



## DEVELOPMENT SERVICES DEPARTMENT

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# DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2024 - 0018

**Review Status: INITIAL REVIEW- NOT APPROVED**

**Plan Review Number: 1**

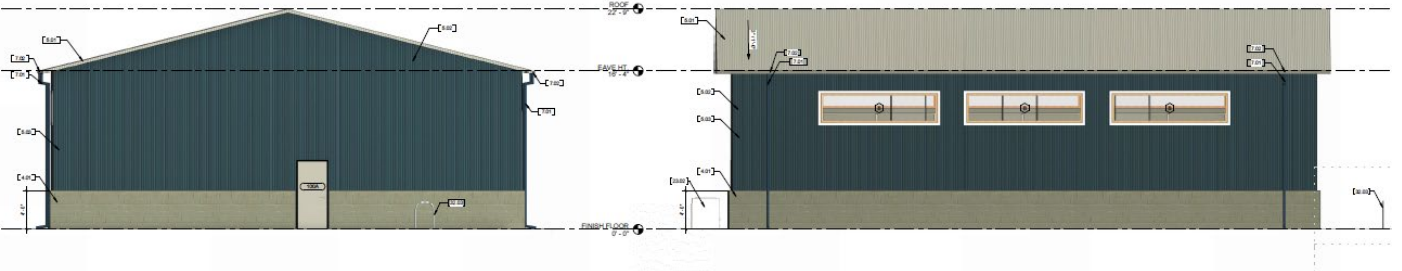
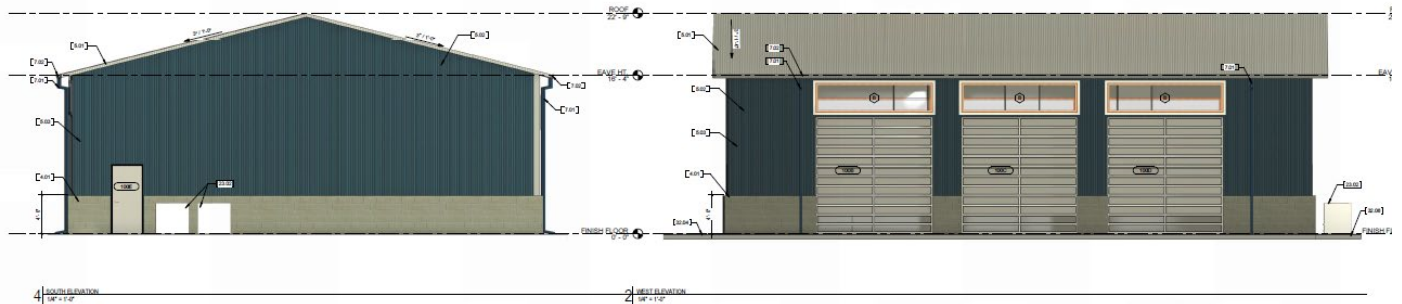
**Reviewer:** Hanna Veal and Maria Antonova

**Design Consultant:** Brett Labrie

**Design Consultant:** Derek Hurd

**Date:** October 21, 2024

**Applicant:** Julie Miller



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## SITE INFORMATION

- 1) Owner: ALIC PROPERTIES LLC
- 2) Street Address: 112 W 42<sup>nd</sup> Street
- 3) Ada County Tax Parcel Number(s): R2734510330
- 4) Property Description: LOT 4 BLK D FAIRVIEW ACRES SUB NO 2
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.689 acres
- 7) Zoning District:C-2 General commercial
- 8) Zoning Overlay: None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Mixed Use Commercial
  - b) Neighborhood Node: Transit Oriented Development
- 10)The project is in the:
  - a) outside 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.
- 11)Adjacent Uses:
  - a) Manufactured/mobile home park
  - b) Vehicle sales
  - c) Lending institution
- 12)Existing Use: Vehicle sales
- 13)Easements on site:
  - a) EASEMENTS: FAIRVIEW ACRES SUB 02 PLAT; 200600046; UTILITY, DRAINAGE, IRRIGATION EASEMENT
  - b) EASEMENTS: FAIRVIEW ACRES SUB 02 PLAT; 200600046; UTILITY, DRAINAGE, IRRIGATION EASEMENT
- 14)Site Access:
  - a) Front: W 42<sup>nd</sup> St (pedestrian access)
  - b) Side: Stockton Street (car access and pedestrian access)
- 15)Sidewalks:No sidewalk
- 16)Wetlands on site: None identified

## PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: **TBD**
- 3) The neighborhood meeting was held on: **TBD**
- 4) Associated Conditional Use Permit: CUPFY2022-0009
- 5) Site Coverage:
  - a) Building: 2,880 SF; 9% of the site
  - b) Landscaping: 8,047SF; 27% of the site
  - c) Paved area and gravel parking: 19,153SF; 64% of the site
- 6) Number of Structures: 1
- 7) Total number of vehicular parking spaces:
  - a) Surface: 5
- 8) Total number of bicycle parking:
  - a) Surface: 2
- 9) Trash Enclosure: Services will pick up individual services internal to the development
- 10) Fencing: chain-link barbed wire fence.
- 11) Sidewalk:
  - a) detached proposed
- 12) Landscaping:
  - a) Street Trees: 8 trees, class II
  - b) Parameter Landscaping: trees, and shrubs
- 13) Connections:
  - a) Closest VRT Stop:
    - i) ~0.1 mi; W Chinden Blvd & W 43rd St SWC
    - ii) ~0.2 mi; W Chinden Blvd & W 41st St SEC
  - b) Greenbelt: ~0.6 mi

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Republic Services <a href="#">Link to Comment</a>	09/17/2024	There is an existing service that will not be changing. No additional comments.
Idaho Transportation Department <a href="#">Link to Comment</a>	09/17/2024	ITD has reviewed the applications for DSRFY2024-0018 and does not have any comments at this time.
Garden City Engineer <a href="#">Link to Comment</a>	09/17/2024	<p><b>Regarding DSRFY2024-0018, we have the same comments as the ones we created for CUPFY2022-0009.</b></p> <ul style="list-style-type: none"> <li>• According to current Ada County records, the landowner is ALIC Properties LLC. <b>The affidavit provided has been personally signed by Asmir Alic, not for the LLC. A new affidavit must be provided from the entity that is the landowner.</b></li> <li>• Prior to performing any grading on the site, if any, the applicant must prepare and have approved by the city an erosion and sediment control plan.</li> <li>• Approval of the project by the North Ada County Fire and Rescue District is required. Should fire flow requirements exceed those available, the land use, off-</li> </ul>

		<p>site city water lines or other efforts may be necessary to obtain approval of plans.</p> <ul style="list-style-type: none"> <li>• If any new services are necessary, they would have to be reviewed and approved by the city’s Public Works Department. <b>A “will serve” letter was provided for this site on 8 January 2022. Water flows for this area are limited and reported to be 1,000 gpm. The applicant is responsible to verify that adequate water system supply is available to provide fire suppression water needs.</b> The applicant is responsible to verify that adequate sewer capacity and depth is available to provide any new sewer connections.</li> <li>• <b>As the project develops at least 2,880 square feet of the existing site, a site grading and drainage plan will be required to be reviewed and approved by the city.</b> 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 will be required. Compliance with the storm water ordinance and policies of the city will be required. Drainage must be maintained on-site. A site geotechnical report will be required for the design of the on-site storm water system prepared 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.</li> <li>• 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.</li> <li>• Relocation or changes of any existing irrigation facilities, if any, will require the approval of the entity in control of the facility. We note the applicant stated that no irrigation facilities exist on our under the site.</li> <li>• The applicant must 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. If the lowest floor building elevation is proposed to be below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer</li> </ul>	
<p>ACHD <a href="#">Link to Comment</a></p>	<p>09/20/2024</p>	<p>On July 29th, 2022, the Ada County Highway District approved GC22-0004/CUPFY2022-0009 for the development of a storage shed to store vehicle inventory for an auto sales lot. The site-specific conditions of approval also apply to GC22-0004/DSRFY2024-0018.</p>	
<p>North Ada County Fire and Rescue <a href="#">Link to Comment</a></p>	<p>09/25/2024</p>	<p>The Boise Fire Department has reviewed and can approve the application subject to compliance with all the following code requirements and conditions of approval.</p>	

		Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by the North Ada County Fire District.
DEQ <a href="#">Link to Comment</a>	10/02/2024	General comments provided.

## PUBLIC COMMENT

The following public comments were provided:

Commenter	Comment Date	Summary
Doris and Brent Jensen <a href="#">Link to Comment</a>	09/19/2024	Concern regarding landscaping.

## MEETING SUMMARY

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

## CODE AND POLICY REVIEW

### Discussion

Previous CUPFY2022-0009 was approved in 2022, with the decision document consisting of many generalized conditions, for example, “The site shall be found in conformance with Garden City Code 8-4I Landscaping and Tree Protection Provisions.” When staff makes such generalized conditions, it makes the ongoing approval processes difficult to reach complete compliance even when efforts are made to require them prior to particular items, such as building permits and certificates of occupancy, being issued. Therefore, the Planning and Zoning Commission differed to the Design Review Committee at the time to create more site-specific conditions.

An area that needs specific attention based on a previous CUP condition would be the frontage of Stockton. In conformance with the Garden City Transportation Needs List, no sidewalk is required along Stockton. However, pedestrian oriented features such as landscaping, fencing no taller than 3.5ft, lighting, street art and furniture, and signage are encouraged. What constitutes as “pedestrian oriented” features for this particular application has been differed to the Design Review Consultant’s.

Since the original CUP approval in 2022, the applicant has updated their site plans to better meet the conditions of approval, and code compliance. However, there are still outstanding items which are further identified in the code analysis portion of this report.

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 Applicable Code Sections</b>		
<b>Code Section</b>	<b>Compliance</b>	<b>Analysis/ Discussion</b>
<b>Title 8, Chapter 1: General Regulations</b>		
<a href="#">8-1A-4 Applicability</a>		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
<a href="#">8-1B-1 Nonconforming Properties</a>	No compliance issues noted	112 W. 42nd Street: Legal parcel of record as described.
<a href="#">8-1B-2 Nonconforming Structures</a>	No compliance issues noted	The proposed building located on 112 W. 42nd will be required to be compliant with Garden City Code standards through the building permit phase. The new building and stie improvements will require a Design Review approval. The previous conditional use permit application did not propose to intensify any non-conformity.
<a href="#">8-1B-3 Nonconforming Uses</a>	No compliance issues noted	Previous Conditional Use Permit (CUPFY2022-0009) was approved on April 20, 2022, and has been extended to April 20, 2025.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>		

<a href="#">8-2B-1 Purpose</a>		<p>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.</p>
<a href="#">8-2B-2 Allowed Uses</a>	<p>No compliance issues noted</p>	<p>A conditional use permit in this zone for the proposed use. A conditional use permit was obtained in 2022.</p>
<a href="#">8-2B-3 Form Standards</a>	<p>No compliance issues noted</p>	<p>The required setbacks are:  Front: 5'  Interior Side:5'  Rear: 5'  Street side: 5'</p> <p>The allowable maximum height is: n/a  The minimum lot size is: 3,000 SF  There are no encroachments.  All improvements are more than 70' from the Boise River.</p> <p>All properties meet the minimum street frontage.</p>
<a href="#">8-2C-43</a>	<p>Compliant as Conditioned</p>	<p>A. Minimum Site Area: The use shall have a minimum site area of thirty thousand (30,000) square feet.</p> <p><b>Lot size: 0.689 acers or 30,013 SF</b></p> <p>B. Accessory Use:</p> <ol style="list-style-type: none"> <li>1. Vehicle repair may be allowed as an accessory use, subject to the standards as set forth in section 8-2C-41 of this article, Vehicle Service.</li> <li>2. Vehicle washing may be allowed as an accessory use, subject to the standards as set forth in section 8-2C-44 of this article, Vehicle Washing Facility.</li> <li>3. The accessory uses of vehicle service and vehicle washing facility shall be limited to a combined forty percent (40%) of the gross floor area of enclosed space.</li> <li>4. Vehicle service shall not be conducted in areas visible from the right-of-way.</li> </ol> <p>C. Location Standards: Vehicle sales may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways; however, the use is generally not appropriate on local or collector streets unless on property designated as light industrial (LI) zoning.</p> <p><b>The project is located at the intersection of Stockton and W. 42nd Streets. The project is part of a business located along Chinden Blvd.</b></p> <p>D. Building and Site Design:</p> <ol style="list-style-type: none"> <li>1. The site shall be designed in accord with chapter 4, article D of this title, Parking And Off-Street Loading Provisions, chapter 4, article E of this title, Transportation And Connectivity Provisions, chapter 4, sections 8-4I-4, Landscaping Provisions For Specific Uses, 8-4I-5,</li> </ol>



		<p>Perimeter Landscaping Provisions, and 8-4I-6, Parking Lot Landscaping Provisions.</p> <p>2. There shall be no barbed wire visible from the right-of-way or adjacent properties.</p> <p><b>3. Chained-link fencing is not permitted adjacent to rights-of-way. This property contains a chain-link fence with barbed wire. The site plan keynote states that the existing fence and gate will remain and be repaired as required per the new construction. No parts of the chain-link fence or barbed wire shall remain. See the condition in section 8-4A-3.</b></p> <p>4. Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:</p> <p>a. Vehicular lanes shall be sited to minimize additional vehicular traffic on site, within the surrounding uses, and on adjacent rights-of-way.</p> <p>b. A bike rack shall be provided. <b>Provided</b></p> <p>c. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:</p> <p>i. A minimum of five feet (5') in width; and <b>Provided</b></p> <p>ii. Americans with Disabilities Act compliant; and</p> <p>iii. Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments.</p> <p>5. All site and vehicular lighting shall be down-shielded, screened or oriented not to encroach on any adjacent property.</p> <p>6. The design and construction of the site shall minimize the number of driveway cuts.</p> <p>E. Limitations:</p> <p>1. No on-street parking associated with the use is permitted.</p> <p>2. This use is not the same as storage facility or yard, storage facility, self-serve, vehicle service, vehicle washing facility, or vehicle wrecking yard. Activities on site that are a part of these uses shall require separate approvals.</p>
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**Title 8, Chapter 4: Design and Development Regulations**

[8-4A-3 Fences and Walls](#)

Not Compliant

The site plan keynote states that the existing chain-link fence and gate will remain.

Chain-link fencing, chain-link fencing with slats, and barbed wire are prohibited fencing materials. The Planning and Zoning Commission required that as a part of the CUPFY2022-0009 approval, the fence adjacent to 42nd Street be replace/removed prior to occupancy. Additionally, they required that within 2 years of the approval, the rest of the fence would be required to

		<p>be removed/replaced with code compliant fencing (or other fencing material as determined by the Design Review Committee).</p> <p>CUPFY2022-009 was approved in 2022, meaning the two years granted for the fence to remain a prohibited fence has since expired. The chain-link fence shall be removed and replaced with code compliant fencing prior to certificate of occupancy.</p> <p>It appears that there is a wooden fence on the southwestern boundary. Old or decay wood should be replaced. If this fence does not belong to ALIC PROPERTIES LLC, then an Affidavit of non-ownership should be submitted.</p> <p>Any future fence will be required to be in compliance with code at the time of installation. It has been conditioned to require code permitted fencing materials if the existing fence is to ever be replaced.</p> <p>The Transportation Needs List states that a fence cannot be taller than 3 ½ ft within the front setback or along the property lines adjacent to right-of-ways (Stockton). The existing fence on-site appears to be 6ft tall, but exact information is not disclosed. (see Picture 1)</p>
<a href="#">8-4A-4 Outdoor Lighting</a>	Compliant as Conditioned	<p>The lightning plan was submitted. This can be reviewed at the time of building permit review.</p> <p>Outdoor lighting must comply with Garden City Code 8-4A-4.</p>
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	May not be compliant	<p><b>Not enough information to review. The applicant's correspondence with Republic Services states that they do not propose a new trash enclosure and will use the existing one. Clarification on the configuration and location of the current trash enclosure is required. There does not appear to be a trash enclosure on the site plans.</b></p> <p>All on site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property, or shall be screened from view from a public street and adjoining property with a privacy fence.</p> <p>HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.</p>
<a href="#">8-4A-7 Stormwater Systems</a>	Compliant as Conditioned	<p>Stormwater systems have not been identified on submitted plans. A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7 and all other stormwater policies.</p>
<a href="#">8-4A-8 Utilities</a>	Compliant as Conditioned	<p>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.</p>
<a href="#">8-4A-9 Waterways</a>	May not be compliant	<p>Pressurized irrigation shall be provided.</p> <p><b>According to GIS data, there is an open Fairview Acres ditch along the southwestern property boundary line. The submitted grading, drainage, and utility plan identifies the existing gravity irrigation, and proposes to protect and retain it.</b></p> <p><b>Code does not require fencing along irrigation ditches, however, since a condition of approval is to replace the existing chain-link fence with</b></p>

		<p><b>code compliant fencing, the applicant will need to get permission from the irrigation or drainage district for the new fence. Additionally, the fence along the irrigation ditch is only allowed to be open vision fencing; privacy fencing is prohibited.</b></p> <p>As a review note: Irrigation ditches, laterals, canals, and drains shall be left open and used as a water amenity or linear open space unless it can be demonstrated to the design review consultant(s) and the planning official by the process set forth in section 8-6B-3 that:</p> <ul style="list-style-type: none"> <li>a. The maintenance of the irrigation ditch, lateral, canal, or drain with any associated easement encumbers more than fifty percent (50%) of the property; or</li> <li>b. The irrigation ditch, lateral, canal, or drain is located on the property in such a manner that a use of the property is infeasible; or</li> <li>c. The irrigation ditch, lateral, canal, or drain is enclosed on both ends adjacent to the property, and the adjacent properties are fully developed in a manner that future opening of the enclosed irrigation ditch, lateral, canal, or drain is infeasible.</li> </ul> <p>For any irrigation or drainage ditch, piping or alteration of the ditch shall not impede the movement of the amount of water crossing the property prior to development or the amount of water delivered to downstream properties.</p> <p>In no circumstances shall structures be built over irrigation ditches, laterals, canals and drains or within their dedicated easements.</p>
<p><a href="#">8-4C-3 Design Provisions for Nonresidential Structures</a></p>	<p>Not Compliant</p>	<p><b>The applicant is proposing to install a prefabricated structure. The structure does not appear to be compliant with code standards in that it contains minimal glazing, does not provide a variety of articulation/fenestration, shadow play, or primary entrance architectural features.</b></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>All new construction should have a minimum floor area ratio of 1.0 or a minimum of two (2) stories.</p> <p>Floor Area Ratio (FAR): <b>2,880 SF/30,013 SF =0.096 Not Compliant</b></p> <p>Street Setback: The maximum front setback is fifteen feet (15') from curb edge for a minimum of sixty percent (60%) of the length of the street frontage. <b>Compliant</b></p> <p>Street Frontage: Sixty percent (60%) of the street frontage along the front setback should be occupied by a structure or a plaza. W. 42<sup>nd</sup> Street: 60% <b>Compliant</b> Stockton Street: 16% <b>Not Compliant</b></p> <p>Wall Plane: Facades should have no wall plane wider than two and one-half (2 1/2) times the height of the wall plane. If a new wall plane is required to achieve compliance with this requirement, it must be offset by at least six feet (6'). <b>Calculation needed</b></p>

Blank Walls: No blank walls should front a public street. Any blank walls should be treated in one or more of the following ways:

- a. Installing a vertical trellis in front of the wall with climbing vines or plant materials; or
- b. Providing a landscaped planting bed at least five feet (5') wide or raised planter bed at least two feet (2') high and three feet (3') wide in front of the wall, with plant materials that obscure or screen at least fifty percent (50%) of the wall's surface within three (3) years;
- c. Providing artwork (mosaic, mural, sculpture, relief, etc.) over at least fifty percent (50%) of the blank wall surface.

**Not compliant. The North elevation (facing Stockton) is a blank façade. The East elevation, while not being a true blank wall, does not provide any pedestrian height architectural features.**

*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.*

Primary Entrance:

- a. The building closest to the street should have its primary entrance to the street and be clearly defined by the architectural design of the building. **Not provided. The primary entrance is facing Stockton, but it is not clearly defined by architectural design.**
- b. The primary entrance of all buildings should provide a covered pedestrian open space such as a building recess, an awning, canopy or marquee. **Not provided.**

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

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.

**Primary façade material: Metal panel siding.**

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

There is no existing vegetation on the site.

*Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community.*

Building Orientation: Buildings should be oriented to a prominent feature, such as a corner location, a plaza, a street or the river. Buildings and site design should provide inviting entry orientation. Buildings should not turn their backs to the street. **The building does not appear to provide an inviting entry orientation, it appears to turn it's back to the street.**

Articulation: Buildings should be articulated to reduce the apparent scale. Architectural details that are used to articulate the structure may include reveals, battens, and other three-dimensional details that create shadow lines and break up the flat surfaces of the facade. The following are ways to achieve building articulation:

		<p><b>The building lacks architectural elements. The facades facing W 42nd and Stockton streets are predominantly blank walls. <b>Not Compliant.</b></b></p> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <p>No comments</p>																				
<a href="#">8-4C-4 Special Provisions for Specific Non residential Development</a>	Not Compliant	<p>The building side facing the public right of way of 42nd Street is 60' long.</p> <p>Facades longer than fifty feet (50') (measured horizontally along the facade) should incorporate relief to perceived building mass through such features as wall projections or recesses, projecting windows, entrances, or other visual relief. The doorways on buildings abutting or within three feet (3') of the sidewalk should be recessed in order to avoid conflicts with pedestrians.</p> <p>Rooflines exceeding fifty feet (50'), should incorporate relief to the perceived building mass by providing roofline variation. Roofline variation should be achieved using one or more of the following methods: a) vertical offset in ridgeline; b) horizontal offset in ridgeline; c) variations in roof pitch; d) gables; and e) dormers.</p>																				
<a href="#">8-4C-5 Prohibitions</a>	Not Compliant	<p>Principal structures visible from the right-of-way that are made of prefabricated materials or pre-engineered metal buildings shall contain architectural features and a variety of materials so as to lose the appearance of a prefabricated structure.</p>																				
<b>8-4D Parking and Off Street Loading Provisions.</b>																						
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	No compliance issues noted	<p><b>Vehicle parking:</b></p> <table border="1" data-bbox="613 955 1442 1176"> <thead> <tr> <th colspan="5">Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</th> </tr> <tr> <th>Parking Angle</th> <th>Stall Width</th> <th>Stall Depth</th> <th>Length Per Car</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>90°</td> <td>9'0"</td> <td>20'0"</td> <td>9'0"</td> <td>22'0"</td> </tr> </tbody> </table> <p><b>Compliant Parking Provided:</b>  <u>4 regular parking spaces</u>  Stall Width: 9'  Length per car: 20'</p> <p><u>1 ADA parking spaces</u>  Stall Width: 9'  Length per car: 20'  Access aisle: 8'</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, school, hospital, or other institution for human care located on an adjoining lot, unless separated by screen in compliance with the provisions as set forth in chapter 4, article I of Garden City Code, Landscaping And Tree Protection Provisions; <b>Parking lot appears to be less than 20 feet from residential buildings on the southern boundary. Perimeter landscaping in accordance with GCC 8-4I.</b></p>	Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS					Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements	Standard					90°	9'0"	20'0"	9'0"	22'0"
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Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements																		
Standard																						
90°	9'0"	20'0"	9'0"	22'0"																		
<a href="#">8-4D-4 Parking Use Standards</a>	No compliance issues noted	<p>Number Of Spaces: No use shall provide less than the minimum spaces required by this article.</p>																				

<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	No compliance issues noted	<p>Vehicle parking:</p> <p>Vehicle sales is considered a low use per the new code, which requires 1 motor vehicle parking space per 2,000 SF of building.  <b>Vehicle parking space required:</b> 2,880 SF/2,000= 1</p> <p>Bicycle parking:</p> <p>Vehicle sales is considered a medium use per the new code, which requires 1 bicycle parking space per 4000 SF of building.  <b>Bicycle parking space required:</b> 2,880 SF/4,000= 1 (rounded up)</p> <p><b>Total vehicle parking spaces provided: 5</b>  <b>Total bicycle parking spaces provided: 1</b></p> <p><i>Previous Design Review application and Conditional Use Permit required at least 5 vehicular parking spaces based on comparisons with the City of Boise Code. At the time, Garden City did not have specific parking requirements. In order to be compliant with the approved CUPFY2022-0009 application, the site needs to, and has, provided 5 vehicle parking spaces.</i></p>
<a href="#">8-4D-6 Standards for Equivalent Parking Adjustments</a>	No compliance issues noted	Equivalent parking was not requested.
<a href="#">8-4D-7 Off Street Loading Standards</a>	No compliance issues noted	Loading zones are not proposed.
<b>8-4E Transportation and Connectivity Provisions</b>		
<a href="#">8-4E-3 Public Street Connections</a>	Compliant as conditioned	All streets and driveways shall adhere to the standards of a clear vision triangle.
<a href="#">8-4E-4 Internal Circulation Standards</a>	No compliance issues noted	The drive is 20' or greater in width.
<a href="#">8-4E-6 Sidewalk Standards</a>	Compliant as Conditioned	A detached sidewalk is proposed along E. 42 <sup>nd</sup> Street. Site plans do not indicate the width of the sidewalk, but a condition has been drafted to ensure that code compliance has been met.
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	No compliance issues noted	<p>All new nonresidential development shall provide for pedestrian accessibility. Accessibility shall be from a direct, convenient and attractive pathway system that conforms to the following standards.</p> <p>Pedestrian paths connect the building's primary entrance and the sidewalk.</p>
<a href="#">8-4G Sustainable Development Provisions</a>	No compliance issues noted	The development is exempt per 8-4G-2 (D).
<a href="#">8-4H Flood Hazard</a>	Compliant as Conditioned	<p>The planning official is the decision maker on items regarding 8-4H.</p> <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>

**8-4I Landscaping and Tree Protection Provisions**

[8-4I-3 General Landscaping Standards and Irrigation Provisions](#)

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, 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. (Ord. 898-08, 9-8-2008)

Required Number Of Class II Or Class III Trees	Minimum Number Of Species
5 to 10	2
11 to 30	3
31 to 50	4
More than 50	5

Provided: 4 species

[8-4I-4 Landscaping Provisions for Specific Uses](#)

Not Compliant

A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.

Landscape Required:  $30,013 \text{ SF} \times 0.05 = 1,501 \text{ SF}$

Landscape Provided: 8,047 SF; ***(Square footage listed includes all landscaping. Landscaped square footage, excluding setback or perimeter landscaping, is unknown. Not enough information to review.)***

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.

W. 42<sup>nd</sup> Street (~100 LF): 1 Street Tree + 2 Frontage = 3 Trees

Provided: 2 Class II Trees (**Deficient 1 tree**)

Stockton Street: (~300 LF): 1 Street Tree + 6 Frontage = 7 Trees

Provided: 7 Class II Trees

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.

Required trees:  $8,047 \text{ SF} / 1000 \text{ SF} = 8 \text{ trees}$

Provided: 20 trees (excluding street trees)

Required shrub:  $8,047 \text{ SF} / 150 \text{ SF} = 54$

Provided: 80

[8-4I-5 Perimeter Landscaping Provisions](#)

No compliance issues noted

Perimeter landscaping required along the common property line between an adjacent nonresidential use and a residential use or vacant residentially zoned property (**Southern property boundary line**); and Between other paved vehicular use areas, including driveways, and vehicle storage areas and all property lines (**Western property boundary line**).

Standards:

A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot; **Provided**

A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity; **Provided**

		<p>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. <b>Appears to be compliant. It is necessary to indicate the measurements on the landscape plan.</b></p> <p>The previous CUPFY2022-0009 application had conditions of approval specifically referencing an adjacent property's entitlement approvals in relation to providing perimeter landscaping along the western property boundary line.</p> <p><i>"The property boundary to the west is adjacent to another vehicular use and storage yard. The property to the west, located at 105 W. 43rd Street, recently went through the entitlement process (<a href="#">CUPFY2021-0011</a> and <a href="#">DSRFY2021-0017</a>) and was approved with a 5ft wide perimeter landscaping. Thus, this application, will only be required to provide for 5ft wide perimeter landscaping. And work with the adjacent property's perimeter landscaping plan. The adjacent property has proposed Green Giant Arborvitae which will reach 50ft tall and 15ft wide at maturity."</i></p> <p>The entitlements for the adjacent property, and associated building permit are now expired. Thus, this application is required to provide the 10' perimeter landscape buffer on the western property boundary line as proposed.</p>
<p><a href="#">8-4I-6 Parking Lot Landscaping Provisions</a></p>	<p>May not be compliant</p>	<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 shall be designed to accommodate the following:</p> <ul style="list-style-type: none"> <li>a. Trees shall be planted with access to at least five (5) square feet of area and three (3) in depth of quality soil prepared to the specifications set forth in "Garden City Design And Construction Guide".</li> <li>b. High branching, deciduous shade trees planted evenly at fifteen foot (15') intervals (or as appropriate to the selected species) to quickly establish continuous canopy coverage. <b>May not be compliant, see below.</b></li> </ul> <p>Plant high branching deciduous trees throughout the parking lot interior to provide shade for pedestrians, vehicles and surfaces.</p> <ul style="list-style-type: none"> <li>a. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied. <b>Provided.</b></li> <li>b. Internal shade trees shall be planted such that no parking space is more than one hundred feet (100') from a tree.</li> <li>c. On small or narrow sites, shade trees provided in non-street facing perimeter planting areas can be counted toward the internal tree requirement, provided that the maximum distance from a parking space one hundred feet (100'), is met. <b>The perimeter landscaping trees adjacent to the parking lot can count towards the high-branching, deciduous shade tree requirement as mentioned above.</b></li> </ul> <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. <b>Provided.</b></p>
<p><a href="#">8-4I-7 Tree Preservation Provisions</a></p>	<p>No compliance issues noted</p>	<p>There are no trees on the site.</p>



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>	N/A	
<a href="#">8-6A-5 Administrative Process with Notice</a>	No compliance issues noted	<p>A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>If no objections are filed within 15 days, the Design Review Consultants recommendation and 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
Previous entitlement that might affect this project	CUPFY2022-0009
<a href="#">Garden City Comprehensive Plan</a>	<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.</p> <p>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> <li><b>MIXED USE COMMERCIAL:</b> The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.</li> <li><b>ACTIVITY NODE:</b> 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:</li> </ol>

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. Identified centers are:

- c) Adams and 50th Streets intersection to the Boise River
- d) Adams and 42nd street intersection to the Boise River.
- e) East city boundary to 36th street between the Boise River and Chinden Boulevard
- f) Glenwood and Marigold Streets intersection
- g) Chinden Boulevard and Garrett Street intersection
- h) Chinden Boulevard and 50th Street intersection
- i) State Street and Pierce Park Transit Oriented Development Nodes
- j) Chinden Boulevard and Glenwood Street intersection
- k) Chinden Boulevard and Veterans Parkway intersection
- l) State Street and Horseshoe Bend Road
- m) State Street and Glenwood Street

The application may be supported by:

**Goal 1. Nurture the City**

- 1.4 Objective: Create a premier destination place to live, work, and recreate.

**Goal 2. Improve the City Image**

- 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.

**Goal 4. Emphasize the “Garden” in Garden City**

- 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.

**Goal 7. Connect the City**

- 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.

**Goal 12. Evolve as a Destination**

- 12.1 Objective: Support a positive business environment
- 12.2 Objective: Continue to support commercial and industrial land uses.
- 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.

The application may not be supported by:

**Goal 2. Improve the City Image**

- 2.3 Objective: Promote quality design and architecturally interesting buildings.

**Goal 9. Develop a Sustainable City**

- 9.3 Objective: Promote and recognize green building construction.

[Garden City Sidewalk Policy](#)

A detached sidewalk is proposed along W. 42<sup>nd</sup> street

[Garden City Street Light Policy](#)

A streetlight is installed along Stockton Street in accordance with the policy.

[Garden City Transportation Needs List](#)

**Safety Crossing on Chinden at 43rd Street**

This request is currently anticipated to be funded for design in 2021. The request is to provide a safe and comfortable crossing at Chinden to facilitate the bike and pedestrian traffic crossing from the Boise bench to the amenities and regional connections at 42nd Street. This is a connection to the requested bike/ pedestrian connection at 43rd and will serve the ability to connect to the node at 42nd and provide a safe route to school. This light is programed in ACHD’s IFYWP for 2021 design and 2023 construction.

### **Stockton improvements**

The improvements to Stockton are imperative to the City due to the waterline replacement that will be done in conjunction with the project. Until the waterlines are replaced water supply will remain inadequate in much of the eastern portion of the City to meet necessary fire flows. There are also additional compelling outcomes of these improvements. Stockton will assist in safety and improved business viability as traffic counts increase on Chinden.

Improvements to Stockton incorporate three principal objectives: safety enhancement on Chinden; congestion mitigation on Chinden, and facilitation of economic development within the western part of Garden City (south of Chinden) through safety, comfort, the replacement of water infrastructure and increased traffic on local roads (increased business presence).

Garden City has 4" waterlines in Stockton Street, severely limiting water delivery. Replacement of these lines is a top priority in Garden City's capital improvement plans to insure adequate fire flow for current and future development. Increasing the line size within Stockton would allow for the potential of increased property values in the areas serviced by this line.

Potential improvements to execute vision:

- Garden City has requested a feasibility study to be conducted to identify if these roads would be appropriate for drainage for the flood protection.
- Roadway improvements should include decorative paving or painting ideally that is varied in width and material. Provided that varied paving is too expensive roadway paint that is varied in color could be utilized. This treatment is required to be approved by ACHD prior to implementation.
- Signage that indicates that the pedestrians have the right of way. This treatment is required to be approved by ACHD prior to implementation.
- A maximum speed limit of 10-15 miles an hour. This treatment is required to be approved by ACHD prior to implementation.
- No curb, gutter or sidewalk withing the right-of-way is required and limited or no parking is desirable. Sidewalk and connections may still be required on site. This treatment is considered adopted by Garden City for the purposes of redevelopment requirements through the adoption of this plan.
- Lighting
- Controlled access
- Adjacent landscaping and or art and street furniture.
- Fencing > 3.5 not allowed on property line.

## **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
<p>1. The proposed design shall comply with all design standards in Garden City Code, Title 8.</p> <p>2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.</p> <p>3. The proposed design shall be compatible with or improve the public’s use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise river and waterways, canals, and other surface irrigation.</p> <p>4. The proposed design shall be compatible with the neighborhood in scale and intensity.</p> <p>5. The proposed design shall not create an adverse impact on the surrounding neighborhood.</p>	<p>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>

- |  |  |  |
|--|--|--|
| <p>6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood.</p> <p>7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions; and</p> <p>8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.</p> |  |  |
|--|--|--|

The Planning Official reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application **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:

### CONDITIONS OF APPROVAL

**Site Specific Requirements:**

Scope of this permit:

1. The scope of this permit is to allow for the expansion of vehicle sales use.
  - a. This use is not the same as storage facility or yard, storage facility, self-serve, vehicle service, vehicle washing facility, or vehicle wrecking yard. Activities on site that are a part of these uses shall require separate approvals.
2. 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.
3. In conformance with the Garden City Transportation Needs List, no sidewalk is required along Stockton. However, pedestrian oriented features such as landscaping, fencing no taller than 3.5ft, lighting, street art and furniture, and signage encouraged.
  - a. What constitutes as “pedestrian oriented” features for this particular application has been determined by the Design Review Consultant’s.

Prior to Building Permit:

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. A building permit including fire and environmental review shall be applied for and approved by Garden City Development Services Department.
3. A corrected Affidavit of Legal Interest shall be provided.
4. There shall be a minimum of 5 vehicle parking spaces provided in accordance with CUPFY2022-0009 conditions of approval.
5. There shall be a minimum of 1 bicycle parking space provided.
6. Updated landscape plans shall be provided. 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 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 W. 42<sup>nd</sup> Street shall have a total of 3 class II or III trees.
    - ii. The frontage of Stockton Street shall have a total of 7 class II or III trees.
    - iii. Trees shall be planted adjacent to 42<sup>nd</sup> Street within the landscape buffer to meet street tree requirements of Garden City Code 8-4I.
  - c. 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 1,501 SF of landscaping is required. This calculation shall not include landscaped areas within the setback or perimeter landscaping.
  - d. 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.
7. Perimeter landscaping shall be provided between other paved vehicular use areas, including driveways, and vehicle storage areas and all property lines adjacent to residential uses and zoning districts unless otherwise determined by the Design Review Committee.
  - a. Perimeter landscaping is required along the southern property boundary line, adjacent to parcel # R2734510340.
    - i. A perimeter landscaping area shall be at least ten (10) feet wide measured from the property line to the interior of the lot;
    - ii. 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.
    - iii. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity;
  - b. Perimeter landscaping is required along the western property boundary line, adjacent to parcel # R2734510454
    - i. A perimeter landscaping area shall be at least ten (10) feet wide measured from the property line to the interior of the lot;
    - ii. 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.

- iii. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity.
8. 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 the frontage of W. 42nd 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 with root barrier or 8' without root barrier, or as otherwise required by Ada County Highway District.
      - v. Improvements may be made within the right-of-way provided a landscape license agreement or other approval from Ada County Highway District.
    - b. Landscaping and street trees shall be installed and inspected for compliance with Garden City Code 8-4I.
  9. Any future outdoor lighting will be required to be in compliance with code at the time of development.
  10. 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 42nd Street, the swales shall be designed in such a way to accommodate the Garden City required Street trees.
  11. All vehicle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3.
  12. All chain link fencing and barbed wire shall be removed and/or replaced with code compliant fencing materials per Garden City Code 8-2C-43 and be found in compliance with Garden City Code 8-4A-3 Fences and Walls.
    - a. Any new fence installed along the southern property boundary line shall obtain approval from Fairview Acres Irrigation Lateral Company and be of clear vision material per Garden City Code 8-4A-9.
  13. All streets and driveways shall adhere to the standards of a clear vision triangle.

Prior to Occupancy:

1. The application shall be found in conformance with all conditions of approval set forth in CUPFY2022-0009.
2. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
3. All HVAC systems and outdoor service and equipment areas shall be identified in building plans 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.

Site Specific Requirements for the Duration of the Use:

1. Vegetation adjacent to the ingress/ egresses to the site shall be pruned in such a way to ensure clear vision for the safe ingress and egress to the site.

2. Minimum Site Area: The use shall have a minimum site area of thirty thousand (30,000) square feet.
3. Accessory Use:
  - a. Vehicle repair may be allowed as an accessory use, subject to the standards as set forth in section 8-2C-41 of this article, Vehicle Service.
  - b. Vehicle washing may be allowed as an accessory use, subject to the standards as set forth in section 8-2C-44 of this article, Vehicle Washing Facility.
  - c. The accessory uses of vehicle service and vehicle washing facility shall be limited to a combined forty percent (40%) of the gross floor area of enclosed space.
  - d. Vehicle service shall not be conducted in areas visible from the right-of-way.
4. Building and Site Design:
  - a. There shall be no barbed wire visible from the right-of-way or adjacent properties.
  - b. Chained-link fencing is not permitted adjacent to rights-of-way.
  - c. Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:
    - i. Vehicular lanes shall be sited to minimize additional vehicular traffic on site, within the surrounding uses, and on adjacent rights-of-way.
    - ii. A bike rack shall be provided.
    - iii. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:
      - A minimum of five feet (5') in width; and
      - Americans with Disabilities Act compliant; and
      - Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments.
  - d. All site and vehicular lighting shall be down-shielded, screened or oriented not to encroach on any adjacent property.
  - e. The design and construction of the site shall minimize the number of driveway cuts.
5. Limitations:
  - a. No on-street parking associated with the use is permitted.
  - b. This use is not the same as storage facility or yard, storage facility, self-serve, vehicle service, vehicle washing facility, or vehicle wrecking yard. Activities on site that are a part of these uses shall require separate approvals.

**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.

**TBD**

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Development Service Staff

Date

### **IMAGES**



Picture 1.