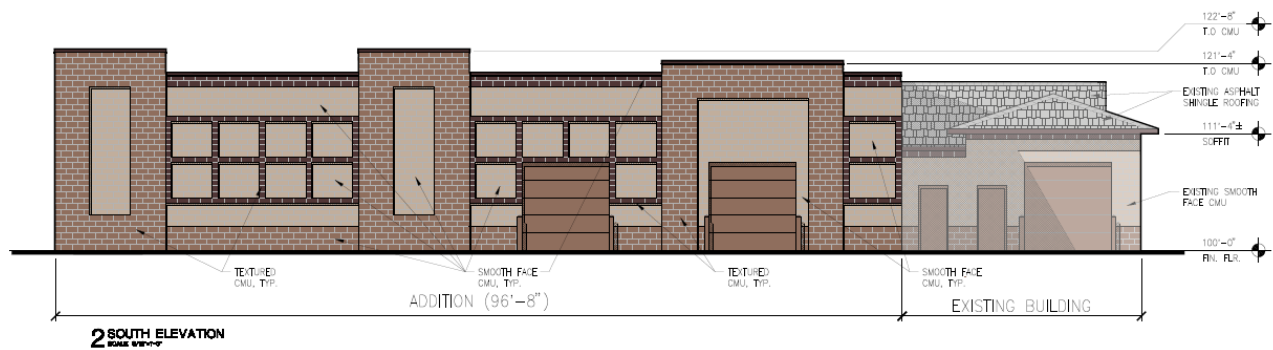
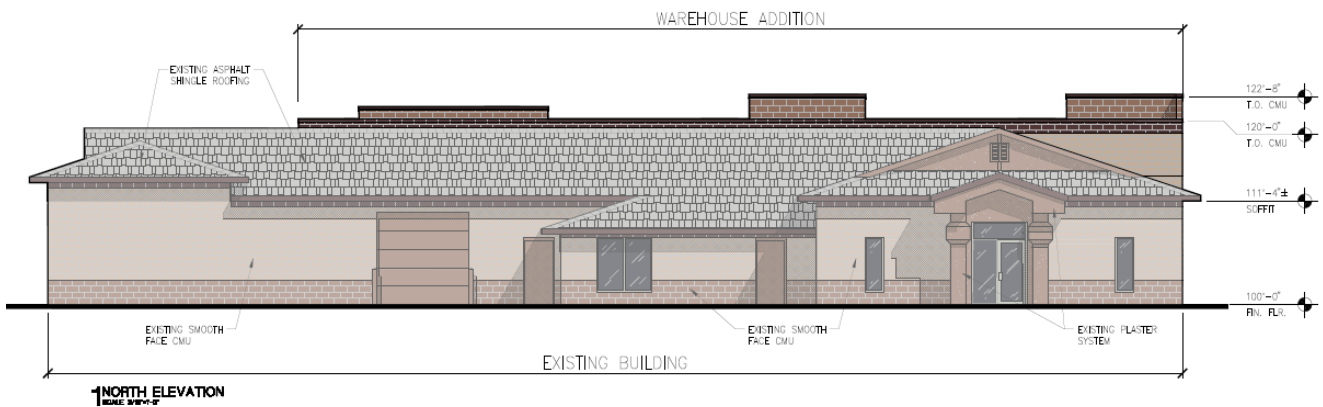




# CITY OF GARDEN CITY

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

**File Number: DSRFY2021 - 0007**  
**Application Scope: Design Review Hearing for a Service Provider**  
**Location: 4980, 4961, and N. Bradley Street**  
**Applicant: Joe Turner**  
**Report Date: February 7, 2022**



Staff Report  
 Prepared by Hanna Veal

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## Table of Contents

<b>Meeting Summary</b> .....	<b>3</b>
<b>Project Information</b> .....	<b>5</b>
<b>Discussion</b> .....	<b>7</b>
<b>Decision Process</b> .....	<b>11</b>
<b>Agency Comment</b> .....	<b>12</b>
<b>Public Comment</b> .....	<b>14</b>
<b>Code/Policy Analysis</b> .....	<b>15</b>

## A. Meeting Summary:

The Preapplication meeting was in conjunction with the formal hearing on March 1, 2021, but continued to the date certain of April 5, 2021, April 19, May 3, 2021, and June 7, 2021.

At the June 7, 2021, Design Review Hearing, the application was moved to a date undetermined.

The applicant resubmitted new materials on November 29, 2021, and is scheduled to be heard at the February 7, 2022, Design Review Hearing.

The Conditional Use Permit associated with this application, CUPFY2021-0005, was approved with conditions on March 17, 2021.

### Below is a summary of the May 3, 2021, Design Review Hearing Minutes:

- a. Mark Gier presented the application.
- b. Staff, Hanna Veal, presented the staff report.
- c. There was no public testimony.
- d. Mark Gier provided rebuttal:
  - i. The plaza as proposed is more than 500 square feet.
  - ii. Placement of the plaza is to help meet the frontage requirements along Bradley Street.
  - iii. The expansion is limited to the southern portion of the property in that the nature of the expansion is to increase the existing warehouse size.
  - iv. Sign for Western Heating and Air is a conflict with the potential plaza placement along the north western property corner.
- e. Public Testimony was closed.
- f. Discussion included:
  - i. Lot line adjustment and/or consolidation would need to create parcels that could act as stand-alone properties in the instance that one was to be sold.
  - ii. Because of the intensification of the use, not addressing the pedestrian access on Fenton Street is detrimental to the health and welfare of the public, especially bicyclists and pedestrians.
  - iii. The façade along Fenton Street needs to create a comfortable atmosphere for pedestrians through the use of fenestrations and landscaping. Pedestrian oriented façade features are required.
  - iv. Fenton Street can be treated as an extension of Osage.
  - v. Clustering of street trees along eastern side of the site adjacent to Fenton.
  - vi. The western portion of Fenton Street where it connects with Bradley street is to have landscaping and sidewalks.
  - vii. At least 15% fenestration along street side fronts are required.
  - viii. If streetlight is installed to Garden City standards, there is a request form that can be filled out for the city to adopt the new streetlight.
  - ix. Loading zone area is a safety concern.
  - x. If pedestrian sidewalk is created along Fenton street, then pathway through the site is not required as stated in the drafted conditions.
  - xi. Fences cannot be along the property line adjacent to Fenton. Not only does it make for a code compliance issue, but conflicts with the Transportation Needs

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List vision of Osage and Stockton, to which this section of Fenton is allowed to be treated as.

- xii. Landscape treatment to soften the minimum 5' setback area between the proposed expansion and N. Fenton Street.
- g. Committee member Labrie approved moved to continue the application to the date certain on June 7, 2021.
- h. Committee member Gresham seconded.
- i. The motion carried unanimously.

## B. Project Information

### Proposed Scope of Work:

Request	Review Process	Notes
Pre-application conference for a design review	<a href="#">8-6B-3 Design Review Committee</a>	March 1, 2021; April 5, 2021; April 19, 2021; May 3, 2021; June 7, 2021; and February 7, 2022
Public Hearing	<a href="#">8-6B-3 Design Review Committee</a>	March 1, 2021; April 5, 2021; April 19, 2021; May 3, 2021; June 7, 2021; and February 7, 2022

### Project Details:

- 1) Proposed development: A design review for a structural addition
- 2) Site Coverage: 24,284sqft
  - a) Building:
    - i) Existing: 7,752sq.ft = 30%
    - ii) Proposed addition: 1,759sq.ft. = 7% of the site and 23% of the existing structure.
    - iii) Total: 11,296sq.ft = 32%
  - b) Landscaping: 1,789sqft = 7% of the site
  - c) Paved Areas: 11,522
- 3) Total number of vehicular parking spaces: 12
  - a) Surface: 12
  - b) ADA Compliant: 1
- 4) Total number of bicycle parking: 2 (1 bike rack)
- 5) Trash Enclosure: Republic Services will pick up individual services internal to the development
- 6) Fencing:
  - a) 6' tall fencing proposed, specified to mee Garden City Code
  - b) Existing 6' tall chain link fence with slats
- 7) Sidewalk:
  - a) None proposed
- 8) Landscaping: A waiver was originally submitted, but resubmittals show additional landscaping proposed along Bradley St.
- 9) Closest VRT Stop: Bus Route 11; Adams and 50<sup>th</sup> SWC. **No longer in service.**

### Site Conditions:

- 1) Street Address: 4980 Bradley Street, 4961 N. Bradley Street, and N. Bradley Street
- 2) Parcel Number(s):
  - a) R1057230075
  - b) R1057230065
  - c) R1057230070
- 3) Property Description:

- a) LOT 8 BLK 2 BRADLEY FIELD BUSINESS PARK SUB #96029406
- b) LOT 6 BLK 2 BRADLEY FIELD BUSINESS PARK SUB #96029406
- c) LOT 7 BLK 2 BRADLEY FIELD BUSINESS PARK SUB #96029406
- 4) Legal Lot of Record: Yes; The building is a legal nonconforming building. The building consists of lots 6,7, and 8 of Bradley Field Business Park. A LLA will need to be approved prior to construction.
- 5) Property Size: .240 acres
- 6) Zoning District: C-2
- 7) Zoning Overlay(s): None
- 8) Comprehensive Plan Land Use Map Designation:
  - a) Activity Node: Neighborhood Destination
  - b) Light Industrial Bradley Technology District
- 9) Floodplain Designation:
  - a) 2003 FIRM: outside of the Special Flood Hazard Area
  - b) 2017 Draft FIRM: outside of the Special Flood Hazard Area
- 10) Adjacent Uses: \*Only note uses that we have record; utilize Title 8 terms
  - a) Personal Services
  - b) Single Family dwelling with garage.
  - c) Professional Services
  - d) Animal Care Facility
  - e) Church or place of religious worship
- 11) Existing Use: Western Heating and Air, a service provider
- 12) Easements on site:
  - a) There are no records on file with Garden City of existing easements on the site.
  - b) There is an existing ACHD easement along the perimeter of the site
- 13) Site Access:
  - a) Front: Bradley
  - b) Side: W. Fenton
  - c) Rear: W. Fenton
- 14) Sidewalks:
  - a) Sidewalks are installed and are in good repair along Bradley Street.
  - b) There are no sidewalks along W. Fenton Ave.
  - c) There are no proposed sidewalks
- 15) Wetlands on site: none identified

## C. Discussion

The existing structure is 7,752 square feet, the proposed addition is 1,759 square feet, increasing the building's footprint by about 23%. Due to the size of the addition, the application is exempt from some of Garden City Code Title 8 development code.

### [Garden City Code 8-4D-3 Parking Design and Improvement Standards](#) and [8-4D-7 Off Street Loading Standards](#)

Staff's primary concern is regarding the safety of the proposed warehouse/storage addition in relation to the function of the loading areas, the garage doors, and the public right-of-way of Fenton Street. The proposal currently includes 5 vehicle bays to be accessed from Fenton Street. It is clear that the function of these vehicle bays will act as a place for vehicles to either enter the warehouse structure for loading or for the doors to roll-up and the loading to occur directly on Fenton Street. There are provisions in code to regulate the function of ingress/egress, particularly related to parking areas and clear vision triangles. There is a provision in code that states that parking areas shall be designed in such a manner that vehicles leaving or entering the parking area from, or onto, a public or private street shall be traveling in a forward motion. No parking area shall be designed in such a manner that vehicles will be required to reverse onto the street.

There are some exceptions to this code such as a designated alley or parallel parking spaces. However, the fact of the matter is that there will be future conflict between the large service provider trucks utilizing the site and Fenton Street, and the other users such as bicyclists, pedestrians, and other vehicles using the public street.

If a vehicle were to back out onto Fenton Street, they would not have enough room to see if a person or vehicle is within the right-of-way because there is only a 6'5" buffer/setback area from the wall of the structure to the property line. This would result in a driver backing out onto Fenton blind, or without clear vision as there is not adequate distance to allow for the driver to be out of the building completely before entering onto Fenton Street.

### [Garden City Code 8-4I Landscaping and Tree Protection Provisions.](#)

Additions less than twenty five percent (25%) of the gross floor area of the existing structure or developed area, no additional landscaping shall be required. Resubmittal documents from November 29, 2021, show a new landscape plan depicting the existing landscape and a small area of proposed landscaping. Details as to what will be planted here are not shown.

### [Garden City Code 8-4C-3 General Provisions for Nonresidential Development](#)

The proposed addition increases the gross floor area by 23%. Any structural addition shall have a scale, massing, and urban form that which has a relationship to the street, pedestrian, and adjacent properties. The site as a whole is not required to be built to compliance.

Code states that the first floor facades visible from a public street shall include surface windows, showcases, displays or pedestrian access elements of at least 15%. It is unclear if the existing windows on the west elevation meet this requirement. The west facing façade of the addition does not propose any glazing, it only consists of the loading dock area with additional garage doors. The south elevation of the addition facing N. Fenton Street is currently proposed at 96'8" long and does not currently propose any windows. The south elevation is a blank wall that is clearly not meeting this objective's standards; whereas the west elevation might not be meeting this objectives standards.

Code states that no blank walls should front a public street. Any blank walls should be treated appropriately, so as to eliminate the illusion of a blank wall or cover it up. Fenton Street is considered a public street. As mentioned above, the south façade of the addition is to be considered a blank wall and

should be treated by providing landscaping, artwork, or vertical vine trellises. The area in front of this façade is 6'5", an adequate width for a landscape buffer with trees and shrubbery.

There is an existing condition in the associated CUPFY2021-0005 which states that "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." The details as to how this needs to be accomplished is not provided for in the decision document, but rather in the previous discussions with the Design Review Committee and the Planning and Zoning Commission. The details as to how this needs to be accomplished can be conditioned, however, staff believes that adding landscaping elements in this 6'5" setback could help accomplish this goal as well as providing a required treatment for the south elevation facade. Staff has conditioned that there be at least a 6' wide landscape buffer, with Class II columnar trees (plural) and shrubbery installed to help meet the standards and condition.

[Garden City Streetlight Guidelines and Standards](#) require that a streetlight be within 400' of the site. There are currently no existing streetlights within 400' of the site.

Individual Commercial Development (both new and substantial remodels) may be required to comply with this document. Should site conditions preclude installation of streetlights on a commercial development's street frontage, the owner or developer will deposit into a City trust funds sufficient to design, install, and inspect street lights required by this Street Light Placement Guideline. These funds will then be used, when appropriate, to install streetlights required for the property at approved alternate locations." And "Substantial remodel is defined as an improvement valued at 20% or more of the total value of the building where the improvement is being made."

### **8-2B-3 Form Standards**

It appears that the site consists of three lots of record. The existing structure is currently crossing all three lot lines. The existing structure is a non-conforming structure which should still proceed to do a lot line consolidation. A lot line adjustment for a consolidation of parcels R1057230065, R1057230070 & R1057230075 shall be required prior to issuance of a building permit and has been made a drafted condition for approval.

### **8-4D-3 Parking Design and Improvement Standards**

The original submitted site plans showed that there were 39 parking spaces available. That number included the parcel to the west that which is also owned by Western Heating and Air, but was technically included in this application. Therefore, actual parking space calculations add up to be 12 within the interior lot, and 5 spaces on the western side of the property (next to Fenton). The updated site plan from April 12, 2021, shows the elimination the parking spaces adjacent to Fenton, as staff has had discussion that those specific spots were not permitted per code, as some were within 40' of a corner, and all spaces were forced to back-up into the right-of-way of Fenton.

Resubmittals from November 29, 2021, now show this area as is a Type "B" loading space. A potential condition of approval has been drafted in the decision document to not allow for parking on this asphalt area for the duration of the use.

### **8-4E-6 Sidewalk Standards**

There is an existing attached sidewalk along Bradley Street. However, there are no existing sidewalks along Fenton Street. The site plans indicate that there is no proposal for sidewalks. Code requires that detached sidewalks with landscape buffer are to be installed along the south and the west side of Fenton street. A standard sidewalk section with the required street trees is 11'; this includes a 6' landscape buffer (with root barrier, 8' without) and a 5' sidewalk. The Fenton right-of-way is roughly 23' at this section, which would preclude a sidewalk or street trees in the right-of-way. The existing



loading area is adjacent to the right-of-way and the existing structure is roughly 21.5' from the edge of right-of-way.

This particular section of Fenton Street is currently acting as an alleyway, with no adjacent businesses having sidewalk installed. It acts as an alleyway, similar to that of Stockton and Osage, however, it is not officially designated as an alleyway. While staff is neither recommending nor not recommending sidewalks along Fenton, due to the width of this section of Fenton, the Committee could consider treating this section of Fenton Street similar to that of Osage and Stockton. [The Garden City Transportation Needs List](#) identifies Stockton and Osage as a roadway that shall remain narrow and function as the access for adjacent businesses while also being utilized to further the pedestrian orientation of the City. The Planning and Zoning commission left determination of sidewalk requirements to the Design Review Committee.

Should the Committee allow Fenton to act similar to that of Stockton and Osage, there would still be the requirement of pedestrian oriented development. This includes the option to install sidewalks, pedestrian pathways, landscaping, artwork, street furniture, and street lighting. Roadway improvements should include decorative paving or painting ideally that is varied in width and material. Provided that varied paving is too expensive, roadway paint that is varied in color could be utilized. This treatment is required to be approved by ACHD prior to implementation. Signage that indicates that the pedestrians have the right of way, and a maximum speed limit of 10-15 miles an hour, which also requires the approval of ACHD. No curb, gutter or sidewalk within the right-of-way is required, and limited to no parking is desirable.

The applicant has submitted a waiver to sidewalk standards based off current and future site functions and configurations, lack of right-of-way, and traffic volume on Fenton.

#### **[8-1B-1 Nonconforming Properties and 8-1B-3 Nonconforming Structures](#)**

As there are a number of adjacent properties that Western Heating and Air is utilizing as a single business, staff suggests that it is reasonable to review the properties that constitute the site as a part of this review. ([Figure One](#))

This application has not included the parcel west of Fenton being utilized by Western Heating and Air at S0631244425. This parcel has been confirmed to be a legal lot of record. Staff has found inconclusive evidence if the use of this lot is a legal non-conforming use. The 1999 plans related to a conditional use application show the structure at 4980 Bradley as existing. However, it does not show parking or loading to the western portion of the structure. There are notes from the November 17, 1999 Planning and Zoning Commission meeting that indicated that the use of Fenton as a parking and loading area was of concern. There was a request by a Mr. Ball to relocate Fenton to 50<sup>th</sup> Street. It was eluded that the lot to the west would be prepared for parking and loading to alleviate the portion of Fenton that connects to Bradley as being utilized for parking and loading. There is no evidence if this was included in the conditional use permit or if it was a future proposal. That conditional use permit was approved. ([Figure Two and Three](#))

Additionally, the property to the east has not been included in this application. In 2000 the structure to the east was constructed for Western Fireplaces. Staff has been unable to verify if this is Western Heating and Air. All the same, the records on file show that the structure was constructed to S-1 occupancy, per the building code (storage). Activities that occur within a structure determine the building's occupancy. Different occupancies require different construction standards such as fire sprinklers, fire walls, ADA restrooms, etc. Building code requires that any change of occupancy be reviewed and approved. Signage on the structure states that it is the Western Heating sales office. City records do not indicate that the property went through the required process to change building occupancy, which the city would consider a matter of health and safety. ([Figure Four](#))

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The 22' roof structure to the rear of the building was permitted in 1990.

**Drafted Conditions Based on Discussion**

There are draft conditions of approval to address these situations:

1. 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.
2. The public's use of the Fenton right-of-way cannot be impeded by the use of the subject properties.
3. 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.
4. The site shall provide a landscape planting bed at least five feet (6') wide in front of the south elevation blank wall, with plant materials that obscure or screen at least fifty percent (50%) of the wall's surface within three (3) years.
  - a. Class II columnar trees shall be planted in the landscape buffer.
5. A density reduction lot line adjustment to remove the property lines from bisecting structures, as approved by Garden City, must be recorded.
6. 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.
7. Waivers to Garden City Code, Title 8 regulations include:
  - a. Sidewalk Waiver

## 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 and Formal Hearing : March 1, 2021; April 5, 2021; April 19, 2021; May 3, 2021; June 7, 2021; and February 7, 2022

### 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.

The applicant has requested that the Design Review Committee review this application and find it to be ready for a formal application concurrently with the preapplication conference.

### **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:**

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**

The following agency comments were provided:

<b>Agency</b>	<b>Comment Date</b>	<b>Summary</b>
Ada County Highway District <a href="#">Link to Full Comment</a>	02/11/2021	1. Pay a traffic impact fee. If applicable, a traffic impact fee may be assessed by ACHD and will be due prior to the issuance of a building permit by the lead agency. This is a separate review process and it is the applicant's responsibility to

		<p>submit plans directly to ACHD.</p> <p>2. Comply with all ACHD Policies and ACHD Standard Conditions of Approval for any improvements or work in the right-of-way.</p> <p>3. Obtain a permit for any work in the right-of-way prior to the construction, repair, or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.).</p>
<p>Garden City Engineer  <a href="#">Link to Full Comment</a></p>	02/13/2021	<p>Comments concerning:</p> <ol style="list-style-type: none"> <li>1. Affidavit of legal interest: Resolved</li> <li>2. Erosion and Sediment Control</li> <li>3. Fire District Approval</li> <li>4. Sewer/Water connections</li> <li>5. Site Grading and Drainage Plan</li> <li>6. Storm Water Operation and Management Agreement</li> <li>7. Irrigation Facilities</li> <li>8. FEMA Flood Maps</li> <li>9. Parcel Consolidation</li> </ol>
<p><a href="#">Link to Full Comment</a></p>	01/22/2022	<ol style="list-style-type: none"> <li>1. The affidavit provided has been personally signed by Bob Barnes, not for the LLC. A new affidavit must be provided from the entity that is the landowner.</li> <li>2. Approval of the project by the North Ada County Fire and Rescue District is required. Should fire flow requirements exceed those available, the land use, off-site city water lines or other efforts may be necessary to obtain approval of plans.</li> <li>3. As the project redevelops at least 3,465 square feet of the existing site, a site grading and drainage plan will be required to be reviewed and approved by the city.</li> <li>4. The landowner must enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system. The agreement must be fully executed, have conditionally approved plans attached and be recorded by the city with final plan approval.</li> <li>5. Additional comments were made, refer to the full review.</li> </ol>
<p>North Ada County Fire and Rescue  <a href="#">Link to Full Comment</a></p>	02/12/2021	<p><b>Cannot approve without additional information:</b></p> <ol style="list-style-type: none"> <li>1. The proposed site plan indicates that a lot line runs through the middle of the building. Please provide information on how this will be addressed as the floor plan shows the</li> </ol>

		<p>warehouse spanning properties without fire walls.</p> <p>2. Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 600-feet from the hydrant. Fire flows of 1,750 GPM are available which is not sufficient for the building area. Fire sprinklers will be required. (IFC 507.3, IFC B105.2, IFC C105).</p> <p>3. The drawings indicate that trucks will block the existing public alley when parked at the loading dock. The alley prevents Fenton Street from being a dead-end and cannot be blocked as it is needed for fire access.</p> <p>4. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. Confirm the turn from Fenton Street to the alley complies. (BCC 5-12-29, IFC 503.2.4)</p>
<a href="#">Revised Comment Click Here</a>	03/04/2021	<b>REVISED Comments say the application can be approved subject to compliance with conditions.</b>
Republic Services <a href="#">Link to Full Comment</a>	01/25/2022	Structural addition does not impact location of current roll off container.

## F. Public Comment

No public comments were received as of the drafting of this document.

## 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.

<b>Garden City Title 8 Code Sections</b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</a>			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.
<a href="#">8-1B-1 Nonconforming Properties</a>		No compliance issues noted	The site consists of lots 6, 7, and 8 of Bradley Field Business Park Subdivision. All of which appear to be described as legal lots of record.
<a href="#">8-1B-2 Nonconforming Structures</a>		May not be complaint – Compliant as conditioned	It appears that the site consists of three lots of record. The existing structure and the proposed expansion are and will be crossing all three lot lines. A lot line adjustment shall be required and has been made a drafted condition for approval.  There was a Record of Survey submitted with this application, dated 09-02-2020, however there is not a City Engineer Signature on the ROS to determine that it was legally recorded with the City. Ada County Assessors website shows that the eastern most property boundary line to run through a section of the building, causing the building encroachment into Lot 6. <a href="#">(Figure One)</a>
<a href="#">8-1B-3 Nonconforming Uses</a>		No compliance issues noted – Potential expiration of CUP	Conditional Use Permit is required for the expansion of a service provider in a C-2 zoning district. CUPFY2021-0005 was approved at the March 15, 2021 Planning and Zoning Commission.  The conditional use permit will expire on March 15, 2022, if the applicant does not request an extension prior to this date. The applicant shall submit an extension request to Garden City Council.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2B-1 Purpose		No compliance issues noted	Commercial: The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. 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.
<a href="#">8-2B-2 Allowed Uses</a>		No compliance issues noted	Service Provider is a permitted use so long as there is an approval of a conditional use permit.
<a href="#">8-2B-3 Form Standards</a>	DC	May not be complaint –	The required setbacks are: Front: 5'

		compliant as conditioned	<p>Interior Side: 5' Rear: 5' Street side: 5'</p> <p>The allowable maximum height is: n/a</p> <p>The minimum lot size is: n/a</p> <p><b>There are encroachments. The eastern façade of the existing building appears to be encroaching upon the adjacent parcel number R1057230065. And the proposed expansion is proposed to be built over a property line between parcels R1057230070 and R1057230075. A lot line adjustment/consolidation could remedy this situation.</b></p> <p>All improvements are more than 70' from the Boise River.</p> <p>All properties do not meet the minimum street frontage.</p>
<a href="#">8-2C</a>			<p>A. Site Layout: No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.</p> <p>B. Parking and Access:</p> <ol style="list-style-type: none"> <li>1. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.</li> <li>2. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.</li> </ol> <p>C. Limitations: The site shall not be used as vehicle wrecking as herein defined.</p> <p>D. Site Maintenance:</p> <ol style="list-style-type: none"> <li>1. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.</li> <li>2. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.</li> </ol> <p>E. Other Standards Apply: Outdoor storage areas shall comply with section <a href="#">8-1C-3</a>, Property Maintenance Standards, of this title. (Ord. 967-14, 6-9-2014)</p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>	DC	May not be complaint – Compliant as conditioned	<p>Existing 6ft tall chain link fencing and sliding gate with privacy slats located towards rear of the building off N. Fenton is proposed to remain. <b>It has been conditioned to require the removal of all chain-link fencing and razor wire. If replacement occurs, it shall be of code compliant materials.</b></p> <p>Proposal of a 6' tall fence and sliding gate with privacy slats proposed to be of code compliant materials. <b>The fence is not code compliant in that it too tall based off its location. Code states that fences greater than three and one-half feet (3.5') shall be set back to be flush or behind the building frontage. To be compliant with code, the new</b></p>



			fence shall either need to be setback to be flush with the building (6'5") OR it can be on the property boundary line but only be 3.5' tall. It has been conditioned to require that the proposed fence be setback to be flush with the building frontage along Fenton St. Only then can it be 6ft tall.
<a href="#">8-4A-4 Outdoor Lighting</a>	DC	No compliance issues noted	
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	DC	May not be complaint – compliant as conditioned	Existing trash enclosure proposed to stay in current location. Applicant has stated that mechanical equipment will be rooftop mounted and screened by parapet walls. This will be analyzed when they submit for a building permit.  Ground level trash services will utilize a privacy fence. Material and height details of the privacy fence is not disclosed, however applicant stated they would be compliant with code standards.
<a href="#">8-4A-7 Stormwater Systems</a>	DC	Compliant as conditioned	
<a href="#">8-4A-8 Utilities</a>	DC	No compliance issues noted	
<a href="#">8-4C Design Provisions for Nonresidential Structures</a>	DC	May not be complaint – Discussion needed	<b>Applicability:</b> Structural Addition: The proposed structural addition increases the gross floor area by 23%. All structural additions shall have a scale, massing, and urban form that which has a relationship to the street, pedestrian, and adjacent properties. The site as a whole is not required to be built to compliance  <i>Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian, and adjacent properties.</i>  <ul style="list-style-type: none"> <li>The First floor Facades visible from a public street shall include surface windows, showcases, displays or pedestrian access elements of at least 15%. <b>It is unclear if the existing windows meet this requirement. The west facing façade of the addition consists of the loading dock area with additional garage doors, and the south facing façade of the addition expansion facing (south) Fenton currently does not propose any windows.</b></li> <li>No blank walls should front a public street. Any blank walls should be treated. <b>Elevations show there to be a blank wall facing Fenton Street, Fenton Street is considered a public right-of-way. Blank walls can be treated by providing landscaping, artwork, or vertical vine trellises. The area in front of this façade is 6'5", an adequate width for a landscape buffer with trees and shrubbery. It has been</b></li> </ul>

			<p><b>conditioned to require at least a 6' wide landscape buffer with Class II columnar trees.</b></p> <p><i>Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.</i></p> <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</i></p> <p><i>Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community.</i></p> <ul style="list-style-type: none"> <li>Buildings should be articulated to reduce the apparent scale. Architectural details that are used to articulate the structure may include reveals, battens, and other three-dimensional details that create shadow lines and break up the flat surfaces of the facade. <b>The south elevation might not be compliant with this section of code. The façade is linear in nature, and provides for architectural details, but it does not provide undulation. The addition in this elevation is 96'8". Discussion needed.</b></li> </ul> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p>
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**8-4D Parking and Off Street Loading Provisions**

<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	DC	Compliant as conditioned	<p>Original site plans show parking to the West of the existing building, between (west) Fenton and the building. This area originally proposed at least 5 parking spots, however, in conversation with staff and analysis of code, it appears the new site plans have eliminated this parking lot area.</p> <p><b>With the elimination of this parking lot, and clarification that the western property dirt parking lot is not included in this application, the site proposes 12 parking spots interior to the lot.</b></p> <p>If the property owner intends on using the adjacent properties for parking, a shared parking agreement shall be entered into and dedicated to the lots that which share the parking. (Not the owner). <b>A shared parking agreement has been drafted as a condition of approval.</b></p> <p>Garden City Code to be aware of:</p> <ul style="list-style-type: none"> <li>- Parking areas shall not be located closer than four feet (4') to any established street or alley right of way.</li> <li>- Parking lots shall not be located within forty feet (40') of a corner.</li> <li>- <b>Parking areas shall be designed in such a manner that any vehicle leaving or entering the parking area from,</b></li> </ul>
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			<p>or onto, a public or private street shall be traveling in a forward motion. There are some exceptions however, such as a designated alley or parallel parking spaces. <a href="#">See discussion.</a></p> <p>2 bike parking spaces are proposed.</p>
<a href="#">8-4D-4 Parking Use Standards</a>	DC	No compliance issues noted	
<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	DC	No compliance issues noted in updated documents- Compliant as conditioned	2 bicycle parking spaces are provided.
<a href="#">8-4D-6 Standards for Alternatives to On Site Parking</a>	DC	No compliance issues noted	A shared parking agreement can be created between the site, and adjacent sites. The parcel to the west, parcel # S0631244425 is owned by Western HVAC Properties LLC. If a shared parking agreement is contracted, the parking requirements of this development can be transferred to the adjacent property.
<a href="#">8-4D-7 Off Street Loading Standards</a>	DC	May not be complaint	<p>Gross Floor Area in Square Feet = 11,296sq.ft Requires 1 type B space which shall be no less than 15ft in width and 65ft in length with 14ft in vertical clearance. <b>The applicant has shown a compliant type B loading space, and has stated that this space will be painted and marked as a loading zone. The loading space is parallel to Fenton Street and would inhibit parking along this section of the property except for when loading is required. There has been a condition drafted to require that this area be painted in such a way to indicated that it is for loading only. There shall also be signage showing that it is a loading zone only. Discussion is required as to whether or not this location is appropriate.</b></p> <p>Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements and the vehicle and pedestrian circulation standard. <b>Potential condition of approval drafted.</b></p>
<b>8-4E Transportation and Connectivity Provisions</b>			
<a href="#">8-4E-3 Public Street Connections</a>	DC	Compliant as conditioned	Compliance with clear vision triangle drafted as a potential condition of approval.
<a href="#">8-4E-4 Internal Circulation Standards</a>	DC	No Compliance Issues Noted	
<a href="#">8-4E-6 Sidewalk Standards</a>	DC	May not be complaint – Discussion Required	<p><a href="#">See Discussion.</a></p> <p>Existing attached sidewalk along Bradley Street. No existing, and no proposed sidewalk along W. Fenton Street. <b>A sidewalk waiver has been requested. The</b></p>

			<p>Planning and Zoning Commission designated the decision to the Design Review Committee.</p> <p>There is a condition in the associated CUPFY2021-0005 document requiring that Fenton must be constructed so as to make it obvious that Fenton is a public right-of-way for the use of the public. Exact details were not conditioned, but it was designated to the Design Review Committee.</p> <p><b>A drafted potential condition of approval is requiring the installation of detached sidewalks with landscape buffer along all of N. Fenton Street as this is what code would require.</b></p>
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	DC	May not be complaint	<p>Design standards that shall apply to any new construction, <b>addition</b>, expansion, grading, alteration, or <b>any new or more intense use of property. This section of code would have been addressed with the Condition Use Permit, however, the Planning and Zoning Commission designated site design and compliance to the Design Review Committee.</b></p> <p>No pedestrian pathway system proposed throughout the development. There is a pedestrian pathway from the main parking lot to the primary entrance of the building, and there is a pathway from the Brady Street sidewalk to the primary entrance.</p> <p>There is no pedestrian pathway for movement around the site or through it.</p>
<a href="#">8-4H Flood Hazard-</a>	Planning Official	May not be compliant - Compliant as conditioned	<p>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.</p>
<a href="#">8-4G Sustainable Development Provisions</a>		May not be compliant – Compliant as conditioned	<p>All additions to existing development shall be required to provide for sustainable development practices. There was no submittal of a sustainable development sheet.</p>
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>	DRC	No compliance issues noted	<p>Additions less than twenty five percent (25%) of the gross floor area of the existing structure or developed area, no additional landscaping shall be required.</p>
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	DC	No compliance issues noted	
<a href="#">8-4I-5 Perimeter</a>	DC	No compliance issues noted	

<a href="#">Landscaping Provisions</a>			
<a href="#">8-4I-6 Parking Lot Landscaping Provisions</a>	DC	No compliance issues noted	
<a href="#">8-4I-7 Tree Preservation Provisions</a>	DC	No compliance issues noted	
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>		No compliance issues noted	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.
<a href="#">8-6A-4 Required Application Information</a>			No waiver to application materials submitted.
<a href="#">8-6A-5 Administrative Process with Notice</a>		No compliance issues noted	<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>

<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
Entitlement that might affect this project	CUPFY2021-0005 application is scheduled to be heard March 17, 2021.
<a href="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>a. Activity Node: Neighborhood Destination</li> <li>b. Light Industrial Bradley Technology District</li> </ul> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> <li>a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li>a.) 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> </ul> <p>Goal 7. Connect the City</p>

	<p>b.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</p> <p>Goal 12. Evolve as a Destination</p> <p>c.) 12.1 Objective: Support a positive business environment</p> <p>d.) 12.2 Objective: Continue to support commercial and industrial land uses.</p> <p>The application may not be supported by:</p> <p>Goal 2</p> <p>a.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting.</p> <p>Goal 4. Emphasize the “Garden” in Garden City</p> <p>a.) 4.1 Objective: Beautify and Landscape</p> <p>b.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p>
<p><a href="#">Garden City Sidewalk Policy</a></p>	<p>Existing attached sidewalk along Bradley Street. No proposed sidewalk along N. Fenton nor was there a waiver submitted.</p>
<p><a href="#">Garden City Street Light Policy</a></p>	<p>There are no existing streetlights within 400’ of the site.</p> <p>Individual Commercial Development (both new and substantial remodels) may be required to comply with this document. Should site conditions preclude installation of streetlights on a commercial development’s street frontage, the owner or developer will deposit into a City trust funds sufficient to design, install, and inspect street lights required by this Street Light Placement Guideline. These funds will then be used, when appropriate, to install streetlights required for the property at approved alternate locations.” And “Substantial remodel is defined as an improvement valued at 20% or more of the total value of the building where the improvement is being made.”</p>

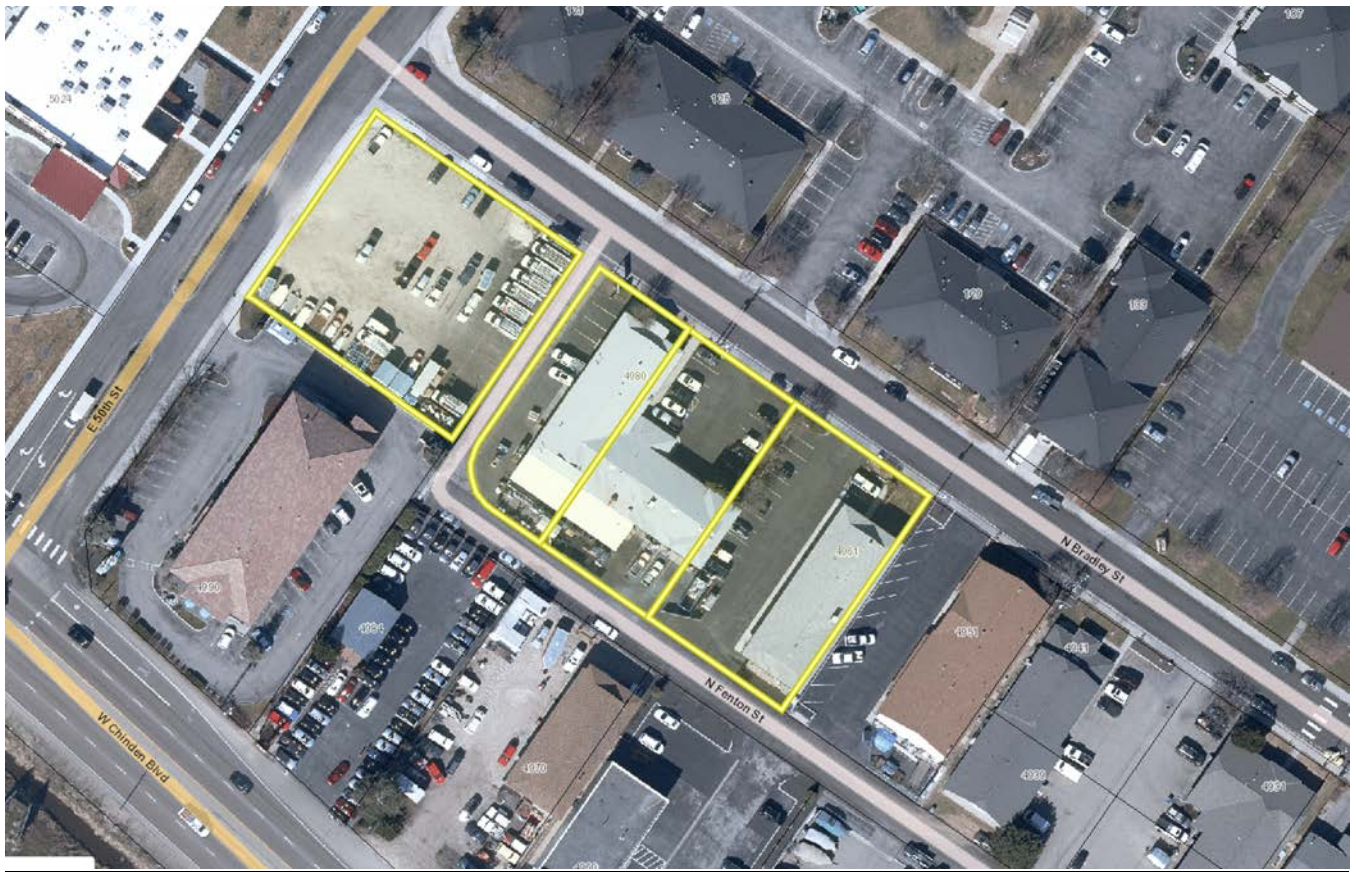


Figure 1: Ada County Assessor's Parcels Owned By Western Heating and Air



Figure 2: Parking Lot Use (Google Street view, 2007)



Figure 3: Western Heating and Air Sales Office (Google Street view, 2019)



Figure 4: Existing site conditions along 50th Street