

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

THIS IS NOT A PREDETERMINED DECISION. ALL EVIDENCE WILL BE CONSIDERED. A DIFFERENT DECISION MAY RESULT IN AN UPDATE OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, OR CONDITIONS.

In the Matter of:)	DSRFY2020-29
)	
Design Review)	FINDINGS OF FACT,
W. Chinden Blvd.)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
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THIS MATTER, came before the Garden City Design Review Committee for consideration on October 19, 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 is for a design review for new construction of a service provider commercial development.
2. The applicant is Jeff Hatch.
3. The property owner of record is Carl Cantu.
4. The location of the project is W. Chinden Blvd.; Ada County Assessor parcel number(s) S0526417340 described as PAR #7340 OF NE4NSE4 SEC 26 4N 1E RS 6806.
5. The property is a legal lot of record.
6. The application is for a design review for the use of a new service provider commercial development. The scope of the design review is limited to the entire property.
7. The subject property is 0.49 acres.
8. The project is located in the C-2 General Commercial zoning district.
9. The project is located in the Neighborhood Commercial Node zoning overlay.
10. The project is located in the Activity Node: Neighborhood Destination; Green Boulevard Corridor, and the Mixed-Use Commercial of the Garden City Comprehensive Plan Land Use Designation.

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11. The project is not located in the SFHA according to the 2003 FIRM.
12. The project is not located in the SFHA according to the 2017 FIS.
13. The following standards apply to this proposal:
 - a. Garden City Code 8-1A-4 Applicability
 - b. Garden City Code 8-3D Neighborhood Commercial Node
 - c. Garden City Code 8-4A Design and Development Regulations- General Provisions
 - d. Garden City Code 8-4C Design Provisions for Nonresidential Structures
 - e. Garden City Code 8-4D Parking and Off-Street Loading Provisions
 - f. Garden City Code 8-4E Transportation and Connectivity Provisions
 - g. Garden City Code 8-4F Sign Provisions
 - h. Garden City Code 8-4H Flood Hazard
 - i. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - j. Garden City Code 8-6A-3 General Application Process
 - k. Garden City Code 8-6A-4 Required Application Information
 - l. Garden City Code 8-6A-5 Administrative Process with Notice
14. 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
 - d. Chinden ITD Access Management
15. 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	Approved Address

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16. Additional application materials submitted include:

- a. Floor Plans;
- b. Materials Plan;
- c. 300' Neighborhood List;
- d. Property Posting;
- e. Affidavit of Legal Interest;
- f. Application;
- g. Statement of Intent; /
- h. Warranty Deed.

17. Agency Comments were received from:

- i. Central District Health, dated October 15, 2020.
- ii. Garden City Engineer submitted the review from CUPFY2018-5, as all comments were relevant to this application, dated February 10, 2018
- iii. Fairview Acres, dated September 30, 2020.

18. There were no written public comments were received.

19. The following noticing was completed in accordance with GCC 8-6A and GCC 8-6B-3:

Noticing Requirement	Required Date	Completion Date
Receipt of application here	09/24/2020	09/25/2020 – The official application document is dated 09/25/2020 however, the applicant indicated he wanted to apply for the formal hearing the same day of the pre-application submittals on 09/10/2020 and started submitting materials then.
Letter of Acceptance (30 days after receipt of application)	10/25/2020	10/16/2020
Radius Notice (15 days prior to hearing)	10/04/2020	10/01/2020
Interested Parties	n/a	n/a
Legal Notice (19 days)	09/30/2020	09/30/2020
Agency Notice (15 days)	10/04/2020	09/30/2020
Property Posting Sign (10 days)	10/09/2020	10/09/2020
Affidavit of Property Posting and Photos (7 days)	10/12/2020	10/09/2020

20. On October 5, 2020, in accordance with GCC 8-6B-3, a pre-application conference was held with the Design Committee. The Committee provided the following comments and requests:

- I. Jeff Hatch presented the application.
- II. There was no staff report.
- III. The Committee made the following comments and suggestions:
 - a. Fencing as proposed precludes relationship to both Maple Grove and W. Chinden Blvd.
 - b. Storage sheds should be of similar materials and architectural features as the principal structure.
 - c. The window depths must remain the same, as it helps with fenestration of the walls of the proposed buildings.
 - d. Analyze the affects of connection to the rest of the commercial strip development, and its impact on through-traffic.
 - e. Principal structure needs an identifiable public entryway.
 - f. JUB Engineering might have a plan in place to create a W. Chinden Sidewalk adjacent to the property. The proposed development must adequality provide connection to this sidewalk.

21. On October 19, 2020, a public hearing before the Design Review Committee was held:

- i. This section will be completed after the hearing.

22. The record contains:

- j. Application Documents
- k. Noticing Documents
- l. Agency Comments: Fairview Acres, Central District Health, City Engineer
- m. Written Public Comments: none provided
- n. Staff report
- o. October 5, 2020 Design Review Committee Pre-application Minutes
- p. October 5, 2020 Design Review Committee Pre-application Audio
- q. October 19, 2020 Design Review Committee Hearing Minutes
- r. October 19, 2020 Design Review Committee Hearing Audio
- s. Design Review Committee Signed Findings of Fact, Conclusions of Law and Decision

23. In order to approve a design review application, the Design Committee shall make the following findings:

The draft findings are written both in approval and in denial. The Design Review Committee will select the corresponding conclusions and explanations during their decision. Potential explanations have been provided.

GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X		X	<p>Standard: The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The application is in conformance with the purpose of the C-2 zoning district in that it is proposing a multi-tenant service provider development along the corridor of Maple Grove and Chinden.</p> <p>In Denial: The application does not meet this finding in that the intended use of service provider requires a CUP to be permitted.</p>
X		X	<p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The application adheres to the protection of the health, safety, and general welfare of the community by having a landscape plan that which will establish an urban canopy on a lot that which does not currently have any vegetation. It also proposes sidewalks for pedestrians which can enhance the safety of the site, and an ADA parking spot.</p> <p>In Denial: The application does not meet this finding in that the 6' high security fence surrounding the property does not help to establish an open and safe environment.</p>

X		X	<p>The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The application proposes a unique Scandinavian architecture and distinct color and materials palette. The uniqueness of the proposed layout for the building windows, and the way they are set into the building by a few inches, helps establish a creative wall face that demonstrates compliance with this finding.</p> <p>In Denial: The application does not meet this finding in that the proposed Scandinavian building and its architectural features of windows and color pallet does not contribute to the overall character of the surrounding neighborhood.</p>
X		X	<p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The application proposes sidewalks that which connect from the already built sidewalk on Maple Grove to the main building and plazas. The application also proposes a sidewalk connection to W. Chinden, where a future sidewalk might be installed.</p> <p>In Denial: The application does not meet this finding as the proposed plans focus on the vehicular use and the proposed parking lot</p>

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			takes up a vast majority of the site.
X		X	<p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The application supports development in nodes rather than as a strip commercial lot by bunching the proposed buildings together as a grouping instead of all in a row facing W. Chinden.</p> <p>In Denial: The application does not meet this finding as it proposes the building fronts to be parallel to and close to both Maple Grove and Chinden.</p>
X		X	<p>The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The application proposes a denser development than what currently exists at the site which is an empty lot. The application also proposes a multi-tenant building for service providers which allows for flexibility in tenants over time.</p> <p>In Denial: The application does not meet this finding in that the lot is proposed to be service providers at a very popular and well used intersection of Maple Grove and Chinden. The change over time at this particular intersection could drastically effect the productivity of the proposed businesses.</p>
X		X	The proposed design provides outdoor

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			spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.
			<p>Explanation:</p> <p>In Approval: The application meets this finding. The application proposes a landscape plan that which meets Garden City Code as well as to adhering to the southwest Idaho climatic conditions. The landscape plans also promote pedestrian connectivity and activity through the proposed sidewalks and landscaped plaza spaces.</p> <p>In Denial: The application does not meet this finding in that the plants proposed are not compatible with the southwest Idaho climatic conditions and the proposed plans do not encourage pedestrian activity.</p>

24. 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/ does not meet** 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/DENIES** the application, subject to the following conditions:

POTENTIAL CONDITIONS FOR APPROVAL DECISION

Prior to Occupancy:

1. Approval from the Planning and Zoning Commission for a Conditional Use Permit for the use of Service Provider must be obtained prior to any building permit issuance.
2. A master sign plan shall be submitted as a separate design review application for the committee to review.

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3. Compliance with Garden City Code 8-4G sustainable development provision either by meeting the required 12 points or by evidence of exemption according to the code.
4. All fencing materials must be compliant with Garden City Code 8-4A-3 Fences and Walls.
5. All exterior lighting must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.
6. All stormwater systems must be compliant with Garden City Code 8-4A-7.
7. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
8. A building permit shall be applied for and approved by Garden City Development Services Department.

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.

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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. All outdoor living spaces must comply with Garden City Code 8-3C General Provisions- Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.
24. 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.
25. 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.
26. 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

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not in substantial conformance with the approval shall be remanded to the decision-making body.

27. Occupying the site prior to Certificate of Occupancy is a criminal offense.
28. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code .
29. 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.
30. 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.

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

Date

STANDARD CONDITIONS FOR DENIAL DECISION

1. There is a 15 day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within ten (10) days after the action of the decision.
2. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
3. Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.
4. Pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code, a takings analysis may be requested on final decisions.
5. 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.

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

DRAFT