

DEVELOPMENT SERVICES DEPARTMENT

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DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2024 - 0004

Review Status: INITIAL REVIEW- NOT APPROVED

Plan Review Number: 1

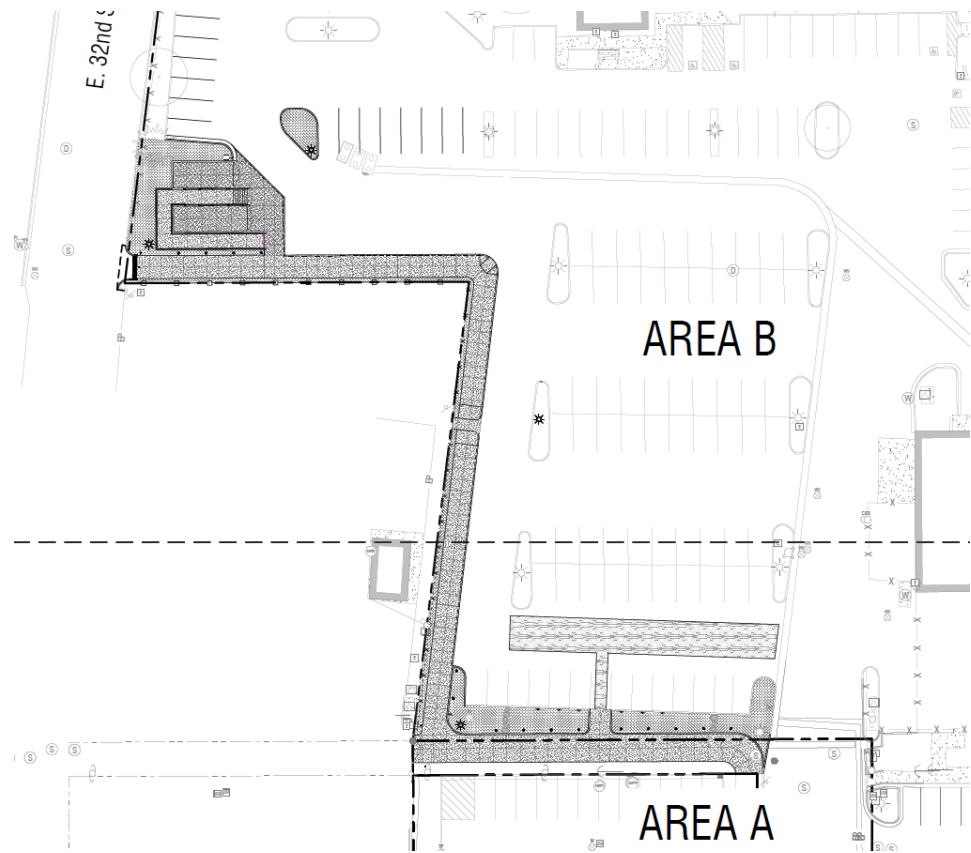
Reviewer: Hanna Veal

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: January 16, 2024

Applicant: Chad Lorentzen



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SITE INFORMATION

- 1) Owner:** Riverside Hospitality LLC
- 2) Street Address:** 2900 W. Chinden Blvd. & W. Chinden Blvd.
- 3) Ada County Tax Parcel Number(s):** R2734541997 & R2734541910
- 4) Property Description:**
 - a) PAR #1997 POR OF BLKS 38-41 & VAC ST ADJ FAIRVIEW ACRES SUB NO 05 #1992-B
 - b) PAR#1910 POR VAC 31ST ST & OSAGE ALLEY ADJ BLK 38 FAIRVIEW ACRES SUB NO 05
- 5) Legal Lot of Record:** Yes
- 6) Property Size:** 10.53 acres & 0.248 acres
- 7) Zoning District:** C-1
- 8) Zoning Overlay:** None
- 9) Comprehensive Plan Land Use Map Designation:**
 - a) Live-Work-Create
- 10) The project is in the:**
 - a) 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) Partly in the 100 Year Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11) Adjacent Uses:** *
 - a) Drinking Establishment, full service
 - b) Lodging
 - c) Public uses
- 12) Existing Use:** Lodging – Riverside Hotel parking lot and trash enclosure
- 13) Easements on site:**
 - a) FAIRVIEW ACRES SUB 05 PLAT; UTILITY, DRAINAGE, IRRIGATION EASEMENT
 - b) SBI AGREEMENT 29TH TO 43RD 9-14-1992
 - c) EASFY2020-08 WATERMAIN RIVERSIDE HOSPITALITY
 - d) FAIRVIEW ACRES 05 ACCEPTANCE OF RESPONSIBILITY
- 14) Sidewalks:** No sidewalk
- 15) Wetlands on site:** None identified

PROJECT INFORMATION

- 1) Proposed development: New construction of a 10'-12' bike and pedestrian pathway, trash enclosure, and loading area. The bike and pedestrian pathway, trash enclosure and loading area were anticipated improvements associated with DSRFY2023-0007 (Bardenay) but specific details were excluded from that application. Part of the pathway is to be developed with DSRFY2023-0007.
- 2) Noticing was completed on: December 1, 2023
- 3) The neighborhood meeting was held on: January 19, 2024
- 4) Site Coverage: 10.778 acres = 469,489.68sqft
- 5) Project Scope: 11,998sqft; 0.03% of the site
 - a) Landscaping: 3,391sqft; 28% of the project
 - b) Paved Areas: .14 acres of the overall 4.71 acres is affected by the project; 2.97%
- 6) Trash Enclosure: Republic Services will pick up individual services internal to the development. The trash enclosure is to remain in the same location. As part of this application, the enclosure is to be upgraded.
- 7) Fencing: Maintenance of the existing wrought iron fence
- 8) Sidewalk: None proposed
- 9) Connections: New bike and pedestrian pathway connecting W.Chinden to E. 32nd Street as an alternative pathway to the Greenbelt

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Republic Services Link to Comment	11/29/2023	<p>It is hard to tell on these drawings exactly what they intend for trash enclosure. Could we get some clarification?</p>
Garden City Engineer Link to Comment	12/09/2023	<ul style="list-style-type: none">- Approval of the project by the Ada County Highway District will be required for the connection of the bikeway at East 32nd Street.- Prior to performing any grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan.- Approval of the project by the North Ada County Fire and Rescue District may be required for proposed proximity of components to property lines/improvements that may contain/use combustible materials.- Submitted plans have not been reviewed as they are not sealed, dated and signed by the design professional; however some preliminary comments follow: We presume all the proposed area for improvements are currently hard-surfaced? Please provide a brief summary of existing and proposed conditions. Please assure that all hard surface runoff is directed toward the parent property and does not run off-site.- A site grading and drainage plan may will be required that is sealed, dated and signed by the design professional. Said plan, if required, must be reviewed and approved by the city. A storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by an Idaho licensed design professional

		<p>that is sealed, dated and signed may be required. Compliance with the storm water ordinance and policies of the city will be required. Drainage must be maintained on-site.</p> <ul style="list-style-type: none"> - A site geotechnical report may be required for the design of the on-site storm water system prepared and sealed, dated and signed by a qualified license professional. Said report must identify the depth to seasonal high groundwater, provide a profile of encountered soils and their infiltration rates. The report also must provide a design infiltration rate recommendation for the storm water system. The storm water design must provide for at least three feet of vertical separation between the bottom of the storm water facility and the seasonal high groundwater. - The landowner may be required to enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system. The agreement must be fully executed, have conditionally approved plans attached and be recorded by the city with final plan approval. - We presume the power transformers are owned and operated by Idaho Power. Please assure Idaho Power reviews the proposed screening wall and it meets separation and access requirements. - Please provide a discussion on the volume of traffic and expected use of the proposed bikeway. We are interested in four primary items: <ol style="list-style-type: none"> 1. Is the bikeway to be public? 2. The width of the bikeway 3. The minimum horizontal curve radius at corners 4. Sight distances that may be compromised due to fencing. If the bikeway is public, appropriate easements must be provided.
Idaho Transportation Department Link to Comment	12/04/2023	ITD does not object to the proposed application.
Flood Control District 10 Link to Comment	11/30/2023	Flood Control District 10 has no objections to this project, but all flood zone requirements with Ada County must be adhered to.
North Ada County Fire and Rescue Link to Comment	12/04/2023	<ul style="list-style-type: none"> - Access gates shall comply with requirements of the IFC. If gates are electronically operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock. - The installation of security gates across a fire apparatus access road must meet the following criteria: Removal or opening of said barricade must result in a clear unobstructed road width of 20'. Chains and locks shall not be of such quality so as not to damage fire department cutting tools nor shall cutting operations result in any unnecessary time delay. Bollards must be of an easily removable type, shall leave nothing protruding up from the roadway surface when removed, and shall be approved by the Code official. If gates are electronically operated, they shall: (1) be of a fail-open version in the event of loss of power, and (2) be equipped with an automatic opening mechanism activated by the Opticom system currently in use by

		the fire department. Contact the Boise Fire Marshal (570-6567) for additional details.
Department of Environmental Quality Link to Comment	12/08/2023	General comments made.

PUBLIC COMMENT

None provided as of the drafting of this document.

MEETING SUMMARY

This is a summary of the discussions that occur at the Design Review consultation meetings. There have been no previous consultations on this project.

CODE AND POLICY REVIEW

Discussion

This appears to be an application that clearly conforms with Garden City Code, the Garden City Comprehensive Plan and other pertinent plans, and there is no public opposition to date.

The proposed construction does not pose a significant change to the overall site, thus some sections of code are not applicable. Those sections of code have been noted in the report below.

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

Garden City Title 8 Applicable Code Sections		
Code Section	Compliance	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-1 Nonconforming Properties	No compliance issues noted	Legal parcel of record as described.
Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-3 Form Standards	No compliance issues noted	<p>The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5'</p> <p>The allowable maximum height is: n/a The minimum lot size is: n/a There are no encroachments All improvements are more than 70' from the Boise River.</p>
Title 8, Chapter 4: Design and Development Regulations		
8-4A-3 Fences and Walls	Compliant as Conditioned	There are existing wrought iron fences surrounding the Riverside Hotel parking lot, these are to remain and be repaired in some locations. Height is

		<p>not included in the site plans. However, they appear to be about 3.5' tall, or at least under 6' based on Streetview.</p> <p>Some trees are proposed to remain, with a protective fence around the tree. Details of that fence were not provided.</p> <p>The existing chain-link fence with slats along Osage is to be removed.</p> <p>This proposal does not identify any fence or wall. Any future fence or wall will be required to be in compliance with code at the time of development.</p>
<u>8-4A-4 Outdoor Lighting</u>	Compliant as Conditioned	<p>A lighting plan was submitted for review which appears to be code compliant. The lighting plan is for the illumination of the bike/ped pathway. Bollard path lighting is proposed, similar to what was installed with the associated design review application for the bike and pedestrian bridge on the other side (eastern side) of the property approved earlier this year.</p> <p>Parking lot lights are proposed to remain and/or be relocated where improvements for the pathway interfere.</p> <p>Any future outdoor lighting will be required to be in compliance with code at the time of development.</p>
<u>8-4A-5 Outdoor Service and Equipment Areas</u>	Compliant as Conditioned	<p>Transformer enclosure: Existing transformers are to remain along the eastern portion of the property. A screening wall is proposed around the transformers. See sheet C2.52 for design details.</p> <p>The proposed height of the screening is 7'-1", the design review consultants shall need to specifically approve the non-compliant fence/wall as it is over 6' in height. A building permit and floodway permit prior to construction.</p> <p>Idaho Power shall approve of the design and location of the transformer enclosure prior to construction.</p> <p>Trash Enclosure: Trash enclosure walls are proposed at 7'-7", the design review consultants shall need to specifically approve the non-compliant fence/wall as it is over 6' in height. A building permit and floodway permit prior to construction.</p> <p>Trash area screen wall to be board form finish with linear profile. See Sheet C2.51.</p> <p>Landscaping consisting of trees and shrubs is proposed around the trash enclosure. A condition has been drafted to ensure that the landscaping is a mix of evergreen and deciduous plants to ensure coverage seasonally.</p>
<u>8-4A-7 Stormwater Systems</u>	Compliant as Conditioned	<p>Refer to the City Engineer's comments.</p> <p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p>
<u>8-4A-8 Utilities</u>	Compliant as Conditioned	Another draft condition of approval is provided requiring that all utilities be underground.
<u>8-4C-3 Design Provisions for Nonresidential Structures</u>	No compliance issues noted	<p><i>Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian, and adjacent properties.</i></p> <p>Blank Walls: No blank walls should front a public street.</p>

		<p>Trash Enclosure: Landscaping has been provided at least 5' in width in front of the wall with plant materials that obscure/screen at least 50% of the wall's surface within 3 years.</p> <p>Transformer Screen: Consist of decorative paneling similar to what is installed elsewhere on the site. See sheet C2.52. It does not appear that the paneling is to have vines like those on the adjacent structure.</p> <p><i>Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.</i></p> <p>There are minor alterations to the existing parking lot. The proposed bicycle and pedestrian pathway, plus landscaping, helps to soften the appearance of the parking lot while increasing opportunities for safe and comfortable pedestrian accessibility. The proposed pathway will be functionally separate from the parking lot and drives.</p> <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <p>No comment. No buildings proposed.</p> <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</i></p> <p>All existing trees, significant vegetation and surface water features should be maintained. A tree mitigation report has been provided for the trees that are to be removed.</p> <p><i>Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community.</i></p> <p>No comment. No buildings proposed.</p> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <p>No comment.</p>
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8-4D Parking and Off Street Loading Provisions.

<u>8-4D-7 Off Street Loading Standards</u>	May not be compliant	<p>A large trash enclosure has been proposed, but details were not provided as to where and how Republic Services is to pick up the refuse. Republic Services requested that the applicant provide more detail. A condition has been drafted to ensure Republic Services approves the proposed layout.</p> <p>Off Street Loading Zones Space and Access Requirements</p> <ul style="list-style-type: none"> • All spaces shall have fourteen feet (14') of vertical clearance. Not enough information to review. Will differ to Republic Services for access requirements. • Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Compliant. • Except for an alley, loading areas shall be designed so vehicles shall not back out into the street; or project into the public right of way or setback area. Compliant. • Loading zones may not impede bicycle lanes, multi-use paths, sidewalks, or motor vehicular travel on public roads. Compliant.
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8-4E Transportation and Connectivity Provisions

<u>8-4E-3 Public Street Connections</u>	No compliance issues noted	There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.
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<u>8-4E-4 Internal Circulation Standards</u>	No compliance issues noted	The design of internal circulation should be integrated with the overall site design and adjacent properties, including the location of structures, pedestrian walkways and landscaping.
<u>8-4E-6 Sidewalk Standards</u>	No compliance issues noted	There are not significant changes to the site.
<u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u>	May not be compliant	<p>This is a proposal for a bike and pedestrian connection between the Bardenay sidewalk system along W. Chinden Blvd. through the Riverside Hotel parking lot, to E. 32nd Street. The connection is direct, and protected by landscaping except where crossing drive aisles. The pathway is a different material than the parking lot, and identified via painted stripes and wayfinding art.</p> <p>The pathway is proposed at 10' wide meeting code requirements of this section. Garden City Code 8-5A requirements for pathways and trails require a minimum of 10' travel width, with a 12' wide easement.</p> <p>See Garden City Engineer's comments regarding pathway width and curve radii based on density and travel speeds of bicycles and pedestrians. His comments also reflect that the turns proposed might prove difficult to navigate do to the sharp angles.</p>
<u>8-4G Sustainable Development Provisions</u>	No compliance issues noted	The development is exempt per 8-4G-2.
8-4I Landscaping and Tree Protection Provisions		
<u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u>	Not Applicable	The site modifications account for less than 25% of the gross developed area.
<u>8-4I-4 Landscaping Provisions for Specific Uses</u>	Not Applicable	The site modifications account for less than 25% of the gross developed area.
<u>8-4I-5 Perimeter Landscaping Provisions</u>	Not Applicable	Not applicable.
<u>8-4I-6 Parking Lot Landscaping Provisions</u>	Not Applicable	No additional landscaping is required for restriping, parking lot overlays with no increase in the square footage of the parking area, or parking lot replacement less than twenty five percent (25%),
<u>8-4I-7 Tree Preservation Provisions</u>	Complaint as Conditioned	<p>The removed trees must be mitigated in compliance with 8-4I-7.</p> <p>33" are proposed to be removed, with 33" being planted. The trees proposed as part of the landscape plan are 3" calipers.</p>
Title 8, Chapter 6, Article A: Administration		
<u>8-6A-3 General Application Process</u>	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<u>8-6A-4 Required Application Information</u>	N/A	<p>Application waivers requested pursuant to 8-6A-4A:</p> <ul style="list-style-type: none"> - Fire Flow/Ability to Serve - Irrigation/Ditch/Canal Company Letter

<u>8-6A-5</u> <u>Administrative</u> <u>Process with</u> <u>Notice</u>	No compliance issues noted	<p>A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>If no objections are filed within 15 days, the Design Review Consultant's recommendation and the Planning Official's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>
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Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Previous entitlement that might affect this project	DSRFY2023-0007
Garden City Comprehensive Plan	<p>This application is in future land use designations of the Comprehensive Plan:</p> <p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.</p> <p>1. LIVE-WORK-CREATE: The live-work-create district is in the Old Town Site generally between 32nd to 37th Streets with a possible expansion, based on further study. This designation reflects an opportunity to create an Arts District within the city where artists, crafts persons, or others can live, work, exhibit and operate a business. A mix of uses, including residential, retail, office and small scale industrial are appropriate for this area. Regulation should be primarily through form not uses, including maintaining the existing subdivision pattern of small lots, and limiting the maximum building footprint or square footage of a building in relation to lot size. Large scale development that consolidates lots and allows for larger scale industrial or commercial uses should be restricted.</p> <p>The application may be supported by: The application may be supported by:</p> <p>Goal 7. Connect the City Goal 12. Evolve as a Destination</p> <p>5.5.2 Develop a city-wide pathway and sidewalk plan with links to the Boise River Greenbelt. Consider linear pathways adjacent to existing waterways such as the Thurman Mill Ditch and waterways to the Settler's Canal that can link to the river and provide alternative locations for parking and river activity staging.</p> <p>7.1. Objective: Create pedestrian and bicycle friendly connections.</p>
Garden City Street Light Policy	<p>The streetlight policy requests lighting at pedestrian crossings, bicycle paths, and bridges. This application includes bollards along the pathway. There are existing lights within the parking lot that are anticipated to illuminate the pathway.</p>

Garden City Transportation Needs List	Osage has been identified as a future bike and pedestrian pathway system similar to that of the Greenbelt, but more urban in nature. This section of Osage has been vacated by ACHD, allowing for the proposed bike and pedestrian pathway.
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DECISION PROCESS

General Provisions

A formal application will be processed per [GCC 8-6A-5 Administrative with Notice](#).

Required Decisions: The following decision processes are required for the project as governed by [GCC Table 8-6A-1](#). The Planning Official and City Council have decision authority once a Design Review Consultation has occurred.

Decision

Pursuant to GCC 8-6A-5, staff shall take one of several actions:

- a. Intent to approve as submitted;
- b. Intent to approve with changes;
- c. Request changes and resubmittal;
- d. Recommend denial; or
- e. Recommend public hearing.

Once the decision is rendered it will be sent to the applicant and interested parties. If the determination is a recommendation for a public hearing or if a person with standing objects, a hearing with City Council will be scheduled.

Appeals of Decision:

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. The objection shall be made on the appeal submittal form and must be accompanied by the appeal fee. 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. Verbal objections will not be accepted. Written objections received after the 15-day objection period will not be accepted.

When a design review consultation is required as part of an application that requires a public hearing, public testimony regarding design will be heard by the planning and zoning commission at the planning and zoning commission's scheduled hearing.

REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION

Required Findings

In order to approve a design review application after a recommendation by the design review consultant(s), the decision maker shall make a determination with written reasoned statements on the following findings:

GCC 8-6B-3_Required Findings	Determination	Reasoned Statements
1. The proposed design shall comply with all design standards in Garden City Code, Title 8.	Not Determined: This will be completed in	TBD: This will be completed in conjunction with the formal decision

<p>2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.</p> <p>3. The proposed design shall be compatible with or improve the public's use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise river and waterways, canals, and other surface irrigation.</p> <p>4. The proposed design shall be compatible with the neighborhood in scale and intensity.</p> <p>5. The proposed design shall not create an adverse impact on the surrounding neighborhood.</p> <p>6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood.</p> <p>7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions; and</p> <p>8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.</p>	<p>conjunction with the formal decision</p>	
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The Planning Official reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application **TBD** the standards of approval under **GCC 8-6B-3 Design Review**.

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law contained herein, the Planning Official hereby **TBD** the application, subject to the following conditions:

IN APPROVAL

Scope of the Permit:

1. The proposed 7'1" transformer screen wall as identified in the plans is hereby approved based on the design review consultant's review and recommendation.
 - a. Approval is contingent upon Idaho Power review of separation and access requirements.

- b. A building permit and floodplain permit shall be reviewed and approved prior to construction.

2. The proposed 7'-7" trash enclosure wall as identified in the plans is hereby approved based on the design review consultant's review and recommendation.

- a. Approval is contingent upon Republic Service's review.
- b. A building permit and floodplain permit shall be reviewed and approved prior to construction.

3. Approval of the proposed trash enclosure is contingent upon Republic Services approval.

Project Specific Requirements:

- 1. Construction and completion of the bike and pedestrian pathway shall be completed prior to the occupancy permit being issued for the associated DSRFY2023-0006 application.
- 2. A 12' wide public bicycle and pedestrian easement shall be located along the portions of property that which contain the pathway. The easement shall be accessible to the general public, and maintained in perpetuity.
- 3. All new fences and walls shall be in compliance with Garden City Code 8-4A-3 at the time of development.
 - a. Any existing chain-link fencing adjacent to the pathway shall be removed.

Site Specific Requirements for the Duration of the Use:

- 1. All lights shall be down shielded in compliance with Garden City Code.
- 2. Mitigation shall be required for all existing trees four inch (4") caliper or greater that are removed or damaged from the site.
 - a. The site proposes to remove 33" calipers, the proposed landscape plan includes mitigation of the 33".
 - b. The landscape plan indicates that 3" caliper trees are to be planted, if 3" caliper trees are not available, a minimum of 2" caliper trees shall be planted to equal the required 33" mitigation.
 - c. Mitigation shall be replacement of the total calipers lost on site up to an amount of one hundred percent (100%) replacement.
- 3. Landscaping around the trash enclosure shall consist of evergreen and deciduous plantings to ensure screening seasonally.
- 4. There shall be no landscape work done beyond the parameters of the ownership of the Riverside Hotel without expressed permission of the ownership of the property owner, including on public property.
- 5. Wayfinding Street Paint:
 - a. The content of the street paint is consistent with the architectural, geographical, sociocultural and historical context of the city.
 - b. The surface material is resistant to vandalism and weather.

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 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. All outdoor living spaces must comply with Garden City Cod 8-3C General Provisions-Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.
24. 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.
25. 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.
26. 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.
27. 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.
28. Occupying the site prior to Certificate of Occupancy is a criminal offense.
29. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
30. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
31. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code .
32. 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.

IN DENIAL

1. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
2. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
3. 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.

TBD

Date

Development Service Staff

IMAGES

none