



CITY OF GARDEN CITY

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File Number: DSRFY2020 - 28
Application Scope: Pre-Application Conference
Location: 202 E. 42nd Street
Applicant: Katrina Kulm
Report Date: 10/05/2020
Revision Date: TBD



Staff Report
Prepared by Hanna Veal

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A. Meeting Summary:

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

- The Preapplication meeting was held on October 5, 2020. A summary of the items discussed includes:
 - Relevant points discussed
- A hearing/ follow-up meeting was held on TBD. A summary of the items discussed includes:
 - Relevant points discussed

B. Project Information

Proposed Scope of Work:

Request	Review Process	Notes
Pre-application conference for a design review	8-6B-3 Design Review Committee	October 5, 2020
Public Hearing	8-6B-3 Design Review Committee	TBD

Project Details:

- 1) Proposed development: Addition to existing Anser Charter School
- 2) Site Coverage:
 - a) Building: Unknown
 - b) Landscaping: Unknown
 - c) Paved Areas: unknown
- 3) Total number of vehicular parking spaces: 100
 - a) Surface: 100
 - b) Existing: 65
 - c) Proposed: 35
- 4) Total number of bicycle parking: Unknown. Applicant states they will meet code requirements.
 - a) Enclosed: Unknown
 - b) Surface: Unknown
- 5) Trash Enclosure: Unknown
- 6) Fencing: New fence line and gates to meet city code. Details not disclosed.
- 7) Sidewalk:
 - a) Existing Attached Sidewalk exists along 42nd street.
 - b) Proposed perimeter sidewalk within site for connectivity.
- 8) Landscaping:
 - a) Street Trees: Unknown, class [Tree Selection guide](#)
 - b) Parameter Landscaping: Unknown
- 9) Closest VRT Stop: Adams & 42nd

Site Conditions:

- 1) Street Address: 202 E 42nd Street
- 2) Parcel Number(s): R2734501132, R2734501308, R2734501304, and R2734501301
- 3) Property Description: Lots 09 to 12 INC BLK 04 FIARVIEW ACRES SUB NO 01 #1083-2
- 4) Legal Lot of Record: Yes
- 5) Property Size: 3.521 acres
- 6) Zoning District: C-2
- 7) Zoning Overlay(s):
 - a) Neighborhood Commercial Node
- 8) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Neighborhood Destination
 - b) Activity Node: Transit Oriented Development
 - c) Mixed Use Commercial

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- 9) Floodplain Designation:**
- a) 2003 FIRM: Outside of the Special Flood Hazard Area**
 - b) 2017 Draft FIRM: 100 Year**
- 10) Adjacent Uses:**
- a) Warehouse**
 - b) Food Store**
 - c) Food Products, small scale processing**
 - d) Service provider**
 - e) Single Family Dwelling Units**
- 11) Existing Use: School**
- 12) Easements on site :**
- a) Fairview Acres Sub 01 Plat: Utility, Drainage, Irrigation Easement**
- 13) Site Access:**
- a) Front: 42nd Street**
 - b) Side: n/a**
 - c) Rear: 43rd St.**
- 14) Sidewalks: Existing sidewalks are installed and are in good repair.**
- 15) Wetlands on site: none identified**

C. Discussion

[Garden City Code 8-4C-3 General Provisions for Nonresidential Development](#) requires that all new construction or structural addition that adds more than 25% increase in gross floor area of the existing building have a scale, massing, and urban form that which has a relationship to the street, pedestrian, and adjacent properties.

Objective 1 has setback requirements separate from those of the base zoning setback requirements. Objective 1 requires that the maximum front setback be 15' from curb edge for a minimum of 60% of the length of the street frontage. Within this provision it also states that that 60% of the street frontage along the front setback shall be occupied by a structure or a plaza.

The Anser Charter School is proposing to keep their existing bus drop off, which is 45' in width measuring from the property line to the proposed fence line. This puts the proposed location of the school addition at least 45' away from the street frontage of 42nd Street. Therefore, the proposed location of the new addition is not code compliant.

Staff has had conversations with the applicant discussing the possibility of a plaza to be included in the site plan to count towards the street frontage requirements. GCC 8-4C-3 mentions that the street setback may be increased when a plaza is provided with a minimum area of 500sqft while meeting the criteria for public space as set forth in [GCC 8-4C-4 Special Provision for Specific Nonresidential Development](#). As a result of these discussions the applicant has proposed approximately 4,770sqft of plaza space. They have also proposed to use part of the existing parking lot closest to 42nd street to act as an hard surface play area during school hours, and eliminated the existing parking located In the bus drop off area to create a better pedestrian connection to the plaza and street.

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: 10/05/2020 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.

Preapplication Conference Options:

Pursuant to [GCC 8-6B-3](#), a preapplication conference with the Design Review Committee is required. 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 project 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

This section will be completed during the report drafted in conjunction with the public hearing. The following agency comments were provided:

Agency	Comment Date	Summary
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

This section will be completed during the report drafted in conjunction with the public hearing.

The following public comments were provided: None provided as of the drafting of this document.

Commenter	Comment Date	Summary

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.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations			
8-1A-4 Applicability			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.
8-1B-1 Nonconforming Properties		No compliance issues noted	Based off conversation between staff and the applicant, the applicant expressed desire to consolidate lots 26, and 9-12 into one. The City highly recommends the lot consolidation.
8-1B-2 Nonconforming Structures		May not be complaint	Currently Anser Charter School resides on lots 9-12 of Fairview Subdivision. This makes the building a nonconforming structure due to the structure crossing lot lines. The applicant has expressed interest to consolidate lots 9-12 and 26, which they all own.
8-1B-3 Nonconforming Uses		No compliance issues noted	The record contains an approved Conditional Use Permit to expand the existing school CUPFY2020-09, CUP2015-0008, and DSR2007-15
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose		No compliance issues noted	Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district
8-2B-2 Allowed Uses		No compliance issues noted	Schools are a permitted use through a conditional use permit.
8-2B-3 Form Standards	DC	May not be complaint – Discussion is needed	<p>The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5'</p> <p>The allowable maximum height is: n/a</p> <p>The minimum lot size is: n/a</p> <p>There are not encroachments</p> <p>All improvements are more than 70' from the Boise River.</p> <p>All properties don't meet the minimum street frontage. Refer to discussion.</p>

8-2C			<p>A. Setbacks:</p> <ol style="list-style-type: none"> 1. In the residential zoning districts, the interior side setback shall be a minimum of fifteen feet (15') and the rear setback shall be a minimum of twenty five feet (25'). The front setback shall be the same as that required for an allowed use. <p>B. Site Layout:</p> <ol style="list-style-type: none"> 1. In residential zoning districts, a minimum of one hundred twenty five (125) square feet of outdoor play area shall be provided for each child enrolled. 2. In nonresidential zoning districts, a minimum of seventy five (75) square feet of outdoor play area shall be provided for each child enrolled. 3. No outdoor play area shall be located within a required front or corner side setback or within twenty five feet (25') of a residential use. 4. Portable classrooms shall not be located in the front yard of the principal school structure or located in any required setback. <p>C. Access And Parking: On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of students.</p> <p>D. Accessory Uses: Accessory uses including, but not limited to, daycare facilities, special events, community services, social services, meeting facilities for clubs and organizations, and school administration may be allowed.</p> <p>E. Additional Standards For Private Schools: Written documentation that the facility meets the minimum site area guidelines as established by the Idaho state department of education shall be provided.</p> <p>F. Additional Standards For Vocational Or Trade Schools:</p> <ol style="list-style-type: none"> 1. A school involving the instruction of truck driving, heavy equipment operation or any other vocation involving noise generating instruction shall not be allowed in a residential district. 2. Written documentation that the school will have major curriculum relating to technological industrial research and processes shall be provided.
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Title 8, Chapter 3: Overlay Zoning District Regulations

8-3D Neighborhood Commercial Node		No compliance issues noted	Applicant has not indicated if they wish to have these provisions apply.
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Title 8, Chapter 4: Design and Development Regulations

8-4A-3 Fences and Walls	DC	May not be complaint	Proposed new fences, details not provided. Need more information for thorough review.
8-4A-4 Outdoor Lighting	DC	May not be complaint	Lighting plan is not required for pre-app, therefore it was not submitted.
8-4A-5 Outdoor Service and Equipment Areas	DC	May not be complaint	New trash enclosure proposed. Details not provided. Need more information for thorough review.
8-4A-7 Stormwater Systems	DC	May not be complaint	Details not provided. Need more information for thorough review.
8-4A-8 Utilities	DC	May not be complaint	Details not provided. Need more information for thorough review.
8-4A-9 Waterways	DC	May not be complaint	Details not provided. Need more information for thorough review.
8-4C Design Provisions for Nonresidential Structures	DC	May not be complaint – Discussion Needed	<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> <ul style="list-style-type: none"> • Refer to Discussion. • Street Setback: The maximum front setback is fifteen feet (15') from curb edge for a minimum of sixty percent (60%) of the length of the street frontage. • The street setback may be increased when a plaza is provided with a minimum area of five hundred (500) square feet and meeting the criteria for public space as set forth in subsection 8-4C-4C of this article. • Street Frontage: Sixty percent (60%) of the street frontage along the front setback should be occupied by a structure or a plaza <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> <ul style="list-style-type: none"> • There is proposal of a new parking lot being located off 43rd street, in the proposal the site plans indicate there is to be landscaping between the parking lot and the street, but details are not provided.

			<p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <ul style="list-style-type: none"> • Details not provided. Need more information for thorough review. <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</i></p> <ul style="list-style-type: none"> • Details not provided. Need more information for thorough review. <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> <ul style="list-style-type: none"> • Details not provided. Need more information for thorough review. <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <ul style="list-style-type: none"> • Need more information for thorough review.
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8-4D Parking and Off Street Loading Provisions			
8-4D-3 Parking Design and Improvement Standards	DC	No compliance issues noted	No part of any parking area for more than ten (10) vehicles shall be closer than twenty feet (20') to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot, unless separated by screen in compliance with the provisions as set forth in article I, "Landscaping And Tree Protection Provisions", of this chapter.
8-4D-4 Parking Use Standards	DC	No compliance issues noted	
8-4D-5 Required Number of Off-Street Parking Spaces	DC	No compliance issues noted	1 bicycle parking space per 20 vehicle spaces however, due to the use, staff recommends surpassing the minimums set by code.
8-4D-7 Off Street Loading Standards	DC	May not be complaint	Details not provided. Need more information for thorough review.
8-4E Transportation and Connectivity Provisions			
8-4E-3 Public Street Connections	DC	May not be complaint	Details not provided. Need more information for thorough review.
8-4E-4 Internal Circulation Standards	DC	May not be complaint	Details not provided. Need more information for thorough review. Appears that all existing driveways are to stay in the same configuration. New driveways proposed on 43rd.
8-4E-6 Sidewalk Standards	DC	No compliance issues noted	Existing sidewalks to stay.

8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC	No compliance issues noted	Existing sidewalks to stay and more sidewalks proposed throughout site to help increase connectivity. Details not provided. Need more information for thorough review.
8-4F Sign Provisions			
8-4H Flood Hazard-	Planning Official	No compliance issues noted	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.
8-4G Sustainable Development Provisions		May not be compliant	Details not provided. Need more information for thorough review.
8-4I Landscaping and Tree Protection Provisions			
8-4I-3 General Landscaping Standards and Irrigation Provisions	DRC	May not be complaint	Details not provided. Need more information for thorough review.
8-4I-4 Landscaping Provisions for Specific Uses	DC	May not be complaint	Details not provided. Need more information for thorough review.
8-4I-5 Perimeter Landscaping Provisions	DC	May not be complaint	Details not provided. Need more information for thorough review.
8-4I-6 Parking Lot Landscaping Provisions	DC	May not be complaint	Details not provided. Need more information for thorough review.
8-4I-7 Tree Preservation Provisions	DC	May not be complaint	Details not provided. Need more information for thorough review.
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process		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.
8-6A-4 Required Application Information			No waivers have been submitted.
8-6A-5 Administrative Process with Notice		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.

			<p>If no objections are filed within 15 days, the Design Review Committee's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>
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Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Previous entitlement that might affect this project	The record contains an approved Conditional Use Permit to expand the existing school CUPFY2020-09, CUP2015-0008, and DSR2007-15
Garden City Comprehensive Plan	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> b) Activity Node: Neighborhood Destination c) Activity Node: Transit Oriented Development d) Mixed Use Commercial <p>The application may be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> a.) 2.3 Objective: Promote quality design and architecturally interesting buildings. b.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting. <p>Goal 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> a.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. <p>Goal 11: Serve the City</p> <ul style="list-style-type: none"> a.) 11.1 Objective: Support additional education facilities.
Garden City Sidewalk Policy	Application proposes to keep existing attached sidewalks along 42 nd and 43 rd street.
Garden City Street Light Policy	A streetlight is installed along E. 42nd Street in accordance with the policy. There are also 10 additional streetlights within a 400' radius of the proposed school.