



DEVELOPMENT SERVICES DEPARTMENT

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

DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2024 - 0011

Review Status: INITIAL REVIEW- NOT APPROVED

Plan Review Number: 2

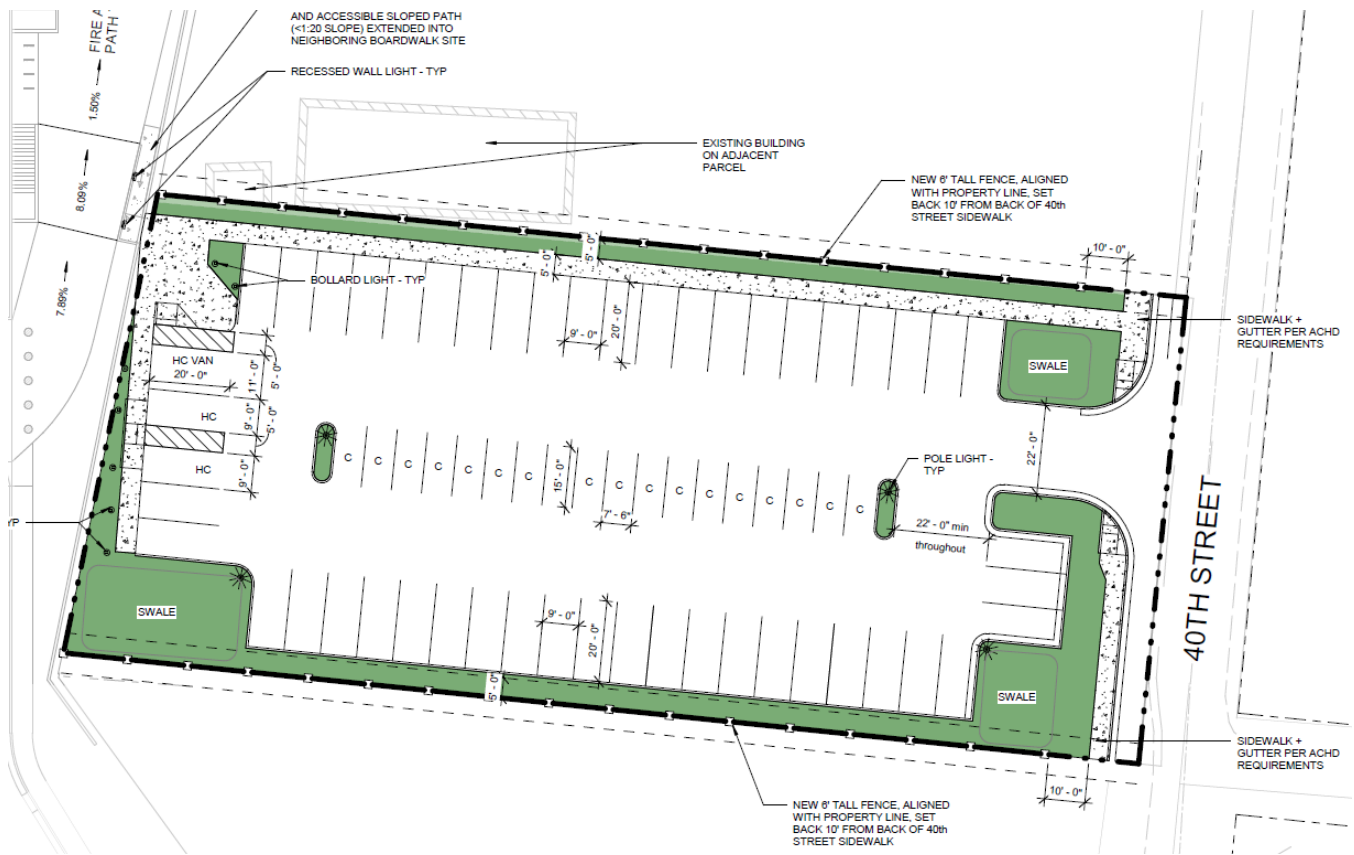
Reviewer: Hanna Veal

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: August 26, 2024

Applicant: Chad Weltzin



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SITE INFORMATION

- 1) Applicant: Chad Weltzin with erstad Architects
- 2) Owner: PARLAY INVESTMENTS LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Parking facility
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: The primary use of a site for parking vehicles. The term "parking facility" includes surface lots and garages.
- 5) Existing Use: Vacant
- 6) Street Address: 508 E. 40th Street
- 7) Parcel Number(s): R2734560160
- 8) Property Description: LOTS 17/18 BLK 2 FAIRVIEW ACRES SUB NO 7
- 9) Legal Lot of Record: Yes
- 10) Property Size: 0.640 acres
- 11) Zoning District: C-2/DA
- 12) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Neighborhood Destination
 - b) Mixed Use Residential
- 13) The project is in the:
 - a) 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 14) Surrounding Uses:
 - a) Vacant
 - b) The Boardwalk Development - Mixed Use – Multi-family dwelling units, commercial (eating establishment, limited services)
 - c) Single-family dwelling units,
 - d) Manufactured homes
 - e) Heron Park
- 15) Adjacent Zoning: C-2/DA & R-3
- 16) Adjacent Comprehensive Plan Designations:
 - a) Green Boulevard Corridor
 - b) Main Street Corridor
 - c) Activity Node: Neighborhood Destination
 - d) Mixed Use Residential
- 17) Easements on site:
 - a) EASEMENTS: FAIRVIEW ACRES SUB 07 PLAT; UTILITY, DRAINAGE, IRRIGATION EASEMENT; 200600050
 - b) EASEMENTS: EASFY2021-0012 WATER BOARDWALK; WATER MAIN EASEMENT; 2021075765
- 18) Site Access:
 - a) Front: E. 40th Street
- 19) Sidewalks: No sidewalk
- 20) Wetlands on site: None identified

PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: May 20, 2024
- 3) The neighborhood meeting was held on: June 5, 2024
- 4) Associated Conditional Use Permit: CUPFY2024-0008
- 5) Site Coverage:
 - a) Paved Areas: 24,620sqft =81.35% of the site
 - b) Landscaping: 5,645sqft =18.56% of the site
- 6) Total number of vehicular parking spaces: 67
- 7) Total number of bicycle parking: 0
- 8) Trash Enclosure: None
- 9) Fencing:
 - a) Existing wood fence
 - b) Proposed 6' tall fence
- 10) Sidewalk:
 - a) Detached sidewalk
- 11) Landscaping:
 - a) Street Trees: 4 Little Leaf Linden
 - b) Perimeter Landscaping: Northern and Southern property boundary line

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District Link to Comment	07/03/2024	<ul style="list-style-type: none"> • Construct 40th Street as ½ of a 36-foot street section with vertical curb, gutter and of 5-foot wide sidewalk abutting the site. • Dedicate right-of-way to 2-feet behind back of sidewalk, or for detached sidewalk, reduce the right-of-way width to 2-feet behind the back of sidewalk and provide a permanent right-of-way easement that extends from the right-of-way line to 2-feet behind the back of sidewalk. • Close the two existing driveways from the site onto 40th Street with vertical curb, gutter and 5-foot wide sidewalk abutting the site. • Construct a 22-foot wide curb return type driveway located 79-feet northeast of Reed Street (measured centerline-to-centerline). • Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD. • There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD. • Comply with all Standard Conditions of Approval.
Republic Services Link to Comment	06/20/2024	A parking lot no trash services needed.

<p>Garden City Engineer Link to Comment</p>	<p>07/03/2024</p>	<ul style="list-style-type: none"> • Prior to performing any grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan. • Approval of the project by the Ada County Highway District will be required. • Comments from the North Ada County Fire and Rescue District may be required. Should any fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans. The review by the District needs to include review of locations of fire hydrants. • No sewer connections will be needed. Any new water service must be reviewed and approved by the city's Public Works Department. The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs. Public water lines need to be at least 25 feet from storm water seepage beds or from infiltration surfaces of drainage swales. • Compliance with the storm water ordinance and policies of the city will be required. A site grading and drainage plan will be required that is sealed, dated and signed by the design professional when construction plans are submitted. Said plan must be reviewed and approved by the city. Drainage must be maintained on-site. Please note that site grading must match existing grading along the site's perimeter. • A storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by an Idaho licensed design professional that is sealed, dated and signed will be required when construction plans are submitted. • A site geotechnical report will be required for the design of the on-site storm water system prepared and sealed, dated and signed by a qualified license professional. Said report must identify the depth to seasonal high groundwater, provide a profile of encountered soils and their infiltration rates. The report also must provide a design infiltration rate recommendation for the storm water system. The storm water design must provide for at least three feet of vertical separation between the bottom of the storm water facility and the seasonal high groundwater. • The landowner must enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system. The agreement must be fully executed, have conditionally approved plans attached and be recorded by the city with final plan approval. • The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. As no buildings are proposed, the work map information is just information, but future possible BFEs could impact or drive the parking lot design. The work maps are
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		<p>available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020.</p> <ul style="list-style-type: none"> • The project is comprised of two existing subdivision lots. As no building is proposed, we do not believe a parcel consolidation survey is necessary.
<p>Idaho Transportation Department Link to Comment</p>	06/25/2024	<p>After careful review of the transmittal submitted to ITD on June 20, 2024 regarding DSRFY2024-0011 the Department has no comments or concerns to make at this time.</p>
<p>North Ada County Fire and Rescue Link to Comment</p>	06/24/2024	<p>The required inside turning radius for fire department access is 28'. The required outside turning radius is 48'. Please make the appropriate changes for fire department access.</p>
<p>Idaho Department of Environmental Quality Link to Comment</p>	07/05/2024	<p>General comments provided</p>

PUBLIC COMMENT

None provided as of the drafting of this document.

MEETING SUMMARY

This is a summary of the discussions that occurred at the Design Review consultation meetings.

There have been no previous consultations on this project.

CODE AND POLICY REVIEW

Planning and Zoning CUPFY2024-0008 Update

The applicant has stated that their intentions for the parking lot are temporary in nature. They have requested that the permit(s) be eligible for five years as opposed to the standard one-year.

The use does not meet the qualifications of a temporary use per code. Temporary uses are only allowed to operate on a site for a maximum of three months. Temporary uses that are seeking permit renewal for the same temporary use at the same location would be considered a permanent use, and are required to through the proper permitting processes. Those processes for this proposal would include a conditional use permit and a design review. There are special provisions for temporary uses under Garden City Code 8-2C-38, which were not reviewed, as this request was not eligible to meet the standards of a temporary use.

On August 21, 2024, the Planning and Zoning Commission approved CUPFY2024-0008. The approval was extended from one year to five-years, allowing for the use of the site as a temporary parking facility. As approved, the required site improvements will not need to be installed until August 21, 2029. If the improvements are not constructed, the CUP will expire and use of the site as a parking facility shall cease immediately.

The Commission did require that some minor improvements be made to help mitigate the use's impact on the neighborhood and beautify the appearance of the parking lot. The Commission required that a mix of greenery in the form of trees and shrubs/grasses be installed along the northern and southern property boundary lines, and beautification landscaping within planter boxes along 40th street be planted. Security lighting a 6' tall screening fences along the perimeters will also need to be installed prior to use of the site.

The conditions drafted at the end of this report reflect the Planning and Zonings conditions of approval.

Discussion

This application is for the use of a public parking lot (parking facility) located at 508 E. 40th Street. The intent of the proposal is to provide 67 additional parking spaces for patrons of the Boardwalk building, the Greenbelt, and adjacent retail/restaurants. While on-street parking is permitted in the area, the parking facility will help reduce the quantity of visitors parking along the adjacent residential streets.

The application consists of two lots (lots 17 & 18) of Fairview Acres subdivision. A lot consolidation is not required due to no structure being proposed. The application appears to propose landscaping and a drainage swale outside of these lots on the adjacent southern property located at 500 E. 40th Street (parcel #R2734560140). The city cannot permit this construction encroachment without the applicant obtaining permission from the adjacent property owner. A condition has been drafted to ensure that permission is granted.

Due to the parking facility's proximity to adjacent single family residential dwellings, screening of the parking lot is required, specifically along the north, east, and south sides of the lot. The southern property boundary area contains code compliant perimeter landscaping, but not without encroachment on the adjacent property or redesign of the site plan.

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

<u>Garden City Title 8 Applicable Code Sections</u>		
Code Section	Compliance	Analysis/ Discussion
Title 8, Chapter 1: General Regulations		
<u>8-1A-4 Applicability</u>		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.
<u>8-1B-1 Nonconforming Properties</u>	No compliance issues noted	Legal lots of record as described. Parcel consists of two original lots (17 & 18), due to the application not proposing a structure, a lot consolidation will not be required.
<u>8-1B-2 Nonconforming Structures</u>	No compliance issues noted	All existing buildings on the site will be demolished. The existing fence will remain.
<u>8-1B-3 Nonconforming Uses</u>	Not Determined	Conditional Use Permit will be required – CUPFY2024-0008 scheduled for hearing on July 17, 2024.

	Compliant upon approval of CUP	
8-1C-3 Property Maintenance Standards	No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands. No active code enforcement cases on file.
Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-1 Purpose		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. 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.
8-2B-2 Allowed Uses	Compliant upon approval of CUP	Garden City Code Table 8-2B-1 requires a conditional use permit in this zone for the proposed use of a parking facility.
8-2B-3 Form Standards	No compliance issues noted	The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5' There are no proposed structures. The existing structures will be removed as part of this application. Landscaping and parking lots may encroach within the setbacks so long as compliance is met in all other applicable sections of code. All improvements are more than 70' from the Boise River.
Title 8, Chapter 4: Design and Development Regulations		
8-4A-3 Fences and Walls	Not Compliant	The existing fence along the southern property boundary line encroaches onto the adjacent parcel. The adjacent parcel is not owned by the same entity. This encroachment is not permitted unless the applicant gets permission from the neighboring property owner. The existing wood fence on the north and south property boundaries will remain. The application materials do not reflect the current condition of the entire fence. If any parts of the fence contain old, decayed, or broken wood, they must be replaced. Where there is no building frontage, fences greater than three and one-half feet (3.5') shall be set back minimally ten feet (10') from the back of sidewalk so as to allow for street trees and landscaping between the fence and the sidewalk. The fence borders the road. The dimensions of the fence are not provided. If the fence exceeds 3.5', the fence must be set back minimally 10' from the back of sidewalk. Based on submitted site photos, and Google Streetview, the fence is taller than 3.5' within 10' of the road which may not meet clear vision triangle standards.
8-4A-4 Outdoor Lighting	Compliant as conditioned	The proposed lighting appears to be compliant with code.

		Any future outdoor lighting will be required to be in compliance with code at the time of development.
8-4A-5 Outdoor Service and Equipment Areas	No compliance issues noted	The application does not contain outdoor service or equipment areas.
8-4A-7 Stormwater Systems	Compliant as Conditioned	<p>The application proposes a drainage swale. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Such swales shall also be designed to accommodate the required number of trees.</p> <p>Gravel, rock, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature.</p> <p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p>
8-4A-8 Utilities	Compliant as Conditioned	Another draft condition of approval is provided requiring that all utilities be underground.
8-4A-9 Waterways	No compliance issues noted	No comment
8-4C-3 Design Provisions for Nonresidential Structures	Compliant as Conditioned	<p>The application does not propose a structure. However, it is new construction within the C-2/DA zoning district, which requires review of this section of code.</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> <ul style="list-style-type: none"> - All parking lots should be located to the side and rear of the building fronting the street. A parking lot may be located between a building and a street when the visual effect of the parking lot has been mitigated. August 13, 2024, resubmittals show the parking lot is setback from the frontage of 40th Street via a 10' landscape buffer placed back of sidewalk so that the view of the surface lot from the street is minimized. - Driveway lanes crossing a public sidewalk should be no wider than twenty feet (20'). The drive isle throughout the site is 22' per GCC 8-4D requirements, however, the lane is not compliant with this standard where it crosses the sidewalk. A condition has been drafted to ensure compliance. - Direct, convenient, and attractive pedestrian pathways should be provided that are clearly marked and connect all portions of the site. Pedestrian pathways should be functionally separate from parking lots and driveways except where they cross driveways. Pedestrian connections are provided. <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <ul style="list-style-type: none"> - A 5' wide detached sidewalk will be required along 40th Street in accordance with the Garden City Sidewalk Policy. ACHD will require at least an 8' wide landscape buffer for the required street trees.

8-4C-5 Prohibitions	No compliance issues noted	<p>There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.</p> <p>There are not any crushed colored rock/crushed tumble glass utilized on the site.</p>
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8-4D Parking and Off-Street Loading Provisions.

8-4D-3 Parking Design and Improvement Standards	Not Compliant	<p>Vehicle parking:</p> <p>Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</p> <table border="1" data-bbox="574 411 1263 617"> <thead> <tr> <th>Parking Angle</th> <th>Stall Width (A)</th> <th>Stall Depth (B)</th> <th>Length Per Car (C)</th> <th>Driveway Width Must also meet fire requirements</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;">Standard</td> </tr> <tr> <td style="text-align: center;">90°</td> <td style="text-align: center;">9'0"</td> <td style="text-align: center;">20'0"</td> <td style="text-align: center;">9'0"</td> <td style="text-align: center;">22'0"</td> </tr> </tbody> </table> <p>Compliant Parking Provided: <u>67 regular parking spaces</u> Stall width: 9' Stall length: 20'</p> <p><u>2 ADA parking spaces:</u> Stall width: 9' Stall length: 20' Access aisle: 5'</p> <p><u>1 ADA parking space:</u> Stall width: 11' Stall length: 20' Access aisle: 5'</p> <p>Driveway width: 22'</p> <p>No part of any parking area for more than ten (10) motor vehicles shall be closer than twenty feet (20') to any dwelling unit on an adjoining lot, unless separated by screen in compliance with the provisions as set forth in 8-4I Landscaping And Tree Protection Provisions. The parking lot appears to be closer than 20' to adjacent dwelling units to the north and the south.</p> <p>5' wide perimeter landscaping is provided along the southern property boundary line in accordance with 8-4I, however, a landscape plan was not provided in the August 13th resubmittals. A condition has been drafted to ensure code compliance. (As mentioned in the discussion, the initial submittals showed portions of this landscape proposed on the adjacent property.)</p> <p>The setback dimensions between the parking lot, northern property boundary line, and adjacent northern dwelling units were not provided. The parking lot abuts the existing fence which lies primarily on the northern property boundary line. The adjacent dwelling units appear closer than 20'. Perimeter landscaping is shown between the parking lot and northern property boundary, but there is not 20' between the lot and dwelling unit.</p> <p>Bicycle parking is not required, and none are proposed. Due to the proximity of the site to the Greenbelt, and the Boardwalk, it might be appropriate to provide bicycle parking. The P&Z Commission did not require bicycle parking.</p>	Parking Angle	Stall Width (A)	Stall Depth (B)	Length Per Car (C)	Driveway Width Must also meet fire requirements	Standard					90°	9'0"	20'0"	9'0"	22'0"
Parking Angle	Stall Width (A)	Stall Depth (B)	Length Per Car (C)	Driveway Width Must also meet fire requirements													
Standard																	
90°	9'0"	20'0"	9'0"	22'0"													

8-4D-4 Parking Use Standards	No compliance issues noted	Required as part of associated CUPFY2024-0008. Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements for the new use.
8-4D-5 Required Number of Off-Street Parking Spaces	No compliance issues noted	There is no requirement in the code for the number of parking spaces for this use.
8-4D-6 Standards for Equivalent Parking Adjustments	No compliance issues noted	Equivalent parking was not requested.
8-4D-7 Off Street Loading Standards	No compliance issues noted	There is no off-street loading area.
8-4E Transportation and Connectivity Provisions		
8-4E-3 Public Street Connections	No compliance issues noted	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.
8-4E-4 Internal Circulation Standards	No compliance issues noted	The drive is 22' wide.
8-4E-6 Sidewalk Standards	Compliant as Conditioned	<p>There is currently no sidewalk along the parcel's frontage. An attached sidewalk adjoins the southern part of the property.</p> <p>Detached sidewalks shall be required unless in conflict with a street plan adopted by the transit authority and/or the city or there is existing attached sidewalk on both sides adjacent to the property.</p> <p>The existing attached sidewalk only borders the south side of the property, a detached sidewalk will be required. A condition has been drafted.</p>
8-4E-7 Pedestrian and Bicycle Accessibility Standards	No compliance issues noted	Pathways through the site to the required public sidewalk are proposed.
8-4G Sustainable Development Provisions	No compliance issues noted	Not required.
8-4H Flood Hazard	No compliance issues noted	<p>The planning official is the decision maker on items regarding 8-4H.</p> <p>The City highly encourages that the applicant builds 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>
8-4I Landscaping and Tree Protection Provisions		
8-4I-3 General Landscaping	No compliance issues noted	When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, perimeter landscaping,

Standards and Irrigation Provisions		<p>parking lot landscaping and other landscape guidelines) a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required as set forth in table 8-4I-1 of this subsection.</p> <table border="1" data-bbox="574 222 1247 338"> <thead> <tr> <th data-bbox="574 222 896 289">Required Number Of Class II Or Class III Trees</th> <th data-bbox="896 222 1247 289">Minimum Number Of Species</th> </tr> </thead> <tbody> <tr> <td data-bbox="574 289 896 338">31 to 50¹</td> <td data-bbox="896 289 1247 338">4</td> </tr> </tbody> </table> <p>Provided: 4 species Class II</p>	Required Number Of Class II Or Class III Trees	Minimum Number Of Species	31 to 50 ¹	4
Required Number Of Class II Or Class III Trees	Minimum Number Of Species					
31 to 50 ¹	4					
8-4I-4 Landscaping Provisions for Specific Uses	Compliant as Conditioned	<p>Updated landscape plans were not provided with the August 13, 2024 resubmittals. The below analysis reflects the initial submittal review.</p> <p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Required: 29,739*0.05= 1,487 SF Provided: 6,310 SF (<i>The data reflects the entire landscape and includes the perimeter landscape and setback</i>). <i>More information is required to ensure 5% of the site is landscaped excluding perimeter and setback landscaping.</i></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. E. 40th St. (~117 LF): 1 Street Tree + 2 Frontage trees= 3 trees Provided: 4 trees Class II</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. Proposed landscape: 6,310 SF Required trees: 6,310 SF/1000 SF=6 Provided: 25 Required shrubs: 6,310 SF/150= 42 Provided:123</p> <p>Conditions have been drafted to ensure code compliance is met.</p>				
8-4I-5 Perimeter Landscaping Provisions	May not be compliant	<p>Perimeter landscaping required as per code section 8-4D-3.</p> <p>Standards:</p> <ol style="list-style-type: none"> 1. A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot; 2. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity; 3. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage. 4. Additional standards for parking lots and carports are set forth in section 8-4I-6, "Parking Lot Landscaping Provisions". <p>Perimeter landscape details have not been provided to match the updated site plans from August 13, 2024. Conditions have been drafted to ensure code compliance is met.</p>				

¹ Includes required perimeter landscaping trees of 1 per every 15'.

8-4I-6 Parking Lot Landscaping Provisions	May not be compliant	<p>The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.</p> <p>Landscaped areas, including islands, medians, and stormwater retention areas shall be designed within the parking lot to define major vehicle and pedestrian routes, provide shade and break up the expanse of paved areas.</p> <p>Plant high branching deciduous trees throughout the parking lot interior to provide shade for pedestrians, vehicles and surfaces.</p> <p>a.) Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied. 67 vehicle parking spaces provided, 13 internal shade trees required. Excluding the perimeter landscape trees, only 7 trees are provided. On small or narrow sites, shade trees provided in non-street facing perimeter planting areas can be counted toward the internal tree requirement.</p> <p>Solid masonry or wood fencing a minimum of six feet (6') in height with landscaped screening shall be provided between parking lots and residential uses. The perimeter landscaping provided between the parking lot and adjacent northern property dwellings is not described.</p> <p>Include landscaped islands with at least one tree at the beginning and end of each parking row and to break up longer rows or highlight special features. Provided.</p>
8-4I-7 Tree Preservation Provisions	Compliant as Conditioned	<p>There appear to be trees on the property. An arborist's report and tree mitigation plans are required. A condition has been drafted to require this prior to the removal of existing trees.</p>
Title 8, Chapter 6, Article A: Administration		
8-6A-3 General Application Process	No compliance issues noted	<p>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.</p>
8-6A-4 Required Application Information	N/A	
8-6A-5 Administrative Process with Notice	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 Consultant's recommendation and the Planning Official'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

<p>Previous entitlement that might affect this project</p>	<p>ZONFY2023-0002 CUPFY2024-0008 – Conditional use permit application for the parking facility use.</p>
<p>Garden City Comprehensive Plan</p>	<p>Idaho Code § 67-6512(a), requires that special or conditional use permits shall be issued only when “not in conflict with the [comprehensive] plan.” The reason for the special treatment of conditional use permits, presumably, is that by their nature, they allow uses not in accordance with the normal zoning for an area. Thus, conditional use permits are, in essence, mini-zones. Conditional use permits are not required to be “in accordance with” the comprehensive plan. Instead, it is sufficient that they not be “in conflict” with the comprehensive plan.²</p> <p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map. This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> 1. MIXED USE RESIDENTIAL: The mixed-use residential area is north of Adams/ Alworth Street. This designation allows for residential and commercial uses in a form and scale that is residential in character and design. A mix of residential; small scale office and retail; and public and semi-public uses are appropriate in this district. Regulations for this area should focus on form more than use, with a maximum height of two stories. 2. ACTIVITY NODE: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Activity Nodes by type shown on the Land Use Map are as follows: Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential. <u>Identified centers are:</u> <ul style="list-style-type: none"> • Adams and 50th Streets intersection to the Boise River • Adams and 42nd street intersection to the Boise River. • East city boundary to 36th street between the Boise River and Chinden Boulevard • Glenwood and Marigold Streets intersection • Chinden Boulevard and Garrett Street intersection • Chinden Boulevard and 50th Street intersection • State Street and Pierce Park Transit Oriented Development Nodes • Chinden Boulevard and Glenwood Street intersection • Chinden Boulevard and Veterans Parkway intersection • State Street and Horseshoe Bend Road • State Street and Glenwood Street

² [2022 Givens Pursley Land Use Handbook](#)

	<p><u>The application may be supported by:</u></p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> • 1.3 Objective: Consider the needs of all citizens, businesses and the environment. <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> • 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> • 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 5. Focus on the River</p> <ul style="list-style-type: none"> • 5.5 Objective: Create more accessibility to the Boise River and Greenbelt. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> • 7.1 Objective: Create pedestrian and bicycle friendly connections. • 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. <p><u>The application may not be supported by:</u></p> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> • 7.1 Objective: Create pedestrian and bicycle friendly connections.
Garden City Sidewalk Policy	No waiver requested
Garden City Street Light Policy	A streetlight is installed along E. 40 th Street in accordance with the policy.
Old Town Circulation Network Plan	Based on the Original Town Circulation Plan the streets around the property were designated as local and micro streets.

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, CONCLUSIONS OF LAW AND DECISION

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_Required Findings	Determination	Reasoned Statements
<ol style="list-style-type: none"> 1. The proposed design shall comply with all design standards in Garden City Code, Title 8. 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 	<p>Not Determined: This will be completed in conjunction with the formal decision</p>	<p>TBD: This will be completed in conjunction with the formal decision</p>

be consistent with the southwest Idaho climatic conditions; and		
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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.		
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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 **TBD** the standards of approval under **GCC 8-6B-3 Design Review**.

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning Official hereby **TBD** the application, subject to the following conditions:

IN APPROVAL

Site Specific Requirements:

Scope of this permit:

1. The scope of this permit is to allow for the use of a Parking Facility.
2. This approval shall expire five (5) years from its approval, unless otherwise extended as allowed by Garden City Code.
 - a. To maintain the use of a parking facility, all code required improvements shall be installed prior to the expiration of this permit.
3. Any future permits must be in conformance with these 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 Certificate of 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. Prior to occupancy or use of the site, the following improvements shall be made immediately:
 - a. Security lighting shall be installed per code.
 - b. A mix of greenery including trees and shrubs shall be installed along the northern and southern property boundary lines.
 - c. The North and South perimeters shall have a six-foot-tall fence.
 - d. Beautification landscaping shall be installed along 40th Street in planter boxes.

3. Fences greater than three and one-half feet (3.5') shall be set back minimally ten feet (10') from the back of sidewalk so as to allow for street trees and landscaping between the fence and the sidewalk.

For the permit to not expire, the following improvements shall be made:

1. There shall be no construction off site without the permission of the adjacent property owner. This includes utilization of the adjacent property for this application's required landscaping, drainage, and fencing.
2. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - a. If any trees are to be removed from the site, a tree mitigation plan must be submitted in compliance with GCC 8-4I-7 Tree Preservation provisions.
 - i. Any trees removed prior to the certified arborist's report being submitted will be considered to have been healthy, and thus, mitigation will be required.
 - b. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
 - i. At least 1,487sqft of landscaping shall be provided excluding perimeter landscaping or landscaping within the setbacks.
 - c. Perimeter landscaping shall be installed in accordance with 8-4I-5 along the northern and southern property boundary lines.
 - i. Perimeter landscaping shall be at least ten feet (10') wide measured from the property line to the interior of the lot;
 - ii. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity;
 - iii. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.
 - d. A minimum of one class II or class III tree shall be planted in the frontage of every adjacent streetside. An additional Class II or III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
 - i. The frontage of E. 40th Street shall have a total of 3 class II or III trees.
 - ii. Trees shall be planted adjacent to 40th Street within the landscape buffer to meet street tree requirements of Garden City Code 8-4I.
 - e. Plant high branching deciduous trees throughout the parking lot interior to provide shade for pedestrians, vehicles, and surfaces.
 - i. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.
 - ii. Solid masonry or wood fencing a minimum of six feet (6') in height with landscape screening shall be provided between parking lots and residential uses.
3. Any future outdoor lighting will be required to be in compliance with code at the time of development.
4. All stormwater systems must comply with Garden City Code 8-4A-7.
 - a. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Gravel, rock, or cobble

stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature

- b. If ACHD requires stormwater swales within the landscape buffer along 40th Street, the swales shall be designed in such a way to accommodate the Garden City required Street trees.

5. All vehicle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3.
6. If any portion(s) of the existing fence are found in disrepair, decay, or broken, it shall be replaced or repaired.
7. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along 40th Street.
8. All HVAC systems and outdoor service and equipment areas shall be identified for permit review and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
 - a. Utility boxes and transformers will also require screening. Coordination with Idaho Power will be required.
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 along E. 40th Street in accordance with Garden City Code 8-4E-6 and the Garden City Sidewalk Policy.
 - i. The sidewalk shall be installed to the edge of property.
 - ii. The sidewalk shall be installed at a consistent elevation above any curb cut so as to not incline at the curb cut.
 - iii. The sidewalk shall be a minimum of 5' in width.
 - iv. The sidewalk shall be detached by a minimum 6' landscape or furniture zone.
 - v. Improvements may be made within the right-of-way provided a landscape license agreement or other approval from Ada County Highway District.
10. A pathway system shall extend through the development site and connect to public sidewalk on E. 40th Street.
 - b. A pathway shall be a minimum width of four feet (4').
 - c. Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility.

Site Specific Requirements for the Duration of the Use:

1. Driveways shall adhere to the standards of a clear vision triangle at all times.
2. All 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.

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 Code 8-3C General Provisions-Living Space Requirements.

22. All outdoor service and equipment areas shall comply with Garden City Code 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. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
30. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
31. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code .
32. 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. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
2. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
3. 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.

Development Service Staff

Date

IMAGES