

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:)	DSRFY2020-2
)	
Design Review)	FINDINGS OF FACT,
3933 W. Chinden Blvd.)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
_____)	

THIS MATTER, came before the Garden City Design Review Committee for consideration on February 3, 2020. Revised materials to the approved application came before the Committee for consideration on November 16, 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 Richard Valentine.
2. The property owner is Richard Valentine.
3. The location of the project is 3933 W. Chinden Blvd, Garden City, ID 83714; Ada County Parcel # R2734510909.
4. The application is for a modification to the originally approved site plans. The modification consists of a five-foot wrought iron fence along the perimeter of the property along W. Chinden Blvd. and a six-foot wrought iron fence along the perimeter of the property along Stockton.
5. The project is located in the Garden City C-1 Highway Commercial Zoning District.
6. The project is located in the Green Boulevard Corridor of the Garden City Comprehensive Plan Land Use Designation.
7. The project is not located in the floodplain according to the 2003 FIRM.
8. The project is located in the floodplain according to the 2017 FIS.
9. 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 8-4A: Design and Development Regulations – General Provisions
 - d. Garden City Code 8-4E: Transportation and Connectivity Provisions
10. 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
11. The applicant provided the following application information:
- a. Design Review Application
 - b. Modifications to Site Plan including the fencing
 - c. Modification Narrative
12. On December 16, 2019, 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:
1. Landscaping is required along Stockton Street.
 2. Roof architecture should go all around the building.
 3. There should be more distinction with building elements. There should be greater distance in roof element height than 1' 4".
 4. The façade should address Chinden with such elements as plaza space and pedestrian connectivity.
 5. Consider looking for opportunity for material change in walls. The building needs a more pedestrian friendly feeling.
 6. Consider canopies for more detail.
 7. Glazing needed along Stockton.
 8. Consider the use of materials that isn't metal, such as materials with a warmer feel.
 9. A committee decision is required.
13. On February 3, 2020, a public hearing before the Design Committee was held:
1. Applicant Jeff Likes presented the application.
 2. Staff Chris Samples presented the staff report.
 3. Public testimony was received from no one.
 4. Public testimony was closed.
 5. The Committee noted that the hornbeam trees need to be a class 2 or class 3 tree.
 6. Committee member Gresham moved to approve with the following site-specific conditions:

- a. Close access on Chinden, physically close so that egress is removed, a sidewalk is filled in and filled in apron.
- 7. Committee member Hurd seconded the motion.
- 8. The motion carried unanimously.

14. The applicant submitted modification materials on October 16, 2020 and was scheduled to review the request on November 16, 2020.

15. On November 16, 2020 a meeting with the Design Committee was held to consider modifications to the approval consisting of a change in materials:
 a. This item will be completed to accurately reflect the meeting.

16. The record contains:
- a. Original DSRFY2020-02 Submittal Documents
 - b. December 16, 2019 Pre-Application Design Review Committee Hearing Minutes
 - c. December 16, 2019 Pre-Application Design Review Committee Hearing Audio
 - d. February 3, 2020 Design Review Committee Hearing Minutes
 - e. February 3, 2020 Design Review Committee Hearing Audio
 - f. November 16, 2020 Design Review Committee Hearing Minutes
 - g. November 16, 2020 Design Review Committee Hearing Audio or Transcript
 - h. Signed Findings of Fact, Conclusions of Law and Decision

17. On February 3, 2020, The Design Review Committee mad the Following findings based on the standards set forth in chapter 4, article C of this title:

GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Compliant	Not Applicable to this Application	
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 reviewed sections of code noted in this decision.</p>

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 is in conformance with the reviewed sections of code noted in this decision.</p>
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 is in conformance with the reviewed sections of code noted in this decision.</p>
		X	<p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p>Explanation:</p> <p>Not applicable. Façade changes do not trigger non-motorized and public modes of transportation improvements.</p>
		X	<p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p>Explanation:</p> <p>Not applicable. The façade changes do not change the development pattern.</p>
		X	<p>The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p>

			Explanation: Not applicable. The structure is not being expanded.
		X	The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity. Explanation: Not applicable. Landscaping is not triggered by a façade improvement.

18. In order to approve a design review application and based on the standards set forth in chapter 4, article C of this title, the Design Committee shall make the following findings:

GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED 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.			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
X		X	The proposed design adheres to standards for the protection of health, safety, and general welfare. Explanation: In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision. In Denial: The proposed changes do not adhere to the protection of health, safety, and general welfare due to the proposed changes. The proposed fencing creates a choke point on the adjacent sidewalk if pedestrians and

			bicyclist were to come into contact. W. Chinden is a fast moving and well-traveled road that which pedestrians and bicyclist will be forced to step out onto when the sidewalk is at capacity due to the fence not allowing them to step in towards the development.
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 proposed fencing does not affect the accessibility to the development by non-motorized and public modes of transportation.</p> <p>In Denial: The proposed fencing negatively affects the accessibility to the site by non-motorized modes of transportation. The proposed gates create conflict for pedestrian and bicyclists that wish to enter the development.</p>

19. 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

Site Specific Requirements:

Prior to Occupancy:

1. All fencing installed at the site must be compliant with GCC 8-4A-3 Fences and Walls.
2. The W. Chinden Blvd. secondary access must physically close so that egress is removed, the sidewalk is filled in and the apron is filled in/closed.

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.

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