



DEVELOPMENT SERVICES DEPARTMENT

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To: City Council
From: Jenah Thornborrow, Development Services Director
Subject: DSRFY2021-0011 Extension Request
Date: For April 24, 2023, City Council Meeting

Request

Extension of Design Review Approval: DSRFY2021-0011 for one year.

This is not a public hearing. If discussion is needed, this item may be removed from the consent agenda. If this item is approved as part of the Consent Agenda, it is understood that the request for extension is to be approved as drafted in the potential decision document provided in the City Council's packet.

Background

DSRFY2021-0011, is a Design Review application for a seven-unit Live-Work-Crete development located at 208 E. 33rd St. Garden City, Idaho 83714; Lots 05 and 06, Block 34, Fairview Acres Sub No. 5; Ada County Assessor parcel number R2734541364. The application was approved by the Design Review Committee on April 5, 2021. The approval was appealed, and the City Council upheld the Design Review Committee decision on May 10, 2021.

Noted Cause for Request

The city received a one-year extension request in writing on April 10, 2023, noting:

- This application and two previous applications were in various phases of approval at different times because of legal action.
- There have been changes to the City Code, but none would prevent this application from being approved again today under the current code.
- There are no compliance issues with the subject property.
- The city is still promoting the Live-Work Neighborhood, and this project brings a true Live-Work project to the neighborhood in an exciting and unique design.

Staff Analysis

Upon review of the file materials, staff concludes that:

- This application was approved utilizing the Work-Live-Crete overlay which has since been repealed; and
- There has been no major change in the plans or policies that would affect the compatibility of the project; and
- There have not been compliance violations identified at the subject property. It is presumed that the property is compliant and has been compliant, or actively pursuing compliance with all city, state, and federal codes and laws since the

date of application. It should be noted that there has been no formal investigation or inspection to validate this conclusion.

Analysis of Code Changes

The initial staff report reviewed the Live-Work-Create code as well as the base code. The sections that were noted as being superseded are noted below. All other previous code concerns were conditioned to be found compliant.

	<u>Live Work Create</u>	<u>Base Zoning M (Mixed Use) District</u>
Setbacks- No Compliance Concerns identified	Front: 5'-15' Interior Side: 0'/5' Rear: 5' Street side: 5'	Front: 10" Max Side: 0/3' Rear: 5' Street side: 0'
	As the Live Work Create Code exceeds the Mixed-Use Zoning District setbacks, there are no compliance concerns noted.	
Parking Potential Compliance issues noted.	<p>The Live Work Create Code required that there be one off street parking space for each living space.</p> <p>Working spaces over five hundred (500) square feet of interior floor area shall be required to provide one parking space for every one thousand five hundred (1,500) square feet or portion thereof. With 2,700 square feet of workspace, 3 additional spaces were required.</p> <p>Required = 10 consisting of 7 on-site + 3 off-site</p>	<p><u>Residential</u> 6 units with 2 bedrooms 1 unit with one bedroom= spaces = 13</p> <p><u>Guest</u> 3.5</p> <p><u>Non-residential-</u> use not known; code ambiguous.</p> <p>Total = 14</p> <p>See discussion below</p>
	<p>The application proposes 11 parking spaces for the 7 proposed units. Of the 11 spaces, 7 of the spaces are required to be on site. The remainder of the parking is proposed as on street parallel parking in front of the project.</p> <p>Customarily, mixed use projects have been reviewed as a cumulative of the residential and non-residential components. A recent project determined that the current code is ambiguous to do so, and therefore the below code may not be applicable.</p> <p>Potentially pertinent code:</p> <p>8-4D-2 APPLICABILITY:</p> <p>A. The design standards as set forth in section 8-4D-3, "Parking Design And Improvement Standards", of this article shall apply to any new construction, alteration, or moving of a structure or any new or more intense use of property.</p> <p>C. The number of required off street parking spaces, as set forth in section 8-4D-5 of this article, shall be provided for <i>all allowed uses</i> [emphasis added] in any district.</p>	

8-4D-3 PARKING DESIGN AND IMPROVEMENT STANDARDS:

A. Design And Layout of Parking Areas:

1. Required: All parking areas shall be designed and constructed to provide the type and number of off street parking spaces required by section 8-4D-5 of this article, and designed as required by this section.

8-4D-4 PARKING USE STANDARDS:

A. Number Of Spaces: **No use shall provide less than the minimum** or more than the maximum number **of off street parking spaces required under section 8-4D-5, "Required Number Of Off Street Parking Spaces"** [emphasis added], of this article.

8-4D-5 REQUIRED NUMBER OF OFF-STREET PARKING SPACES:

A. Residential Uses: The minimum number of required off street vehicle parking for residential uses shall be in accord with table 8-4D-2 of this subsection.

**TABLE 8-4D-2
REQUIRED PARKING SPACES FOR RESIDENTIAL USES**

Use	Total Required Parking Spaces Per Dwelling Unit	Required Parking Spaces Within an Enclosed Garage
Dwelling, multi-family:		
1 bedroom	1	1
More than 1 bedroom	2	1
Dwelling, single-family attached:		
1 bedroom	2	1
More than 1 bedroom	2	2
Dwelling, single-family detached	2	1
For developments with more than 2 dwelling units there shall be 0.5 additional spaces/unit provided for guest parking.		

B. Nonresidential And Mixed Uses: The minimum and maximum number of required off street vehicle parking for nonresidential uses and **mixed use shall be determined** by the planning official **based on the following criteria**:

1. **The specific use(s) proposed and/or on the property** [emphasis added].
2. Uses in the vicinity of the property.
3. A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s).
4. The availability of on street, shared, and/or public parking within the vicinity of the use; and
5. The availability of public transit, vanpooling or other alternative transportation to serve the use.

Please note that this application has been submitted for a building permit. If the permit is issued prior to expiration of the application, the need for an extension will be nullified.

Pertinent Code

Below are the current sections of pertinent code.

GCC 8-6A-8 Expiration of Approvals

A. All application approvals shall expire one (1) year from the date of approval, unless otherwise specified by this code or:

1. The city issues a building permit for the proposed improvement, development, or use prior to the expiration of the one (1) year; or
2. By condition of approval or development agreement, a time period for completion of the application has been specified; or
3. A certificate of compliance has been issued; or
4. The final plat of a subdivision approval is recorded with Ada County; or otherwise defined by section 8-5B-6 of this title.

B. City council may allow for an extension of not more than one (1) year; provided:

1. Good cause for the request; and
2. The application and/or applicable city regulations have not changed; and
3. There has been no major change in the neighborhood, plans, or policies that would affect the compatibility of the project; and
4. The subject property is compliant and has been compliant, or actively pursuing compliance with all city, state and federal codes and laws since the date of application; and
5. It is determined by the city council that it is in Garden City's best interest to grant the extension.

A request for an extension is no guarantee that the extension will be granted.

Linked Record Documents: [Linked record documents](#)

Attached Documents:

- Extension Request
- Draft potential City Council Decision
- Staff Report
- Signed Decision