



## CITY OF GARDEN CITY

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**File Number: DSRFY2022-0030**  
**Application Scope: Consultation for a Façade Remodel**  
**Location: 3433 W. Chinden Blvd.**  
**Applicant: Rebecca Kent**



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:

Request	Review Process
Consultation	<a href="#">8-6B-3 Design Review Committee</a>

### Project Details:

- 1) Proposed development: Façade changes to an existing structure
- 2) Site Coverage: .45 acres
  - a. Building: unknown % of the site
  - b. Landscaping: unknown % of the site
  - c. Paved Areas: unknown % of the site
- 3) Number of Structures: 1
- 4) Total number of vehicular parking spaces: 30; existing parking to remain
- 5) Total number of bicycle parking: unknown
- 6) Trash Enclosure: existing refuse to remain
- 7) Fencing: Existing screening fence in rear adjacent to Stockton
- 8) Sidewalk:
  - a. Existing attached sidewalk along W. Chinden Blvd.
- 9) Landscaping: None

### Site Conditions:

- 1) Street Address: 3433 W. Chinden Blvd.
- 2) Parcel Number(s): R2734530170
- 3) Property Description: W 10' OF LOT 2 LOT 3 LOT 32 E 20' OF LOT 33 BLK M FAIRVIEW ACRES SUB 4 #9042804
- 4) Legal Lot of Record: unknown
- 5) Property Size: 0.45 acres acres
- 6) Zoning District: C-1
- 7) Zoning Overlay(s): None
- 8) Comprehensive Plan Land Use Map Designation:
  - a. Activity Node: Neighborhood Destination
  - b. Green Boulevard Corridor
  - c. Live-Work-Create
- 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) Existing Use: Sunliner Motel - Lodging
- 11) Site Access:
  - a. Front: W. Chinden
  - b. Rear: Stockton
- 12) Sidewalks: Existing attached sidewalk along W. Chinden
- 13) Wetlands on site: none identified

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## C. Discussion

This appears to be an application that clearly conforms with Garden City Code, the Garden City Comprehensive Plan and other pertinent plans, and there is no public opposition to date.

The application is for a façade modification/alteration to an existing structure. Because the storefront (interpreting storefront to mean any street frontage of a structure) renovations are greater than 25% of the façade, the changes are required to be reviewed and approved by the Design Review Committee.

While there appears to be a large amount of code compliance issues brought up in the staff analysis, they mostly revolve around the streetscape improvements that which are required by the site modifications proposed. The application proposes to remodel 100% of the exterior. Because of this, streetscape improvements are required. The drafted conditions of approval relate to such improvements like:

- Street Trees in tree grates.
- Closure of ingress/egress access points in alignment with the ITD Chinden Access Management plan.
- 6' wide sidewalk and 6' wide furniture zone.

## 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
Design Review	N/A	Design Committee

### 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: [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.

### 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:**

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**

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District	10/14/2022	1. No impact fee due, ACHD inspections not required.
Garden City Engineer	10/08/2022	2. No comments for the subject project.

**F. Public Comment**

None provided as of the drafting of this document.

**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.

<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>		Complaint as Conditioned	Unknown if parcel is a legal parcel of record as described. Property deeds required to determine legality of parcel.
<a href="#">8-1B-2 Nonconforming Structures</a>		No compliance issues noted	Existing non-conforming structures. The proposed changes to the site do not increase the non-conformity.
<a href="#">8-1B-3 Nonconforming Uses</a>		No compliance issues noted	Existing Lodging use.

**Title 8, Chapter 2: Base Zoning District Regulations**

<a href="#">8-2B-1 Purpose</a>		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. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district.
<a href="#">8-2B-2 Allowed Uses</a>		No compliance issues noted	Lodging is a conditional use. The site has operated as a lodging use.
<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 encroachments. However, improvements do not increase the non-conformity.
<a href="#">8-2C</a>		Complaint as Conditioned	A. Minimum Lot Size: The minimum lot size for lodging uses shall be thirty thousand (30,000) square feet.  B. Limitations:  1. A maximum of sixty percent (60%) of the lodging units may contain a kitchen.  2. Lodging guestrooms shall not be provided on less than a daily basis.

**Title 8, Chapter 4: Design and Development Regulations**

<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	Another draft condition of approval is provided requiring that all utilities be underground.
<a href="#">8-4C-3 Design Provisions for Nonresidential Structures</a>	DC	Discussion Required	<p>Storefront Renovations: Any storefront renovations, where more than twenty five percent (25%) of the facade of the store is altered, replaced, rehabilitated or restored, shall comply with subsections <a href="#">8-4C-3A4</a>, <a href="#">8-4C-3C</a>, E, and F, and section <a href="#">8-4C-5</a> of this article</p> <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>8-4C-3A4: First Floor Facades: First floor facades visible from a public street should include surfaces in windows, showcases, displays, or pedestrian access elements as follows: for retail uses at least fifty percent (50%), for all other uses at least fifteen percent (15%).</p> <ol style="list-style-type: none"> <li>1. The application is proposing to keep the existing structure on the raised platform. This will maintain its iconic character.</li> <li>2. The ground floor portion of the structure is proposed to have minor alterations including update ADA accessible features, new entry stairs, removal of the entry canopy, and the replacement of metal siding with new wood siding.</li> <li>3. No additional glazing is proposed. Percentage of façade occupied by glazing is not provided.</li> </ol> <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <p>GCC 8-4C-3C: Discouraged Materials: Metal siding, corrugated fiberglass, aluminum siding, mirror or metalized reflective glass, plywood, chipboard siding, vinyl, cinderblock, plastic tilt-up concrete, highly tinted or mirrored glass, and all types of imitation building materials should not be used as the primary building material.</p> <ol style="list-style-type: none"> <li>1. The proposed materials all appear to be permitted materials. Building materials include cedar siding, composite shiplap siding, double pane aluminum windows, metal doors, and wrought iron railing.</li> </ol> <p><i>Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the</i></p>

			<p><i>comprehensive plan and positively contribute to the overall urban fabric of the community.</i></p> <p>GCC 8-4C-3E</p> <ol style="list-style-type: none"> <li>2. This section of code speaks to the orientation of the building, having the building face a prominent feature and the street. It also speaks to articulation of the building, requiring that architectural details are used to create three-dimensional details, create shadow lines, and break up flat surfaces of the façade.</li> <li>3. It also speaks to rooflines, requiring that flat roofs designs should include architectural details such as cornices, and decorative facings to provide interest to the roofline.</li> </ol> <p>GCC 8-4C-3F</p> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p>
<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.
<p><b>8-4D Parking and Off Street Loading Provisions</b></p> <p>The design standards as set forth in section <a href="#">8-4D-3</a>, "Parking Design And Improvement Standards", of this article shall apply to any new construction, <b>alteration</b>, or moving of a structure or any new or more intense use of property. Except where there is a change in use, the provisions of this article shall <b>not</b> apply to any existing building or structure.</p>			
<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	May not be compliant	<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> <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> <li>5) The availability of public transit, vanpooling or other alternative transportation to serve the use.</li> </ol> <p>Staff also looks at surrounding municipalities code requirements. In this case, the City of Boise requires:</p> <p><b>Hotel/Motel</b> 1 vehicular parking spot per room;</p>

			<p><b>Provided Parking</b> Total provided: 30, existing parking spaces to remain. There are 27 rooms provided in the motel. Leaving a surplus of 3 vehicle parking spaces.</p> <p><b>The applicant has yet to submit a traffic study, hours of operation, employee count, etc. for staff to perform a proper parking analysis. Depending on further information provided, the site could be providing adequate parking spaces.</b></p> <p>There is one bicycle space required for every 20 vehicle spaces and 1 space per commercial tenant necessitating 2 bicycle spaces. <b>Bicycle parking has not been provided.</b></p>
<a href="#">8-4D-6 Standards for Alternatives to On Site Parking</a>	DC	No compliance issues noted	None requested.
<b>8-4E Transportation and Connectivity Provisions</b>			
This article provides design standards that shall apply to any new construction, addition, expansion, grading, <b>alteration</b> , or any new or more intense use of property.			
<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	Compliant as conditioned	Driveways, aisles and turnaround areas when required for fire and refuse access, shall be required to comply with North Ada County Fire and Rescue standards for approval.
<a href="#">8-4E-6 Sidewalk Standards</a>	DC	May not be complaint	<p>It appears that the application proposes to maintain the existing attached sidewalk along the frontage of W. Chinden Blvd.</p> <p>In accordance with a cooperative agreement between the Idaho Transportation Department and the City of Garden City, a 6' wide-furniture zone with street trees and a 6' wide sidewalk shall be installed along the frontage of W. Chinden Blvd. The street trees shall be either Class II or III and placed within 6' x 8' tree grates.</p> <p>Streetscape improvements relate to the anticipated closure of westernmost ingress/egress to the parcel. <b>Figure 1 &amp; 2.</b> There are not comments from ITD regarding the matter.</p> <p>There is alternative streetscape conditions drafted if ITD cannot approve of the streetscape design.</p>
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	DC	Not Complaint	A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances. There does not appear to be a proposal to meet code compliance.
<b>8-4F Sign Provisions</b>			

<a href="#">8-4F-13 Master Sign Program</a>	DC	May not be complaint	<p>The monument sign appears to be an existing non-conforming sign. <a href="#">GCC 8-4F-13 Master Sign Program</a> governs unique signs, and allows for deviations from code standards so long as the Design Review Committee approves it. 8-4F-4 states “Should the sign not meet all conditions to be compliant with [code], the applicant may apply for a permit through the design review permitting process. The design review committee shall approve only those signs found to be compliant with the following:</p> <ol style="list-style-type: none"> <li>1) Adhere to section <a href="#">8-4F-1</a>, "Purpose," of this article; and</li> <li>2) Implement the vision as set forth in the comprehensive plan; and</li> <li>3) Establish that the property values and rights of any resident or business owner in Garden City will not be encumbered by the design of the sign; and</li> <li>4) Demonstrate that the sign provides significant creativity and uniqueness, and the intent is not to merely evade the provisions set forth in this article; or can demonstrate that the sign is an established icon that enhances the community’s assets more than a sign complying with the requirements set forth in this article; and</li> <li>5) Demonstrate that they are constructed of professional and durable materials, and are not intended to be of temporary nature.”</li> </ol> <p>And 8-4F-13.C.5 states “Signs that exceed the standards set forth in sections <a href="#">8-4F-11</a> and <a href="#">8-4F-12</a> of [Garden City Code] shall demonstrate superior quality, creativity, or artistry and integration with the buildings and site.”</p> <p>While the application does not specifically request a master sign program for the existing non-conforming sign. It shall be discussed. The significant alteration the non-conforming sign would require alterations to be code compliant. As proposed, the sign does not meet the minimum standards of the sign district.</p>
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<a href="#">8-4H Flood Hazard</a>	Planning Official	Complaint as Conditioned	<p>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.</p>
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**8-4I Landscaping and Tree Protection Provisions**

All development, redevelopment, additions, or site modifications to existing development shall be required to conform to this article based upon the following guidelines:

- Except for residential uses, additions or site modifications that are twenty five percent (25%) to fifty percent (50%) of the gross floor area of the existing structure or developed area, streetscape landscaping as required by section [8-4I-8](#) of this article shall be installed.
- Restriping, parking lot overlays with no increase in the square footage of the parking area, or parking lot replacement less than twenty five percent (25%), no additional landscaping as required by section

8-4I-6, "Parking Lot Landscaping Provisions", of this article shall be required.

The proposal is for a site modification, not an addition. The parking lots are proposed to remain. The existing structure is seeing close to 100% of a façade remodel, exact percentages are not discussed.

<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>	DRC	Not Complaint	Streetscape landscaping is required (based on percentage of building being modified) this section is applicable, and the application shall meet these standards.
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>		Not compliant	<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.</p> <p><u>W. Chinden Blvd. 130LF</u>            Required Trees: 1 Street + 2 Frontage = 2.6 Total  <b>Provided Trees: None (deficient 2.6 trees)</b>  <i>*Could conflict with ITD's sidewalk agreement with the City as the agreement states trees shall be plated every 50 feet apart on average.</i></p> <p>Stockton 130LF            Required Trees: 1 Street + 2 Frontage = 2.6 Total  <b>Provided Trees: None (deficient 2.6 trees)</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	Not required based off proposed site improvements.	No compliance issues noted
<a href="#">8-4I-6 Parking Lot Landscaping Provisions</a>	DC	Not required based off proposed site improvements.	No compliance issues noted
<a href="#">8-4I-7 Tree Preservation Provisions</a>	DC	Not required based off proposed site improvements.	No compliance issues noted
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
<a href="#">8-6A-5 Administrative Process with Notice</a>		Complaint as Conditioned	<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 Consultant'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>

<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) Activity Node: Neighborhood Destination</li> <li>b) Green Boulevard Corridor</li> <li>c) Live-Work-Create</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>1. 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li>2. 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> <li>• 12.1 Objective: Support a positive business environment</li> <li>• 12.2 Objective: Continue to support commercial and industrial land uses.</li> <li>• 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 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> <li>1. 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p>Goal 7. Connect the City</p>

	<ol style="list-style-type: none"> <li>1. 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> <li>2. 7.1.5 Re-develop Osage and Stockton streets as shared mobility corridors that are attractive for pedestrians and bicyclists while maintaining access to local businesses. Consider the opportunities for an art pathway and one-way direction for each street. (See also Action Steps 2.4.1 and 2.4.2)</li> </ol>
<a href="#">Garden City Sidewalk Policy</a>	None requested
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along W. Chinden Blvd. in accordance with the policy.
<a href="#">Chinden- ITD Access Management</a> <a href="#">Chinden Corridor Access Map</a>	ITD has recommended removal of at least one of the ingress/egress curb cuts along W. Chinden Blvd. and limiting access to a 40 foot-wide curb cut towards the eastern most property line.
<a href="#">Garden City Transportation Needs List</a>	<p>Safety and traffic flow along the entire length of Chinden can be significantly increased through closing access points and limiting future access points along Chinden through the use of Stockton and Osage for business access. The Green Boulevard Corridor, a concept identified in the Garden City Comprehensive Plan and within the Garden City code identifies the use of trees and landscaping, landscaped medians, curb, gutter, sidewalk, bike lanes and Transit Ready Development Nodes to facilitate these goals. This concept identifies that reduced access points will increase safety and recognizes that vertically framing in a corridor increases driver attention and reduces speeds thus further reducing accidents. Studies have also demonstrated that property values and retail spending tend to dramatically increase while expenditures on energy and potential drainage needs decrease with the installation of trees.</p> <p>A shared walk/ bikeway may be a solution on Chinden. Portland Oregon provides examples where they have done this, including Esplanade which provides 4' dedicated to walking and 6' dedicated to cycling.</p>



## Chinden - 36<sup>th</sup> to 33<sup>rd</sup>



Figure 1: ITD's Chinden Access Management Plan



Figure 2: ITD's Access Management Plan. Limit access to allow only one approach per parcel. Green arrow represents ITD's requirements to limit the approach to 40ft.

## H. Decision

### CONCLUSIONS OF LAW

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 **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 Planning Official hereby **APPROVES/DENIES** the application, subject to the following conditions:

### **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 Construction:**

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.

### **Prior to Occupancy:**

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. Parking shall be restriped in compliance with the parking plan submitted for review; or a site plan including an amended parking plan shall be submitted to the Design Review Committee for review and approval with code standards including but not limited to 8-4D and 8-4I-6.
3. A 12-foot-wide concrete sidewalk with 5-foot x 8-foot tree wells for Class II or III street trees shall be installed adjacent to W. Chinden Boulevard upon approval of ITD.
4. If ITD cannot approve of the streetscape in condition **#3**, then a 10-foot-wide detached pedestrian asphalt pathway shall be installed along the entire frontage of W. Chinden Blvd. property line. The pathway shall smoothly transition into the existing red paver pathway on the eastern property line.
  - a) A 6ft wide landscape buffer shall be provided between W. Chinden and the pathway for the required street trees.

5. If ITD cannot approve of the streetscapes in condition number #3 or #4, then the applicant shall work with staff and ITD to develop a suitable bicycle and pedestrian oriented streetscape in conformance with Garden City Code, Garden City Sidewalk Policy, Idaho Transportation Department, and ADA standards.
6. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
7. 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.
  - a) W. Chinden Blvd. shall have at least 3 Class II or III trees installed along its frontage.
8. One of the two existing ingress/egress curb cuts along W. Chinden Boulevard shall be permanently closed in accordance with the Idaho Transportation Department Chinden Access Management Plan unless otherwise recommended by ITD or precluded by Ada County Highway District.
  - a) Curb, gutter, and sidewalk improvements shall be installed in the area that is currently designed as an access apron.
  - b) To maintain a curb cut onto Chinden the following shall be provided:
    - i) Documentation from Idaho Transportation Department recommending that ingress/egress onto Chinden Boulevard remain.
9. Prior to occupancy, a public works and utility permit shall be submitted for review and approval of the site work that will be required to bring the site into compliance with:
  - a) A detached sidewalk shall be installed in accordance with Garden City Code 8-4E-6 and the Garden City Sidewalk Policy.
    - i) Adjacent to W. Chinden
      - (1) The sidewalk shall be installed to the edge of property.
      - (2) The sidewalk shall be a minimum of 6' in width.
      - (3) The sidewalk shall be installed at a consistent elevation above any curb cut so as to not incline at the curb cut.
      - (4) The sidewalk shall be detached by a minimum 6' back of curb landscaped or concrete "furniture" zone.
        - (a) If detached by a concrete "furniture" zone required street trees shall be in tree grates.
          - (i) Tree grates must be maintained flush with the sidewalk and align with sidewalk score lines so as to not create a trip hazard.
          - (ii) Tree grates must be adjusted to expand as the tree trunk expands to alleviate damage to the tree.
        - (b) If detached by a landscape strip, a 6' concrete transition will be provided to adjacent properties that have an attached sidewalk
      - (5) Existing light poles may intrude into the sidewalk provided that there is 5' clear for passage.
      - (6) Improvements may be made within the right-of-way provided approval of Idaho Transportation Department.

- (a) A maintenance agreement with Garden City may be required.
- b) Landscaping and street trees shall be installed and inspected for compliance with Garden City Code 8-4I.
  - i) Three Class II or Class III trees shall be installed adjacent to Chinden Boulevard at an average of 50 lineal feet.
    - (1) Linear root barriers are to be installed when planting a street tree 8' or less from hardscape. The root barrier will be designed such that the major root structure will be restrained from extending into utility corridors, but still allow for the normal growth of the tree.

**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 365 days 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.

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This signature verifies that this decision document has been reviewed and approved by the Planning Official

**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 [STATE WHY]. Compliance can be met by [STATE HOW].
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.

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This signature verifies that this decision document has been reviewed and approved by the Planning Official