



CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714
Phone (208)472-2921 □ Fax (208)472-2926

File Number: DSRFY2020 - 14
Application Scope: Pre-Application Conference/Design Review
Location: Intersection of N. Adams St. and E. 42nd St.
Applicant: Patrick Hugens, Hutchinson Smith Architects
Report Date: 5/26/2020



Staff Report
Report prepared by Chris Samples

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A. Report Summary

- 70-unit multi-family development proposed
- Revised plans submitted to address 5/18/2020 Design Committee hearing comments

B. Project Information

Proposed Scope of Work:

Request	Review Process	Notes
Combined pre-application and design review hearing for a multi-family development	8-6B-3 Design Review Committee	To be heard on 5/18/2020 and 6/1/2020 due to noticing issue

Project Details:

- 1) Proposed development: Mixed Use Development including 2 commercial spaces and a 70-unit multi-family dwelling unit development
 - a) 8 one-bedroom units
 - b) 58 two-bedroom units
 - c) 4 three-bedroom units
- 2) Number of buildings: 1
- 3) Parking spaces:
 - a) 158 parking spaces located inside a three-story garage
 - b) 9 on street parking spaces proposed
- 4) Bicycle parking: Bicycle storage - # of units unknown
- 5) Site Coverage:
 - a) Property: 89,202 sq. ft.
 - b) Building: 51,287 sq. ft.
 - c) Landscaping: 13,985 sq. ft.
- 6) Paved Areas: 23,929 sq. ft.
- 7) Trash Enclosure: 1 dumpster
- 8) Fencing: None proposed

Site Conditions:

- 1) Address:
 - a) 410 E. 43rd St.
 - b) 402 E. 43rd St.
 - c) 400 E. 43rd St.
 - d) 4304 N. Adams St.
 - e) 4308 N. Adams St.
- 2) Parcel Number:
 - a) R2734521583
 - b) R8315000015
 - c) R8315000025
 - d) R8315000035
 - e) R8315000045
- 3) Property Size: 2.031 acres
- 4) Zoning District: R-3 Medium Density Residential Zoning District
- 5) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node – Neighborhood Destination
 - b) Main Street Corridor

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- 6)** Legal Lot of Record: Unknown
 - 7)** Floodplain Designation:
 - a)** 2003 FIRM: X
 - b)** 2017 Draft FIRM: AE
 - 8)** Surrounding Uses:
 - a)** Dwelling Unit, Single Family, Attached
 - b)** Dwelling Unit, Single Family, Detached
 - c)** Dwelling Unit, Multiple Family
 - d)** Commercial Uses
 - 9)** Existing Use:
 - a)** Dwelling Unit, Single Family, Detached
 - b)** Manufactured Home Park
 - 10)** Easements on site:
 - a)** EAS2009-00054: 5' Tameris Subdivision Utility Easement
 - b)** 10' Idaho Power Easement
 - c)** 30' Sewer Easement
 - 11)** Site Access: E. 43rd Street
 - 12)** Sidewalks: in good repair on or adjacent to the site.

C. Discussion

Design Committee Comments: The Design Committee provided the following comments at the 5/18/2020 hearing:

- a. 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.
- b. 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.
- c. 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.
- d. Provide a revised elevation of the N. Adams St. elevation addressing roofline variation, fenestration, and the impact of the building to the pedestrian.
- e. Provide material samples and colors of the proposed building.

The applicant has proposed a mixed-use development consisting of adding two commercial spaces on the first floor. This was proposed at the 5/18/2020 hearing and was not a part of the previous staff report.

The applicant has addressed the landscaping concerns in a revised landscaping plan. The revised plans show an enhanced pedestrian plaza. However, the plans are not clear how bicycles and pedestrians interact in the commercial area. Pedestrian and bicycle interaction are crucial in a mixed-use development, as alternative means of transportation are usually used by adjacent and nearby residents and may further enhance the development's viability.

The west elevation and the N. Adams St. elevations have been revised to include changes in materials and additional windows. However, the N. Adams St. elevations have not been revised to show the requested parapet variation. An explanation has been provided by the applicant concerning the parapet. Information concerning material samples and colors have been provided.

Parking for mixed-use developments is decided by the Planning Official. Parking concerns are noted in this report nonetheless as parking is below the minimum spaces required for a multi-family development (if developed solely as this use and not a mixed-use).

D. Required Decisions; Required Findings; Decision Maker Actions; Appeals

Required Decisions: The following decision processes are required for the project:

Decision	Recommendation Authority	Decision Authority	Hearing Date
Design Review	N/A	Design Committee	5/18/2020 6/1/2020

Required Findings:

To approve a design review, the Design Committee must find the application meets the following findings:

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.

Decision Options:

The Design Committee may take one of the following actions:

1. Approve the application as presented;
2. Approve the application with conditions;
3. Deny the application.
4. Request the applicant return with revised materials for additional review;

Appeal of Decision:

At the hearing, the Design Committee will make a motion to decide the application. The Design Committee will review and approve the legal findings at the next scheduled hearing and a decision will be formally rendered.

Pursuant to Garden City Code 8-6B-3 (Design Committee) and Garden City Code 8-6A-6 (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

The following agency comments were provided:

Agency	Comment Date	Summary
Garden City Engineer	5/2/2020	<ul style="list-style-type: none">• Property boundary adjustment needed to consolidate parcels and eliminate setback issues• General comments provided

F. Public Comment

The following public comments were provided:

None

G. Code/Policy Checklist

Sections with compliance issues noted will be analyzed in detail in section E: Code/Policy Analysis of this report. Sections without any compliance issues noted will not be further detailed in this report. Changes from the previous report are **highlighted**.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Staff Comment
Title 8, Chapter 1: General Regulations			
8-1A Purpose, Applicability and Interpretation	Design Committee	Compliance issues noted	8-1A-4: <ul style="list-style-type: none"> The four properties located along N. Adams St. are described as parts of a platted subdivision. Deeds describing the properties dated prior to August 9, 1988 is needed to verify the properties were created legally
8-1B Existing Nonconforming Properties, Structures, and Uses	Design Committee	Compliance issues noted	8-1B-1: <ul style="list-style-type: none"> The four properties located along N. Adams St. are described as parts of a platted subdivision. Deeds describing the properties dated prior to August 9, 1988 is needed to verify the properties were created legally
Title 8, Chapter 2: Base Zoning District Regulations			
8-2C Land Use Provisions	Design Committee	Compliance issues noted	8-2C-15: <ul style="list-style-type: none"> Site maintenance documents are required A property management office is required but not depicted

Title 8, Chapter 4: Design and Development Regulations			
8-4A General Provisions	Design Committee	Compliance issues noted	8-4A-5: <ul style="list-style-type: none"> • More information needed on HVAC equipment screening
8-4B Design Provisions for Residential Structures	Design Committee	Unknown, more discussion may be warranted	8-4B-4: <ul style="list-style-type: none"> • The design is required to take into account windows, entrances, porches and patios, and how they impact adjacent properties. • The applicant has addressed Design Committee comments by changing materials and adding windows to the west elevation. The Adams Street elevation has been revised to emphasize the commercial entry. • The applicant has not added additional parapet variation as requested by the Committee, but has instead provided an additional elevation to better describe the existing proposal
8-4C Design Provisions for Nonresidential Structures	Design Committee	No compliance issues noted	No comment
8-4D Parking and Off-Street Loading Provisions	Design Committee, Planning Official	Unknown, more discussion may be warranted	8-4D-4, 8-4D-5: <ul style="list-style-type: none"> • For a mixed-use development, a parking analysis for the uses is required to set the number of parking spaces.

			<ul style="list-style-type: none"> • 158 spaces have been provided. • If proposed solely as a multi-family development, 167 units are required.
8-4E Transportation and Connectivity Provisions	Design Committee	No compliance issues noted	8-4E-3: <ul style="list-style-type: none"> • Revised plans show requirements are met
8-4F Sign Provisions	Design Committee	Compliance issues noted	8-4F-13: <ul style="list-style-type: none"> • A master sign program is now required due to the project revised to be a mixed-use development
8-4I Landscaping and Tree Protection Provisions	Design Committee	Compliance issues noted	8-4I-4: <ul style="list-style-type: none"> • The applicant has proposed 10 class I trees along the street frontages, including 2 class I trees to substitute for the required 1 class II or class III tree. This is allowed by this section. 8-4I-7: <ul style="list-style-type: none"> • Proposed tree mitigation has not been certified by a certified arborist
8-4L Open Space Provisions	Design Committee	Compliance issues noted	8-4L-5: <ul style="list-style-type: none"> • More information is needed regarding the individual square footages of the private open space of each unit • This has not been addressed by the applicant
8-5 Land Division Provisions			
8-5C-1 Land Division Amendments	Planning Official	Compliance issues noted	8-5C-1:

			<ul style="list-style-type: none"> A lot line adjustment is necessary to erase the property lines shown going through the proposed structure
Title 8, Chapter 7: References			
8-7A Definitions	Design Committee	N/A	Defined terms referenced: <ul style="list-style-type: none"> Clear Vision Triangle Dwelling Unit, Multi-Family

Garden City Plans/Policies		
Plan/Policy	Compliance Issues	Staff Comments
Garden City Comprehensive Plan	No compliance issues noted	Comprehensive Plan designations noted
Garden City Sidewalk Policy	No compliance issues noted	Sidewalks installed
Garden City Street Light Policy	No compliance issues noted	Streetlight installed

H. Code/Policy Analysis

Changes from the previous report are highlighted

Garden City Title 8 Code Section	
City Code	Analysis
<u>8-1A Purpose, Applicability and Interpretation</u>	
8-1A-4 Interpretation	Properties in the City must either have been divided in accordance with the ordinance in effect at the time of the division or exist in their present configuration prior to August 9, 1988. Four of the five properties are described as portions of the Tamaris Subdivision, which is indicative of possible illegal divisions. A condition of approval requiring this information prior to the issuance of a building permit can be applied to remedy this issue.
<u>8-1B Existing Nonconforming Properties, Structures, and Uses</u>	
8-1B-1 Nonconforming Properties	Properties in the City must either have been divided in accordance with the ordinance in effect at the time of the division or exist in their present configuration prior to August 9, 1988. Four of the five properties are described as portions of the Tamaris Subdivision, which is indicative of possible illegal divisions. A condition of approval requiring this information prior to the issuance of a building permit can be applied to remedy this issue.
<u>8-2C Land Use Provisions</u>	
8-2C-15 Dwelling Unit, Multiple Family	Site maintenance documents, or binding documents 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, are required. A property management office is also required. Conditions of approval addressing these issues can be required.
<u>8-4A General Provisions</u>	

8-4A-5 Outdoor Service and Equipment Areas	The record is not clear about the location of HVAC equipment. A condition of approval allowing administrative approval of HVAC screening may remedy this issue.
<u>8-4B Design Provisions for Residential Structures</u>	
8-4B-4 Multi-Family Residential Dwelling Units	This section requires multi-family developments to take the view of the proposed development from adjacent properties. The applicant has provided revised elevations of the west elevation and the N. Adams elevations showing material changes, additional windows, but the applicant did not add additional variation to the parapet. The applicant has provided an explanation in the revised materials.
<u>8-4D Parking and Off-Street Loading Provisions</u>	
8-4D-4 Parking Use Standards 8-4D-5 Required Number of Off-Street Parking Spaces	<p>8-4D-4 requires the minimum number of onsite parking spaces required by 8-4D-5 be installed on the property.</p> <p>The project is now proposed as a mixed-use development by adding two commercial spaces on the first floor along E. 43rd Street. A parking study for the uses is now allowed under 8-4D-5B instead of the requirements of table 8-4D-2. A parking study is reviewed by the Planning Official during the building permit/occupancy permit process.</p> <p>For the Design Committee's reference, the parking requirements for a project proposed solely as a multi-family development is provided below:</p> <ul style="list-style-type: none"> • One bedroom: 1 space per unit in a garage • Two or more bedrooms: 2 spaces per unit, one of which must be in a garage • Guest parking: 0.5 spaces per unit <p>The applicant has proposed 70 units, consisting of:</p> <ul style="list-style-type: none"> • 8 one-bedroom units • 58 two-bedroom units • 4 three-bedroom units <p>If proposed as a multi-family development, 167 spaces are required. The applicant has proposed</p>

	158 onsite spaces inside a garage, leaving a 9-space deficiency if the project was proposed solely as a multi-family development.
<u>8-4F Sign Provisions</u>	
8-4F-13 Master Sign Plan	A master sign plan is required as the project has been now proposed as a mixed-use development. No new signage on the building can be approved without the plan. A condition of approval requiring the plan prior to the issuance of sign permits can be required by the Design Committee.
<u>8-4I Landscaping and Tree Protection Provisions</u>	
8-4I-4 Landscaping Provisions for Specific Uses	<p>The following street trees are required:</p> <ul style="list-style-type: none"> • One class II or class III tree per street frontage • One class I tree per 50 ft. of street frontage • One class II or class III tree can be substituted with two class I trees without limit <p>The applicant has proposed a total of 10 class I trees per frontage. Four of these trees (two per frontage) are substitutes for the two class II or class III trees.</p>
8-4I-7 Tree Preservation Provisions	<p>The landscape plan lists a total of 23 trees that are proposed to be removed without mitigation due to being dead, dying or of a hazardous condition. This section requires mitigation to be certified by an arborist. This certification can be required prior to certificates of occupancy through a condition of approval.</p> <p>No new information has been provided on this issue.</p>
<u>8-4L Open Space Provisions</u>	
8-4L-5 Open Space Standards for Multi-family Developments	<p>More information is needed on the individual units private open space square footages. Alternatively, a condition of approval allowing administrative review of this issue could be required.</p> <p>No new information has been provided on this issue.</p>

<u>8-5 Land Division Provisions</u>	
8-5C-1 Land Division Amendments	The proposed development crosses multiple property lines and lot lines. A property boundary adjustment pursuant to this section is required for the development to comply with setbacks. A condition of approval requiring the completion of this adjustment prior to the issuance of a building permit would remedy this issue.
<u>8-7A Definitions</u>	<p>The following defined terms were referenced in this report:</p> <p>Clear Vision Triangle: A triangular area on a corner lot within which there are certain height limitations to provide sight distance for vehicles.</p> <p>Dwelling Unit, Multi-Family: A structure or property containing three (3) or more principal dwelling units. The term "multi-family dwelling unit" includes apartments and condominiums with varying arrangements of entrances and party walls.</p>

Garden City Plan/Policy Analysis	
Plan/Policy	Analysis
<u>Comprehensive Plan</u>	<p>The property is in the Activity Node – Neighborhood Destination and Main Street Corridor designations of the Comprehensive Plan Land Use Map:</p> <p>Main Street Corridor: Create a “Main Street” corridor as a principle street with a mix and concentration of uses along Adams/ Alworth Street with a possible alignment through a re-developed Idaho Expo site connecting with the Activity Node at Glenwood and Marigold Streets. The corridor should have activity nodes along the street that connect the main street to the arterial roadways and/or the Boise River. The activity nodes should be limited so as to</p>

	<p>not dilute their function as a center. The focus of development should be on minimum front yard setbacks, parking on the street and behind buildings, and pedestrian amenities. The center of the activity nodes on the Main Street corridor should be integrated vertically with more height at the principle main street intersection of the node.</p> <p>Activity Node – Neighborhood Destination: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan.</p> <p>Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential.</p>
<p><u>Garden City Sidewalk Policy</u></p>	<p>Sidewalks are installed along the property in accordance with the policy.</p>
<p><u>Garden City Street Light Policy</u></p>	<p>A streetlight is installed within 400' of the property as recommended by the policy.</p>

