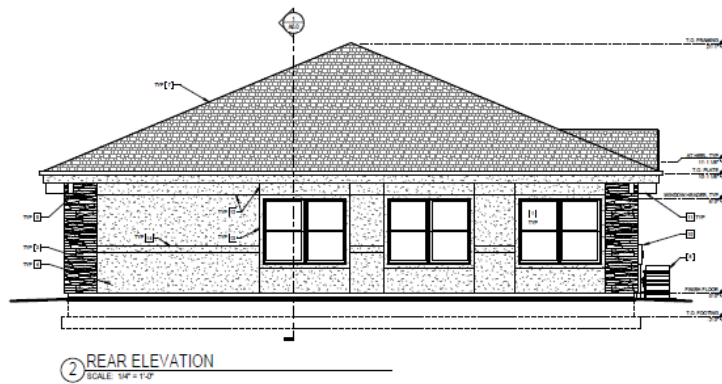
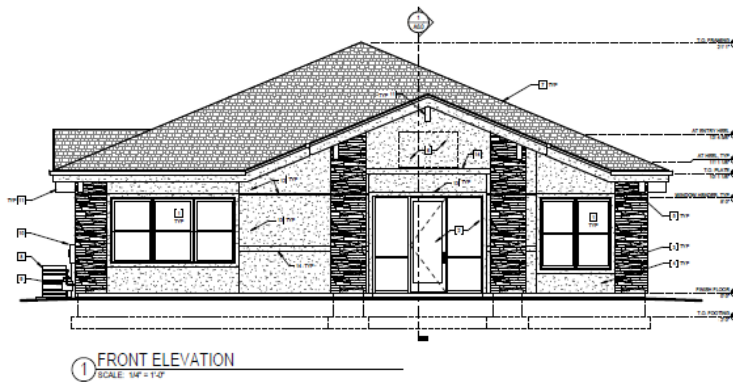




## CITY OF GARDEN CITY

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

**File Number: DSRFY2022 - 0005**  
**Application Scope: Design Consultation for Significant Changes**  
**Location: 5659 N Glenwood St. & N. Glenwood Street**  
**Applicant: Rob Powell**  
**Consultation Date: May 15, 2023**



Staff Report  
Prepared by Hanna Veal

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## A. Meeting Summary:

The Design Review Committee approved DSRFY2022-0005 on June 6, 2022. A summary of previous hearings is below:

- 1) 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.
- 2) Mysti Stelluto presented the application.
  - a) Chain-link fence is not under application's ownership.
  - b) Pedestrian connectivity exists and proposes to cross parking lots.
  - c) Keep existing drainage swell along northern property boundary line.
- 3) The Committee made the following comments and requests:
  - a) The original subdivision's conditions of approval will need to be observed and abided by.

The Design has since changed from the original approval. Previous hearing procedures would have required that the application return through the formal hearing process due to the significant changes. Because the city is no longer holding hearings for the design review process, it is required that the application proceeds through the consultation process.

## **B. Project Information**

### **Proposed Scope of Work:**

<b>Request</b>	<b>Review Process</b>	<b>Notes</b>
Pre-application conference for a design review	<a href="#">8-6B-3 Design Review Committee</a>	March 21, 2022
Public Hearing	<a href="#">8-6B-3 Design Review Committee</a>	June 6, 2022
Consultation	<a href="#">GCC 8-6A-5 Administrative with Notice.</a>	May 15, 2023

### **Project Details:**

- 1) Proposed development: New construction - Single story commercial building for office use.
- 2) Site Coverage:
  - a) Building: 3,588 sq ft. = 35%
  - b) Landscaping: 19.25% of site
  - c) Paved Areas: 45% of the site
- 3) Square footage dedicated to uses:
  - a) Commercial Building, Office use
- 4) Number of Structures: 1
- 5) Total number of vehicular parking spaces: 29
  - a) Surface: 29
  - b) ADA: 1
- 6) Total number of bicycle parking: 2
  - a) Enclosed: 0
  - b) Surface: 2
- 7) Trash Enclosure: The refuse will be in a common location
- 8) Fencing: No fence
- 9) Sidewalk:
  - a) Attached
- 10) Landscaping:
  - a) Street Trees: None
  - b) Parameter Landscaping: Existing shrubs and trees along property line. Additional landscaping proposed.
- 11) Connections: Installing safety crossings along Glenwood, potential activity node connecting Chinden to the City Hall and the River.
- 12) Closest VRT Stop: N Glenwood St & Backstretch Blvd NEC

### **Site Conditions:**

- 1) Street Address: 5659 N Glenwood St and N. Glenwood St
- 2) Parcel Number(s): R0540180080 and R0540180070
- 3) Property Description: LOT 24 BLK 01 ASHLAND PLAZA SUB #2 and LOT 23 BLK 01 ASHLAND PLAZA SUB #2
- 4) Legal Lots of Record: Yes
- 5) Property Size: 0.231 acres and 0.167
- 6) Zoning District: C-2
- 7) Zoning Overlay(s): None

- 8) Comprehensive Plan Land Use Map Designation:
  - a) Mixed Use Commercial
- 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:
  - a) 8-7A-1 Retail Store, Health Club, Vehicle Service, Personal Service
- 11) Existing Use: Vacant
- 12) Easements on site: There are no records on file with Garden City of existing easements
- 13) Site Access:
  - a) Side: N Glenwood St
- 14) Sidewalks: no sidewalk
- 15) Wetlands on site: none identified

**C. Discussion**

From what staff was able to review, this appears to be an application that conforms with Garden City Code, the Garden City Comprehensive Plan and other pertinent plans, and there is no public opposition to date.

This application was originally submitted in conjunction with DSRFY2022-0004 located at 5663 N. Glenwood Street, another application for a new construction for office space(s).

The site consists of two separate parcels and lots which will need to be consolidated prior to the building permit being issued.

**D. Agency Comments**

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District	04/19/2022	Standard Conditions
Idaho Transportation Department	04/26/2023	Standard Comments
North Ada County Fire and Rescue	04/25/2023	<ul style="list-style-type: none"> <li>• Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility.</li> <li>• Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 400-feet from the hydrant. A fire flow report was not located.</li> </ul>
Department of Environmental Quality	04/13/2023	Standard Comments

## E. Public Comment

No public comments were received.

## F. 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	Legal parcel(s) of record as described
<a href="#">8-1B-2 Nonconforming Structures</a>		No compliance issues noted	
<a href="#">8-1B-3 Nonconforming Uses</a>		No compliance issues noted	
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
8-2B-1 Purpose		No compliance issues noted	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	Professional services are a permitted use. If the office spaces are to be used for an alternative use, the use might be subject to a conditional use permit prior to moving into the space.
<a href="#">8-2B-3 Form Standards</a>	DC	No compliance issues noted	The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5'  The allowable maximum height is: n/a The minimum lot size is: n/a There are no encroachments

<a href="#">8-2C</a>		Complaint as Conditioned	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.
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>	DC	Affidavit submitted	Existing chain link fence with slats along the northern property boundary line. Chain-link fencing is not permitted per Garden City Code.  The site plans indicate that the existing fence along the property boundary belongs to the adjacent property.  <b>A previous condition of approval required that an affidavit of ownership signed by both the applicant and the adjacent property owner claiming ownership of the fence be submitted. An affidavit of non-ownership was submitted to the city on May 16<sup>th</sup>, 2022.</b>
<a href="#">8-4A-4 Outdoor Lighting</a>	DC	Compliant as conditioned	The application contained a photometric light plan. Any future outdoor lighting will be required to be in compliance with code at the time of development.
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	DC	No compliance issues noted	Any future outdoor service equipment area will be required to be in compliance with code at the time of development.  This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.  All on site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property, or shall be screened from view from a public street and adjoining property with a privacy fence. <b>The site accounts for a common trash enclosure located at the western property boundary line.</b>  HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. <b>At the north, the air conditioner units, gas and electrical service connections will be screened with evergreen landscaping. These items are not seen from the public right of way.</b>
<a href="#">8-4A-7 Stormwater Systems</a>	DC	Complaint as Conditioned	It appears that there is existing stormwater mitigation along the perimeter of the property, as shown in the submitted site plans.  A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
<a href="#">8-4A-8 Utilities</a>	DC	Complaint as Conditioned	Another draft condition of approval is provided requiring that all utilities be underground.
<a href="#">8-4C-3 Design Provisions for</a>	DC	No compliance issues noted	<b>The resubmittals from March 29, 2023, were reviewed for compliance with Garden City Code. The applicant</b>

[Nonresidential Structures](#)

**proposes a 30% change to the exterior elevations from what was previously approved in June of 2022.**

*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.*

- No comment as the building is not adjacent to a public street and is set back within the interior of the already developed commercial subdivision.
- The proposed design has a varied façade on three sides of the building.

*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.*

- Parking lot has been pre-determined by subdivision. Additional parking spaces have been proposed between this application's structure and associated DSRFY2022-0004 office structure located at 5663 N. Glenwood. The parking lot associated with this application does not front the street.
- Pedestrian pathways have been provided throughout the site and subdivision to connect the primary entrance to the public sidewalk.

*Objective 3: Buildings shall be designed and constructed of quality materials.*

- No comment. Materials appear to be compliant with code.

*Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.*

- All existing trees, significant vegetation and surface water features should be maintained. Applicant has stated in their statement of intent that existing vegetation is to remain.

*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.*

- **South and west elevations appear to orient themselves to the parking lot. This is a different design than what was previously approved, as it was the east elevation that had the secondary entrance. Previously proposed architectural features on facades helped draw attention to the entrances on every side of the building. Changes have been made to where those architectural features have since been removed.**

*Objective 6: The site development should support and be consistent with the adopted streetscape.*

- No comment. Appears compliant.



<a href="#">8-4C-5 Prohibitions</a>	DC	No compliance issues noted	There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.
<b>8-4D Parking and Off Street Loading Provisions</b>			
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	DC	No compliance issues noted	
<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	<p>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:</p> <ul style="list-style-type: none"> <li>a) The specific use(s) proposed and/or on the property;</li> <li>b) Uses in the vicinity of the property;</li> <li>c) A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s);</li> <li>d) The availability of on street, shared, and/or public parking within the vicinity of the use; and</li> <li>e) The availability of public transit, vanpooling or other alternative transportation to serve the use.</li> </ul> <p>The above information has not been provided. Staff often refers to the City of Boise parking code for parking requirements. Office, Business or Professional uses require 1 parking space per 300sqft of gross floor area. The proposed building is 3,588sqft. Based off the calculations:</p> <p>Total number of vehicular parking spaces required: 12</p> <p><b>New Garden City Development code that has yet to be adopted identifies that professional services will require 1 parking space per 1,000sqft of gross floor area. The application would be required to provide 3.5 parking spaces.</b></p> <p><b>Total provided: 29</b></p> <p>* At the west parking field, the existing playground games on the asphalt will be removed and replaced with parking stall striping to allow for additional parking and landscaping. The remaining existing parking lot will remain the same with shared parking and a cross access agreement for all buildings in the complex</p> <p>There is one bicycle space required for every 20 vehicle spaces and 1 space per commercial tenant necessitating 1 bicycle spaces. The site has provided 1 bike rack on site, allowing for two bicycles.</p>
<a href="#">8-4D-6 Standards for</a>	DC	No compliance issues noted	None requested

<a href="#">Alternatives to On Site Parking</a>			
<b>8-4E Transportation and Connectivity Provisions</b>			
<a href="#">8-4E-3 Public Street Connections</a>	DC	Complaint as Conditioned	Application is located within a pre-existing commercial subdivision. Street access and clear vision triangles should not be impacted by this application. However, there is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.
<a href="#">8-4E-4 Internal Circulation Standards</a>	DC	No compliance issues noted	The drive is 20' or greater in width
<a href="#">8-4E-6 Sidewalk Standards</a>	DC	No compliance issues noted	Existing detached sidewalk along N. Glenwood. The scope of the application does not impact the frontage of N. Glenwood.
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	DC	No compliance issues noted	Pedestrian connectivity from the public sidewalk, through the site, and to primary entrances of buildings exist. Pedestrian cross-connections through drive isles exist and are proposed.
<b>8-4F Sign Provisions</b>			
<a href="#">8-4F-13 Master Sign Program</a>	DC	No compliance issues noted	8-4F-13: A master sign program is required for any new multi-tenant commercial building. However, the office building is being built on one of the last lots in an existing business subdivision. The tenants are required to obtain a sign permit through Garden City building services as well as conform to the master sign plan that is on file for the complex. The building elevations dictate building signage locations while the lease agreement addresses a space on the existing monument sign that is located along Glenwood Street. This project is in the early stages of design and signage has not yet been approved by the building owner.
<a href="#">8-4G Sustainable Development Provisions</a>		No compliance issues noted	A waiver of the Sustainability Checklist is requested since this office building is within walking distance of several businesses including but not limited to: restaurants, day care facility, personal and professional services, health, and social services. There are several bus stops that are in close proximity as well.
<a href="#">8-4H Flood Hazard</a>	Planning Official	No compliance issues noted	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.
<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	

<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	DC	No compliance issues noted	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.</p> <p><b>Lot Size: 17,234sqft</b>  <b>Landscaping Provided: 3,370sqft</b>  <b>Landscaping accounts for 20% of the site with planting beds around the building and in the parking lot islands</b></p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p><b>Not applicable as the site does not face a street frontage.</b></p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.</p> <p><b>Landscape Required: 3</b>  <b>Landscape Provided: 5</b></p>
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	DC	No compliance issues noted	Perimeter landscaping required along northern property boundary line. Existing perimeter landscaping along the northern property boundary line. Additional landscaping proposed.
<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	Compliant as conditioned	Existing perimeter trees and internal parking lot trees are to remain. 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.
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 application waivers requested pursuant to 8-6A-4A.
<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 Consultants 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
<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) Mixed Use Commercial</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> <ul style="list-style-type: none"> <li>a.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul> <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> <li>a.) 12.1 Objective: Support a positive business environment</li> <li>b.) 12.2 Objective: Continue to support commercial and industrial land uses.</li> <li>c.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</li> </ul> <p>The application may not be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> <li>a.) 1.4.2 Amend the Land Use Code to prohibit any additional strip commercial development and expansion of existing commercial areas.</li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	Not applicable.
<a href="#">Garden City Transportation Needs List</a>	<p><b><u>Safety Crossings</u></b></p> <p>Chinden, State Street, and Glenwood create a barrier between the properties on either side of the roads that segments the City. Installing safety crossings that are comfortable and safe will perforate the barrier effect of these large busy roads. Safe and comfortable access can assist in unifying the City and assist in increasing bike and pedestrian modes of transportation for school children and the rest of public. The more that people chose to ride or walk, the more vehicle trips are decreased. Additionally, the more that residents and patrons are able and comfortable to move about the City outside of their vehicles, the more they will feel a sense of place.</p> <p><b><u>Between Glenwood and Coffey: Marigold to Chinden</u></b></p> <p>If the ITD District 3 property ever redevelops there would be an opportunity to create a road that can serve as an activity node road from Chinden to the City Hall and the River.</p> <p><b><u>Safety Crossing on Glenwood at Lorimer</u></b></p> <p>Provide a safe and comfortable crossing of Glenwood to connect pedestrians coming from the eastern part of the City or from the fair to the western part of the City.</p>

## G. 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](#). The Planning Official and City Council have decision authority once a Design Review Consultation has occurred.

### Decision

Pursuant to GCC 8-6A-5, staff shall take one of several actions:

- a. Intent to approve as submitted;
- b. Intent to approve with changes;
- c. Request changes and resubmittal;
- d. Recommend denial; or
- e. Recommend public hearing.

Once the decision is rendered it will be sent to the applicant and interested parties. If the determination is a recommendation for a public hearing or if a person with standing objects, a hearing with City Council or Planning and Zoning Commission will be scheduled.

### 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. The objection shall be made on the appeal submittal form and must be accompanied by the appeal fee. 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. Verbal objections will not be accepted. Written objections received after the 15-day objection period will not be accepted.

When a design review consultation is required as part of an application that requires a public hearing, public testimony regarding design will be heard by the planning and zoning commission at the planning and zoning commission's scheduled hearing.

### Required Findings:

In order to approve a design review application after a recommendation by the design review consultant(s), the decision maker shall make a determination with written reasoned statements on the following findings:

<b>GCC 8-6B-3_Required Findings</b>	<b>Determination</b>	<b>Reasoned Statements</b>
1. The proposed design shall comply with all design standards in Garden City Code, Title 8.	Not Determined:	TBD: This will be completed in conjunction with the formal decision
2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.	This will be completed in conjunction with the formal decision	

- |   |  |  |
|---|--|--|
| <p>3. The proposed design shall be compatible with or improve the public's use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise river and waterways, canals, and other surface irrigation.</p> <p>4. The proposed design shall be compatible with the neighborhood in scale and intensity.</p> <p>5. The proposed design shall not create an adverse impact on the surrounding neighborhood.</p> <p>6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood.</p> <p>7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions; and</p> <p>8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.</p> |  |  |
|---|--|--|

The Planning Official reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application Choose an item. the standards of approval under **GCC 8-6B-3 Design Review**.

**POTENTIAL CONDITIONS IN APPROVAL**

**Site Specific Requirements:**

Scope of this permit:

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 Occupancy:

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 the Garden City Development Services Department.
3. There will be a minimum of 12 vehicular parking spaces provided.
4. There will be a minimum of 1 bicycle parking space 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. System Installation Required: Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
25. 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.
26. 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.
27. 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.
28. Occupying the site prior to Certificate of Occupancy is a criminal offense.
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. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code .
31. 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.

**IN DENIAL**

1. 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.
2. 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.

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Development Service Staff	May 15, 2023
	Date