

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

In the Matter of:)	MPUDFY2019-1
Design Review)	
Fourplex Multi-Family Building)	FINDINGS OF FACT,
322 E. 44 th St.)	CONCLUSIONS OF LAW
Garden City, Ada County, Idaho)	AND DECISION
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THIS MATTER, came before the Garden City Design Review Committee for consideration on January 22, 2019 and March 4, 2019. The Design Review Committee reviewed the application and materials submitted. Based on the evidence presented, pursuant to Garden City Code Table 8-6A-1, the Design Review Committee makes the following Findings of Fact, Conclusions of Law and Decision:

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 a design review new construction of a structure.
5. The applicant is also requesting a site layout template and a minor planned unit development approval, concurrent with the design review application.
6. The project is located in the Garden City R-3 Zoning District.
7. The project is not located in the floodplain according to the 2003 FIRM.
8. The project is located in the floodplain according to the 2017 FIS.
9. The applicant did not meet with the Design Review Committee for a pre-application consultation.
10. The application was received December 21st, 2018. The application was scheduled for a meeting on January 22nd, 2019.
11. 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.
12. The application was scheduled for a hearing on March 4, 2019.
13. A copy of the application was transmitted to affected public agencies on January 16, 2019 and written comments were received from:
 - a. Garden City Engineer
14. The applicant met with the Design Review Committee on January 22nd, 2019 for a pre-application meeting.
 - a. Applicant Susan Samson, Pam Gains, Pat Corbett, Brian McCoy, and Derret Kerner was present to represent the request.

- b. Interested Parties John Amlin and Don Fern were present at the meeting. They noted concerns related to access and utilities.
- 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.
- 15. The applicant provided verification that the property was posted on February 18, 2019, ten or more days prior to the meeting.
- 16. The applicant met with the Design Review Committee again on March 4, 2019. All Interested Parties were notified of the meeting on February 21, 2019.
 - a. Applicants Susan Samson, Pam Gaines, Pat Corbett, Bryan McCoy, and Derret Kerner were present to represent the request.
 - b. John Amlin and Don Fern testified concerning access and utilities.
 - c. Committee member Labrie moved to approve the Design Review for the structure as presented.
 - d. Committee member Hurd seconded the motion.
 - e. The motion carried unanimously.
- 17. The record contains:
 - a. Application Materials including all revisions.
 - b. Staff Report;
 - c. Design Review Findings of Fact, Conclusions of Law and Decision;
 - d. Design Review Committee Minutes.
- 18. The following standards apply to this proposal:
 - a. Title 8-Chapter 4, Article A: "General Provisions;"
 - b. Title 8-Chapter 4, Article C: "Design Provisions for Nonresidential Structures;"
 - c. Title 8-Chapter 4, Article D: "Parking and Off Street Loading Provisions;"
 - d. Title 8-Chapter 4 Article E: "Transportation and Connectivity Provisions;"
 - e. Title 8-Chapter 4, Article I: "Landscaping and Tree Protection Provisions."

19. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	NA	
X			Compliance Statement
X			Neighborhood Map
X			Site Plan
X			Landscape Plan
X			Schematic Drawings
X			Lighting Plan
X			Topographic Survey
X			Grading Plan
X			Will Serve
X			Verification that address is an Ada County Approved Address

20. In order to approve a design review application and based on the standards set forth in chapter 4, article C of this title, the design review committee shall make the following findings:

GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS			
Conclusion			
Compliant	Not Compliant	Not Applicable to this Application	Standard
X			<p>Standard: The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.</p> <p>Explanation: The proposed design is in conformance with the purpose of the R-3 Medium Density Zoning District. The dimensional regulations of the district are superseded by Garden City Code 8-6B-8 (Minor Planned Unit Development).</p>
X			<p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p>Explanation: The proposed design adheres to applicable Garden City Code to protect the health, safety and</p>

			general welfare.
X			<p>The proposed design creates a sense of place and contributes to the uniqueness of the different districts and neighborhoods within the city.</p> <p>Explanation: The proposed design creates a sense of place through the structures design and is unique when compared to adjacent properties, districts, and neighborhoods in the City.</p>
X			<p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p>Explanation: The proposed design, through the Minor Planned Unit Development ordinance, creates and improves non-motorized transportation to the site.</p>
X			<p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p>Explanation: The proposed design contributes to a node like development pattern through density and building footprint.</p>
X			<p>The proposed design supports a compact development pattern that enables intensification of development and</p>

			changes over time.
			Explanation: The proposed design is intended to be compact. The property is large enough to create additional development over time.
X			The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity.
			Explanation: The landscape plan demonstrates compatible landscaping and encourages pedestrian activity.

21. On March 4, 2019 the Design Review Committee moved to approve the application in accordance with Garden City Code 8-6A-5 Administrative Process with Notice.
- a. Notice of the Design Review Committee's intent to approve the application was mailed to all property owners within 300' radius of the property on March 14, 2019 in compliance with the public notice requirements under GCC 8-6A-5.
 - b. A public hearing was set with the Garden City Council for April 9, 2019.
 - c. No objections were received related to the design of the application within 10 days of the notice.
 - d. The hearing was canceled and the application was approved.

CONCLUSIONS OF LAW

The Design Review Committee reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application meets the standards of approval under GCC 8-4C and the required findings under 8-6B-3D.

DECISION

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

Site Specific Requirements:

1. Materials submitted shall comply with those that were approved. The approved documents include:
 - a. Compliance Statement, Site Plan, Landscape Plan, Schematic Drawings (Building Elevations), and Lighting Plan reviewed on March 4, 2019 and subsequently approved.
2. The Grading Plan will be reviewed for compliance with the building permit application.
3. The site layout template and minor PUD approval associated with this application shall be complied with.

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.
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 8-4G-1 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. 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.
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. 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.
24. 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.
25. Occupying the site prior to Certificate of Occupancy is a criminal offense.
26. There is a 10 day right to appeal to City Council. The applicant or any interested parties may appeal the decision or a part of the decision. 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.

27. Final decisions are subject to judicial review pursuant to The Idaho Administrative Procedures Act, Chapter 65 Title 67 Idaho Code.
28. 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.
29. A takings analysis pursuant to Idaho Code may be requested on final decisions.
30. 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.

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

Date