
Table of Contents

Meeting Summary	3
Project Information	4
Discussion	5
Decision Process	6
Code/Policy Review	7

A. June 15, 2020 Meeting Summary:

- Internal fence needs to tie into architecture of building so that it acts as a building screen wall rather than fence if the screening is greater than 6' in height. The internal fence may be 6' as a staff level approval.
- A staff level approval would be appropriate of the side lot line fence proposal if:
 - The side fence will be on the 0' lot line.
 - A notarized agreement from the adjacent residential lots in agreement with the fence.
 - No dual fence- remove chain link.

B. Project Information

Proposed Scope of Work:

Request	Review Process	Notes
Pre-application conference for a design review	8-6B-3 Design Review Committee	June 15, 2020
Public Hearing	8-6B-3 Design Review Committee	September 8, 2020

Project Details:

- 1) Proposed development: 8' Wood Fencing at side lot line and interior parking area, to match existing wood fencing.

Site Conditions:

- 1) Street Address: 240 E. 42nd Street
- 2) Parcel Number: R2734541570
- 3) Property Description: Lots 2-6 Block 36 Fairview Acres Sub # 5, Parcel A Record of Survey 10074 #1983S
- 4) Legal Lot of Record: Yes
- 5) Property Size: 0.859 acres
- 6) Zoning District: C-2
- 7) Zoning Overlay:
 - a) Surel Mitchel Live-Work-Create
- 8) Comprehensive Plan Land Use Map Designation:
 - a) Activity Node: Neighborhood Destination
 - b) Live-Work-Create
- 9) Floodplain Designation:
 - a) 2003 FIRM: Outside of the Special Flood Hazard Area
 - b) 2017 Draft FIRM: AE-100 Year
- 10) Surrounding Adjacent Uses:
 - a) Lodging (Riverside Hotel)
 - b) Residential Dwelling: single family; multi-family
 - c) Public Use (Greenbelt)
- 11) Existing Use: Telaya winery; reviewed and approved as Food Processing, Small Scale
- 12) Easements on site:
 - a) Tracing the vacated 32nd St on the property to the Greenbelt- Utility, Drainage, Irrigation Easement on Fairview Acres Sub 05 Plat.
 - b) Along greenbelt- Fairview Acres Irrigation Line and Easement a
 - c) Along greenbelt- 20' Water Line Easement
 - d) Along greenbelt- greenbelt easement.
*Note: Current Garden City GIS files show the easement for Fairview Acres to cross diagonally through the site. Fairview Acres has provided (in writing during previous applications) that their easement is instead along the greenbelt as shown on the site plan submitted for the project.
- 13) Site Access: 32nd Street
- 14) Sidewalks: There is no sidewalk.
- 15) Wetlands on site: none identified

C. Discussion

The design of the site was approved under DSR2015-00003 on September 29, 2014. The 8' fence is not depicted in the plans.

- DSR2015 – 0003
- BLD2015 –0063
- BLDFY2017 –0066

There is [correspondence](#) with previous staff member Jeff Lowe, with Earl Sullivan on May 31, 2016 noting at the time code allowed the adjacent residential property to have a fence of up to 8' with an approved fence. No record of approved permits were found.

It appears that the applicant has not addressed any of the concerns expressed by the Design Review Committee from the previous hearing held on June 15, 2020. An [email](#) from staff to the applicant was sent in an effort to address the lack of proposed changes on August 23, 2020. It is Staff's understanding that the applicant intends to proceed through the appeal process if the Design Review does not approve the application.

D. Decision Process

General Provisions

Should a this application come back as a formal request it will be required to be s processed per [GCC 8-6A-5 Administrative Process with Notice](#).

Required Decisions: The following decision processes are required for the project as governed by [GCC Table 8-6A-1](#):

Decision	Recommendation Authority	Decision Authority	Hearing Date
Design Review	N/A	Design Committee	Pre-application conference: 6/15/2020 Design Review formal hearing: 09/08/2020

Required Findings:

Findings are not required at a pre-application conference.

For the approval of a Design Review Application, the Design Review Committee must find the application meets the following findings, found in [GCC 8-6B-3](#):

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district;
2. The proposed design adheres to standards for the protection of health, safety, and general welfare;
3. The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city;
4. The proposed design improves the accessibility of development to nonmotorized and public modes of transportation;
5. The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors;
6. The proposed design supports a compact development pattern that enables intensification of development and changes over time; and
7. The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and that encourage pedestrian activity.

Preapplication Conference Options:

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

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

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

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

Decision

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

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

Appeals:

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

Per Garden City Code [8-6A-5 Administrative Process with Notice](#), there is a 15-day period to file a written objection to the application. This period starts from the signed decision date. If a written objection is received within the 15-day period, a City Council hearing will be scheduled to decide the application. Written objections received after the 15-day objection period will not be accepted.

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

E. Agency Comments

There were no agency comments received.

F. Public Comment

There were no public comments received.

G. Code/Policy Review

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

Ordinance 1002-18, passed on January 28, 2019 amended GCC Title 8, Chapter 4, Section 3 Fences and Walls as follows:

- A. Applicability: All new fences shall be required to be in conformance with this section. Legal nonconforming fences may remain so as long as there are no significant changes to the site or specifically conditioned in a conditional use permit.
- B. Permit Required: Anyone constructing a fence or wall over six feet (6') in height shall first obtain Design Review Committee approval and a building permit from the city prior to construction. Any fence located in the floodway shall secure a floodplain permit from the city prior to construction.
- C. Maximum Height Requirements:
 - 1. Fences and walls located along a street frontage within the front yard setback: Three and one-half feet (3.5').
 - 2. Fences and walls located within rear and interior side setbacks not adjacent to public rights-of-way: Six feet (6').
 - 3. Fences and walls on residential property with rear and interior side yards located adjacent to commercial uses: Eight feet (8').
 - 4. The height of fences and walls shall be measured from the existing grade.
- D. Setbacks:
 - 1. Fences greater than three and one-half feet (3.5') shall be set back to be flush or behind the building frontage. Where there is no building frontage, fences greater than three and one-half feet (3.5') shall be set back minimally five feet (5') from the back of sidewalk so as to allow for street trees and landscaping between the fence and the sidewalk.
- E. Prohibited Fencing Materials: 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 unless an application is made to design review committee and the committee finds the fence to be compliant with the following:

1. Implement the vision as set forth in the comprehensive plan; and
2. Demonstrate that the fence provides significant creativity and uniqueness, and the intent is not to merely evade the provisions set forth in this section, or can demonstrate that the fence is an established icon that enhances the community's assets more than a fence complying with the requirements set forth in this section; and
3. Demonstrate that it is constructed of professional and durable materials and are not intended to be of temporary nature.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	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-2 Nonconforming Structures		Not Compliant	Staff was unable to determine that the existing 8' fence received required permits.
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-2 Allowed Uses		No compliance issues noted	The existing use, Telaya winery; reviewed and approved as Food Processing, Small Scale. It is a permitted and approved use.
8-2B-3 Form Standards	DC	No compliance issues noted	
Title 8, Chapter 3: Overlay Zoning District Regulations			
8-3B Flood Hazard	PZ/CC	No compliance issues noted	The property shows that it is outside of the regulatory floodplain per the 2003 floodplain maps. It should be noted that the 2017 FIRMs show the property as being within the 100-year floodplain.
8-3C Surel Mitchell Live-Work-Create	N/A	No compliance issues noted	Not requested to be reviewed under provisions found in this Article.
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	DC/CC	May not be compliant	Code states: Fences and walls on residential property with rear and interior side yards located adjacent to commercial uses: Eight feet (8'). Code is silent on the reverse with fences located on commercial adjacent to residential.

8-4E Transportation and Connectivity Provisions	DC	No compliance issues noted	Technically, this section is applicable when there is any alteration to a site. However, the proposed fence will not alter the current site layout.
8-4I Landscaping and Tree Protection Provisions	DC	No compliance issues noted	Technically, this section is applicable when there is any site modifications. However, the proposed fence will not alter the current landscaping.
Title 8, Chapter 6, Article A: Administration			
8-6A-4 Required Application Information			Application waivers requested will require a waiver pursuant to 8-6A-4A

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Previous entitlement that might affect this project	<p>The design of the site was approved under DSR2015-00003 on September 29, 2014. The 8' fence is not depicted in the plans.</p> <ul style="list-style-type: none"> • DSR2015 – 0003 • BLD2015 –0063 • BLDFY2017 –0066
Garden City Comprehensive Plan	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> b) Activity Node: Neighborhood Destination c) Live-Work-Create <p>The application may or may not be supported by: 2.3.1 "...design standards for all new and altered development. Consideration should be given to...harmony with neighborhood".</p>