimeter landscaping. If approved, conditions of approval to this effect could be required.

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<p>GCC 8-4I-6 Parking Lot Landscaping Provisions</p>	<p>Most of the parking spaces are located within garages rather than in surface facilities. The 100' tree distance provision does not appear to apply to these spaces.</p> <p>The remaining spaces located on surface lots do not indicate whether the 100' maximum distance from a tree is met. More information is needed.</p>
<p>GCC 8-4I-7 Tree Preservation Provisions</p>	<p>The applicant's tree analysis does not contain the caliper inches to be removed. This calculation is necessary to determine compliance with this section. The Design Committee can request the applicant return with this information or, if the application is approved, require a condition of approval allowing administrative review of this section.</p>
<p><u>GCC 8-4L Open Space Provisions</u></p>	<p style="background-color: black; color: black;">[REDACTED]</p>
<p>GCC 8-4L-3 General Open Space Standards</p>	<p>The provisions of this section are standard provisions and appear to have been met pursuant to the applicant's plans.</p>
<p>GCC 8-4L-5 Open Space Standards for Multi-Family Developments</p>	<p>The proposed open space appears to meet the requirements of this section.</p>
<p><u>GCC 8-6B-3 Design Review</u></p>	<p style="background-color: black; color: black;">[REDACTED]</p>
<p>GCC 8-6B-3D Required Findings</p>	<p>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.</p>
<p>Finding 1</p>	<p>Finding: The project conforms to all applicable standards and criteria as set forth in Title 8, Chapter 4.</p> <p>Analysis:</p> <p><u>All Structures:</u></p> <p>More information may be needed to determine compliance with this finding:</p> <p>8-4A-5 and 8-4C-4F: The application is not clear as to the screening of outdoor equipment such as HVAC equipment.</p>

	<p>8-4D: Pursuant to Garden City Code 8-4D, parking for mixed use developments are usually determined by the Planning Official based on a parking study. The Planning Official's determination can be appealed to the Planning and Zoning Commission. The application proposes conditional uses, for which parking can be specifically conditioned by the Planning and Zoning Commission.</p> <p>The application does not contain enough information pursuant to Garden City Code 8-4D to make a parking determination from the Planning Official. The scope of the conditional uses is not clear from the record.</p> <p>8-4E-6 and the Sidewalk Policy: The applicant has requested attached sidewalks in portions of the development, but a sidewalk waiver request has not been included.</p> <p>8-4I: More information is needed concerning tree class, tree caliper (for mitigation purposes), tree location with relation to surface parking, and perimeter landscaping</p> <p><u>Mixed Use Structure along River, Multi-Family Dwelling Parking Structure – South Center Portion, and Multi-Family Dwelling Parking Structure – Southeast Portion:</u></p> <p>More information may be needed to determine compliance with this finding:</p> <p>8-4B-3: The application does not appear to be clear on how the structures address privacy concerns.</p> <p>With this information in mind, a condition of approval noting this should be considered.</p>
<p>Finding D1</p>	<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:</p> <p><u>Hotel and Mixed-Use Structure along River:</u></p>

	<p>More information may be needed to determine compliance with this finding:</p> <p>Garden City Code 8-2B-3: The application does not contain information on the location of the 6,500 cfs line (high water mark). A 70' setback from this line is required unless a separate design review and conditional use permit are obtained.</p>
<p>Finding D1</p>	<p>Finding: The proposed design adheres to standards for the protection of health, safety, and general welfare;</p>
	<p>Analysis:</p> <p><u>All Structures:</u></p> <p>More information may be needed to determine compliance with this finding:</p> <p>8-4A-5 and 8-4C-4F: The application is not clear as to the screening of outdoor equipment such as HVAC equipment.</p> <p>8-4D: Pursuant to Garden City Code 8-4D, parking for mixed use developments are usually determined by the Planning Official based on a parking study. The Planning Official's determination can be appealed to the Planning and Zoning Commission. The application proposes conditional uses, for which parking can be specifically conditioned by the Planning and Zoning Commission.</p> <p>The application does not contain enough information pursuant to Garden City Code 8-4D to make a parking determination from the Planning Official. The scope of the conditional uses is not clear from the record.</p> <p>8-4E-6 and the Sidewalk Policy: The applicant has requested attached sidewalks in portions of the development, but a sidewalk waiver request has not been included.</p> <p>8-4I: More information is needed concerning tree class, tree caliper (for mitigation purposes), tree location with relation to surface parking, and perimeter landscaping.</p>

	<p><u>Mixed Use Structure along River, Multi-Family Dwelling Parking Structure – South Center Portion, and Multi-Family Dwelling Parking Structure – Southeast Portion:</u></p> <p>More information may be needed to determine compliance with this finding:</p> <p>8-4B-3: The application does not appear to be clear on how the structures address privacy concerns.</p> <p><u>Hotel and Mixed-Use Structure along River:</u></p> <p>More information may be needed to determine compliance with this finding:</p> <p>Garden City Code 8-2B-3: The application does not contain information on the location of the 6,500 cfs line (high water mark). A 70' setback from this line is required unless a separate design review and conditional use permit are obtained</p>
<p>Finding D3</p>	<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:</p> <p><u>All Structures:</u></p> <p>More information may be needed to determine compliance with this finding:</p> <p>8-4A-5 and 8-4C-4F: The application is not clear as to the screening of outdoor equipment such as HVAC equipment.</p> <p>8-4D: Pursuant to Garden City Code 8-4D, parking for mixed use developments are usually determined by the Planning Official based on a parking study. The Planning Official's determination can be appealed to the Planning and Zoning Commission. The application proposes conditional uses, for which parking can be specifically conditioned by the Planning and Zoning Commission.</p>

	<p>The application does not contain enough information pursuant to Garden City Code 8-4D to make a parking determination from the Planning Official. The scope of the conditional uses is not clear from the record.</p> <p>8-4E-6 and the Sidewalk Policy: The applicant has requested attached sidewalks in portions of the development, but a sidewalk waiver request has not been included.</p> <p>8-4I: More information is needed concerning tree class, tree caliper (for mitigation purposes), tree location with relation to surface parking, and perimeter landscaping</p> <p><u>Mixed Use Structure along River, Multi-Family Dwelling Parking Structure – South Center Portion, and Multi-Family Dwelling Parking Structure – Southeast Portion:</u></p> <p>More information may be needed to determine compliance with this finding:</p> <p>8-4B-3: The application does not appear to be clear on how the multi-family dwelling unit structures address privacy concerns.</p>
Finding D4	<p>Finding: The proposed design improves the accessibility of development to non-motorized and public modes of transportation;</p> <p>Analysis:</p> <p><u>All Structures:</u></p> <p>More information may be needed to determine compliance with this finding:</p> <p>8-4E-6 and the Sidewalk Policy: The applicant has requested attached sidewalks in portions of the development, but a sidewalk waiver request has not been included.</p>
Finding D5	<p>Finding: The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors;</p>

	<p>Analysis:</p> <p><u>All Structures:</u></p> <p>More information may be needed to determine compliance with this finding:</p> <p>8-4E-6 and the Sidewalk Policy: The applicant has requested attached sidewalks in portions of the development, but a sidewalk waiver request has not been included</p> <p><u>Mixed Use Structure along River, Multi-Family Dwelling Parking Structure – South Center Portion, and Multi-Family Dwelling Parking Structure – Southeast Portion:</u></p> <p>More information may be needed to determine compliance with this finding:</p> <p>8-4B-3: The application does not appear to be clear on how the multi-family dwelling unit structures address privacy concerns.</p>
<p>Finding D6</p>	<p>Finding: The proposed design supports a compact development pattern that enables intensification of development and changes over time; and</p> <p>Analysis:</p> <p><u>Hotel:</u></p> <p>The proposed design, as conditioned, appears to meet this finding by complying with:</p> <p>Garden City Code 8-4C (Design Provisions for Nonresidential Structures) Garden City Code 8-4E (Transportation and Connectivity Provisions)</p> <p><u>Mixed Use Structure along River, Multi-Family Dwelling Parking Structure – South Center Portion, and Multi-Family Dwelling Parking Structure – Southeast Portion:</u></p> <p>More information may be needed to determine compliance with this finding:</p>

	8-4B-3: The application does not appear to be clear on how the multi-family dwelling unit structures address privacy concerns.
Finding D7:	<p>Finding: The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.</p> <p>Analysis:</p> <p>All Structures:</p> <p>As noted in this report, additional information concerning tree class, tree location, and perimeter landscaping may be required to determine compliance with Garden City Code 8-4I and this finding.</p>
GCC 8-7A Definitions	<p>The following terms were referenced in this report:</p> <p>Dwelling Unit, Multi-Family: A structure or property containing three (3) or more principal dwelling units. The term "multi-family dwelling unit" includes apartments and condominiums with varying arrangements of entrances and party walls.</p> <p>Lodging: The use of a site providing visitor or overnight accommodations, including sleeping rooms, sanitary facilities, guest registration and lobby areas. The term "lodging" shall include motels, hotels and inns.</p> <p>Parking Lot: The primary use of a site for parking vehicles. The term "parking facility" includes surface lots and garages.</p>

C. Agency and Public Comments

Agency Comments: Agency comments are still forthcoming and will be presented as late exhibits.

Public Comments: Public comments in opposition to the application have been received in a large volume. Due to the amount of comments, they will be presented as late exhibits at the hearing.

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D. Policy and Study Analysis

Policy/Study	Staff Comments
<u>Garden City Sidewalk Policy</u>	Detached sidewalks and landscaping are required pursuant to the policy unless a waiver is requested.
<u>Garden City Street Light Policy</u>	The Policy requires a streetlight to be installed every 400' along the public streets adjacent to the parcel. If approved, a condition of approved enforcing this policy should be considered.
<u>Greenbelt Easements</u>	The Greenbelt along the subject properties is not subject to an easement but located on public property. However, improvements to the Greenbelt are subject to approval of the Public Works Department and the City Council.

E. Decision

Decision Options:

The Design 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.

Decision Noticing and Appeal:

At the hearing, the Design Committee will make a motion to decide the application. The Design Committee will review and approve the legal findings at the next scheduled hearing and a decision will be formally rendered.

Pursuant to Garden City Code 8-6B-3 (Design Committee) and Garden City Code 8-6A-6 (Administrative Process with Notice), there is a 10-day period to file a written objection to the application. This period starts from the signed decision date. If a written objection is received within the 10-day period, a City Council hearing will be scheduled to decide the application.

Written objections received after the 10-day objection period will not be accepted.

Pursuant to 8-6A-9 (Appeals), there is a 15-day appeal period to appeal the decision to the City Council. **This period starts from the signed decision date and runs concurrently with the 10-day objection period noted above.** An appeal is \$210 and must be filed on the appeal application form provided by the City. **Appeals received after the 15-day appeal period will not be accepted.**

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