

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:)	DSRFY2022-0001
)	
Design Review)	FINDINGS OF FACT,
6845 N. Gardner Ln)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
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THIS MATTER, came before the Garden City Design Review Committee for consideration on February 7, 2022, February 22, 2022 and March 7, 2022, and May 2, 2022. 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 new construction of a structure associated with a service provider and vehicle service use known as Glass Doctor.
2. The applicant is Jeff Hatch.
3. The property owner of record is Hooper Real Estate Company LLC.
4. The location of the project is 6845 N. Gardner Lane.; Ada County Assessor parcel number(s) S0514346750; defined as PAR #6750 POR S2SW4 SEC 14 4N 1E PARCEL B ROS 10694 #346700-B.
5. The property is a legal lot of record.
6. The scope of the design review is limited to the entire property.
7. The application is associated with conditional use permit CUPFY2022-0003 for the uses of vehicle service and service provider.
8. The subject property is 0.564 acres.
9. The project is located in the C-2 General Commercial zoning district.
10. The project is located in the Residential Low Density the Garden City Comprehensive Plan Land Use Designation.

11. The project is not located in the SFHA according to the 2003 FIRM.
12. The project is not located in SFHA according to the Flood Insurance Model utilized for the 2020 FIRM.
13. 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 8-2B Base Zoning District Regulations
 - d. Garden City Code 8-2C-41 Vehicle Service
 - e. Garden City Code 8-2C-36 Service Provider
 - f. Garden City Code 8-4A Design and Development Regulations- General Provisions
 - g. Garden City Code 8-4C Design Provisions for Nonresidential Structures
 - h. Garden City Code 8-4D Parking and Off-Street Loading Provisions
 - i. Garden City Code 8-4E Transportation and Connectivity Provisions
 - j. Garden City Code 8-4F Sign Provisions
 - k. Garden City Code 8-4G Sustainable Development Provisions
 - l. Garden City Code 8-4H Flood Hazard
 - m. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - n. Garden City Code 8-6A-3 General Application Process
 - o. Garden City Code 8-6A-4 Required Application Information
 - p. Garden City Code 8-6A-5 Administrative Process with Notice
14. 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
 - d. State Street Corridor
15. The applicant provided the following application information:

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

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		X	Lighting Plan
		X	Topographic Survey
		X	Grading Plan
X			Will Serve
X			Approved Address

16. Additional application materials submitted include:
- a. Floor Plans;
 - b. Materials Plan;
 - c. Affidavit of Legal Interest;
 - d. Parking Study;
 - e. Application;
 - i. Resubmittals from 02252022;
 - ii. Resubmittals from 02282022
 - iii. Resubmittals from 04252022;
 - f. Statement of Intent.
17. Agency Comments were received from:
- a. Garden City Engineer, dated October 19, 2021, and February 5, 2022
18. No written public comments were received.
19. 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	01/13/2022	01/06/2022
Letter of Acceptance	02/06/2022	01/12/2022
Radius Notice	02/07/2022	02/07/2022
Interested Parties	n/a	n/a
Legal Notice	02/07/2022	02/07/2022
Agency Notice	02/07/2022	02/07/2022
Property Posting Sign	01/28/2022	01/28/2022
Affidavit of Property Posting and Photos	01/31/2022	01/28/2022

20. On November 1, 2021, in accordance with GCC 8-6B-3, a pre-application conference was held with the Design Committee and moved to the date certain of November 15, 2021 due to lack of application representation.
21. On November 15, 2021, in accordance with GCC 8-6B-3, a pre-application conference was held with the Design Committee and moved to the date certain of December 6, 2021 due to lack of application representation.

22. On December 6, 2021, in accordance with GCC 8-6B-3, a pre-application conference was held with the Design Committee. The Committee provided the following comments and requests:
 - a. Discussion with the Design Review Committee included:
 - i. Angled parking as proposed is not permitted. Parallel parking shall be permitted so long as it matches the design of the other parallel parking spaces found on N. Carlton Bay Drive.
 - ii. Greenscreen along façade as an architectural element is permitted to satisfy storefront glazing requirements.
 - iii. The building needs to address N. Carlton Bay Drive and N. Gardner Lane more. The building needs to flip orientation to have the primary focal point, and entrance, be facing N. Gardner lane.
 - iv. There will be a 7ft wide sidewalk along N. Carlton Bay Drive.
23. On February 7, 2022, Public hearing was held with the Design Committee and moved to the date certain of February 22, 2022, due to noticing errors.
24. On February 22, 2022, a public hearing before the Design Review Committee was held. A summary of the discussion is as follows:
 - a. This Jeff Hatch and Gary Hooper presented the application.
 - b. Staff Hanna Veal presented the staff report.
 - c. There was no public testimony.
 - d. Jeff Hatch and Gary Hooper provided rebuttal:
 - i. The previously approved application did not have pedestrian-oriented features along the first story facades.
 - ii. Parallel parking spaces allow for customers to park on-site and keep their car parked to be worked on.
 - iii. Meridian store has been in operation for 20 years, it has served as a case study for the application.
 - iv. On-street parking was requested by the surrounding community.
 - v. Parking spaces are within 30ft of the property boundary corner.
 - vi. Windows would be difficult at street level along the roadways due to the nature of the business inside the building along those walls.
 - e. Public testimony was closed.
 - f. Discussion included:
 - i. The sidewalk shall be 7ft wide along W. Carlton Bay Drive and it shall be of sidewalk material, not planting materials as shown on the rendering.
 - ii. The parallel parking spaces are not to be considered a parking lot, but rather on-street parking. The parking spots are permitted where proposed.
 - a) The building could be mirrored so that the pedestrian entrance would be on N. Gardner and face State Street.
 - iii. Mirroring would cause conflict between pedestrian access from parking lot and reduced parking.

- iv. Street engagement to provide an enhanced physical presence between the structure and the streets shall be required.
 - a) Pedestrian pathway from W. Carlton Drive to the Primary entrance shall be required.
 - b) Additional hardscape could be included in the proposal to help strengthen the building's presence on N. Gardner.
 - c) Contrasting hardscape material shall be required where pedestrian pathway and vehicular travel way merge along common drive areas.
 - v. 8-4C-3 general provisions for nonresidential development regarding street frontage requirements was read into the record.
 - g. Committee Member Gresham excused herself from the hearing.
 - h. The application was left open and moved to the end of the agenda so as to allow for the other action items to be heard.
 - i. The application was re-opened for discussion.
 - j. Gary Hooper and Jeff Hatch provided rebuttal:
 - a. Plaza area would need to face towards internal drive, as it is currently proposed, but move closer to Gardner Lane.
 - b. Patio canopy with lights possible.
 - c. Artwork could be possible.
 - k. Discussion included:
 - a. The building shall have an entry element facing W. State Street and have a relationship with N. Gardner Lane.
 - b. Relationship between the building and the public realm needs to be more dynamic.
 - l. Committee Member Labrie moved to continue to a date certain of March 7th, 2022.
 - m. Resubmittals are due by end of day Friday, February 25th, 2022.
 - n. Committee Member Hurd seconded the motion.
 - o. The motion carried unanimously.
25. On March 7, 2022, a public hearing before the Design Review Committee was held:
- a. This Jeff Hatch presented the application.
 - b. There was no staff report.
 - c. There was no public testimony.
 - d. Jeff Hatch and Gary Hooper provided rebuttal:
 - i. Moving the plaza area closer to Gardner Lane is not compatible with dimensional standards for servicing fire trucks. The proposed business does perform vehicle services on fire trucks.
 - ii. The service door that is accessed from the proposed plaza area is not used often, allowing the plaza to be utilized.
 - iii. The previous design Review application for a glass Doctor was approved, but it had less design aesthetics, nor did it address the street.
 - e. Public testimony was closed.

- f. Discussion included:
 - i. The most recent proposal does not meet code's specific requirements found in 8-4C, nor does it meet the intent of code when it asks for the application to address the public realm.
 - 1. Buildings should not turn their back on the street.
 - ii. Enhance the pedestrian entrance from N. Gardner Lane
 - iii. Include the steps and methods that will be in place for when there would be conflicts between plaza users and fire trucks, and business operations. How would such operations be handled?
 - iv. Suggested to move Glass Doctor signage "archway" to the opposite corner of N. Gardner so the façade can address the street.
 - 1. North Ada County Fire approval will be required.
 - v. The Design Review Committee endeavors to apply code consistently but it is impossible to know circumstances applied to other properties including code changes or site constraints.
 - g. Committee Member Gresham moved to continue to a date certain of March 21, 2022.
 - h. Committee Member Hurd seconded the motion.
 - i. The motion carried unanimously.
26. On March 21, 2022, Public hearing was held with the Design Committee and moved to the date certain of April 18, 2022, per the applicant's request.
27. On April 18, 2022, Public hearing was held with the Design Committee and moved to the date certain of May 2, 2022, per the applicant's request.
28. On May 2, 2022, a public hearing before the Design Review Committee was held:
- a. This portion will be filled out after the hearing.
29. The record contains:
- a. Application Documents
 - b. Noticing Documents
 - c. Agency Comments
 - d. Staff report
 - e. November 1, 2021, Design Review Committee Pre-Application Minutes and Audio
 - f. November 15, 2021, Design Review Committee Pre-application, and Audio
 - g. February 7, 2022, Design Review Committee Hearing Minutes and Audio
 - h. February 22, 2022, Design Review Committee Hearing Minutes and Audio
 - i. March 7, 2022, Design Review Committee Hearing Minutes and Audio
 - j. March 21, 2022, Design Review Committee Hearing Minutes and Audio
 - k. April 18, 2022, Design Review Committee Hearing Minutes and Audio
 - l. May 2, 2022, Design Review Committee Hearing Minutes and Audio
 - m. Design Review Committee Signed Findings of Fact, Conclusions of Law and Decision

30. 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>Finding: The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision and in conformance with the dimensional regulations of the C-2 zoning district. The proposed expansion of the service provider use has already obtained an approved conditional use permit by the Planning and Zoning Commission.</p> <p>In Denial: The application does not meet this finding. The application is not in conformance with the reviewed sections Garden City Code, specifically that of 8-4C-3, 8-4E-6, 8-4I-5 and 8-4I-5.</p>
X		X	<p>Finding: The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The application meets the findings as conditioned in this decision. The maintenance of the sidewalk along N.</p>

			<p>Gardner Lane and installation of a 7ft wide sidewalk along W. Carlton Bay Drive provides for a better pedestrian connection than what currently exists on the site. The addition of street trees also helps contribute to the enhanced safety of the pedestrian on the sidewalks.</p> <p>In Denial: The application does not meet this finding. The application impacts the health safety, and general welfare of community by not providing a clear pedestrian pathway across the drive isles. This is particularly detrimental due to the specific uses of the site being service provider and vehicle services as there will be vehicles passing through the parking lot on a frequent basis.</p>
X		X	<p>Finding: The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The uses and the proposed structural design are cohesive with the adjacent uses surrounding it. Additionally, the uses of vehicle service and service provider have already been approved through the associated conditional use permit by the Planning and Zoning Commission.</p> <p>In Denial: The application does not meet this finding. The application is not in conformance with the vision set forth in the Comprehensive Plan's Low-Density Future Land Use Designation.</p>
X		X	<p>Finding: The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p>

			<p>Explanation:</p> <p>In Approval: The application meets this finding. The application proposes the continuation of a pedestrian pathway that which connects from State Street, through the adjacent Human Bean business and connecting with the primary entrance of the proposed building. Additionally, the plaza area provides bicycle parking.</p> <p>In Denial: The proposal does not include any augmentation to accessibility to public modes of transportation.</p>
X		X	<p>Finding: The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p>Explanation:</p> <p>In Approval: This application is conducive to development in a node pattern as envisioned in the Garden City Comprehensive Plan.</p> <p>In Denial: The application is no conducive with to development in a node as envisioned in the Garden City Comprehensive Plan.</p>
X		X	<p>Finding: The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p> <p>Explanation:</p> <p>In Approval: The proposed design, as conditioned in this decision, meets this finding by developing a currently vacant lot while maximizing pedestrian circulation through a system of pathways and plaza space that which connect the development to adjacent businesses and vehicular arterials.</p>

			<p>In Denial: The development is limited in its ability to attract a number of different users due to the specialized focus and design of the overall site and structure.</p>
X		X	<p>Finding: The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.</p> <p>Explanation:</p> <p>In Approval: As conditioned, the proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity. The landscape plans meet the requirements of 8-4I and pedestrian connectivity meets the requirements of 8-4E.</p> <p>In Denial: The proposed landscaping is inadequate to promote pedestrian activity adjacent to and within the development.</p>

31. 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:

1. The building permits must be in conformance with the approved plans. Staff may approve minor changes to the approvals so if they are compliant with Garden City Code including:
 - a. Substitutions of plant species, if there is no reduction in landscaping and the species are comparable in height and width. Substitutions of trees must be of the same or larger tree classification and be comparable or larger in tree canopy and height.
 - b. Less than 5% of rearrangement of elevations or building façade materials if there is no reduction in building modulation, fenestration, or glazing.
 - c. Less than 5% of rearrangement of site.
2. The application is associated with conditional use permit CUPFY2022-0003 for the uses of vehicle service and service provider.
3. The parallel parking shall be permitted along N. Carlton Bay Drive so long as it matches the design of the other parallel parking spaced found on the street.
4. The sidewalk along N. Carlton Bay Drive shall be at least 7-feet-wide.

Prior to Issuance of Building Permit:

1. A building permit shall be applied for and approved by Garden City Development Services Department.
2. All light fixtures must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.
3. A sustainability checklist shall be submitted in accordance with Garden City Code 8-4G.
 - a. The development is to provide at minimum 12 points from the checklist.
4. Where there are discrepancies between the site plans and landscape plans, the landscape plans shall prevail.

Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. There will be a minimum of 16 vehicular parking spaces provided.
3. There will be a minimum of 1 bicycle parking space provided.
4. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
5. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along W. Carlton Bay Drive and N. Gardner

Lane.

6. A streetlight shall be installed in accordance with the Garden City Streetlight Policy.
7. A public works and utility permit shall be submitted for review and approval of the site work that will be required to bring the site into compliance with:
 - a. A detached sidewalk shall be installed along the frontage of N. Carlton Bay Drive in accordance with Garden City Code 8-4E-6 and the Garden City Sidewalk Policy with the exception that that the sidewalk width shall be 7 feet wide versus the 5 as required by code.
 - i. The sidewalk shall be installed to the edge of property.
 - ii. The sidewalk shall be installed at a consistent elevation above any curb cut so as to not incline at the curb cut.
 - b. Landscaping and street trees shall be installed and inspected for compliance with Garden City Code 8-4I.
8. The site shall be brought into compliance with the Garden City 8-4I landscaping and tree standards of prior to the issuance of a Certificate of Occupancy.
 - a. Trees shall be planted adjacent to N. Gardner Street within the landscape buffer to meet street tree requirements of Garden City Code 8-4I.
 - i. The street trees shall be Class II or III trees.
 - ii. The tree varietal shall provide for a large tree canopy to provide shade and health benefits and to better meet the intent of code.
 - iii. The applicant shall work with Garden City Development Services Staff to determine the correct tree varietal.
 - b. Perimeter landscaping is required between the western parking lot area and the adjacent parcel as shown in the approved landscape plans.
 - i. Class II or III trees with a larger tree canopy shall replace the proposed Class I Akebono Yoshino Cherry Trees.
 - ii. The applicant shall work with Garden City Development Services Staff to determine the correct tree varietal.

Site Specific Requirements for the Duration of the Use:

1. All roof and wall mounted mechanical, electrical, communications, and service equipment should be screened from public view from the adjacent public streets and properties by the use of parapets, walls, fences, enclosures, or by other suitable means.
2. Conditions specific to the use "Service Provider":
 - a. The use "Service Provider" is limited to only the offsite repair, maintenance and replacement of automotive, residential, and commercial glass and accessories. No other activities are authorized under this permit.
 - b. No structure, facility, drive lane, parking area, or loading area shall be located adjacent to a residential district.

- c. Parking and Access:
 - i. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
 - ii. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material.
 - d. The site shall not be used as vehicle wrecking as herein defined.
 - e. Site Maintenance:
 - i. All outdoor storage of materials or vehicles shall be maintained in an orderly manner so as not to create a public nuisance.
 - ii. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.
 - f. Outdoor storage areas shall comply with Section 8-1C-3 Property Maintenance Standards of this Title.
3. Conditions specific to the use "Vehicle Services":
- a. The use "Vehicle Services" is limited to only to automobile windshield and automobile glass repair, maintenance and replacement, window tinting, and headlight restoration. No other activities are authorized under this permit.
 - b. Vehicles in excess of one and one-half (1-1/2) ton capacity and industrial equipment of any type or character are authorized to be serviced under this permit.
 - c. All parts, inventory and vehicles waiting to be repaired shall be kept inside an entirely enclosed building or hidden behind a privacy fence or other visual barrier as set forth in section 8-2C-37, Storage Facility Or Yard, of this article.
 - d. All new structures constructed for vehicle/equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights-of-way.
 - e. All vehicle/equipment repair uses and related activities shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.
 - f. Damaged or wrecked vehicles shall not be stored on site for purposes other than repair.
 - g. All vehicles that are repaired and are waiting to be picked up by the owner of the vehicle shall be parked on site and not in adjoining streets or alleys.
 - h. All discarded vehicle parts or equipment, permanently disabled, dismantled, or junked vehicles, or tires shall be removed from the premises within thirty (30) days of arrival.

General Requirements:

1. This review and approval is specific to the design of the project. Final approval is subject to the approval of other reviewing agencies. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail. This approval shall

not annul any portion of Garden City Code or other applicable regulation unless specifically noted.

2. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
3. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape Maintenance Provisions 8-4I-9; and Standards for Transportation and Connectivity Provisions identified in 8-4E.
4. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
5. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.
6. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
7. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
8. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
10. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
13. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
14. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.

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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.
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.

This signature verifies that this decision document has been reviewed and approved by the Design Review Committee

Date

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STANDARD CONDITIONS FOR DENIAL DECISION

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-6B-2. This project is not in compliance with 8-6B-2 standard(s) because it is not in compliance with the Garden City Comprehensive Plan Goal 2 improve the City Image and Goal 4 Emphasize the "Garden" in Garden City. Nor is it in compliance with Garden City Code sections 8-4C-3, 8-4E-6, 8-4I-5 and 8-4I-5. Compliance can be met by: adhering to nonresidential structure design provisions, submitting a landscape plan demonstrating street tree compliance, and providing adequate sidewalk and pedestrian connections through and around the sites.
2. 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.
3. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
4. 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.
5. Pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code, a takings analysis may be requested on final decisions.
6. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

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

by the Design Review Committee Date