



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: DSRFY2025 - 0006

Review Status: INITIAL REVIEW- NOT APPROVED

Plan Review Number: 1

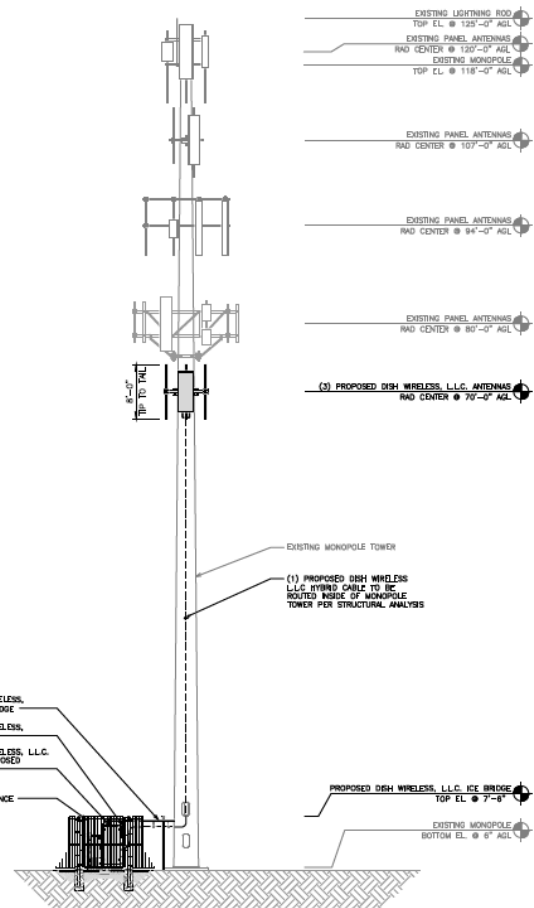
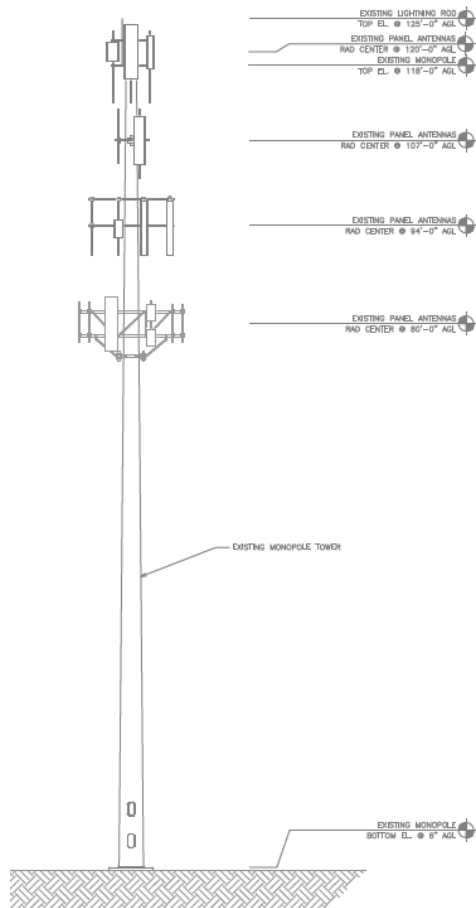
Reviewer: Mariia Antonova

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: April 21, 2025

Applicant: Gary Abrahams



REPORT CONTENT

SITE INFORMATION	3
PROJECT INFORMATION	4
AGENCY COMMENTS	4
PUBLIC COMMENT	4
MEETING SUMMARY	5
CODE AND POLICY REVIEW.....	5
DECISION PROCESS.....	14
REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION	15

DRAFT

SITE INFORMATION

- 1) Owner: DBII LLC
- 2) Street Address: 8247 W State Street
- 3) Ada County Tax Parcel Number(s): R0719420250
- 4) Property Description: LOT 11 BLK 2 AZALEA SUBDIVISION
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.567 acres
- 7) Zoning District: C-2 General commercial
- 8) Zoning Overlay: None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Green Boulevard Corridor
 - b) Residential Low Density
- 10) The project is in the:
 - a) **Parcel partly in the 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) outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11) Adjacent Uses:
 - a) Vehicle service
 - b) Retail Store
 - c) Dwelling unit, single family detached
- 12) Existing Use: Vehicle service; Professional Service, Wireless Communication Facility
- 13) Easements on site :
 - a) 7' PEDESTRIAN/ BIKE PATH.
 - b) UTILITY, DRAINAGE, IRRIGATION EASEMENT, 10'.
 - c) STEIN ROS 3569; 200900049; 40' ROW.
- 14) Site Access:
 - a) Front: W State Street
- 15) Sidewalks: Sidewalks are installed and are in good repair
- 16) Wetlands on site: None identified

PROJECT INFORMATION

- 1) Proposed development: Addition
- 2) Noticing was completed on: [Click or tap to enter a date.](#)
- 3) The neighborhood meeting was held on: [Click or tap to enter a date.](#)
- 4) Associated Conditional Use Permit: 03-17-CU, CUPFY2022-0003, CUPFY2023-0002
- 5) Site Coverage: ~56'x22' Lease Area
- 6) Square footage dedicated to uses: Cell Tower
- 7) Number of Structures: 1 building, 1 Cell Tower with compound area
- 8) Total number of vehicular parking spaces: 16 (existing)
- 9) Total number of bicycle parking: Unknown
- 10) Trash Enclosure: No change proposed
- 11) Fencing: Wood fence proposed; existing chain link fence
- 12) Sidewalk:
 - a) Existing sidewalk along State Street to remain
- 13) Landscaping: not proposed
- 14) Connections:
 - a) Closest VRT Stop: ~0.5 mi, W Saxton Dr & W State St NWC
 - b) Greenbelt: ~1.1 mi

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Idaho Transportation Department Link to Comment	3/27/2025	ITD has reviewed the application transmittal for DSRFY2025-0006. The Department does not have any concerns, so long as no work is being completed within our Right-of-Way. Any utility work within ITD's ROW will need an approved utility application.
DEQ Link to Comment	3/31/2025	While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/ .
City Engineer Link to Comment	04/04/2025	No comments
Republic Services Link to Comment	04/10/2025	No comments

PUBLIC COMMENT

The following public comments were provided: None provided.

MEETING SUMMARY

There have been no previous consultations on this project.

CODE AND POLICY REVIEW

Discussion

On December 19, 2022, a Design Review application was approved for DSRFY2022-0001 and on December 21, 2022, the Planning and Zoning Commission approved the application CUPFY2023-0002, for modifications to an existing wireless communications facility. Both approvals included conditions of approval that the pre-existing conditions from previous applications for the same wireless facility for landscaping and fencing be adhered to.

On January 11, 2023, an appeal of the conditions of approval was filed to the Garden City Council. The initial appeal was to nullify all conditions of approval. The appeal was amended to request that only the conditions related to landscaping and fencing be removed and addressed through code enforcement processes.

The request for the expansion of a wireless communications facility was approved, however, based on legal advice the City Council vacated and reversed the conditions of approval regarding landscaping and fencing, finding that the removal of the conditions was a better form of construction, and therefore granted the appeal. If the site is not in conformance with any previous permit's conditions of approval, a code enforcement case will be opened to rectify any non-conformance.

This application is to meet the requirements of Garden City Code 8-2C-46, and a conditional use permit will be required due to previous CUPFY2023-0002 expiring.

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

Garden City Title 8 Applicable Code Sections		
Code Section	Compliance	Analysis/ Discussion
Title 8, Chapter 1: General Regulations		
8-1A-4 Applicability		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.
8-1B-1 Nonconforming Properties	No compliance issues noted	Legal parcel of record as described
8-1B-2 Nonconforming Structures	No compliance issues noted	

8-1B-3 Nonconforming Uses	Compliant as Conditioned	Existing legal nonconforming use. The existing use “Wireless Communication Facility” is prohibited in the C-2 zone. The use was developed lawfully in 2003 under conditional use permit 03-17-CU. The use was developed lawfully prior to the adoption of current code and is considered a legal non-conforming use. Subsection A.2 of this ordinance requires a conditional use permit to add too or expand the existing use. CUPFY2023-0002 was approved on May 8, 2023, however it has since expired. A new conditional use permit will be required prior to the installation of the proposed equipment.
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	No compliance issues noted	Existing legal nonconforming use for a wireless communications facility.
8-2B-3 Form Standards	Compliant as Conditioned	<p>The required setbacks are: Front: 5’ Interior Side: 5’ Rear: 5’ Street side: 5’</p> <p><i>The maximum height limitations shall not apply to the following: fire and hose tower; power line tower; water tank or tower; windmill; <u>wireless communication facility</u>; or other commercial or personal tower and/or antenna structure; or other appurtenances usually required to be placed above the level of the ground and not intended for human occupancy.</i></p> <p>DISH Wireless proposes to expand the existing wireless facility, and the required minimum 5-foot setback to all property lines in the C-2 zone will be maintained. The antennas and ancillary equipment will be installed on the existing 119’ monopole at the 70’ level. The 5’ wide PUID Easement extends from the southern property boundary line interior to the property. The site plan demonstrates that the proposed changes do not encroach upon the 5-foot-wide PUID Easement.</p> <p>A condition has been drafted to ensure that all equipment shelters, cabinets or other on-ground ancillary structures shall meet the setback requirements of the zone.</p> <p>The allowable maximum height is: n/a The minimum lot size is: n/a</p>
8-2C-46	Compliant as Conditioned	Applicability: The requirements of this section shall apply to the placement of all new wireless communication facilities and the expansion or alteration of

existing wireless communication facilities or similar or associated equipment. Small cell facilities are regulated by section 8-2C-49 of this chapter.

Eligible Facility Requests: Upon receipt of an application designated by the applicant as an eligible facilities request, the planning official shall review such application to determine whether the application so qualifies. Consistent with applicable law, the request shall be allowed if the application qualifies as an eligible facility request.

Setback:

1. A wireless communication facility shall not be located closer than five thousand two hundred eighty feet (5,280') (one (1) mile) from an existing cellular tower.

2. In addition to the setbacks required for the base zoning district as set forth in section 8-2B-3 of this title, Table 8-2B-2, "Form Standards In All Base Zoning Districts," a support tower for a wireless communication facility shall be set back one foot (1') for every ten feet (10') of the total tower height. **Existing tower to remain.**

3. All equipment shelters, cabinets or other on-ground ancillary structures shall meet the setback requirements of the zone. **A condition has been drafted to ensure that all equipment shelters, cabinets or other on-ground ancillary structures shall meet the setback requirements of the zone.**

Height: The maximum height, including all antenna attachments, shall be one hundred feet (100') in the C-1 zone and one hundred twenty-five feet (125') in the LI zone. **Not applicable as the existing cell tower is not located within a C-1 or LI Zone. The existing 118' tall monopole was legally established in 2003 via the 03-17-CU conditional use permit.**

Collocation: No new towers shall be allowed unless there has been an analysis certified by a qualified engineer and specific to the site that collocation on an existing wireless communication facility is infeasible. Evidence to demonstrate that no existing facility can accommodate the proposed new facility may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet the proposed facility's requirements;

2. Existing structures are not of sufficient height to meet the engineering requirements of the proposed structure;

3. Existing structures do not have sufficient structural strength to support the proposed antenna and/or equipment; or

4. The proposed antenna would cause electromagnetic interference with the antenna on existing structures, or the antenna on the existing structure would cause similar interference with the proposed antenna.

Site Design:

1. Tower facilities shall be landscaped with a buffer outside the perimeter of the compound in accordance with the standards set forth in subsection

		<p>8-4I-5.C of this title. There is no landscape buffer outside the perimeter of the compound. Previous CUPFY2023-0002 and DSRFY2023-0001 were appealed by the applicant in which Garden City Council vacated and reversed conditions of approval regarding landscaping and fencing, requiring that any pre-existing conditions from previous applications be addressed through the code enforcement processes. Based on this determination made by the City Council, landscaping improvements are not required as a part of this application.</p> <p>2. Materials, colors, textures and screening shall be used that blend the tower facility to the natural and built environment. Supporting electrical and mechanical equipment installed on the tower shall use colors that are similar to the tower.</p> <p>3. Except as required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), transmission structures shall not be artificially lighted. Equipment shelters may use lighting consistent with the lighting standards set forth in section 8-4A-4 of this title, "Outdoor Lighting."</p> <p>Site Maintenance: A wireless communication facility that is no longer in use shall be completely removed and the site restored to its preexisting condition within six (6) months of the cessation of operation.</p> <p>Other Regulations Apply: The site and structure design shall be subject to review by the design committee and the process set forth in section 8-6B-3 of this title. This is an application for a Design Review.</p>
--	--	--

Title 8, Chapter 4: Design and Development Regulations

8-4A-3 Fences and Walls	Compliant as Conditioned	<p>The code prohibits chain link fencing and barbed wire is not permitted unless there is Design Review Committee approval as set forth in section GCC 8-6B-3.</p> <p>Previous CUPFY2023-0002 and DSRFY2023-0001 were appealed by the applicant in which Garden City Council vacated and reversed conditions of approval regarding landscaping and fencing, requiring that any pre-existing conditions from previous applications be addressed through the code enforcement processes. Based on this determination made by the City Council, landscaping and fencing improvements are not required as a part of this application.</p> <p>However, the new fencing and gates shall be constructed using code-compliant materials. A wood fence is proposed, but the gate material is unclear.</p> <p>A condition has been drafted to ensure that all proposed fencing and gates meets GCC 9-4A-3 standards.</p>
8-4A-4 Outdoor Lighting	Compliant as Conditioned	<p>This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with the code at the time of building permit review.</p>
8-4A-5 Outdoor	No compliance issues noted	<p>The code requires that areas for service and equipment areas be screened from any adjoining property and/or public street by a privacy fence. The</p>

Service and Equipment Areas		<p>adjacent residential property to the south has a wood fence for screening purposes, however, the chain link fence surrounding the existing and proposed compound does not act as a privacy fence.</p> <p>Approval 03-17-CU a conditional use permit for the original 'T-Mobile' facility required landscaping around the tower, including evergreens at least 6' in height at the time of planting, interspersed with lower evergreen bushes. Submitted site plans and photos show that the maintenance of this required landscaping was not maintained.</p> <p>Previous CUPFY2023-0002 and DSRFY2023-0001 were appealed by the applicant in which Garden City Council vacated and reversed conditions of approval regarding landscaping and fencing, requiring that any pre-existing conditions from previous applications be addressed through the code enforcement processes. Based on this determination made by the City Council, landscaping and fencing improvements are not required as a part of this application.</p>
8-4A-7 Stormwater Systems	Compliant as Conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
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	There does not appear to be Boise River irrigation facilities to the site.
8-4C-5 Prohibitions	Not Determined	
8-4D Parking and Off Street Loading Provisions.		
8-4D-3 Parking Design and Improvement Standards	No compliance issues noted	The site has parking spaces with 90 degrees and 0 degrees. The size and quantity are not specified.
8-4D-4 Parking Use Standards	No compliance issues noted	
8-4D-5 Required Number of Off-Street Parking Spaces	Not Applicable	No parking spaces are required for wireless communication facility.
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	Not provided.
---	----------------------------	---------------

8-4E Transportation and Connectivity Provisions

8-4E-3 Public Street Connections	DC	Compliant as Conditioned	<p>The transportation and connectivity provisions include: Clear Vision Triangle, Internal Circulation, Private Streets, Sidewalk Standards, Pedestrian and Bicycle accessibility, and Transit requirements. There is a pedestrian easement directly adjacent to the limits of the project running the entire easterly portion of the lot.</p> <p>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.</p>
--	----	--------------------------	--

8-4E-4 Internal Circulation Standards	DC	No compliance issues noted	The drive is 20' or greater in width.
---	----	----------------------------	---------------------------------------

8-4E-6 Sidewalk Standards	DC	No compliance issues noted	There is an existing detached sidewalk on the subject property.
---	----	----------------------------	---

8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC	No compliance issues noted	There is a pedestrian easement directly adjacent to the limits of the project running the entire easterly portion of the lot. The easement contains an existing pedestrian sidewalk running parallel to the parking lot.
---	----	----------------------------	--

8-4I Landscaping and Tree Protection Provisions

8-4I-3 General Landscaping Standards and Irrigation Provisions	No compliance issues noted	<p>The landscaping that was present at the time of the original 03-17-CU has not been maintained. A condition of approval for 03-17-CU was to maintain the existing landscaping at the time. The lack of landscaping at present is in direct conflict with the original condition of approval.</p> <p>The code requires that the required landscape areas be at least 70% vegetation at maturity. All areas that were landscaped previously have since been replaced with gravel, dirt, or is dead. This is not compliant with the code, nor the previous conditions of 03-17-CU and 05-05-CU.</p> <p>It is unknown if the required landscape areas have automatically controlled irrigation systems. 03-17-CU required that irrigation facilities be installed, but as the landscaping has since been removed or died, it is unclear if such systems were installed.</p> <p>Previous CUPFY2023-0002 and DSRFY2023-0001 were appealed by the applicant in which Garden City Council vacated and reversed conditions of approval regarding landscaping and fencing, requiring that any pre-existing conditions from previous applications be addressed through the code enforcement processes. Based on this determination made by</p>
--	----------------------------	--

		the City Council, landscaping improvements are not required as a part of this application.
8-4I-4 Landscaping Provisions for Specific Uses	No compliance issues noted	<p>Both the original 03-17-CU and the 05-05-CU required that at least 5% of the site be landscaped. Both applications proved that this minimum was met and therefore compliant with code. Record documents show where those landscaped areas were.</p> <p>This application does not propose any landscaping. And the site no longer consists of landscaped areas. The application is in conflict with the original conditional use permit conditions of approval, and in conflict with current code standards.</p> <p>There is one street tree located between the ROW of W. State Street and the sidewalk. The code requires that at least 1 class II or III street tree be installed for every 50 linear feet of frontage adjacent to State Street. The previous DSRFY2016-0014 application required that one street tree be installed. The tree was installed.</p> <p>To be compliant with current code standards two additional Class II or III street trees shall be installed along the frontage of W. State Street due to the ~140 linear feet of frontage.</p> <p>Previous CUPFY2023-0002 and DSRFY2023-0001 were appealed by the applicant in which Garden City Council vacated and reversed conditions of approval regarding landscaping and fencing, requiring that any pre-existing conditions from previous applications be addressed through the code enforcement processes. Based on this determination made by the City Council, landscaping improvements are not required as a part of this application.</p>
8-4I-5 Perimeter Landscaping Provisions	No compliance issues noted	<p>The applicant has indicated that there is no landscaping on site at the southerly or easterly property boundaries.</p> <p>Conditional Use Permit 03-17-CU for the construction of the facility, required that there be a landscape buffer 75% comprised of evergreens. The evergreens were to have been at least 6' in height at the time of planting and interspersed with evergreen shrubs. The proposed application does not contain such vegetation. The application is not compliant with the original approval.</p> <p>Conditional Use Permit 05-05-CU for Treasure Valley Collision Center required that there be landscaping continually maintained with a permanent, underground and automatic sprinkler system. The landscaping has not been maintained. The application is not code compliant.</p> <p>The eastern property boundary contains a 5' wide pedestrian sidewalk. This sidewalk is located within the 5' setback area, which is preventing the property from installing the required perimeter landscaping. The perimeter landscaping was required as part of DSRFY2016-0014, but was not installed based on the neighboring parcel (8241 W. State Street) being required to install perimeter landscaping as part of their DR2014-0007 application. This landscaping is only ~5ft in width, but has not been maintained to meet the perimeter landscaping requirements.</p> <p>The location of the sidewalk is intentional as it is the location of a 7' wide bike and pedestrian pathway easement that connects to the adjoining property to</p>

		<p>the south. If perimeter landscaping was installed, it would create a non-linear pathway or elimination of an existing pathway.</p> <p>Previous CUPFY2023-0002 and DSRFY2023-0001 were appealed by the applicant in which Garden City Council vacated and reversed conditions of approval regarding landscaping and fencing, requiring that any pre-existing conditions from previous applications be addressed through the code enforcement processes. Based on this determination made by the City Council, landscaping improvements are not required as a part of this application.</p>
8-4I-6 Parking Lot Landscaping Provisions	No compliance issues noted	No comment
Title 8, Chapter 6, Article A: Administration		
8-6A-3 General Application Process	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.
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 Planning Official's decision shall be considered final.</p> <p>Objections will be heard by the 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 Garden City Comprehensive Plan	<p>03-17-CU, 05-05-CU, DSRFY2016-0014, CUPFY2019-13, CUPFY2023-0002, DSRFY2024-0001, DSRFY2024-0017</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.</p> <p>This application is in future land use designations of the Comprehensive Plan:</p>

	<p>1. RESIDENTIAL LOW DENSITY: The areas designated for low density residential is north of the river, and south of the river west of Glenwood. These areas are predominately single-family detached housing, although some areas of attached housing may be appropriate near major arterials and public facilities.</p> <p>2. GREEN BOULEVARD CORRIDOR: The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.</p> <p><u>The application may be supported by:</u></p> <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> • 12.1 Objective: Support a positive business environment • 12.2 Objective: Continue to support commercial and industrial land uses. <p><u>The application may not be supported by:</u></p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> • 2.3 Objective: Promote quality design and architecturally interesting buildings. • 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"> • 4.1 Objective: Beautify and landscape. • 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.
Garden City Street Light Policy	A streetlight is installed along W. State Street in accordance with the policy.
State Street Corridor TOD	Is not in TOD.
Garden City Transportation Needs List	<p>Safety Crossings</p> <p>Chinden, State Street, and Glenwood create a barrier between the properties on either side of the roads that segments the City. Installing safety crossings that are comfortable and safe will perforate the barrier effect of these large busy roads. Safe and comfortable access can assist in unifying the City and assist in increasing bike and pedestrian modes of transportation for school children and the rest of public. The more that people chose to ride or walk, the more vehicle trips are decreased. Additionally, the more that residents and patrons are able and comfortable to move about the City outside of their vehicles, the more they will feel a sense of place.</p>

State Street Transit Corridor Supportive Local Roadway Network Plan

As part of the State Street corridor project there should be a coordinated plan that aligns the infrastructure, connections, and classifications of the local network and State Street. The intent is to have a coordinated approach to redevelopment, roadway classification and infrastructure, access management, and safety concerns.

State Street Transit Corridor Project

Garden City is a participant of the State Street Corridor Project. Other participants include Valley Regional Transit, Ada County Highway District, Idaho Transportation Department, COMPASS, Ada County, Capital City Development Corporation, City of Boise, and City of Eagle. This project was initiated, formally, in 2006. The agencies have agreed to be supportive of high-capacity transit along State Street. Garden City's major obligation to this is to create and implement plans and ordinances that will facilitate Transit Oriented Development Nodes at identified locations along the State Street Corridor. Garden City's Comprehensive Plan aligns with these efforts. The Specific Area Plan ordinance is a zoning classification that can be utilized for the implementation of the nodes, however, it is owner driven rather than requisite zoning.

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>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</p>	<p>Compliant as Conditioned</p>	<p>The application is compliant with all required findings. The application is in conformance with the reviewed sections of code noted in this decision.</p>

features, including but not limited to wetlands, the Boise River, waterways, and historic structures.		
---	--	--

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

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

POTENTIAL CONDITIONS OF APPROVAL

Site Specific Requirements:

Scope of this permit:

1. The scope of this permit is to allow for the expansion of the use of a wireless communications facility as applied for and herein conditioned is approved with this application in conjunction with the associated conditional use permit.

During Construction

1. Construction noise that is disruptive to the neighborhood shall be limited to Monday through Saturday from 7:00 am to 8:00 pm unless residents within 300' and the city have been notified in advance of the specific days which it will be necessary to exceed this limitation.

Prior to Building Permit:

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - a. All equipment shelters, cabinets or other on-ground ancillary structures shall meet the setback requirements of the zone.
2. All new fences shall be required to be in conformance with Garden City Code 8-4A-3 Fences and Walls.
 - a. The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other like unsightly materials for fencing shall be prohibited
3. A conditional use permit shall be obtained.

Prior to Occupancy:

1. A building permit shall be applied for and approved by the Garden City Development Services Department.
2. Commencement of the use/use expansion shall not commence until after a Certificate of Occupancy or Compliance has been obtained from Garden City Development Services.

3. Materials, colors, textures, and screening shall be used that blend the tower facility to the natural and built environment. Supporting electrical and mechanical equipment installed on the tower shall use colors that are similar to the tower.

Site Specific Requirements for the Duration of the Use:

1. A wireless communication facility that is no longer in use shall be completely removed and the site restored to its preexisting condition within six (6) months of the cessation of operation.
2. Except as required by the federal aviation administration (FAA) or the federal communication commission (FCC), transmission structures shall not be artificially lighted. Equipment shelters may use lighting consistent with the lighting standards set forth in section 8-4A-4, "Outdoor Lighting" or otherwise approved by the Design Review Consultants and Planning Official.

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 two (2) years 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.

TBD

Development Service Staff

Date

DRAFT