

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:	)	DSRFY2021-0007
	)	
Design Review	)	FINDINGS OF FACT,
4980 Bradley Street	)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho	)	AND DECISION
_____	)	

THIS MATTER, came before the Garden City Design Review Committee for consideration on March 1, 2021 and was continued to the date certain of May 3, 2021. 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 a structural addition of more than 25% to an existing building.
2. The applicant is Joe Turner.
3. The property owner of record is Western HVAC Properties LLC.
4. The location of the project is:
  - a. 4980 Bradley Street; Ada County Assessor parcel number R1057230075. Described as: LOT 8 BLK 2 BRADLEY FIELD BUSINESS PARK SUB #96029406;
  - b. 4961 N. Bradley Street, Ada County Assessor parcel number R1057230065. Described as: LOT 6 BLK 2 BRADLEY FIELD BUSINESS PARK SUB #96029406;
  - c. N. Bradley Street, Ada County Assessor parcel number R1057230070 Described as: LOT 7 BLK 2 BRADLEY FIELD BUSINESS PARK SUB #96029406
5. The properties are legal lots of record.
6. The application contains a legal nonconforming structure.

7. The application is for a design review for the addition of an existing service provider. The scope of the design review is limited to the entire property.
8. The application is filed in conjunction with a conditional use permit CUPFY2021-0005, the expansion of the use of service provider.
9. The subject property is .240 acres, 0.370 acres, and 0.300 acres.
10. The project is located in the C-2 General Commercial zoning district.
11. The project is not located in an overlay.
12. The project is located in the Activity Node: Neighborhood Destination and the Light Industrial Bradley Technology District of the Garden City Comprehensive Plan Land Use Designation.
13. The project is in the not located in the SFHA according to the 2003 FIRM.
14. The project is in the not located in the SFHA according to the 2017 FIS.
15. There has been no denial of any application on this property within one year.
16. The following standards apply to this proposal:
  - a. Garden City Code 8-1A-4 Applicability
  - b. Garden City Code 8-1B Existing Nonconforming Properties, Structures, and Uses
  - 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 8-4G Sustainable Development Provisions
  - i. Garden City Code 8-4H Flood Hazard
  - j. Garden City Code 8-4I Landscaping and Tree Protection Provisions
  - k. Garden City Code 8-6A-3 General Application Process
  - l. Garden City Code 8-6A-4 Required Application Information
  - m. Garden City Code 8-6A-5 Administrative Process with Notice
17. 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

18. The applicant provided the following application information:

## DESIGN REVIEW DECISION - 2

DSRFY2021-0007; Western Heating and Air; 4980 Bradley Street

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

19. Additional application materials submitted include:

- a. Floor Plans;
- b. Existing Landscape Plans;
- c. Materials Plan;
- d. Record of Survey signed and stamped by James P. Prince dated 2 September 2020;
- e. Affidavit of Legal Interest;
- f. Application;
- g. Neighborhood Sign-In Sheet;
- h. Recorded Neighborhood Meeting;
- i. Site Photos.

20. Agency Comments were received from:

- i. Ada County Fire and Rescue, dated February 12, 2021
- ii. Ada County Fire and Rescue, dated March 3, 2021
- iii. Ada County Highway District, dated February 12, 2021
- iv. Garden City Engineer, dated February 11, 2021

21. No written public comments were received.

22. 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 <a href="#">here</a>	02/04/2021	02/04/2021
Letter of Acceptance (30 days after receipt of application)	03/04/2021	02/05/2021
Radius Notice (15 days prior to	02/14/2021	02/09/2021

## DESIGN REVIEW DECISION - 3

DSRFY2021-0007; Western Heating and Air; 4980 Bradley Street

hearing)		
Interested Parties		n/a
Legal Notice (19 days)	02/10/2021	02/10/2021
Agency Notice (15 days)	02/14/2021	02/08/2021
Property Posting Sign (10 days)	02/19/2021	02/19/2021
Affidavit of Property Posting and Photos (7 days)	02/22/2021	02/19/2021

23. On March 1, 2021, in accordance with GCC 8-6B-3, a combined pre-application conference and formal hearing was held with the Design Committee. The application was moved to the date certain of April 5, 2021.

24. On April 5, 2021, in accordance with GCC 8-6B-3, a combined pre-application conference and formal hearing was held with the Design Committee. The application was moved to the date certain of April 19, 2021.

25. On April 19, 2021, in accordance with GCC 8-6B-3, a combined pre-application conference and formal hearing was held with the Design Committee. The application was moved to the date certain of May 3, 2021.

26. On May 3, 2021, in accordance with GCC 8-6B-3, a combined pre-application conference and formal hearing was held with the Design Committee. The Committee provided the following comments and requests:

a. This section will be completed after the hearing.

27. The record contains:

- j. Application Documents
- k. Noticing Documents
- l. Agency Comments: ACHD, Ada County Fire and Rescue, Garden City Engineer
- m. Written Public Comments: none provided
- n. Staff report
- o. March 1, 2021 Design Review Committee Hearing Minutes and Audio
- p. April 5, 2021 Design Review Committee Hearing Minutes and Audio
- q. April 19, 2021 Design Review Committee Hearing Minutes and Audio
- r. May 3, 2021 Design Review Committee Hearing Minutes and Audio
- s. Design Review Committee Signed Findings of Fact, Conclusions of Law and Decision

28. 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><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 use is appropriate to the location, lot, and the neighborhood and is compatible with uses within the C-2 General Zoning District. The application is cohesive with the Comprehensive Plan's designation of Light Industrial Bradley Technology.</p> <p><b>In Denial:</b> The application is not appropriate to the location, the lots, the surrounding neighborhood nor is it cohesive with the Comprehensive Plan's designation of the Activity Node: Neighborhood Destination.</p>
X		X	<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:</b> The proposed design adheres to the standards for the protection of health, safety, and general welfare of the community by maintaining existing attached sidewalks, providing pedestrian pathways to primary entrances and maintaining existing landscaping.</p> <p><b>In Denial:</b> The proposed design does not adhere to</p>

			the safety, health, and general welfare of the community by not providing adequate pedestrian connectivity throughout the site, not proposing additional sidewalk along Fenton Street, nor by meeting the minimum landscaping standards set forth in Garden City Code 8-4I.
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><b>Explanation:</b></p> <p><b>In Approval:</b> The application proposes a design that matches the existing building's design which enhances the surrounding neighborhood. The proposed design contributes to the neighborhood's sense of place by expanding an existing building and the presence it has in the neighborhood.</p> <p><b>In Denial:</b> The proposed design does not contribute to the neighborhoods sense of place as it does not match the surrounding building's architectural design. The vertical presence and massing is no cohesive with 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><b>Explanation:</b></p> <p><b>In Approval:</b> The application does not propose an increase of vehicle parking facilities within the site, pedestrian connectivity from Bradley Street to the primary entrance is encouraged and maintained.</p> <p><b>In Denial:</b> The application does not meet this finding</p>

DESIGN REVIEW DECISION - 6

DSRFY2021-0007; Western Heating and Air; 4980 Bradley Street

			<p>in that no sidewalk is proposed along N. Fenton Street, nor is there a proposal for pedestrian connectivity through the site.</p>
X		X	<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:</b> The application promotes commercial development patterns in nodes rather than in strips as it is a standalone commercial building operating out of an existing building.</p> <p><b>In Denial:</b> The application does not promote commercial development in patterns, but rather in nodes, as it promotes a single occupancy.</p>
X		X	<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:</b> The application promotes compact development in that the proposed expansion increases the density of the existing site.</p> <p><b>In Denial:</b> The application does not support compact development patterns that enable intensification of development and changes overtime.</p>
X		X	<p>The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.</p> <p><b>Explanation:</b></p> <p><b>In Approval:</b> The application meets this finding. The application proposes keeping the existing outdoor spaces and</p>

DESIGN REVIEW DECISION - 7

DSRFY2021-0007; Western Heating and Air; 4980 Bradley Street

			<p>landscaping that which are compatible with the southwest Idaho climatic conditions.</p> <p><b>In Denial:</b> The application does not meet this finding in that the application does not propose outdoor spaces that which promote pedestrian activity. Nor does the application propose the addition of landscaping that which is compatible with the southwest Idaho climatic conditions.</p>
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29. 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**

**Site Specific Requirements:**

Scope of the Permit:

1. The scope of the permit is to allow for the structural addition to the existing Western Heating and Air building.
2. The first-floor warehouse/storage addition roof overhangs are permitted in the 5' setback so long as the encroachment is two (2) feet or less.
3. Waivers to Garden City Code, Title 8 regulations include:
  - a. Landscape Plan Waiver
  - b. Sidewalk Waiver
4. RECOMMENDATION: As of the date of this writing, the Federal Emergency Management Agency has issued Draft Digital Federal Insurance Rate Maps (DFIRM) which proposes to delineate the subject properties to be within the 100- year Floodplain. The applicant should consider that any new structures must have the top of the lowest floor at or above BFE (as defined by adopted FIRM) pursuant to current Garden City

**DESIGN REVIEW DECISION - 8**

DSRFY2021-0007; Western Heating and Air; 4980 Bradley Street



Code. Stricter standards may be required in the future for building permit approval.

Prior to Construction:

1. A lot line consolidation or adjustment shall be approved by staff for lots 6, 7, and 8, tax parcels R1057230065, R1057230070 & R1057230075.
2. The entrance and exit drives shall be code conforming and designed to prevent traffic hazards and nuisances.
3. No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.
4. The site and Fenton must be constructed so as to make it obvious that Fenton is public right-of-way for the use of public.
5. A sustainable development checklist document shall be submitted, and the application must be found in conformance with GCC 8-4G.

Prior to Occupancy:

1. Occupancy of the addition space shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. A building permit shall be applied for and approved by Garden City Development Services Department.
3. Bicycle parking facilities shall be provided consistent with the location and the design standards of GCC 8-4D-3.
  - a. The property is required to have at least two bicycle parking spots.
4. Any existing chain-link fence, chain-link with slats fence, barbed wire fence, or any other prohibited fencing materials according to GCC 8-4A-3 shall be removed and replaced with code compliant materials.
5. All proposed fencing shall be compliant with the standards set forth in GCC 8-4A-3 Fences and Walls.
6. All trash enclosures shall be enclosed and compliant with GCC 8-4A-5 Outdoor Service and Equipment Areas.
7. All HVAC systems and mechanical units shall be built in compliance with GCC 8-4A-5 Outdoor and Service Equipment areas.
8. All Utilities shall be compliant with GCC 8-4A-8 Utilities.
9. Driveways, aisles, and turnaround areas, when required for fire and refuse access, shall meet the standards of GCC 8-4E-4 Internal Circulation Standards.

**DESIGN REVIEW DECISION - 9**

DSRFY2021-0007; Western Heating and Air; 4980 Bradley Street

- a. Have a minimum vertical clearance of thirteen feet six inches (13'6") for their entire length and width.
  - b. Have a minimum width of twenty feet (20').
  - c. The design of internal circulation should be integrated with the overall site design and adjacent properties, including the location of structures, pedestrian walkways and landscaping.
10. A 5' wide detached sidewalk with landscape buffer shall be installed along all of N. Fenton Street as set forth in GCC 8-4E-6 Sidewalk standards.
  11. A 4' wide pedestrian pathway shall be installed to connect N. Fenton Street to the primary entrance of the building along Bradley Street.
  12. One additional Class II or III street tree shall be planted along the frontage of Bradley Street to meet the total requirement of four trees. All required trees shall be in compliance with GCC 8-4I-4 Landscaping provisions for Specific Uses.
  13. The installment of seven Class II or II street trees along the frontage of N. Fenton Street shall be required and in compliance with GCC 8-4I-4 Landscaping provisions for Specific Uses.
  14. One type B off street loading space shall be provided for and in compliance with GCC 8-4D-7.
  15. A streetlight shall be installed in compliance with Garden City Streetlight Operations and Maintenance Policy.
  16. The site and Fenton must be constructed so as to make it obvious that Fenton is a public right-of-way for the use of the public.
  17. The Fenton right-of-way must either remain in its current configuration or it can be vacated if it connects to 50<sup>th</sup> Street.
  18. The public's use of the Fenton right-of-way cannot be impeded by the use of the subject properties.

Site Specific Requirements for the Duration of the Use:

1. All Clear vision triangles must be maintained according to GCC 8-4E-3 Public Street Connections standards.
2. Site Layout: No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.
3. Parking and Access:

**DESIGN REVIEW DECISION - 10**

DSRFY2021-0007; Western Heating and Air; 4980 Bradley Street

- a. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
  - b. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.
4. The paved area between N. Fenton and the western façade of the existing structure shall not be used for parking unless vacation of that section of Fenton is obtained.
5. Limitations: The site shall not be used as vehicle wrecking as herein defined.
6. Site Maintenance:
  - a. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.
  - b. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.
7. Other Standards Apply: Outdoor storage areas shall comply with section 8-1C-3, Property Maintenance Standards, of this title.
8. A shared parking agreement between all parcels that which are utilized or are planning on being utilized for parking by Western Heating and Air shall enter into a shared parking agreement and it shall be designated to the properties involved in the agreement, not the property owner(s).

**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.

**DESIGN REVIEW DECISION - 11**

DSRFY2021-0007; Western Heating and Air; 4980 Bradley Street

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. All outdoor living spaces must comply with Garden City Cod 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.

## DESIGN REVIEW DECISION - 12

DSRFY2021-0007; Western Heating and Air; 4980 Bradley Street

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 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.

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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.

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This signature verifies that this decision document has been reviewed and approved

by the Design Review Committee Date