



DEVELOPMENT SERVICES DEPARTMENT

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TO: Mayor and Council
FROM: Jenah Thornborrow, Development Services Director
DATE: 11/12/2019
SUBJECT: DSRFY2019-4 Hearing

PUBLIC HEARING

REQUEST: Approval or Denial including Findings of Fact, Conclusions of Law for Design Review application of Design Review application for DSRFY2019-4, a mixed-use project located at 208 E. 33rd Street, Garden City, Idaho.

BACKGROUND: On October 21, 2019 the Design Review Committee approved, with notice (as permitted in GCC 8-6A-5), the design for file DSRFY2019-4. The City received a written opposition which triggered a formal public hearing. The hearing was scheduled for November 12, 2019. This was scheduled prior to the formal Design Review Committee decision being rendered as the decision was not signed until November 18, 2019. During the November 12, 2019 meeting the application was continued to a date certain of November 25, 2019.

The City Council can approve the application, consistent with the Design Review Committee's action. Alternate actions include:

1. Deny application.
2. Continuance for more information.

PROJECT SYNOPSIS: The applicant is proposing 35 attached structures that will include two residential units (1,500 square feet total) and 4,500 square feet of non-residential space on 0.345 acres. The applicant has utilized the Surel Mitchel Live-Work-Create overlay zoning ordinance.

POINTS OF DISCUSSION AT DESIGN REVIEW:

A complete review of the project and its components are found in the attached staff report. The points of discussion at the Design Review Committee meeting include:

1. Access
 - a. The project provides access at the rear of the project. The Design Review Committee required access agreement prior to building permit.

2. Structure Material

- a. Garden City Code 8-4C-5 Subsection C.1 prohibits structures made of prefabricated materials, such as shipping containers, unless they contain architectural features and a variety of materials so that they lose the appearance of being a prefabricated structure. The proposal utilizes shipping containers as the primary building material.
- b. The applicant has provided a narrative demonstrating how the proposal complies with this subsection.
- c. The Design Review Committee focused on ensuring that the elevations visible from the public realm did not appear to be made of a shipping container.
- d. The applicant clarified that proposed elevations showing the tower wrapped in wood is to be utilized over the design booklet.
- e. The Design Review Committee approval required that the container doors be removed from the front units (adjacent to 33rd Street) and the wood treatment wrapped around to the sides of the front units.
- f. The Design Review Committee approval required that the railing must be wood or other nonmetal material.

3. Parking

a. **GCC 8-3C-3. G SUREL MITCHELL WORK- LIVE- CREATE, GENERAL PROVISIONS, PARKING:**

1. One off street parking space shall be provided for each living space.

2. No off-street parking is required for working spaces less than five hundred (500) square feet of interior floor area.

3. Working spaces over five hundred (500) square feet of interior floor area shall be required to provide one parking space for every one thousand five hundred (1,500) square feet or portion thereof; or the number of parking spaces needed to serve employee and patrons as determined by the planning and zoning commission.

4. Parking requirements may be fulfilled through any combination of the following:

a. Parking spaces on the development site in compliance with subsection G5 of this section;

b. One on street parallel parking space in front of the development site;

c. All diagonal or right angle parking in front of the development site consistent with a streetscape plan adopted by the city;

d. Parking in a shared parking lot within three hundred feet (300') of the development site; and/or

e. Payment to the city of the cost for construction of a surface parking space.

5. All off street parking spaces shall be located to the rear of the principal building or otherwise screened so as to not be visible from the public right of way. Development sites that have fifty feet (50') or less of street frontage are exempt from this standard.

6. Parking and driveways are encouraged to be constructed of permeable materials to the extent possible.

- b. There are two proposed residences and 4,500 square feet of non-residential broken into spaces of less than 500 square feet each.
 - c. There are 8 parking spaces proposed including 2 on-site and 6 on- street.
 - d. The Design Review Committee discussed the alternatives to on-site parking as identified by code, such as providing an agreement for a shared parking within 300'.
 - e. A third on-site parking space was explored.
 - f. The applicant indicated that they were opposed to additional parking.
 - g. ACHD will not permit that the on-street spaces are dedicated for a specific use such as ride-hale programs (e.g. Uber and Lift).
 - h. Alternative incentives such as a bus passes, CC&R limitations, etc. were discussed.
 - i. The bike parking identified to the rear of the building must be covered as an incentive for tenants to utilize bicycles as a predominant transportation method.
4. Privacy
- a. The tower is roughly 40' in height.
 - b. Privacy concerns were noted during testimony.
 - c. The Design Review Committee limited the public access to the top of the tower, requiring that users of the tower remain within the structure.
 - d. Tower element as being necessary to overall design composition was discussed, but only as a personal opinion of Committee member Labrie.
5. Noise
- a. Noise was a concern noted in testimony.
 - b. The Design Review Committee conditioned the application to require that on-site amplification devices must interior to the project and be directed to the rear (west).
6. Massing
- a. The Design Review Committee noted that due to the size of the individual units that the renderings are misleading. The proposal at its highest point

is the equivalent of a three-story structure. No viewshed analysis was required by the Committee due to the scale of the development and the renderings are misleading.

POINTS OF CONCERN RECEIVED:

Objection 1: This project does not meet the definition of Work-Live-Create Property due to more commercial units being proposed than residential units.

Response:

The interpretation of how code should be applied in this instance should be determined by the City Council.

Relevant Garden City code is below:

GCC 8-7A-2 DEFINITIONS, DEFINITION OF TERMS: *Work-Live-Create Property- The use of a structure and/or site that combines a commercial or manufacturing activity allowed in the overlay district with a residential living space. The spaces may be combined within one (1) space, attached to one another, or separated but located on the same property.*

Objection 2: Parking

1. The recommended condition of approvals should be more explicit.
2. The Design Review Committee should have referred the project to Planning and Zoning Commission.
3. The project should have been reviewed as Mixed Use

Response:

Please refer to the above Design Review Committee discussion related to parking.

The draft conditions of approval include the following condition:

1. Approval is contingent upon demonstrating vehicle access to the development.

This could be redrafted to state: "Approval is contingent upon demonstrating vehicle access to the development to provide for access and parking at the rear of the project as proposed. This may be achieved via construction of the proposed alley, including necessary easements from adjacent properties, or otherwise providing right-of-way."

A reduction in parking would be considered to not be in substantial conformance with the approval, however, an additional condition could include specifying the number of on-site parking spaces required.

The interpretation of how code should be applied in this instance should be determined by the City Council.

Relevant Garden City code is below:

GCC 8-3C-3. G SUREL MITCHELL WORK- LIVE- CREATE, GENERAL PROVISIONS, PARKING:

3. Working spaces over five hundred (500) square feet of interior floor area shall be required to provide one parking space for every one thousand five hundred (1,500) square feet or portion thereof; or the number of parking spaces needed to serve employee and patrons as determined by the planning and zoning commission.

GCC 8-2B-1 BASE ZONING DISTRICT PROVISIONS, PURPOSE “C. *Mixed Use: The mixed use (M) district allows for a mix of commercial and residential uses that are complementary of one another. The purpose is to accommodate and encourage further expansion and renewal in designated areas of the community. A variety of residential, office, and commercial uses are encouraged in an effort to provide a mix of activities necessary to establish a truly urban character. All densities of residential, professional offices, neighborhood services retail uses may be located within this designation.*”

If the project were to be considered mixed use parking would be required to be provided in accordance with:

GCC 8-4D-5 DESIGN AND DEVELOPMENT REGULATIONS, PARKING AND OFF-STREET LOADING PROVISIONS, REQUIRED NUMBER OF OFF STREET PARKING SPACES “B. *Nonresidential And Mixed Uses: The minimum and maximum number of required off street vehicle parking for nonresidential uses and mixed use shall be determined by the planning official based on the following criteria:*

- 1. The specific use(s) proposed and/or on the property;*
- 2. Uses in the vicinity of the property;*
- 3. A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s);*
- 4. The availability of on street, shared, and/or public parking within the vicinity of the use; and*
- 5. The availability of public transit, vanpooling or other alternative transportation to serve the use.”*

Objection 3: Use of metal shipping containers for structure

Response:

The code prohibiting metal structures referenced by Mr. Landry, references a code that was amended on January 28, 2019.

Relevant Garden City code is below:

GCC 8-3C-3. F SUREL MITCHELL WORK- LIVE- CREATE, GENERAL PROVISIONS, DESIGN

7. *Materials: Exterior building materials should be of durable and long-lasting quality. Materials of a less permanent nature, such as plywood and thin veneer, should not be the dominant building material. Materials of an industrial nature that are well integrated into the scale and design of building are appropriate.*

GCC 8-4C-5. C DESIGN AND DEVELOPMENT REGULATIONS, DESIGN PROVISIONS FOR NONRESIDENTIAL STRUCTURES, PROHIBITIONS, PREFABRICATED STRUCTURES

1. *Principle and accessory structures visible from the right-of-way that are made of prefabricated materials such as shipping containers or pre-engineered metal buildings unless they contain architectural features and a variety of materials so that they lose the appearance of being a prefabricated structure.*

DESIGN REVIEW REQUIRED FINDINGS FOR APPROVAL, (GCC 8-6B-3. D ADMINISTRATION, SPECIFIC PROVISIONS, DESIGN REVIEW COMMITTEE, REQUIRED FINDINGS)

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 non-motorized 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.

ATTACHMENTS:

- Draft Findings of Fact, Conclusions of Law and Decisions
- Design Review Minutes
- Design Review Committee Staff Report
- Application materials
- Agency Comments
- Public Comment
- Noticing documentation

