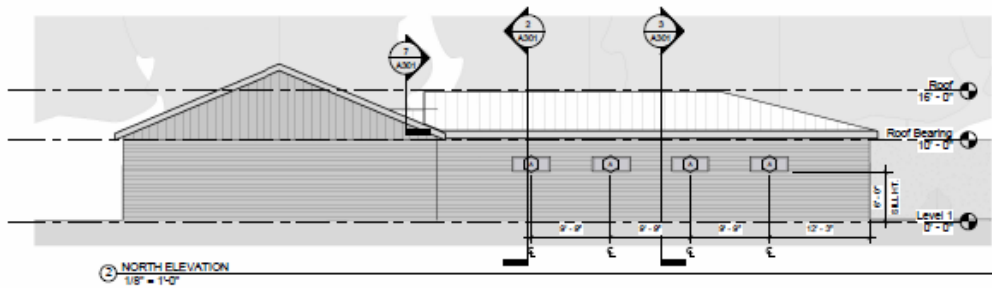
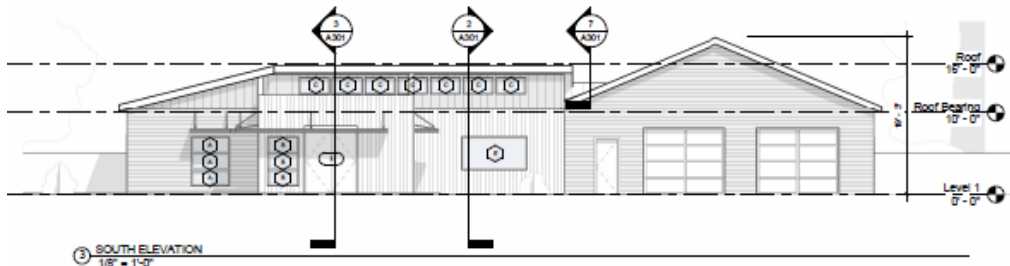




## CITY OF GARDEN CITY

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

**File Number: DSRFY2022-0029**  
**Application Scope: Pre-Application Conference**  
**Location: 211 W. 38<sup>th</sup> St**  
**Applicant: Kayla Duclos**  
**Pre-Application Report Date: September 29, 2022**  
**Formal Hearing Date: TBD**



Staff Report  
Prepared by Hanna Veal

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## A. Meeting Summary:

This summary will be updated to reflect the previous meetings as this application progresses.

## B. Project Information

**Proposed Scope of Work:** 2,000+ sq ft woodworking shop, possibly including the existing 2-car garage.

Request	Review Process	Notes
Pre-application conference for a design review	<a href="#">8-6B-3 Design Review Committee</a>	September 29, 2022
Public Hearing	<a href="#">8-6B-3 Design Review Committee</a>	TBD

### **Project Details:**

- 1) Proposed development: New Construction
- 2) Site Coverage: 0.689 acre lot ~ 30,000sqft;
  - a) Building: 3,769sqft =12.5% of the site
  - b) Landscaping: **unknown**
  - c) Paved Areas: **unknown**
- 3) Square footage dedicated to uses:
  - a) Lumber Stock: 257 sq ft.
  - b) Workshop: 860 sq ft.
  - c) Slab Hall: 342 sq ft.
  - d) Showroom: 469 sq ft
  - e) Existing Shop: 880sqft
- 4) Number of Structures: 1
- 5) Total number of vehicular parking spaces: 5
  - a) Enclosed: 2 Car Garage – not sure if it will be used for parking
  - b) Surface: 4
  - c) ADA: 1
- 6) Total number of bicycle parking: **None**
- 7) Trash Enclosure: The refuse will be in a common location
- 8) Fencing: No fence
- 9) Sidewalk:
  - a) **Attached sidewalk**
  - b) ACHD required cul-de-sac
- 10) Landscaping:
  - a) Street Trees: Unknown – Detailed landscape plan not submitted
  - b) Parameter Landscaping: None
- 11) Closest VRT Stop: W Chinden Blvd & W 39th St SWC – 8x

### **Site Conditions:**

- 1) Street Address: 211 W 38<sup>th</sup> St
- 2) Parcel Number(s): R2734511450
- 3) Property Description: LOT 26 BLK J FAIRVIEW ACRES SUB NO 2

- 4) Legal Lot of Record: Yes
- 5) Property Size: .689 acres
- 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) The project is not located in the floodplain according to the 2003 FIRM.
  - b) The project is in the floodplain according to FEMA's most recent modeling of the Lower Boise River, adopted by resolution 1083-20
- 10) Adjacent Uses:
  - a) Service Provider – Bickford Sign & Awning
  - b) Vehicle Rental – Showcase Limousine
  - c) Vehicle Service – Ultimate Transmission
- 11) Existing Use: Garage, Private and Service Provider
- 12) Easements on site:
  - a) Garden City 20' Water Easement #200,600,046
  - b) Utility, Drainage, Irrigation Easement #200,600,046
- 13) Site Access:
  - a) Side: W 38<sup>th</sup> St
- 14) Sidewalks: There is no sidewalk and there is existing attached sidewalk adjacent to the site on both sides of the property
- 15) Wetlands on site: none identified

### C. Discussion

***Garden City Sidewalk Policy*** notes that sidewalk or pathway shall be detached as required by **Garden City Code 8-4E-6 E** and provide for a 6' with root barrier/ 8' without root barrier landscape buffer prescribed by ACHD's policy for Class II or III trees.

The applicant has not requested a waiver of the sidewalk requirements to allow an attached sidewalk; but due to the following items, a waiver may be granted:

1. ACHD plans to complete the adjacent cul-de-sac and install an attached sidewalk.
2. An existing attached sidewalk adjacent to the property.
2. An existing mature tree may conflict with the installation of a detached sidewalk.
3. Existing utility poles with overhead wires could conflict with required class II or III trees.

The Design Committee has previously granted its approval to the proposed waiver in DSRFY2018-12 for Brilliant Services in April of 2018.

## D. 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](#):

Decision	Recommendation Authority	Decision Authority	Hearing Date
Design Review	N/A	Design Committee	Pre-application conference: 09/29/2022  Design Review formal hearing: TBD

### Required Findings:

Findings are not required at a pre-application conference.

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: [GCC 8-6B-3](#):

1. The proposed design shall comply with all design standards in this Title;
2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site;
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;
4. The proposed design shall be compatible with the neighborhood in scale and intensity;
5. The proposed design shall not create an adverse impact on the surrounding neighborhood;
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;
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
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.
9. There has been no denial of any application on this property within one year.

### Preapplication Conference Options:

Pursuant to [GCC 8-6B-3](#), a preapplication conference with the Design Review Committee is required. The purpose of the preapplication conference is threefold: to provide direction based on design objectives that are relevant to the application, determine the level of review process, and what application materials will be required.

It is appropriate for Committee to take of the following actions:

- Determine the application is ready for a formal application with the Design Review Committee.
- Delegate the decision to the Planning Official as an administrative decision.
- Request the applicant return with more information.

The direction provided by the committee at the preapplication meeting may be changed or reversed at any time during the process if the design or the scope of the project changes.

### **Decision**

Pursuant to [GCC 8-6B-3](#), if the Design Review Committee does not delegate the decision to the Planning Official for an administrative decision, based on the required findings, the Committee shall take one of several actions:

1. Approve the application;
2. Conditionally approve the application with the requirement that the committee review further design details; or
3. Deny the application.

If there is a denial, state code requires that the decision maker identify what could be done to obtain approval.

### **Appeals of Decision:**

**A pre-application conference is not a decision and cannot be appealed.**

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. 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. Written objections received after the 15-day objection period will not be accepted.

Pursuant to [8-6A-9 Appeals](#), there is a 15-day appeal period to appeal the decision to the City Council. This period starts from the signed decision date and runs concurrently with the 15-day objection period noted above. An appeal is \$210 and must be filed on the appeal application form provided by the City. Appeals received after the 15-day appeal period will not be accepted.

### **E. Agency Comments**

**This section will be completed during the report drafted in conjunction with the public hearing.**

The following agency comments were provided:

<b>Agency</b>	<b>Comment Date</b>	<b>Summary</b>
Ada County Highway District		
Boise School District		
Central District Health		
COMPASS		
Garden City Engineer		
Idaho Transportation Department		

Irrigation: Fairview Acres		
North Ada County Fire and Rescue		
Meridian School District		

## F. Public Comment

This section will be completed during the report drafted in conjunction with the public hearing.

The following public comments were provided:

Commenter	Comment Date	Summary

## G. 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.

Garden City Title 8 Code Sections			
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 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	Retail Production is a Permitted Use
<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	Retail Production is a Permitted Use
<a href="#">8-2B-3 Form Standards</a>	DC	Not compliant	The required setbacks are: Front: 5'

			<p>Interior Side: 5' Rear: 5' Street side: 5'</p> <p>The allowable maximum height is: m/a</p> <p>The minimum lot size is: n/a</p> <p>There are no encroachments.</p> <p>All improvements are more than 70' from the Boise River.</p> <p><b>The property does not meet the minimum street frontage. The site improvements are limited to the rear of the property. The existing residential structure on site does not contain improvements.</b></p>
<a href="#">Definition of Terms 8-7A</a>		May not be complaint – Discussion Required	<p>The use of a site for manufacture, processing, fabrication or assembly of finished products and on-site retail sale and/or showroom of finished products. The area utilized for production and/or manufacturing of products shall not be any greater than two thousand (2,000) square feet on the street level and not constitute more than three to one (3:1) of the area utilized for the salesroom and/or showroom.</p> <p>Lumber Stock Room: 257sqft Slab Hall: 342sqft Workshop Addition: 860sqft Existing Workshop: 880sqft Total: 2,339</p> <p>Show Room: 469sqft</p> <p>The area used for production is greater than 2,000 and the show room is less than the 3:1 ratio. The showroom area is 5x greater than that of the show room.</p> <p>It appears that the existing shop is not included in the production calculations. Clarification of the intended use for the existing shop is required.</p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>	DC	Complaint as Conditioned	This proposal does not identify any fence or wall. Any future fence or wall will be required to be in compliance with code at the time of development.
<a href="#">8-4A-4 Outdoor Lighting</a>	DC	Complaint as Conditioned	This proposal does not identify any outdoor lighting. 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	Complaint as Conditioned	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.



<a href="#">8-4A-7 Stormwater Systems</a>	DC	Complaint as Conditioned	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	<p>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.</p> <p>A draft condition of approval is provided requiring that all utilities be underground.</p>
<a href="#">8-4C-3 Design Provisions for Nonresidential Structures</a>	DC	May not be complaint	<p><i>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.</i></p> <p>Street Setback: The maximum front setback permitted is fifteen feet (15') from curb edge for a minimum of sixty percent (60%) of the length of the street frontage. Sixty percent (60%) of the street frontage along the front setback should be occupied by a structure or a plaza.</p> <p>The proposed project is located toward the rear of the property, with the frontage proposed to remain as is (with the exception of streetscape improvements.) The proposal includes the construction of a 26' shared access drive, which is to be owned and maintained by the properties that which use it.</p> <p>The street setback may be increased when a plaza is provided with a minimum area of five hundred (500) square feet and meeting the criteria for public space as set forth in subsection <a href="#">8-4C-4C</a>.</p> <p>The frontage of the proposed building faces the southern property boundary, toward the shared access drive. The parking spaces in front consist of permeable pavers and landscaping. There does not appear to be a plaza-like feature included in the design.</p> <p><i>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.</i></p> <p>Driveway lanes crossing a public sidewalk intersection should be clearly distinguished with special pavement or coloring.</p> <p>The sit proposes a pedestrian sidewalk through the interior of the property to the primary entrance of the commercial building.</p> <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p>

			<p>Materials have not been identified in submitted plans. Not enough information to review.</p> <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</i></p> <p>No Comment.</p> <p><i>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.</i></p> <p>Discussion Required.</p> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <p>Refer to discussion portion of the staff report regarding sidewalk.</p>
<a href="#">8-4C-5 Prohibitions</a>	DC	May not be complaint	Not enough information to review.
<b>8-4D Parking and Off Street Loading Provisions</b>			
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	DC	Discussion Required	<p>If a parking area is located on the same lot with a single-family dwelling unit, the parking area may be located within the front yard required for such building if approved by the design committee and only if parking elsewhere is not feasible or possible.</p> <p>When a bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced two feet (2') in length if two feet (2') is added to the width of the sidewalk or landscaped area planted in ground cover. The parking lot is adjacent to the pedestrian pathway. Proposed parking spaces are 20' x 9', if reduced to allow for a 7' sidewalk in front of the building, the spots would be 18' x 9'. A 7' wide sidewalk would assist in the creation of a front plaza area which is required to be at least 500sqft in size.</p>
<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	May not be complaint	<p>Total number of vehicular parking spaces provided: 5</p> <p>The minimum and maximum number of required off street vehicle parking for nonresidential uses is determined by the planning official based on:</p> <ol style="list-style-type: none"> <li>1. The specific use(s) proposed and/or on the property;</li> <li>2. Uses in the vicinity of the property;</li> <li>3. A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s);</li> <li>4. The availability of on street, shared, and/or public parking within the vicinity of the use; and</li> </ol>

			<p>5. The availability of public transit, vanpooling or other alternative transportation to serve the use.</p> <p>There is on street parking available on 38<sup>th</sup> Street. Further information is required. A common calculation used to determine parking requirements is that one space is required for every 300sqft of commercial space. This would result in 9 parking spaces being required. OR</p> <p>If calculations are based off the showroom square footage, then two parking spaces would be required. It is recommended to discuss the business model, anticipated employees, and customers to further determine parking requirements.</p> <p>There is one bicycle space required for every 20 vehicle spaces and 1 space per commercial tenant necessitating 1 bicycle spaces. Bicycle parking has not been identified.</p>
<a href="#">8-4D-6 Standards for Alternatives to On Site Parking</a>	DC	No compliance issues noted	None proposed.
<a href="#">8-4D-7 Off Street Loading Standards</a>	DC	Not Compliant	1 type B off street loading space for shall be provided. Type B spaces shall be not less than fifteen feet (15') in width and sixty five feet (65') in length
<b>8-4E Transportation and Connectivity Provisions</b>			
<a href="#">8-4E-3 Public Street Connections</a>	DC	Complaint as Conditioned	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-5 Private Street Standards</a>	DC	Complaint as Conditioned	<p>The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot that provides access to all applicable properties.</p> <p>The private street shall be constructed within the easement and shall have a travel lane width of twenty six feet (26').</p> <p>The private street shall provide sufficient maneuvering area for emergency vehicles as determined and approved by the fire authority.</p> <p>The private street name(s) shall obtain approval from the Ada County street name committee.</p> <p>A binding contract that establishes the party or parties responsible for the repair and maintenance of the private street including regulations for the funding shall be recorded with a final plat. No building permit shall be issued until the contract has been recorded.</p>

<a href="#">8-4E-6 Sidewalk Standards</a>	DC	May not be complaint	Refer to discussion of the staff report.
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	DC	No compliance issues noted	No comment, application appears compliant.
<a href="#">8-4G Sustainable Development Provisions</a>		Not Complaint	The development is required to provide 12 points. Not enough information to review.
<a href="#">8-4H Flood Hazard</a>	Planning Official	Complaint as Conditioned	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	May not be complaint	Not enough information to review.
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	DC	Not Complaint	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.  <b>Not enough information to review.</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.  <b>W. 38<sup>th</sup> Street (100LF):</b>  <b>Required Trees: 1 Street + 2 Frontage = 3 Trees (Deficient at least 2 trees) (Existing trees not identified).</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.  <b>Not enough information to review.</b></p>
<a href="#">8-4I-5 Perimeter Landscaping Provisions</a>	DC	No compliance issues noted	Not required.
<a href="#">8-4I-6 Parking Lot Landscaping Provisions</a>	DC	Not Complaint	At least one high-branching deciduous shade tree is required at the end and beginning of the proposed parking row. Landscape plans do not show compliance.
<a href="#">8-4I-7 Tree Preservation Provisions</a>	DC	May not be complaint	Certified arborist report and associated mitigation plan have not been submitted. Site does not appear to remove existing trees.

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>			Application waivers requested pursuant to 8-6A-4A: none
<a href="#">8-6A-5 Administrative Process with Notice</a>		No compliance issues noted	<p>To be completed with formal application 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 Committee's 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>

Other Items Reviewed	
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><b>a)</b> 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><b>a.)</b> 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><b>a.)</b> 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li><b>b.)</b> 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> <li><b>a.)</b> 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><b>a.)</b> 12.1 Objective: Support a positive business environment</li> <li><b>b.)</b> 12.2 Objective: Continue to support commercial and industrial land uses.</li> <li><b>c.)</b> 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> <ul style="list-style-type: none"> <li>Goal 4. Emphasize the "Garden" in Garden City</li> </ul>

	a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.
<a href="#">Garden City Sidewalk Policy</a>	Refer to discussion portion of the staff report.
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along W. 38 <sup>th</sup> Street in accordance with the policy.
<a href="#">Garden City Transportation Needs List</a>	<b>38th Street and Chinden</b> Install Pedestrian Hybrid Beacon and overhead lighting at the intersection of 38th Street and Chinden. Per Looking Glass Academy Garden City February 2019 recommendations