

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

In the Matter of:)	DSRFY2020 - 20)
Design Review)	FINDINGS OF FACT,	
106 E. 36 th Street)	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 August 17, 2020. 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 application is for a design review for new construction of a structure.
2. The applicant is Chad Slichter.
3. The property owner of record is Elizabeth Baggerly.
4. The location of the project is 106 E. 36th Street, Garden City, ID 83714; Ada County Assessor parcel number(s) R27345200006.
5. The property is a legal lot of record.
6. The application is for a design review for the use of Food Products, Small Scale Processing: Winery – Bottling and tasting facility. The scope of the design review is limited to ENTIRE PROPERTY.
7. The subject property is 0.505 acres.
8. The project is located in the C-2 General Commercial zoning district.
9. The project is located in the Neighborhood Commercial Node zoning overlay.
10. The project is located in the Activity Node: Neighborhood Destination and Mixed Use of the Garden City Comprehensive Plan Land Use Designation.
11. The project is in the not located in the SFHA according to the 2003 FIRM.
12. The project is in the AE flood hazard category according to the 2017 FIS.

13. The following standards apply to this proposal:
- a. Garden City Code 8-1A-4 Applicability
 - b. Garden City Code 8-4A Design and Development Regulations- General Provisions
 - c. Garden City Code 8-4C Design Provisions for Nonresidential Structures
 - d. Garden City Code 8-4E Transportation and Connectivity Provisions
 - e. Garden City Code 8-4F Sign Provisions
 - f. Garden City Code 8-4I Landscaping and Tree Protection Provisions
 - g. Garden City Code 8-6A-3 General Application Process
 - h. Garden City Code 8-6A-4 Required Application Information
14. The following plans and policies apply to this proposal:
- a. Garden City Comprehensive Plan
 - b. Garden City Sidewalk Policy
 - c. Garden City Street Light Policy
 - d. Chinden ITD Access Management
15. The applicant provided the following application information:

Materials Provided Per GCC Table 8-6A-2 Required Application Information			
Provided			
Yes	No	Waived pursuant to GCC 8-6A-4	
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			Approved Address

16. Additional application materials submitted include:
- a. Floor Plans;
 - b. Materials Plan;
 - c. Lighting Plan;
 - d. 300' Neighborhood List;
 - e. Affidavit of Legal Interest;
 - f. Application;
 - g. Site Photos;

- h. Statement of Intent
- i. Sustainability Checklist

17. Agency Comments were received from:

- i. Central District Health Department, June 17, 2020
- ii. City of Garden City Agency Notice, June 16, 2020

18. Written public comments were received from:

- I. Peg Temple – Wanting applicant to be aware of the irrigation pipe along 36th St. If any work affects the pipe they will need a construction application, and that they are responsible for irrigation fees and maintenance.

19. The following noticing was completed in accordance with GCC 8-6A and GCC 8-6B-3:

Noticing Requirement	Required Date	Completion Date
Receipt of application	06/11/2020	06/01/2020
Letter of Acceptance	07/11/2020	06/18/2020
Notice of Intent to Approve or to Deny	06/21/2020	06/15/2020 requested
Interested Parties		06/18/2020
Legal Notice	06/16/2020	06/16/2020 – post 06.18/2020
Agency Notice	09/19/2020	06/16/2020
Property Posting Sign	06/26/2020	06/25/2020
Affidavit of Property Posting and Photos	06/26/2020	06/25/2020

20. On July 06, 2020, in accordance with GCC 8-6B-3, a pre-application conference was held with the Design Committee. The Committee provided the following comments and requests:

- I. Chad Slichter and Brett Gulash presented the application.
- II. Hanna Veal presented the staff report.
- III. Public Testimony was heard from Jerry Blickfeldt who provided public comment, asking about irrigation and change of gate location.
- IV. Public testimony was closed.
- V. Committee Member Labrie moved to request the applicant return with revised material. Conditions of approval from the Committee included:
 - a. Relocate stairs to make plaza more prominent and meet street frontage requirements.
 - b. Make the plaza element in the design to be more prominent.
 - c. West elevation blank building wall needs to be further refined, material delineation or change.

- d. Committee requests to see service drive and gate design renderings.
 - e. Integrate the warmer materials such as wood in elevations adjacent to Osage 36th street and the plaza.
 - VI. Committee member Gresham seconded the motion.
- The motion carried unanimously.

21. On July 20, 2020, a public hearing before the Design Review Committee was held and continued to a day certain of Wednesday July 22, 2020.

- I. Committee Member Hurd moved to continue all actionable items to a continued day certain of Wednesday July 22, 2020 due to a noticing.
- II. Committee Member Labrie seconded the motion.
- III. The motion carried unanimously.

22. On July 22, 2020, a public hearing before the Design Review Committee was held:

- I. Chad Slitcher presented the changes to the application.
- II. Staff, Hanna Veal presented the staff report.
- III. Committee Member Gresham moved to request revised materials addressing:
 - i. Art and stairs do not allow public interaction with street as patio is intended to provide.
 - ii. Gate can be a defining element rather than a screening element of the patio.
 - iii. Patio can extend into service drive
 - iv. The trellis aspect must be a species that takes up the height of the trellis.
 - v. Trash enclosure height 6' stucco finish
 - vi. Mechanical yard component corrugated corten enclosure to fully screen – need to see.
 - vii. Include either a living wall or warm materials along north side wall.
 - viii. Shading overhead extending from deck could be a canvas canopy.
- IV. Committee Member Labrie seconded.
- V. The Motion passed on a 3/0.

23. On August 17, 2020, a public hearing before the Design Review Committee was held:

- I. Chad Slitcher presented the application.
- II. Staff, Hanna Veal, presented the staff report.
- III. Committee Member Brett Labrie moved to approve the submitted documents with conditions that:
 - i. Continuation of the brick material from the front east elevation of the building around the corner to the north elevation wall. The brick can terminate at the door or window on the north elevation wall.
- IV. Committee Member Maureen Gresham seconded the motion.
- V. The motion passed on a 3/0 vote.

24. The record contains:

- j. Application Documents
- k. Noticing Documents
- l. Agency Comments:
 - i. Central District Health Department will “Require plans be submitted for a plan review for any: Food establishment, Beverage establishment”.
- m. Written Public Comments: none provided
- n. Staff report
- o. Applicant requested a combined Pre-Application and Committee Review for conference
- p. 07/06/2020 Design Review Committee Pre-Application Minutes
- q. 07/06/2020 Design Review Committee Pre-Application Audio
- r. 07/20/2020 Design Review Committee Hearing Minutes
- s. 07/20/2020 Design Review Committee Hearing Audio
- t. 07/22/2020 Design Review Committee Hearing Minutes
- u. 07/22/2020 Design Review Committee Hearing Audio
- v. 08/17/2020 Design Review Committee Hearing Minutes
- w. 08/17/2020 Design Review Committee Hearing Audio
- x. Design Review Committee Signed Findings of Fact, Conclusions of Law and Decision

25. In order to approve a design review application, the Design Committee shall make the following findings:

GCC 8-6B-3 DESIGN REVIEW COMMITTEE: REQUIRED FINDINGS			
Conclusion			Standard
Compliant	Not Applicable to this Application	Not Compliant	
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:</p> <p>In Approval: The proposed design is in conformance with the purpose of the C-2 zoning district.</p>
X			<p>The proposed design adheres to standards for the protection of health, safety, and general welfare.</p> <p>Explanation:</p>

			In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.
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:</p> <p>In Approval: The proposed design creates a sense of place and contributes to the uniqueness of the developing district and neighborhood through unique architecture, site design, and open space design.</p>
X			<p>The proposed design improves the accessibility of development to non-motorized and public modes of transportation.</p> <p>Explanation:</p> <p>In Approval: It is supportive of the comprehensive plan to re-develop Osage St. as shared mobility corridors that are attractive for pedestrian and bicyclists while maintaining access to local businesses.</p>
X			<p>The proposed design supports a development pattern in nodes rather than strip commercial along arterial corridors.</p> <p>Explanation:</p> <p>In Approval: The application meets this finding. The application is in conformance with the reviewed sections of code noted in this decision.</p>
X			<p>The proposed design supports a compact development pattern that enables intensification of development and changes over time.</p> <p>Explanation:</p>

			In Approval: The proposed use is compatible with mixed use or residential uses and minimally disruptive to the neighborhood.
X			The proposed design provides outdoor spaces and landscaping compatible with the southwest Idaho climatic conditions and encourages pedestrian activity. Explanation: In Approval: The proposed landscaping and site plan provides outdoor public spaces, encourages pedestrian activity, and is compatible with southwest Idaho climatic conditions.

26. The record was reviewed by the Design Committee to render the decision.

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 8-6B-3 Design Review Committee**.

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:

CONDITIONS FOR APPROVAL DECISION

Prior to Occupancy:

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

Site Specific Requirements for the Duration of the Use:

1. Construction of any wall or fence must be compliant with Title 8, Chapter 4, Article A, Section 3 "Fences and Walls" of Garden City Code. All applicable restrictions for height and prohibited building materials shall apply.
2. Exemption from street trees along Osage St. due to utility line conflicts.

3. The brick wall that faces 36th Street must continue to wrap towards the side of the building back along the service drive next to the stairs. The continuation of the brick wall may terminate no sooner than the door or window found facing the service drive on the first floor.

General Requirements:

1. This review and approval are 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. 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.
 22. 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.
 23. 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.
 24. Occupying the site prior to Certificate of Occupancy is a criminal offense.
 25. There is a 15 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 15 days after the action of the decision.
 26. 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.



09/08/2020

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

Date