

BEFORE THE DESIGN REVIEW COMMITTEE
GARDEN CITY, ADA COUNTY, IDAHO

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| In the Matter of: |) | MLDFY2019 - 1 |
| |) | |
| Site Layout Template/ |) | |
| Minor Planned Unit Development |) | FINDINGS OF FACT, |
| 322 E. 44 th Street |) | CONCLUSIONS OF LAW; |
| Garden City, Ada County, Idaho |) | AND RECOMMENDATION |
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THIS MATTER, came before the Garden City Design Committee for consideration on January 22, 2019 and March 4, 2019. The Design Committee reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Design Committee makes the following Findings of Fact, Conclusions of Law and Recommendation:

FINDINGS OF FACT

1. The applicant is Pam Gaines with neUdesign Architecture.
2. The property owner is Susan G. Samson.
3. The location of the project is 322 E. 44th St., Garden City, ID. Assigned Ada County Parcel No.: R2734500512.
4. The application is for the following:
 - a. Site Layout Template
 - b. Minor Planned Unit Development
5. The subject property is .39 acres.
6. The project is located in the Garden City R-3 Medium Density Residential Zoning District.
7. The project is located in the Mixed Use Residential designation of the Garden City Comprehensive Plan Land Use.
8. The existing use on the site is: vacant land.
9. Current access to the site is from E. 44th Street.
10. Due to noncompliance with Garden City Code 8-6A-7 (Public Hearing Notice) and Garden City Code 8-6B-3 (Design Review Committee), a formal hearing could not be held on the application. Pursuant to Garden City Code 8-6B-3 (Design Review Committee), the required pre-application meeting was held on January 22, 2019.
11. The application was scheduled for a hearing on March 4, 2019.
12. The applicant met with the Design Review Committee for a pre-application meeting on January 22, 2019.
 - a. Applicants Susan Samson, Pam Gaines, Pat Corbett, Bryan McCoy, and Derret Kerner were present to represent the request.
 - b. Public testimony was received from John Amlin and Don Fern
 - c. The Committee provided the following feedback:
 - i. Questions regarding the application itself, application timelines, and administrative matters should be referred to Development Services staff.

- ii. Landscape buffers are required by GCC 8-4I-5 to be adjacent to property lines shared by single family dwelling uses. The Committee recognized a discrepancy between the required 10' buffer width and the required 6' vegetation width. The Committee interpreted this to mean a 6' wide landscape strip with 4' of pavers or similar hardscape.
 - iii. The façade along E. 44th Street needed to be changed to show a front door along the street.
 - iv. The proposed sidewalk should be realigned to be completely detached, as required by GCC 8-4E and the Garden City Sidewalk Policy.
 - v. Pedestrian connectivity to the sidewalk is required by GCC 8-4E
 - vi. HVAC equipment is required to be screened per GCC 8-4A.
 - vii. A draft site maintenance agreement is required per GCC 8-2C-15.
 - viii. Quality of life amenities are required per GCC 8-2C-15.
 - ix. A new fencing ordinance is being enacted and could affect the proposed location and height of fencing on the property.
 - x. The garages should not dominate the building facades, but integrate better into the overall design.
13. The applicant met with the Design Review Committee for a formal meeting on March 4, 2019.
- a. Applicants Susan Samson, Pam Gaines, Pat Corbett, Bryan McCoy, and Derret Kerner were present to represent the request.
 - b. Public testimony was received from John Amlin and Don Fern
 - c. Committee member Labrie moved to recommend approval the Minor Planned Unit Development and Site Layout Template with the following additional site specific conditions:
 - 1. Minor Planned Unit Development:
 - a. Landscaping shall be installed to break up parking and driveway areas. This condition shall be reviewed administratively.
 - b. The swinging gate noted in the application materials shall not be installed. This condition shall be reviewed administratively.
 - c. The landscape plan shall be amended to met the landscape buffer requirements of Garden City Code 8-4I. This condition shall be reviewed administratively.
 - d. Evergreen trees shown along E. 44th Street in the landscape plan shall be deciduous. This condition shall be reviewed administratively.
 - e. The sidewalk along E. 44th Street shall either be widened to 6.5 feet or the fence along E. 44th Street shall be moved back 1.5 feet. This condition shall be reviewed administratively.
 - f. The end gable on the east elevation facing E. 44th Street shall be enlarged to resemble a covered patio. This condition shall be reviewed administratively.
 - g. The public art proposed in the application materials shall be strengthened with landscape material in a horseshoe shape around the artwork. This condition shall be reviewed administratively.
 - 2. Site Layout Template:

- a. The site layout template condition concerning specific site layout template items should read “Items such as the storage structure, patio, and pergola shall be removed from the site layout template”.
 - b. An additional condition on the site layout template should read “The specific analysis shall be replaced with a general analysis of the template”.
 - d. Committee member Hurd seconded. The motion carried unanimously.
13. A copy of the application and plans was transmitted to interested and affected public agencies and written comments were received from:
- a. None
14. Public comments were received from :
- a. None
15. The record contains:
- a. Application Materials
 - b. Letter of Application Acceptance
 - c. Agency Review Transmittal
 - d. Staff report, and referenced materials
 - e. Design Committee Recommendation
 - f. Agency Comments
16. The application was received December 21, 2018. Notification of application acceptance and completion was sent to the applicant within 30 days of receipt of the application.
17. A transmittal to other agencies including notice, application and other documents was sent on January 16, 2019 more than fifteen days prior to the public hearing on March 4, 2019.
18. The following sections of the Garden City Municipal Code apply to this proposal:

| GCC 8-6B-8 MINOR PLANNED UNIT DEVELOPMENT – SITE LAYOUT TEMPLATE: REQUIRED FINDINGS | | | |
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| Conclusion | | | Standard |
| Compliant | Not Compliant | Not Applicable to this Application | |
| X | | | Standard: Recommendation of the Design Committee Explanation: The Design Committee recommended approval of the Site Layout Template. |
| X | | | The layout is in conformity with the purpose and intent of this article and the |

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| | | | City's Comprehensive Plan. |
| | | | Explanation: The layout is in conformity with the intent and purpose of the Minor Planned Unit Development ordinance and the City's Comprehensive Plan. |
| X | | | The layout demonstrates innovation and creativity in residential lot development. |
| | | | Explanation: The layout demonstrates innovation and creativity through a unique site plan and connectivity opportunities. |
| X | | | The layout creates usable open space areas and the opportunity to create a sense of place and neighborhood on a site. |
| | | | Explanation: Usable open space is provided in a separate open space area in the development. |
| X | | | The layout could provide for a variety of housing products that respond to changing demographics and housing needs including cottages, compact housing, residential courts, co-housing, and attached units. |
| | | | Explanation: The layout can respond to changing demographics and housing needs through smaller building footprints and adjustments to outdoor areas. |
| X | | | The layout provides for interconnectivity within blocks and between lots of record. |
| | | | Explanation: Future interconnectivity is possible with adjoining property by possible extension of the driveway. |
| X | | | The layout creates an incentive for residential development that is designed with consideration for future development on adjoining lots and for combining lots of record. |
| | | | Explanation: The layout creates an incentive for future residential development by enabling future |

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| | | | connectivity with other properties and through smaller unit sizes. |
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| GCC 8-6B-8 MINOR PLANNED UNIT DEVELOPMENT – REQUIRED FINDINGS | | | |
|--|---------------|------------------------------------|---|
| Conclusion | | | |
| Compliant | Not Compliant | Not Applicable to this Application | Standard |
| X | | | <p>Standard: The minor PUD is in general conformance with an adopted site layout template and any deviations are minor as defined in this section.</p> <p>Explanation: The minor PUD is in general conformance with the Site Layout Template. Deviations from the template have not been requested.</p> |
| X | | | <p>The minor PUD meets all findings for a site layout template as set forth in this subsection G.</p> <p>Explanation: The minor PUD, as conditioned, meets all required findings of this ordinance.</p> |
| X | | | <p>The minor PUD complies with requirements of the city and other agencies with jurisdiction.</p> <p>Explanation: The minor PUD is required by the conditions of approval to comply with city and agency requirements.</p> |
| X | | | <p>The minor PUD, as conditioned, has been designed to minimize impacts on adjacent properties.</p> <p>Explanation: The minor PUD, as conditioned, is specifically designed to minimize impacts on adjacent properties through building footprint placement, landscaping and outdoor spaces.</p> |

CONCLUSIONS OF LAW

The Design Committee reviewed the application with regard to Garden City Code Title 8, and based on the conditions required herein, concludes the application meet the standards of approval under **GCC 8-6B-8 Minor Planned Unit Development**

RECOMMENDATION

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Design Committee hereby recommends **APPROVAL** of the application subject to the following conditions:

Site Specific Requirements:

1. Site Layout Template:
 - a. The site layout template condition concerning specific site layout template items should read "Items such as the storage structure, patio, and pergola shall be removed from the site layout template".
 - b. An additional condition on the site layout template should read "The specific analysis shall be replaced with a general analysis of the template".

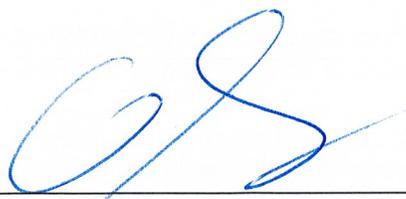
2. Minor Planned Unit Development:
 - a. Landscaping shall be installed to break up parking and driveway areas. This condition shall be reviewed administratively.
 - b. The swinging gate noted in the application materials shall not be installed. This condition shall be reviewed administratively.
 - c. The landscape plan shall be amended to met the landscape buffer requirements of Garden City Code 8-4I. This condition shall be reviewed administratively.
 - d. Evergreen trees shown along E. 44th Street in the landscape plan shall be deciduous. This condition shall be reviewed administratively.
 - e. The sidewalk along E. 44th Street shall either be widened to 6.5 feet or the fence along E. 44th Street shall be moved back 1.5 feet. This condition shall be reviewed administratively.
 - f. The end gable on the east elevation facing E. 44th Street shall be enlarged to resemble a covered patio. This condition shall be reviewed administratively.
 - g. The public art proposed in the application materials shall be strengthened with landscape material in a horseshoe shape around the artwork. This condition shall be reviewed administratively.

General Requirements

1. 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 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.
2. This approval is only approval of the site layout template and the minor planned unit development. All other applicable permits must be obtained and completed prior to a certificate of compliance or occupancy.
3. The approval is specific to the application provided and reviewed. Final approval is based on substantial conformance. 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.
4. Final approval is subject to the approval of other reviewing agencies and City Departments. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail.
 5. 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.
 6. Unobstructed easements, including but not limited to, drainage, water, and sewer easements shall be provided as required by the City Public Works or Planning Official.
 7. The property owner is responsible to maintain the site to edge of roadway asphalt.
 8. If there are any tree grates, they shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.
 9. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead and diseased plant materials shall be replaced.
 10. 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.
 11. A three foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
 12. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan.
 13. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
 14. 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.
 15. 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. 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.
 16. The landscape installation shall stabilize all soil and slopes.
 17. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
 18. This approval is for this application only. Additional permits, licenses and approvals may be necessary.
 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. Cross-Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications and ordinances.
 22. 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.
23. No change in terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his or her authorized representative and an authorized representative of the reviewing agency. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Garden City.
 24. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
 25. Any violation of the conditions of this application is a criminal offence.
 26. The Commission may revoke a conditional use permit for any of the following: A) Violation of Garden City Code or State or Federal Laws; B) Failure to abide by any conditions of this permit; C) Causing or allowing a nuisance as determined by Garden City Code, in connection with the use for which the permit is granted.
 27. A certificate of occupancy or an application for a building permit shall be considered commencement of the use.
 28. All previous uses are null and void unless otherwise conditioned.
 29. This approval shall become null and void if a building permit or certificate of occupancy has not been issued within one year of the approval. An extension may be granted by the Commission upon findings that the application and or the applicable City regulations have not changed. Such extension shall be applied for sixty (60) days prior to the expiration date for the original approval; only one extension of not more than three hundred sixty five (365) days shall be granted.
 30. Should there be a change in use, there is a clear intent to cease the use, or the use is discontinued for more than one year without written documentation submitted to the City, legal noticing, and property posting indicating intent to continue the use, this approval shall become void.
 31. There is a 10 day right to appeal to City Council. An appeal shall be made on the form provided by the City and filed with the City Clerk within ten (10) days after the action of the decision.
 32. Final decisions are subject to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
 33. Pursuant to Idaho Code, a request for reconsideration must be submitted within 14 days of the final decision and prior to judicial review. The written request must identify specific deficiencies in the decision for which reconsideration is sought.
 34. A takings analysis pursuant to Idaho Code may be requested on final decisions.
 35. 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.



4/10/2019
Date

This signature verifies that this decision document has been reviewed and approved by the Design Review Committee