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

In the Matter of:	)	DSRFY2020 - 14
	)	
Design Review	)	FINDINGS OF FACT,
E. 43rd St. and N. Adams St.	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
	)	

THIS MATTER, came before the Garden City Design Review Committee for consideration on May 18, 2020 and June 1, 2020. Revised materials to the approved application came before the Committee for consideration on October 5, 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 application was approved on June 1, 2020.

2. Revised materials were submitted to the City on August 12, 2020.

3. The applicant is Patrick Hugens with Hutchinson Smith Architects.

4. The property owner is Parkway Holding, LLC.

5. The location of the project is:

    a. 410 E. 43rd St. (Ada County Parcel # R2734521583)
    b. 402 E. 43rd St. (Ada County Parcel # R8315000015)
    c. 400 E. 43rd St. (Ada County Parcel # R8315000025)
    d. 4304 N. Adams St. (Ada County Parcel # R8315000035)
    e. 4308 N. Adams St. (Ada County Parcel # R8315000045)

6. The application is for a design review for new construction of a multi-family dwelling structure and site improvements.

7. The project is located in the Garden City R-3 Medium Density Residential Zoning District.

8. The project is located in the following future land use designations of the Garden City Comprehensive Plan Land Use Map:

    a. Activity Node – Neighborhood Destination
    b. Main Street Corridor

9. The project is not located in the floodplain according to the 2003 FIRM.

10. The project is located in the floodplain according to the 2017 FIS.

11. 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 8-4: Design and Development Provisions

12. 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

13. 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 for the initial approval was completed in accordance with GCC 8-6A and GCC 8-6B-3L:

Noticing Requirement	Required Date	Completion Date
Letter of Acceptance	5/3/2020	4/30/2020
Notice of Intent to Approve or to Deny	5/3/2020	4/30/2020
Interested Parties	N/A No Interested Parties	

Legal Notice	5/3/2020	4/30/2020
Agency Notice	5/3/2020	4/30/2020
Property Posting Sign	5/8/2020	5/7/2020
Affidavit of Property Posting and Photos	5/11/2020	5/7/2020
Agenda Posting	5/17/2020	5/11/2020
Website Posting	5/17/2020	5/11/2020

Noticing Requirement	Required Date	Completion Date
Letter of Acceptance	08/12/2020	09/08/2020
Interested Parties	N/A No Interested Parties	
Legal Notice	09/16/2020	09/07/2020
Agency Notice	09/20/2020	09/07/2020
Property Posting Sign	09/25/2020	09/24/2020
Affidavit of Property Posting and Photos	09/28/2020	09/24/2020
Agenda Posting	10/03/2020	10/02/2020
Website Posting	10/03/2020	10/02/2020

14. On 5/18/2020, a combined pre-application conference and public hearing before the Design Committee was held:
    a. Bob Smith presented the application.
    b. Chris Samples presented the staff report.
    c. Public testimony was heard from:
        1. Chris Allenson in neutral. Mr. Allenson requested information on how the development would impact bicycle safety.
        2. Brenda Morse in favor. Ms. Morse indicated that she like the vehicle connection from N. Adams St. to E. 43rd St.
    d. Bob Smith presented rebuttal testimony, noting how the development protected bicycle safety by requiring drivers at the entrances to slow down before proceeding into the street.
    e. Public testimony was closed.
    f. Committee member Labrie moved to request the applicant return to the June 1, 2020 hearing with revised materials with the following changes:
        1. Provide a landscaping plan showing compliance with the tree planting and class requirements of Garden City Code 8-4I and showing code compliant landscaping at the commercial terrace area.
        2. Provide revised plans demonstrating the interaction between bicycles, pedestrians, and the commercial terrace area. Show where bicycle parking for the commercial terrace area is to be located.
        3. Provide a revised west elevation showing the view impact of vehicles on adjacent properties. This includes the impact of

vehicle headlights and demonstrating mitigation measures to eliminate glare.

4. Provide a revised elevation of the N. Adams St. elevation addressing roofline variation, fenestration, and the impact of the building to the pedestrian.
5. Provide material samples and colors of the proposed building.

g. Committee member Gresham seconded the motion.
h. The motion carried unanimously.

15. On 6/1/2020, a combined pre-application conference and public hearing before the Design Committee was held:
    a. Bob Smith presented the application.
    b. Chris Samples presented the staff report.
    c. No one wished to testify on the matter.
    d. Public testimony was closed.
    e. Committee member Labrie moved to approve the application with the following changes to the draft conditions:
        1. There is a 50' maximum roof length without change of roof line.
        2. Update draft parking condition to note the 9 on street parking render the parking compliant with multi-family. Additional uses may require a parking analysis.
        3. Add stair access to north of commercial terrace.
    f. Committee member Hurd seconded the motion.
    g. The motion carried unanimously.

14. On October 5, 2020 6/1/2020, public hearing before the Design Committee was held to consider the revised materials.
    a. Bob Smith presented the application.
    b. Staff, Hanna Veal, presented the staff report.
    c. There was no public testimony.
    d. Discussion included:
        1. Changes in aluminum windows to vinyl.
        2. Changes of balconies are more uniform instead of stepping up.
        3. The reduction in parking to 145 spots, deficient to the requirement of code's 167.
        4. Removal of 3rd level parking structure.
        5. Addition of windows.
    e. Committee Member Hurd moved to approve the application as conditioned.
    f. Committee Member Gresham seconded the motion.
    g. The motion passed on a 3/3 vote.
    h. The motion passed unanimously.

15. The record contains:
    a. Application
    b. Compliance Statement
    c. Letter of Intent
    d. Plan Sheets:
        i. Site Plan
        ii. Landscaping Plan
        iii. Elevations
        iv. Floor Plans
        v. Viewshed Document
    e. Noticing Documents
    f. Agency Comments:
        i. Garden City Engineer
    g. 5/18/2020 Design Committee Hearing Minutes
    h. 6/1/2020 Design Committee Hearing Minutes
    i. 10/05/2020 Design Committee Hearing Minutes
    j. Signed Findings of Fact, Conclusions of Law and Decision from 6/1/2020
    k. Signed Findings of Fact, Conclusions of Law and Decision from 10/05/2020
    l. Revised application materials submitted on August 12, 2020.

16. 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			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			**Standard:** The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.
			Explanation: **The application meets this finding. The application is in conformance with the R-3 medium density residential zoning district in that it has proposed a mixed-use development including two commercial spaces and a seventy-unit multi family dwelling unit development within the required setbacks.**

X			The proposed design adheres to standards for the protection of health, safety, and general welfare.
			Explanation: **The application meets this finding. The application has proposed that each frontage along Adams and E. 43rd streets have the met the minimum requirement of street trees, with ten Class I trees along Adams Street and ten along E. 43rd Street. The applications also proposed bicycle parking near the main apartment entrance stairs and ramp which allows for a wider landscape planter between the commercial entrance and terrace which creates a safer design.**
X			The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.
			Explanation: **The application meets this finding. The application has proposed a large outdoor common area complete with landscaping, bocce ball court, and outdoor dining area. It has also proposed a fitness center with a yoga studio, future bodega spaces, animal washroom, indoor bicycle storage, two roof terraces, and a coffee bar. All proposed amenities help create a sense of place for the residents within the development while the overall design contributes to the uniqueness of the surrounding neighborhood.**
X			The proposed design improves the accessibility of development to non-motorized and public modes of transportation.
			Explanation:

			The application meets this finding. The applications proposed bicycle parking near the main apartment entrance stairs and ramp. A wide landscape planter between the commercial entrance and the terrace allows for both pedestrian and bicycle connection to and from the street scape. There is also a proposed bicycle storage on the first floor.
X			The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.
			Explanation: **The application meets this finding. The application proposes a mixed-use development with residential dwelling units as well as commercial bodegas on the first floor.**
X			The proposed design supports a compact development pattern that enables intensification of development and changes over time.
			Explanation: **The application meets this finding. The application proposes one, two- and three-bedroom dwelling units with the option of having a self-storage room. The variety in dwelling unit sizes will be able to support the changes the neighborhood might see over time.**
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 has proposed a landscape plan that is compatible with the**

			southwest Idaho climatic conditions while encouraging pedestrian activity through the use of the outdoor amenity areas and existing sidewalks.

17. 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:

Site Specific Requirements:

Prior to the issuance of a building permit:

1. This approval is updated to approve the changes to the application including:
    a. Parking reduction to 145 spaces; and
    b. Reduction of upper balcony projection; and
    c. Window material change to vinyl; and
    d. Siding change to cement lap.
2. Deeds describing the properties dated prior to August 9, 1988 shall be submitted to verify the properties were created legally.
3. A property boundary adjustment consolidating the properties into one property shall be completed.
4. The 5' utility easement (Tamaris Subdivision) shall either A) be vacated by the City Council or B) permission for all utilities is granted to encroach the proposed structure into the easement.
5. The location of HVAC equipment shall be provided. Evidence the equipment shall be screened in accordance with Garden City Code shall be provided.
6. An arborist's certification that the proposed trees shown for removal in the landscape plan are dead, dying or a hazard shall be provided. Trees that are to be removed and cannot be certified as above by an arborist shall be mitigated in accordance with Garden City Code.
7. The individual private open space square footage of each residential unit shall be provided to demonstrate compliance with Garden City Code 8-4L (Open Space Provisions).
8. The nine on-street parking spaces along E. 43rd Street are noted as counted toward available parking rendering the application compliant with multifamily

requirements. Additional future uses may require additional analysis to determine compliance.

9. A revised elevation shall be submitted during the building permit process demonstrating the rooflines are varied in accordance with Garden City Code 8-4C-4 (50' maximum roofline without change of roofline).
10. An addition of a stair access on the north side of the commercial terrace shall be depicted and built during the building permit process.

Prior to Occupancy:

1. Site maintenance documents shall be recorded that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features. A copy shall be provided prior to the issuance of a certificate occupancy.
2. A property management office shall be provided for the use.

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.

10/5/2020

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

Date