



## CITY OF GARDEN CITY

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**File Number: DSRFY2020 - 12**  
**Application Scope: Pre-Application Conference**  
**Location: 3801 W. Chinden**  
**Applicant: Mark Wagner, Tamarack Grove Construction**  
**Original Report Date: April 30, 2020 by Christian Samples**  
**Report Date: August 6, 2020**  
**Design Review Hearing: August 17, 2020**



Staff Report  
Prepared by Hanna Veal

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## **A. May 4, 2020 Pre-App DSR Meeting Summary:**

This summary will be updated to reflect the previous meetings as this application progresses.  
or

- The Preapplication meeting was held on May 5, 2020. A summary of the items discussed includes:
  - I. Mark Wagner and William Longstroth presented the application
  - II. Staff Chris Samples presented the staff report
  - III. Committee member Hurd indicated he had started his business Gravitass with Mark Wagner in 2001, but that Mark was not part of the business anymore. He felt he did not have a conflict of interest and did not recuse himself.
  - IV. The Committee made the following comments and suggestions:
    - a. Confirm what access is available on W. Chinden Blvd.
    - b. City code encourages buildings to be closer and that the building should be closer to W. 38<sup>th</sup> St. and W. Chinden Blvd.
    - c. The building should be more oriented to the corner. Varying the height may help maintain sight lines for the billboard. Keep the parking toward Stockton and between the building and billboard. Internal pedestrian connectivity is a concern.
    - d. Consider the treatment of Stockton and side and rear elevations.
    - e. Consider how the elevation affects the pedestrian view and find a way to integrate the billboard into the structure's massing. Consideration of a "reverse L" shaped building could create an interior space, longer side on W. 38<sup>th</sup> St. and shorter side along W. Chinden Blvd.
    - f. additional elevations should be provided and the building should be moved up to the corner yet work with the billboard.
    - g. Parking should be located at side or rear as required by code.
- An additional Pre-application hearing was held on August 17, 2020. A summary of the items discussed includes:

## **B. Project Information**

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

Request	Review Process	Notes
Pre-application conference for a design review	<a href="#">8-6B-3 Design Review Committee</a>	May 5, 2020  Additional Pre-application conference: August 17, 2020
Public Hearing	<a href="#">8-6B-3 Design Review Committee</a>	TBD

### **Project Details:**

- 1) Proposed development: 2 story business condominiums, 5 suits
- 2) Site Coverage: Unknown
  - a) Building: Unknown
  - b) Landscaping: Unknown
  - c) Paved Areas: Unknown
- 3) Total number of vehicular parking spaces: 15
  - a) Enclosed: none
  - b) Surface: 15
  - c) On-Street: not disclosed
  - d) Off-site with a cross parking agreement: not disclosed
- 4) Total number of bicycle parking: Not Disclosed
  - a) Enclosed: Not Disclosed
- 5) Surface: Not Disclosed
- 6) Trash Enclosure: Depicted a trash encloser and trash receptacle.
- 7) Fencing: Unknown
- 8) Sidewalk:
  - a) In good repair on W. Chinden Blvd;
  - b) Proposed 5' detached sidewalk along 38<sup>th</sup> st.
- 9) Landscaping:
  - a) Street Trees: 6 proposed landscape trees, class not identified
  - b) Appears to have 3 parking lot trees along Stockton, class not identified.
  - c) Parameter Landscaping: perimeter landscaping indicated along Stockton
- 10) Connections:
- 11) Closest VRT Stop: Chinden & 37<sup>th</sup> SWC, Chinden & 39<sup>th</sup> SWC, Chinden & 39<sup>th</sup> NEC.
  - a) PUD Waivers requested: None

### **Site Conditions:**

- 1) Street Address: 3801 W. Chinden Blvd.
- 2) Parcel Number(s): R2734511110
- 3) Property Description: LOT 1 BLK H FAIRVIEW ACRES SUB NO 2 #7527138
- 4) Legal Lot of Record: Yes
- 5) Property Size: 0.350 acres
- 6) Zoning District: C-1 Highway Commercial Zoning District

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- 7) Comprehensive Plan Land Use Map Designation:**
    - a) Green Boulevard Corridor**
    - b) Mixed Use Commercial**
  - 8) Floodplain Designation:**
    - a) 2003 FIRM: FIRM**
    - b) 2017 Draft FIRM: FIRM AE (100 year)**
  - 9) Adjacent Uses:**
    - a) Commercial Uses**
    - b) Manufactured Home Park**
    - c) Dwelling Unit, Single Family, Detached**
  - 10) Existing Use: None**
  - 11) Easements on site: There are no records on file with Garden City of existing easements**
  - 12) Site Access:**
    - a) Front: 38<sup>th</sup> St.**
    - b) Side: Stockton**
    - c) Rear: None**
  - 13) Sidewalks:**
    - a) In good repair on W. Chinden Blvd;**
    - b) Proposed 5' detached sidewalk along 38th St.**
  - 14) Wetlands on site: none identified**
  - 15) Other: Existing billboard onsite.**

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## **C. Discussion**

The proposed structure does not appear to meet the design requirements of 8-4C due to lack of information concerning materials, landscaping, blank elevation walls, and parking standards.

The intended use has not been disclosed by the applicant, however, the proposed site description of two-story business condominium fits within the descriptions of intended uses for C-1 zoning as well as comprehensive plan overlays of Green Boulevard corridor and Mixed-Use Commercial.

The applicant has addressed the following committee comments:

- Access via W. Chinden no longer proposed.
- Building orientation focused more on the corner now. Created an “L” shape with the longer side being on 38<sup>th</sup> street and shorter side oriented towards Chinden.
- Access to Stockton added. Perimeter landscaping added as buffer between parking lot and Stockton.
- No longer focus on the billboard.
- Moved parking to the rear.
- Second story balconies added.

## **D. Decision Process**

### **General Provisions**

A formal application will be processed per [GCC 8-6A-5 Administrative with Notice](#).

**Required Decisions:** The following decision processes are required for the project as governed by [GCC Table 8-6A-1](#):

Decision	Recommendation Authority	Decision Authority	Hearing Date
Design Review	N/A	Design Committee	Pre-application conference: 05/04/2020 And 08/17/2020  Design Review formal hearing: To be scheduled

### **Required Findings:**

Findings are not required at a pre-application conference.

For the approval of a Design Review Application, the Design Review Committee must find the application meets the following findings, found in [GCC 8-6B-3](#):

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district;
2. The proposed design adheres to standards for the protection of health, safety, and general welfare;
3. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;
4. The proposed design improves the accessibility of development to nonmotorized and public modes of transportation;
5. The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors;
6. The proposed design supports a compact development pattern that enables intensification of development and changes over time; and
7. The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.

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### **Preapplication Conference Options:**

Pursuant to [GCC 8-6B-3](#), the purpose of the preapplication conference is threefold: to provide direction based on design objectives that are relevant to the application, determine the level of review process, and what application materials will be required.

It is appropriate for Committee to take of the following actions:

- Determine the application is ready for a formal application with the Design Review Committee.
- Delegate the decision to the Planning Official as an administrative decision.
- Request the applicant return with more information.

The direction provided by the committee at the preapplication meeting may be changed or reversed at any time during the process if the design or the scope of the projects changes.

### **Decision**

Pursuant to [GCC 8-6B-3](#), if the Design Review Committee does not delegate the decision to the Planning Official for an administrative decision, based on the required findings, the Committee shall take one

of several actions:

1. Approve the application;
2. Conditionally approve the application with the requirement that the committee review further design details; or
3. Deny the application.

### **Appeals of Decision:**

A pre-application conference is not a decision and cannot be appealed.

Per Garden City Code [8-6A-5 Administrative Process with Notice](#), there is a 15-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 15-day period, a City Council hearing will be scheduled to decide the application. Written objections received after the 15-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 15-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.

## **E. Agency Comments**

No Agency Comments were provided as of the drafting of this document.

<b>Agency</b>	<b>Comment Date</b>	<b>Summary</b>
Ada County Highway District	None received to date	
Boise School District	None received to date	
Central District Health	None received to date	
COMPASS		
Garden City Engineer	None received to date	
Idaho Transportation Department	None received to date	
Irrigation: Fairview Acres	None received to date	
North Ada County Fire and Rescue	None received to date	
Meridian School District	None received to date	

## **F. Public Comment**

None provided as of the drafting of this document.

<b>Commenter</b>	<b>Comment Date</b>	<b>Summary</b>
None Provided		

## G. Code/Policy Review

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

<b>Garden City Title 8 Code Sections</b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</a>			The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
<a href="#">8-1B-1 Nonconforming Properties</a>		No compliance issues noted	Legal parcel of record as described
<a href="#">8-1B-2 Nonconforming Structures</a>		No compliance issues noted	Legal parcel of record as described.
<a href="#">8-1B-3 Nonconforming Uses</a>		No compliance issues noted	Legal Parcel of record as described
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
<a href="#">8-2B-1 Purpose</a>		No compliance issues noted	More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district.
<a href="#">8-2B-2 Allowed Uses</a>		May not be complaint	Applicant has not indicated what kind of use will be in business condominiums.
<a href="#">8-2B-3 Form Standards</a>	DC	No compliance issues noted	The required setbacks are: Front: 5', Interior Side: 5' ,Rear: 5', Street side: 5'  The allowable maximum height is: n/a  The minimum lot size is: 3,00sqft.  There are not encroachments  All improvements are more than 70' from the Boise River.  All properties meet the minimum street frontage.
<a href="#">8-2C</a>		May not be complaint	Use has not been identified by applicant
<b>Title 8, Chapter 3: Overlay Zoning District Regulations</b>			
<a href="#">8-3B Flood Hazard</a>		May not be complaint	The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.

<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>	DC	May not be complaint	More information needed on fences and walls, trash enclosure screening, HVAC screening, and outdoor equipment screening.
<a href="#">8-4A-4 Outdoor Lighting</a>	DC	May not be complaint	Information not disclosed.
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	DC	May not be complaint	Information not disclosed.
<a href="#">8-4A-7 Stormwater Systems</a>	DC	May not be complaint	Information not disclosed.
<a href="#">8-4A-8 Utilities</a>	DC	May not be complaint	Information not disclosed.
<a href="#">8-4A-9 Waterways</a>	DC	May not be complaint	Information not disclosed.
<a href="#">8-4C Design Provisions for Nonresidential Structures</a>	DC	May not be complaint	<p><i>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.</i></p> <p>Street Setback is not disclosed. How far away is the building from the street? 5' Sidewalk indicated on Chinden and 38<sup>th</sup>.</p> <p>Appears that 60% of street frontage is along the front setback, but not noted.</p> <p>First floor facades need to account for at least 15% of the 1<sup>st</sup> floor façade, 50% for retail uses.</p> <p>North elevation blank wall.</p> <p>West elevation blank wall.</p> <p><i>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.</i></p> <p>Pedestrian pathways in and around parking lot do not exist. No clear path from parking lot to entrances of the building.</p> <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p>

			<p>Materials proposed: Metal Rib Siding, Stucco siding, metal canopy. Color scheme of materials not submitted.</p> <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</i></p> <p><i>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.</i></p> <p>Window Treatments not disclosed. Door treatments not disclosed. Colors not disclosed.</p> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p>
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**8-4D Parking and Off Street Loading Provisions**

<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	DC	May not be complaint	Bicycle parking facilities shall be provided.
<a href="#">8-4D-4 Parking Use Standards</a>	DC	May not be complaint	A parking analysis is required for any use of the property.
<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	DC	May be complaint based on parking need determination	<p>Parking spaces provided: 15</p> <p>A parking analysis is required pursuant to 8-4D-5 for commercial uses to determine their parking requirements. A parking analysis is conducted at the time of building permit by the Planning Official or designee.</p> <p>Code requires 1 bicycle parking space per 20 vehicle spaces and 1 space per commercial tenant. Any fractional over 0.5 is to be rounded up.</p>
<a href="#">8-4D-6 Standards for Alternatives to On Site Parking</a>	DC	No compliance issues noted	Alternatives to providing on site parking are encouraged, including, but not limited to, shared use facilities, access to transit and availability of other forms of transportation such as carpools and vanpools.
<a href="#">8-4D-7 Off Street Loading Standards</a>	DC	May not be complaint	Applicant has not indicated whether there will be off street loading.

**8-4E Transportation and Connectivity Provisions**

<a href="#">8-4E-3 Public Street Connections</a>	DC	<p>No compliance issues noted</p> <p>Not Complaint</p> <p>May not be complaint</p>	<p>No comment</p> <p>Describe compliance issue</p> <p>Discuss grey area of interpretation, etc.</p>
<a href="#">8-4E-4 Internal Circulation Standards</a>	DC	May not be complaint	Measurements of driveways, aisles and turn around areas are not disclosed.

<a href="#">8-4E-6 Sidewalk Standards</a>	DC	May not be complaint	A detached 5' sidewalk and landscape buffer are required by this section. These improvements are depicted in the plans.  Applicant proposes landscape pavers along Chinden and 38 <sup>th</sup> with landscape tree to create the 5' detached sidewalk.
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	DC	No compliance issues noted	Pathway surfaces shall be concrete, and have a width that is based on their function. Pavers, brick, raised walkways, and other ornamental paving may be used if it has a smooth finish, and textured or bumpy materials may be used as an edge treatment, provided that an accessible route is provided between the edge treatments
<b>8-4F Sign Provisions</b>			
<a href="#">8-4F-13 Master Sign Program</a>	DC	May not be complaint	A master sign program is required for any new commercial structure. The applicant can apply for the plan concurrently with a Design Review or the Design Committee can condition a design review approval contingent upon submitting the plan with the structure's building permit.  Existing billboard relocated to its current potions under CUP2013-6.
<a href="#">8-4H Flood Hazard-</a>	Planning Official	May not be complaint	The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.  Applicant has not indicated if they plan to build to 2003 or 2017 FEMA standards.
<a href="#">8-4G Sustainable Development Provisions</a>		May not be compliant	Sustainability checklist not submitted.  All new development and additions to existing development shall be required to provide for sustainable development practices based on a point system as follows:  Five thousand one (5,001) to fifteen thousand (15,000) square feet: eighteen (18) points.
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>	DRC	May not be complaint	Landscaping Plan did not provide enough detail for review.
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	DC	May not be complaint	Landscaping Plan did not provide enough detail for review.
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	DC	May not be complaint	Landscaping Plan did not provide enough detail for review.  A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot.

			At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage
<a href="#">8-4I-6 Parking Lot Landscaping Provisions</a>	DC	May not be complaint	Landscaping Plan did not provide enough detail for review.
<a href="#">8-4I-7 Tree Preservation Provisions</a>	DC	May not be complaint	Landscaping Plan did not provide enough detail for review.
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>		No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<a href="#">8-6A-4 Required Application Information</a>			The required materials for the pre-application meeting were submitted. The landscaping plan that which was submitted was part of the site plan and did not provided enough information for a thorough review.
<a href="#">8-6A-5 Administrative Process with Notice</a>		No compliance issues noted	To be completed with formal application A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.  If no objections are filed within 15 days, the Design Review Committee's decision shall be considered final.  Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.  Conditions of approval that are deemed necessary to protect the public hearth, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.

### Other Items Reviewed

Plan/Policy	Discussion/ Analysis
<a href="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <p>a) <b>Green Boulevard Corridor:</b> The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy</p>

	<p>vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.</p> <p><b>b) Mixed Use Commercial:</b> The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.</p> <p>The application may be supported by:</p> <p>Goal 2. Improve the City Image</p> <p><b>a.) 2.3 Objective:</b> Promote quality design and architecturally interesting buildings.</p> <p><b>b.) 2.4 Objective:</b> Create a vision for the design of all streets and highways consistent with city’s urban setting.</p> <p>Goal 4. Emphasize the “Garden” in Garden City</p> <p><b>a.) 4.3 Objective:</b> Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p> <p>Goal 7. Connect the City</p> <p><b>a.) 7.4 Objective:</b> Maintain and improve standards for sidewalks, curbs and gutters.</p> <p>Goal 12. Evolve as a Destination</p> <p><b>a.) 12.1 Objective:</b> Support a positive business environment</p> <p><b>b.) 12.2 Objective:</b> Continue to support commercial and industrial land uses.</p> <p>The application may not be supported by:</p> <p>Goal 4. Emphasize the “Garden” in Garden City.</p> <p>a.) Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p>
<p><a href="#">Garden City Sidewalk Policy</a></p>	<p>A detached sidewalk and landscape buffer are required by the policy. These improvements, while mentioned, are not properly depicted in the plans.</p>
<p><a href="#">Garden City Street Light Policy</a></p>	<p>6 streetlights are located within 400’ of the property as recommended by the policy.</p>
<p><a href="#">Old Town Circulation Network Plan</a></p>	<p>38<sup>th</sup> Street has been suggested as a potential future traffic signal. Discussions with ITD will need to take place before a traffic signal location is identified an signal warrants need to be met.</p>
<p><a href="#">Chinden- ITD Access Management</a> <a href="#">Chinden Corridor Access Map</a></p>	<p>No access proposed onto Chinden.</p>