

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:)	DSRFY2022-0005
)	
Design Review)	FINDINGS OF FACT,
5659 N Glenwood St.)	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 May 2, 2022, May 16, 2022, and June 6, 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.
2. There has been no denial of any Design Review application on this property within one year of this application.
3. The applicant is Mysti Stelluto.
4. The property owner of record is Dave Evans Construction.
5. The location of the project is:
 - a. 5659 N Glenwood Street; Ada County Assessor parcel number R0540180080; described as LOT 24 BLK 01 ASHLAND PLAZA SUB #2
 - b. N. Glenwood Street; Ada County Assessor's parcel number R0540180070; described as LOT 23 BLK 01 ASHLAND PLAZA SUB #2
6. The properties are of legal record.
7. The application is for a design review for the construction of new office space.
8. The subject properties are 0.231 acres and 0.167 acres.
9. The project is located in the C-2 General Commercial zoning district.
10. The project is located in the Activity Node: Neighborhood Destination; 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 2017 FIS.
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 8-2C Land Use Provisions
 - d. Garden City Code 8-4A Design and Development Regulations- General Provisions
 - e. Garden City Code 8-4C Design Provisions for Nonresidential Structures
 - f. Garden City Code 8-4D Parking and Off-Street Loading Provisions
 - g. Garden City Code 8-4E Transportation and Connectivity Provisions
 - h. Garden City Code 8-4F Sign Provisions
 - 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 8-6A-3 General Application Process
 - m. Garden City Code 8-6A-4 Required Application Information
 - n. 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
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
X			Lighting Plan
		X	Topographic Survey
		X	Grading Plan
X			Will Serve
X			Approved Address

- 16. Additional application materials submitted include:
 - a. Site Plan;
 - b. Floor Plans;
 - c. Materials Plan;
 - d. Affidavit of Legal Interest;
 - e. Application;
 - f. Waiver Request;
 - g. Photometric Site Plan;
 - h. Statement of Intent.

- 17. Agency Comments were received from:
 - a. Ada County Highway District, dated April 19, 2022

- 18. There were no written public comments.

- 19. The following noticing was completed in accordance with GCC 8-6A and GCC 8-6B-3 for the May 2, 2022 hearing date:

Noticing Requirement	Required Date	Completion Date
Receipt of application	04/07/2022	03/23/2022
Letter of Acceptance (30 days after receipt of application)	04/23/2022	04/07/2022
Radius Notice (15 days prior to hearing)	04/17/2022	04/19/2022
Interested Parties	n/a	n/a
Legal Notice (19 days)	04/13/2022	04/08/2022
Agency Notice (15 days)	04/17/2022	04/08/2022
Property Posting Sign (10 days)	04/22/2022	04/29/2022
Affidavit of Property Posting and Photos (7 days)	04/25/2022	04/29/2022

- 20. On March 21, 2022, 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. The Design Review Committee determined that conversation for DSRFY2022-0004 and DSRFY2022-0005 were to be held together due to the similar natures of each application and the applicant being the same.
 - b. Mysti Stelluto presented the application.
 - i. Chain-link fence is not under application’s ownership.
 - ii. Pedestrian connectivity exists and proposes to cross parking lots.
 - iii. Keep existing drainage swell along northern property boundary line.
 - c. The Committee made the following comments and requests:
 - i. The original subdivision’s conditions of approval will need to be observed and abided by.

21. On May 2, 2022, a public hearing before the Design Review Committee was held and continued to the date certain of May 16, 2022, due to noticing issues.
22. On June 6, 2022, a public hearing before the Design Review Committee was held:
 - a. This section will be completed after the hearing.
23. The record contains:
 - a. Application Documents
 - b. Noticing Documents
 - c. Agency Comments
 - d. Written Public Comments
 - e. Staff report
 - f. March 21, 2022 Design Review Committee Pre-application Minutes
 - g. March 21, 2022 Design Review Committee Pre-application Audio
 - h. May 2, 2022 Design Review Committee Hearing Minutes and Audio
 - i. May 16, 2022 Design Review Committee Hearing Minutes and Audio
 - j. June 6, 2022 Design Review Committee Hearing Minutes and Audio
 - k. Design Review Committee Signed Findings of Fact, Conclusions of Law and Decision
24. 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			
Compliant	Not Applicable to this Application	Not Compliant	Standard
X		X	<p>Finding 1. 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.</p>

			<p>In Denial: The application does not meet this finding. The application did not submit enough material to fully determine if it is in conformance with the reviewed sections Garden City Code, specifically that of 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 proposes the installment of the pedestrian pathways through the development from N. Glenwood to the structure and the maintenance of the existing sidewalk will increase the safety and general welfare of the already developed subdivision.</p> <p>In Denial: The lack of adherence to City Codes and the City's Comprehensive Plan is detrimental to the welfare of the city.</p>
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 Mixed-Use Commercial Future Land Use Designation. Additionally, the use and the proposed structural design is cohesive with the adjacent uses surrounding it.</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 Mixed-Use Commercial 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 the continuation of the pedestrian pathway that which connects from Glenwood, through adjacent properties within the subdivision, to the primary entrance of the proposed building. Additionally, the application proposed adequate 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 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 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 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 developing a currently vacant lot</p>

			<p>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 application does not meet this finding in that the design does not support compact development patterns of mixed-uses that enables intensification of development over time.</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. 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 adjacent to and within the development.</p>

25. 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.

Prior to Building Permit Issuance:

1. A Lot Line Consolidation (LLA) shall be submitted and approved by staff prior to the issuance of a building permit.
2. A lighting plan shall be submitted with the associated building permit for review and shall be found in conformance with Garden City Code 8-4A-4.
3. All streets and driveways shall adhere to the standards of a clear vision triangle at all times per Garden City Code 8-4E.

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. A building permit shall be applied for and approved by Garden City Development Services Department.
3. All chain-link fencing on site shall be removed. If the chain-link fencing does not belong to the current property owner associated with this review, then an affidavit of ownership signed by both this application's property owner and the adjacent property owner claiming rightful ownership.
4. There will be a minimum of 12 vehicular parking spaces provided.
5. There will be a minimum of 1 bicycle parking spaces provided.

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. A use that is a private security, escort service or massage service shall comply with the licensing requirements as set forth in title 3, "Business and License Regulations.
3. If any trees are to be removed at any point in time, a mitigation plan from a certified arborist shall be submitted to the city for review and approval.

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.
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

STANDARD DENIAL DECISION

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-6B-3. This project is not in compliance with 8-6B-3 standard(s) because it is not in compliance with Garden City code section 8-4A. Compliance can be met by providing documentation showing compliance with Garden City Code section 8-4A.
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

DRAFT