

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.

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| In the Matter of: |) | DSRFY2022-0002 |
| |) | |
| Design Review |) | FINDINGS OF FACT, |
| 8200 W. Chinden Blvd. |) | CONCLUSIONS OF LAW; |
| Garden City, Ada County, Idaho |) | AND DECISION |
| _____ |) | |

THIS MATTER, came before the Garden City Design Review Committee for consideration on February 7, 2022. The Planning and Zoning Commission reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Planning and Zoning Commission 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.
2. There has been no denial of any Design Review Application on this property within one year of this application.
3. The applicant is Damon Beard.
4. The property owner of record is 8200WCH5 LLC.
5. The location of the project is 8200 W. Chinden Blvd.; Ada County Assessor parcel number(s) R8191500943; described as PAR #0943 LOT 2 & S2 VAC ST EXC R/W R/S #522 STRAWBERRY GLENN SUB #0942-B.
6. It has not been determined if the property is or is not a legal parcel of record.
7. The subject property is 0.755 acres.
8. The scope of the request applies to the entire property.
9. The project is located in the C-2 General Commercial zoning district.
10. The project is located in the Green Boulevard Corridor, and the Future Planning Area of 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 the SFHA according to the Flood Insurance Model utilized for the 2020 FIRM.
13. The existing use on the site is Self-Services for vehicle washing facility.
14. 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 Land Use Provisions
 - e. Garden City Code 8-4A Design and Development Regulations- General Provisions
 - f. Garden City Code 8-4C Design provisions for Non-Residential Structures
 - g. Garden City Code 8-4D Parking and Off Street Loading Provisions
 - h. Garden City Code 8-4E Transportation and Connectivity Provision
 - i. Garden City Code 8-4G Sustainable Development Provisions
 - j. Garden City Code 8-4H Flood Hazard
 - k. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - l. Garden City Code 6-6A Administration
15. 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. Chinden ITD Access Management
 - e. Garden City Transportation Needs List
16. The following applications apply to this proposal:
 - a. CUPFY2022-0004
17. Required materials per Garden City Code Table 8-6A-2 Required Application Information was provided:
- 18.

| Materials Provided Per GCC Table 8-6A-2 Required Application Information | | | Required Application |
|--|----|-------------------------------|----------------------|
| Provided | | | |
| Yes | No | Waived pursuant to GCC 8-6A-4 | |
| X | | | Compliance Statement |
| X | | | Neighborhood Map |
| X | | | Site Plan |

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| 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. Renderings;
- c. Affidavit of Legal Interest;
- d. Fire Flow;
- e. Application.

20. Agency Comments were received from:

- a. Garden City Engineer; January 22, 2022
- b. Republic Services; January 25, 2022
- c. Fairview Acres Lateral; January 31, 2022

21. No public comments were received.

22. The following noticing was completed in accordance with GCC 8-6A-7:

| Noticing Requirement | Required Date | Completion Date |
|---|---------------|-----------------------------------|
| Receipt of application | 11/09/2021 | 12/22/2021 |
| Letter of Acceptance (30 days after receipt of application) | 01/22/2022 | 12/29/2021 |
| Radius Notice (15 days prior to hearing) | 01/23/2022 | 01/21/2022 |
| Interested Parties | None | None |
| Legal Notice (19 days) | 01/19/2022 | 01/20/2022 |
| Agency Notice (15 days) | 01/23/2022 | 01/21/2022; Amended 01/24/2022 |
| Property Posting Sign (10 days) | 01/28/2022 | 01/07/2022 |
| Affidavit of Property Posting and Photos (7 days) | 01/31/2022 | 01/10/2022 |

23. On December 6, 2021, a pre-application conference was held with the design Review Committee. A summary of the discussion is as followed:

- a. Discussion with the Committee included:

- i. Pedestrian access from the public sidewalk along Coffey Street to the main portion of the site, including where staff accesses inside the facility, will be required.
- ii. The 10ft pedestrian and bicycle public access pathway along W. Chinden will be required. The pathway will be required on site, not in ITD's right-of-way. There shall be pedestrian connection from this pathway to the main portion of the site.
- iii. Only one or two employees will be working on site at a time. They are permitted to park within the vacuum area parking lot.
- iv. Improve Coffey Street curb and gutter and improve the 6ft or 8ft landscape barrier between the road and the sidewalk.
- v. The conditional use permit shall be approved. A Design review formal hearing must be had for final approval.

24. On February 7, 2021, a public hearing before the Design Review Committee was held:

- a. This section will be completed after the hearing.
- b.

25. The record contains:

- a. Application Documents
- b. Noticing Documents
- c. Agency Comments
- d. Written Public Comments
- e. Staff report
- f. December 6, 2021, Design Review Committee Hearing Minutes and Audio
- g. February 7, 2022, Design Review Committee Hearing Minutes and Audio
- h. Planning and Zoning Commission Signed Findings of Fact, Conclusions of Law and Decision

26. In In order to approve a design review application, the Design Committee shall make the following findings:

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| 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 | | | |
| Compliant | Not Applicable to this Application | Not Compliant | Standard |
| X | | X | Finding 1. The proposed design is in conformance with the purpose of the |

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| | | | <p>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 Drive-Through establishment 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 and 8-4A.</p> |
| X | | X | <p>Finding 2. 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 installment of the pedestrian pathway along W. Chinden provides a better pedestrian connection than what currently exists on the site. In accordance with the ITD W. Chidnen access management plan, the application proposes to remove one of the access points to W. Chinden Blvd. and turn the remaining curb-cut into an exit only access.</p> <p>In Denial: The application does not meet this finding. The application impacts the health, safety, and general welfare of community by not adequately addressing the pedestrian connections within the site or to the northern adjacent property. Additionally, this application fails to comply</p> |

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| | | | with applicable sections of code including 8-4E-6. |
| X | | X | <p>Finding 3. 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 application is in conformance with the vision set forth in the Comprehensive Plan’s Green Boulevard Corridor. Additionally, the use and the proposed structural design is cohesive with the adjacent uses.</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 Future Land Use Designation.</p> |
| X | | X | <p>Finding 4. 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 a new pedestrian pathway connecting along W. Chinden Blvd and proposes to utilize the existing detached sidewalk on Coffey Street. Additionally, the application provides bicycle parking for employees.</p> <p>In Denial: The proposal does not include any augmentation to accessibility to public modes of transportation.</p> |
| X | | X | <p>Finding 5. 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</p> |

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| | | | <p>envisioned in the Garden City Comprehensive Plan.</p> <p>In Denial: This application is not conducive to development in a node as envisioned in the Garden City Comprehensive Plan.</p> |
| X | | X | <p>Finding 6. 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 redeveloping an existing vehicle washing facility while maximizing pedestrian circulation through a system of pathways and sidewalks 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 specific build-out of the use. The proposed development would limit future users to that of only vehicular washing facilities.</p> |
| X | | X | <p>Finding 7. 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 and safety. The landscape plans meet the requirements of 8-4I and pedestrian connectivity meets the requirements of 8-4E.</p> |

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| | | | <p>In Denial: The proposed landscaping is inadequate to promote pedestrian safety adjacent to and within the development.</p> |
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18. The record was reviewed by the Planning and Zoning Commission to render the decision.

CONCLUSIONS OF LAW

The Planning and Zoning Commission reviewed the application with regard to Garden City Code Title 8, and based on the conditions required herein, concludes the application **meets/does not meet** the standards of approval under **GCC 8-6B-2 Conditional Use**.

DECISION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning and Zoning Commission hereby **APPROVES/ DENIES** of the application subject to the following conditions:

POTENTIAL CONDITIONS FOR APPROVAL DECISION

Application Specific Requirements:

Scope of Permit:

1. The scope of this permit is to allow for the use of a Vehicle Washing Facility.
 - a. Garden City Code 8-7A-1 defines this use as: The use of a site where a vehicle may be washed, waxed, detailed, or vacuumed by the owner of the vehicle or employees on the site.
2. The proposed 7ft tall CMU trash enclosure wall has been approved by the Design Review Committee.

Prior to Occupancy:

1. Evidence that the parcel is a legal lot of record should be provided to the city.
2. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
3. A building permit shall be applied for and approved by Garden City Development Services Department.

4. A sustainability checklist shall be submitted and the site shall be found in conformance with Garden City Code 8-4G.
5. 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. The existing detached sidewalk shall be inspected and found in accordance with Garden City Code 8-4E-6 and the Garden City Sidewalk Policy.
 - b. Landscaping and street trees shall be installed and inspected for compliance with Garden City Code 8-4I.
6. The 10-foot-wide multi-use pathway shall extend the entire length of the property. Where the path terminates at the property boundary lines, it shall connect back to W. Chinden.
 - a. When the adjacent property develops, the multi-use pathways shall connect and the excess hardscape connecting the pathway to W. Chinden shall be removed.
7. The 10-foot-wide multi-use pathway shall easily blend into the existing sidewalk at the intersection of Coffey and W. Chinden.
8. A 10-foot wide public pedestrian and bicyclist access easement shall be granted on the site closest to the W. Chinden property boundary line.
 - a. The 10-foot multi-use pathway shall be constructed within this public easement.
9. Contrasting hardscape material shall be installed at the drive aisle to better identify the pedestrian crossings along W. Chinden Blvd.
10. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along Coffey Street.
11. Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:
 - a. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons;
 - b. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking;
 - c. The stacking lane shall not be located within ten feet (10') of any residential district or existing residence; and
 - d. Any stacking lane greater than one hundred feet (100') in length shall provide for an escape lane.
 - e. The design and construction of the drive-through facilities shall minimize the number of driveway cuts.

12. Approval from ITD shall be obtained regarding the exit-only curb cut along W. Chinden Blvd.
13. All proposed landscaping shall be in compliance with Garden City Code 8-41 Landscaping and Tree Protection Provisions.
 - a. The site trees shall be approved by the Planning Department Staff.
 - b. Perimeter landscaping shall be located along the northern property boundary line.
 - i. A perimeter landscaping area shall be at least 5 feet (5') wide measured from the property line to the interior of the lot;
 - ii. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.
14. The applicant shall submit a certified arborist letter stating that the trees being removed are either dead, dying, or diseased, in order to not mitigate form, them and to show evidence that the calipers being removed are being properly replaced.

Site Specific Requirements for the Duration of the Use:

1. Any use that is not fully enclosed shall be located a minimum of five hundred feet (500') from any abutting residential district, and shall be limited in operating hours from six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M.
2. If unattended, the use shall meet the requirements of section 8-4A-6, "Self-Service Uses".
3. Any future fence or wall shall be required to be in compliance with Garden City Code 8-4A-3 Fences and Walls.
4. The 10-foot-wide multi-use pathway shall remain in good condition and maintenance of the pathway shall commence at such a frequency that the pathway does not appear worn or becomes unusable.
5. The 10-foot multi-use pathway shall remain unobstructed throughout the duration of the use.

General Requirements

1. 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 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.
2. This Conditional Use Permit shall not be transferable from one parcel of land to another. Unless otherwise stated in the conditions attached to a permit, the permit

- shall be granted to the applicant and successors in interest to the premises for which it was approved.
3. This approval is only approval of the conditional use permit. All other applicable permits must be obtained and completed prior to a certificate of compliance or occupancy.
 4. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance. 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.
 5. Final approval is subject to the approval of other reviewing agencies and City Departments. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail.
 6. 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.
 7. The property owner is responsible to maintain the site to edge of roadway asphalt.
 8. If there are any tree grates, they shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.
 9. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead and diseased plant materials shall be replaced.
 10. 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.
 11. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
 12. 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.
 13. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
 14. 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.
 15. 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. 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.
 16. The landscape installation shall stabilize all soil and slopes.

17. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
18. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
19. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
20. Property maintenance standards shall be maintained as required by Garden City Code.
21. The property owner is responsible for the maintenance of all landscaping and screening devices required.
22. All outdoor living spaces must comply with Garden City Cod 8-3C General Provisions- Living Space Requirements.
23. All outdoor service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
24. All stormwater systems must comply with Garden City Code 8-4A-7.
25. All utilities for a new structure shall be installed underground. For the purposes of this section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services.
26. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.
27. 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.
28. No change in terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his or her authorized representative and an authorized representative of the reviewing agency. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Garden City.
29. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
30. Any violation of the conditions of this application is a criminal offence.
31. A certificate of occupancy or an application for a building permit shall be considered commencement of the use.
32. All previous uses are null and void unless otherwise conditioned.
33. Should there be a change in use, there is a clear intent to cease the use, or the use is discontinued for more than one year without written documentation submitted to the City, legal noticing, and property posting indicating intent to continue the use, this approval shall become void.

34. 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 15 days after the action of the decision.
35. This approval shall expire 365 days from its approval, unless otherwise extended as allowed by Garden City Code.
36. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.
37. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
38. A takings analysis pursuant to Idaho Code may be requested on final decisions.
39. 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

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 designation of the Future Planning Area, the Comprehensive Plan's Goal 10 and Garden City code sections 8-4A, 8-4D, 8-4D, 8-4E, 8-4I. Compliance can be met by providing adequate employee parking; Providing landscaping more align with the Green Boulevard Corridor; providing a use more align with the intent of the Comprehensive Plan.
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

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