

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

In the Matter of:	)	DSRFY2020-10
	)	
Design Review	)	FINDINGS OF FACT,
411 E. 46 <sup>th</sup> St.	)	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 April 20, 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 applicant is Jeff Likes with ALC Architecture.
2. The property owner of record is Todd deBoer.
3. The location of the project is 411 E. 46<sup>th</sup> Street, Garden City, ID 83714; Ada County Parcel Number R2734522621.
4. The application is a design review to exceed the square footage limits of residential accessory structures in Garden City Code 8-4B-3. The scope of the conditional use permit is limited to allow for a 3,360 sq. ft. detached accessory structure and a 1,250 sq. ft. attached garage as depicted in the application.
5. The subject property is 0.68 acres.
6. The project is located in the R-3 Medium Density Residential zoning district.
7. The project is located in the Mixed Use Residential of the Garden City Comprehensive Plan Land Use Designation.
8. The project is located in the floodplain according to the 2003 FIRM.
9. The project is located in the floodplain according to the 2017 FIS.
10. The existing use on the site is none.
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 8-4B-3: Design Provisions for Residential Structures – Single-Family and Two-Family Attached and Detached Residential Units

12. The following plans and policies apply to this proposal:

- a. Garden City Comprehensive Plan

13. The applicant provided the following application information:

<b>Materials Provided Per GCC Table 8-6A-2 Required Application Information</b>			
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	X		Grading Plan
	X		Will Serve
X			Verification that address is an Ada County Approved Address

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

Noticing Requirement	Required Date	Completion Date
Letter of Acceptance	4/3/2020	3/31/2020
Notice of Intent to Approve or Deny	4/3/2020	3/31/2020
Interested Parties	N/A No Interested Parties	
Legal Notice	4/3/2020	3/30/2020
Agency Notice	4/3/2020	3/31/2020
Property Posting Sign	4/5/2020	3/31/2020
Affidavit of Property Posting and Photos	4/8/2020	3/31/2020
Agenda Posting	4/14/2020	3/31/2020
Website Posting	4/14/2020	3/31/2020

14. On 4/20/2020, a public hearing before the Design Committee was held:

- a. This section will be completed after the hearing
15. The record contains:
- a. Application
  - b. Compliance Statement
  - c. Letter of Intent
  - d. Plan Sheets:
    - i. Site Plan
    - ii. Elevations
    - iii. Floor Plans
  - e. Will Serve Letter
  - f. Noticing Documents
  - g. Agency Comments:
    - i. Garden City Engineer
  - h. Correspondence:
    - i. Correspondence with applicant dated 9/4/2020 – 9/5/2020
    - ii. Correspondence with applicant dated 9/23/2020 – 9/27/2020
    - iii. Correspondence with applicant’s architect dated 4/3/2020
  - i. 4/20/2020 Design Committee Hearing Minutes
  - j. 4/20/2020 Design Committee Hearing Audio
  - k. Signed Findings of Fact, Conclusions of Law and Decision
15. In order to approve a design review application, the Design Committee shall make the following findings:

<b>The draft findings are written both in approval and in denial. The Design Committee will select the corresponding findings in their motion for a decision.</b>			
<b>GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS</b>			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
			<p><b>Standard:</b> The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</p> <p><b>In Denial:</b></p>

			<p><b>LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>
			<p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial:</b> <b>LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>
			<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><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial:</b> <b>LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>
			<p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this</b></p>

			<p>finding. The application is in conformance with the reviewed sections of code noted in this decision.</p> <p><b>In Denial: LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>
			<p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial: LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>
			<p>The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p> <p><b>Explanation:</b></p> <p><b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b></p> <p><b>In Denial: LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b></p>
			<p>The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions</p>

			and encourages pedestrian activity.
			<b>Explanation:</b>  <b>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</b>  <b>In Denial:  LIST WHAT ACTIONS, IF ANY, THE APPLICATION COULD HAVE TAKEN TO OBTAIN APPROVAL.</b>

16. 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:

Conditions for approval are in grey  
**Conditions for denial are in red**

IN APPROVAL

**Site Specific Requirements:**

Scope of Decision:

1. The design review decision is to authorize the square footages of accessory structures in excess of the requirements of Garden City Code 8-4B-3. The following accessory structures and square footages are authorized by this permit:
  - a. Detached accessory structure: 3,360 sq. ft.
  - b. Attached garage: 1,250 sq. ft
2. The decision does not authorize commercial building occupancies for the accessory structures. A separate design review is required to request a commercial building occupancy.

Prior to Occupancy:

3. A pedestrian pathway shall be installed from the detached accessory structure to the primary residence.

**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.

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

Date

**IN DENIAL**

1. 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.
2. 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.

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Date