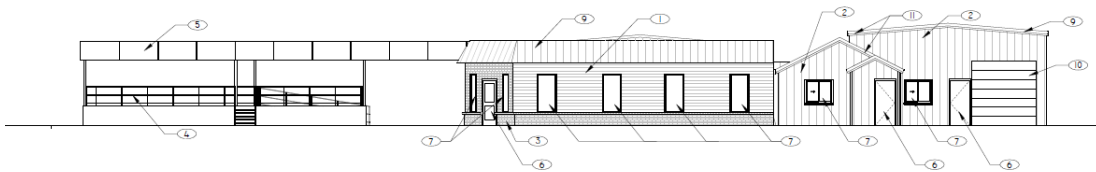




CITY OF GARDEN CITY

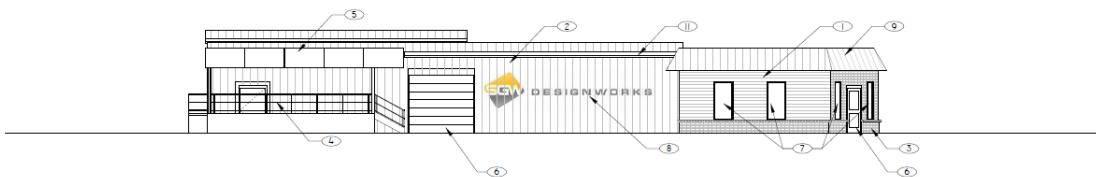
6015 Glenwood Street □ Garden City, Idaho 83714
Phone (208)472-2921 □ Fax (208)472-2926

File Number: DSRFY2021 - 0005
Application Scope: Pre-Application Conference
Location: 200 E. 33rd Street
Applicant: Matthew Witt
Report Date: February 1, 2021
Revision Date: TBD



EAST ELEVATION

1/8"=1'-0"



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. o

The Preapplication meeting will be held on February 1, 2021. A summary of the items discussed will be included here following the hearing.

A hearing/ follow-up meeting will be held on an undetermined date.

B. Project Information

Proposed Scope of Work:

Request	Review Process	Notes
Pre-application conference for a design review	8-6B-3 Design Review Committee	February 1, 2021
Public Hearing	8-6B-3 Design Review Committee	TBD

Project Details:

- 1) Proposed development: New façade changes to an existing building
- 2) Site Coverage:
 - a) Building: Unknown
 - b) Landscaping: Unknown
 - c) Paved Areas: Unknown
- 3) Total number of vehicular parking spaces: Unknown
 - a) Surface: Unknown
 - b) On-Street: Unknown
- 4) Total number of bicycle parking: Unknown
 - a) Enclosed: Unknown
 - b) Surface: Unknown
- 5) Trash Enclosure: Unknown
- 6) Fencing: Existing fencing proposed to remain
- 7) Sidewalk:
 - a) None proposed.
- 8) Landscaping:
 - a) Street Trees: Landscaping plan not provided
 - b) Parameter Landscaping: Perimeter landscaping not provided
- 9) Connections: business is located along E. 33rd street, the intersection of 33rd street and Chinden is proposed to have a pedestrian crossing in the future
- 10) Closest VRT Stop: Route 11 Chinden and 33rd NEC; approximately 0.2 miles away (1 minute walk)

Site Conditions:

- 1) Street Address: 200 E. 33rd Street
- 2) Parcel Number(s): R2734541330
- 3) Property Description: LOTS 1-4 BLK 34 FAIRVIEW ACRES SUB NO 05 PARCEL A ROS 12225 #1320-C #1340-C #1350-C
- 4) Legal Lot of Record: **Unknown ROS**
- 5) Property Size: 0.688 acres
- 6) Zoning District: C-2
- 7) Zoning Overlay(s): None
- 8) Comprehensive Plan Land Use Map Designation:
 - a) Live-Work-Create
- 9) Floodplain Designation:
 - a) 2003 FIRM: outside of the Special Flood Hazard Area

-
- b) 2017 Draft FIRM: AE 100 Year**
- 10) Adjacent Uses:**
- a) Vacant Land**
 - b) Use Dwelling Unit**
 - c) Use Dwelling Unit Multi-Family**
 - d) Drinking establishment, limited services**
 - e) Eating establishment, limited services**
 - f) Eating establishment, full services**
 - g) Service Provider**
 - h) Lodging**
 - i) Farmer's Market**
- 11) Existing Use:** It appears to be building material, garden, and equipment; however, record of the use has not been identified and may not be legally established.
- 12) Easements on site:**
- a) Fairview Acres SUB 05 Utility, Drainage, Irrigation Easement**
- 13) Site Access:**
- a) Front: Clay Street**
 - b) Side: unknown**
 - c) Rear: unknown**
- 14) Sidewalks:** There is no sidewalk on or adjacent to the property
- 15) Wetlands on site:** none identified.

C. Discussion

The façade changes make up less than 25% of the tax assessed value of the property. The Design Review Committee and Planning Staff have previously interpreted the taxed assessed value to be within the square footage of the building, the square footage of the landscaping and/or parking lot surfaces, and the fenestrations of the building facades. Due to the nature of the proposed façade changes, the property is exempt from most of Garden City Code Standards. **Bolded** changes included new construction/additions to the existing building that would count towards the 25% of taxed assessed value threshold. Proposed changes include:

- a.) Existing wood siding to received new paint per finish schedule.
- b.) Existing metal siding to receive new paint per finish schedule.
- c.) Existing brick siding to receive new paint per finish schedule.
- d.) Existing guard rail, paint to match trim.
- e.) New metal fascia panel around loading dock canopy. Paint to match existing standing seam metal roof.**
- f.) Existing door to remain. Paint per finish schedule.
- g.) Existing window to remain. Paint frame to match trim.
- h.) Tenant graphic painted on building.**
- i.) Standing seam roof to remain.
- j.) New sectional door, paint per finish schedule, glass in upper panels.**
- k.) Trim to receive new paint per finish schedule.
- l.) Existing fence to remain.
- m.) Existing fence to be removed.
- n.) Existing asphalt to remain.
- o.) Existing concrete pavement to remain.
- p.) Existing lot to remain unpaved.
- q.) Existing asphalt to be sawcut and removed. Prep for new concrete.**
- r.) New concrete ramp and landings at front entry. Stripe edge of concrete for visibility to where not flush with existing pavement.**
- s.) New AC unit and pad.**
- t.) Existing gate to remain.

Garden City Code 8-4C Design Provisions for Nonresidential Structures standards do not apply to this proposed project due to not meeting the required 25% change threshold.

[Garden City Sidewalk Policy](#) states that no new sidewalk or pathway will be required by the City when the change of use is to a permitted zoning use and there is no change in building occupancy and there is no change to the site design, proposed improvements including changes to the interior to a building are less than 25%, there is no expansion of the site, and there is no intensification of use at the site.

Staff assumes there is less than a 25% change but is not certain due to the lack of detail provided in the plans submitted. Staff would need proof of a Certificate of Occupancy for the building, and it would have to confirm that there is no change in the building occupancy to waive the sidewalk standards.

8-4I Landscaping and Tree Protection Provisions 8-4I Landscaping and Tree Protection Provisions states that all development, redevelopment, additions, or site modifications to existing development shall be required to conform to standards. However, the this application is not applicable because it is not proposing an addition, nor is it proposing more than a 25% change to the structure or developed area.

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: 02/01/2020 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.
8. There has been no denial of any application on this property within one year.

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	None received to date	
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
No public comments were received		

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		May not be complaint	May not be a legal lot of record. Staff has requested Property Deeds and legal lot descriptions, and the record of survey that which created the lot configuration.
8-1B-2 Nonconforming Structures		No compliances issues noted	Legal nonconforming structure exists on the parcel of land. The building encroaches upon the rear setback to the West of the property. It currently lies between 11' 3" away from the property line closest to Clay street, then progressively encroaches up to only 9" from the property line. The proposed façade changes do not increase the nonconformity.
8-1B-3 Nonconforming Uses		Compliant as conditioned	The is no Certificate of Occupancy on file for the listed address. The applicant shall obtain a C of O prior to occupancy.
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	Research and Development is a permitted use in C-2 and is described as: The use of a site for developing new technology, products, processes and/or discovering solutions to problems for industries that include, but are not limited to, energy, medical, information technology and consumer goods.
8-2B-3 Form Standards	DC	No compliance issues noted	The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5' The allowable maximum height is: n/a The minimum lot size is: n/a

			<p>There are encroachments. However, structure is a legal nonconforming structure and the façade changes do not increase the nonconformity.</p> <p>All improvements are more than 70' from the Boise River.</p> <p>The property does not meet the minimum street frontage. The property lies 35'-5" from 33rd street and 54'-4" from Clay Street. In order to be code compliant, the building needs to be within 5 -15ft from the property line. However, because this is an existing building, and the proposal is only for a façade change, this code is not enforceable.</p>
8-2C			None for the use of Research and Development
Title 8, Chapter 4A: Design and Development Regulations			
<p>Applicability:</p> <ul style="list-style-type: none"> - The provisions apply to all new development and the substantial alteration of existing development in all base districts. 			
8-4A-3 Fences and Walls	DC	May not be complaint	Existing fences proposed to stay. Height and material unknown.
8-4A-4 Outdoor Lighting	DC	May not be complaint	No lighting plan submitted. Need more information for a thorough review. Could be a potential condition for approval.
8-4A-5 Outdoor Service and Equipment Areas	DC	May not be complaint	Need more information for a thorough review.
8-4A-7 Stormwater Systems	DC	May not be complaint	Not enough information to review. Could be a potential condition for approval.
8-4A-8 Utilities	DC	May not be complaint	Not enough information to review. Could be a potential condition for approval.
8-4D Parking and Off Street Loading Provisions			
8-4D-3 Parking Design and Improvement Standards	DC	May not be complaint	<p>The existing parking lot is located within 40' of the corner at 33rd and Clay. This is not code compliant.</p> <p>It is unclear if there will be any parking lot improvements. However, site plans do indicate that existing concrete and asphalt are to stay. New concrete is proposed to be a new ramp.</p> <p>Bicycle parking not identified.</p>
8-4D-4 Parking Use Standards	DC	No compliance issues noted	

8-4D-5 Required Number of Off-Street Parking Spaces	DC	May not be complaint	No bicycle parking shown on site plans. 1 space is required for every 20 car parking spaces and every tenant. 1 bicycle parking space is required for this proposal.
8-4E Transportation and Connectivity Provisions			
8-4E-3 Public Street Connections	DC	May not be complaint – as conditioned	Clear vision triangle now shown in site plans. Could be a potential condition of approval.
8-4E-4 Internal Circulation Standards	DC	May not be complaint	Internal circulation measurements not shown on site plans.
8-4E-6 Sidewalk Standards	DC	May not be complaint	No sidewalk along 33 rd or Clay Street. Code requires that a 5' detached sidewalk is installed. There has been no submittal of a sidewalk waiver. Garden City Sidewalk Policy states that no new sidewalk or pathway will be required by the City when the change of use is to a permitted zoning use and there is no change in building occupancy <i>and</i> there is no change to the site design, proposed improvements including changes to the interior to a building are less than 25%, there is no expansion of the site, and there is no intensification of use at the site. Staff assumes there is less than a 25% change but is not certain due to the lack of detail provided in the plans submitted. Staff would need proof of a Certificate of Occupancy for the building, and it would have to confirm that there is no change in the building occupancy to waive these standards.
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC	May not be complaint	It is unclear in the site plans if a pedestrian pathway is proposed throughout the site, or to the main entrance.
8-4H Flood Hazard-	Planning Official	May not be complaint – Compliant as conditioned	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.
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process		No compliance issues noted Not Compliant May not be complaint	To be completed with the formal application. 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			Unknown if application waivers requested pursuant to 8-6A-4A.
8-6A-5 Administrative Process with Notice		<p>No compliance issues noted</p> <p>Not Complaint</p> <p>May not be complaint</p>	<p>To be completed with formal application.</p> <p>A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <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>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Garden City Comprehensive Plan	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> a) Live-Work-Create <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> a.) 1.4 Objective: Create a premier destination place to live, work, and recreate. <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 12. Evolve as a Destination</p> <ul style="list-style-type: none"> a.) 12.1 Objective: Support a positive business environment b.) 12.2 Objective: Continue to support commercial and industrial land uses. c.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce. <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> a.) 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.

Garden City Sidewalk Policy	No waiver was submitted. Determination of required sidewalk installation is contingent upon existing Certificate of Occupancy.
Garden City Street Light Policy	A streetlight is installed along E. 33rd ^d Street in accordance with the policy.