



## DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street □ Garden City, Idaho 83714  
Phone (208)472-2921 □ Fax (208)472-2926

## DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2024 - 0009

**Review Status: INITIAL REVIEW- NOT APPROVED**

**Plan Review Number: 1**

**Reviewer: Hanna Veal**

**Design Consultant: Brett Labrie**

**Design Consultant: Derek Hurd**

**Date: June 7, 2023**

**Applicant: Jeff Likes**



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## SITE INFORMATION

- 1) Owner: Reeb Investments LLC
- 2) Street Address: 4844 Fenton St.
- 3) Ada County Tax Parcel Number(s): R7334150644 & R7334150642
- 4) Property Description: POR LOT 03 BLK 03 IN TCA 06 RANDALL ACRES SUB NO 04 #96102915-16 & POR LOT 03 BLK 03 IN TCA 06-1 RANDALL ACRES SUB NO 04 #96102915-16.
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.421 acres
- 7) Zoning District: C-2 General commercial
- 8) Zoning Overlay: None
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Light Industrial Bradley Technology District
- 10) The project is in the:
  - a) outside 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) outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11) Adjacent Uses:
  - a) Single Family detached residential
  - b) Manufactured home
  - c) Church or place of religious worship
  - d) Vehicle service
  - e) Service provider
- 12) Existing Use: Vacant
- 13) Easements on site: There are no records on file with Garden City of existing easements
- 14) Site Access:
  - a) Front: Fenton
- 15) Sidewalks: No sidewalk
- 16) Wetlands on site: None identified

## PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: May 21, 2024
- 3) The neighborhood meeting was held on: June 3, 2024
- 4) Site Coverage: 18,565sqft
  - a) Building: 6,876sqft = 37% of the site
  - b) Landscaping: 1,772sqft = 9.5% of the site
  - c) Paved Areas: unknown % of the site
- 5) Number of Structures: 1
- 6) Total number of vehicular parking spaces: 14
- 7) Total number of bicycle parking: 7
- 8) Trash Enclosure: Republic Services will pick up services internal to the development in a common location
- 9) Fencing: 6' tall wood privacy fence
- 10) Sidewalk: Detached proposed
- 11) Landscaping:
  - a) Street Trees: 2 Class II
  - b) Parameter Landscaping: Provided

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District <a href="#">Link to Comment</a>	05/30/2024	<ul style="list-style-type: none"><li>• Site specific conditions include installation of improvements, payment of impact fees, and civil plan review</li><li>• Standard conditions required</li></ul>
Garden City Engineer <a href="#">Link to Comment</a>	05/19/2024	<ul style="list-style-type: none"><li>- The Affidavit of Legal Interest has been signed by an individual and not by REEB Investments LLC. Please provide a corrected affidavit.</li><li>- Additional general comments.</li></ul>
North Ada County Fire and Rescue <a href="#">Link to Comment</a>	05/17/2024	No comments at this time.
Republic Services <a href="#">Link to Comment</a>	05/09/2024	Trash enclosure dimensions need to be at least 12'x18', with gates opening at least 120-degrees and can be staked.
Department of Environmental Quality <a href="#">Link to Comment</a>	05/28/2024	General comments.

## PUBLIC COMMENT

None provided as of the drafting of this document.

## MEETING SUMMARY

This is a summary of the discussions that occurred at the Design Review consultation meetings. There has not been any previous discussions.

## CODE AND POLICY REVIEW

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

<b>Garden City Title 8 Applicable Code Sections</b>		
Code Section	Compliance	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>		
<a href="#"><u>8-1A-4 Applicability</u></a>		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.
<a href="#"><u>8-1B-1 Nonconforming Properties</u></a>	No compliance issues noted	Legal parcels of record as described
<a href="#"><u>8-1B-2 Nonconforming Structures</u></a>	Not Applicable	The site is currently vacant.
<a href="#"><u>8-1B-3 Nonconforming Uses</u></a>	Compliant as Conditioned	Conditional Use Permits might be required for tenants if they are a conditional use within the C-2 zoning district. Prior to occupancy of the tenant space, city permits must be applied for and approved.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>		
8-2B-1 Purpose	No compliance issues noted	The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.
<a href="#"><u>8-2B-2 Allowed Uses</u></a>	No compliance issues noted	The non-residential components have not been identified.
<a href="#"><u>8-2B-3 Form Standards</u></a>	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</p> <p>There are no encroachments All improvements are more than 70' from the Boise River. The property meets the minimum street frontage.</p>

<a href="#"><u>8-2C</u></a>	Not Applicable	This section of code is not currently applicable. It may become applicable depending on the tenant occupants, and their identified use at the time of occupancy.
<b>Title 8, Chapter 4: Design and Development Regulations</b>		
<a href="#"><u>8-4A-3 Fences and Walls</u></a>	No compliance issues noted	A 6' tall wooden privacy fence is proposed. This is code compliant. Any future fence or wall will be required to be in compliance with code at the time of development.
<a href="#"><u>8-4A-4 Outdoor Lighting</u></a>	Compliant as conditioned	This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development.
<a href="#"><u>8-4A-5 Outdoor Service and Equipment Areas</u></a>	Compliant as Conditioned	This proposal does not identify any outdoor service equipment. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.  Utility boxes, transformers, HVAC, the dumpster, etc. will be required to be screened from the public ROW prior to occupancy permits being issued.
<a href="#"><u>8-4A-7 Stormwater Systems</u></a>	Compliant as Conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
<a href="#"><u>8-4A-8 Utilities</u></a>	Compliant as Conditioned	Another draft condition of approval is provided requiring that all utilities be underground.
<a href="#"><u>8-4A-9 Waterways</u></a>	No compliance issues noted	
<a href="#"><u>8-4C-3 Design Provisions for Nonresidential Structures</u></a>	Not Compliant	<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> <ul style="list-style-type: none"> <li>- The east and north elevations contain blank walls. Any blank walls should be treated in one or more of the following ways: <ul style="list-style-type: none"> <li>a. Installing a vertical trellis in front of the wall with climbing vines or plant materials; or</li> <li>b. Providing a landscaped planting bed at least five feet (5') wide or raised planter bed at least two feet (2') high and three feet (3') wide in front of the wall, with plant materials that obscure or screen at least fifty percent (50%) of the wall's surface within three (3) years;</li> <li>c. Providing artwork (mosaic, mural, sculpture, relief, etc.) over at least fifty percent (50%) of the blank wall surface.</li> </ul> </li> </ul> <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> <ul style="list-style-type: none"> <li>- Driveway lanes crossing a public sidewalk should be no wider than twenty feet (20'). The driveway lane is 25' wide, this could be because of Republic Service's trash collection, clarification required. The width of the driveway access is not compliant.</li> <li>- South Elevation faces Fenton St. The renderings and schematic drawings do not match. All primary entrances face the internal</li> </ul>

		<p>parking lot, Tenant space F does not have a primary entrance facing the street.</p> <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i> No comment.</p> <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</i> No comment.</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> No comment.</p> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <ul style="list-style-type: none"> <li>- A 5' wide detached sidewalk with a landscape buffer for the Class II or III street trees will be required at this location. The landscape plan appears compliant with code.</li> </ul>															
<a href="#"><u>8-4C-5 Prohibitions</u></a>	No compliance issues noted	<p>There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.</p> <p>There is not any crushed colored rock/crushed tumble glass utilized on the site.</p>															
<b>8-4D Parking and Off Street Loading Provisions.</b>																	
<a href="#"><u>8-4D-3 Parking Design and Improvement Standards</u></a>	Not Compliant	<p><b>Vehicle parking:</b></p> <table border="1"> <caption>Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</caption> <thead> <tr> <th><u>Parking Angle</u></th> <th><u>Stall Width</u></th> <th><u>Stall Depth</u></th> <th><u>Length Per Car</u></th> <th><u>Driveway Width*</u> <u>Must also meet fire requirements</u></th> </tr> </thead> <tbody> <tr> <td>90°</td> <td>9'0"</td> <td>20'0"</td> <td>9'0"</td> <td>22'0"</td> </tr> <tr> <td colspan="5" style="text-align: center;">Standard</td></tr> </tbody> </table> <p><b>Parking Provided:</b>  <u>14 regular parking spaces</u>  Stall Width: 9'  Stall Depth: <b>18'</b></p> <p>The width of the drive isle is 22' which is compliant with code.</p>	<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Length Per Car</u>	<u>Driveway Width*</u> <u>Must also meet fire requirements</u>	90°	9'0"	20'0"	9'0"	22'0"	Standard				
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90°	9'0"	20'0"	9'0"	22'0"													
Standard																	
<a href="#"><u>8-4D-4 Parking Use Standards</u></a>	No compliance issues noted	Required motor vehicle parking spaces shall be used for motor vehicle parking only, except as may be allowed for a temporary use in compliance with the requirements as set forth in section 8-2C-38, "Temporary Uses", of this code.															
<a href="#"><u>8-4D-5 Required Number of Off-Street Parking Spaces</u></a>	Not Compliant	<p>Sites with Multiple Uses: If more than one (1) use is located on site, the number of required parking spaces shall be equal to the sum of each use.</p> <p>This application does not request a specific use(s) for the tenant spaces. Therefore, parking requirement calculations are based on the highest standard of 1 per 500sqft of gross floor area.</p> <p>The building is 6,876sqft, requiring 14 vehicular parking spaces. 14 vehicle parking spaces are provided, including 1 ADA.</p>															

		<b>Bike parking requirements are calculated at the same ratio. 14 bike parking spaces are required, but only 7 are provided. The site is lacking 7 bike parking spaces.</b>
<a href="#"><u>8-4D-6 Standards for Equivalent Parking Adjustments</u></a>	No compliance issues noted	Equivalent parking was not requested.
<a href="#"><u>8-4D-7 Off Street Loading Standards</u></a>	No compliance issues noted	A loading zone was not proposed.
<b>8-4E Transportation and Connectivity Provisions</b>		
<a href="#"><u>8-4E-3 Public Street Connections</u></a>	Compliant as Conditioned	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.
<a href="#"><u>8-4E-4 Internal Circulation Standards</u></a>	No compliance issues noted	The drive is 20' or greater in width.
<a href="#"><u>8-4E-6 Sidewalk Standards</u></a>	Compliant as Conditioned	A 5' wide detached sidewalk with a landscape buffer per ACHD's width standards is required along the entire length of the Fenton property line. The landscape buffer is required for the Class II or III street trees. The landscape plans shows compliance, however the site plan does not show details of the streetscape. A condition has been drafted to ensure code compliance is met in accordance with the Garden City Sidewalk Policy.
<a href="#"><u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u></a>	No compliance issues noted	
<b>8-4F Sign Provisions</b>		
<a href="#"><u>8-4F-13 Master Sign Program</u></a>	Compliant as Conditioned	A master sign program is required for any new commercial building with multiple tenants.
<a href="#"><u>8-4G Sustainable Development Provisions</u></a>	Not Compliant	The development is required to provide 18 points. A sustainability checklist was not provided.
<a href="#"><u>8-4H Flood Hazard</u></a>	Compliant as Conditioned	The planning official is the decision maker on items regarding 8-4H. The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.
<b>8-4I Landscaping and Tree Protection Provisions</b>		
<a href="#"><u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u></a>	No compliance issues noted	
<a href="#"><u>8-4I-4 Landscaping</u></a>	May not be compliant	A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.

<a href="#"><u>Provisions for Specific Uses</u></a>		<p>Landscape Required: 928sqft  Landscape Provided: 1,772sqft  <i>*The landscape calculation provided includes landscaping within the setbacks. Not enough information to calculate landscaping excluding setbacks.</i></p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.  Fenton St. (100LF): 1 Street Tree + 2 Frontage = 3 Trees  Provided: 2 Class II Trees (<b>Deficient 1 tree</b>)</p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.  Trees Required: 2 <b>Provided</b>  Shrubs Required: 12 <b>Provided</b></p>
<a href="#"><u>8-4I-5 Perimeter Landscaping Provisions</u></a>	No compliance issues noted	Not required.
<a href="#"><u>8-4I-6 Parking Lot Landscaping Provisions</u></a>	No compliance issues noted	<p>The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.</p> <p>High branching, deciduous shade trees planted evenly at fifteen foot (15') intervals (or as appropriate to the selected species) to quickly establish continuous canopy coverage. <b>Provided.</b></p> <p>Include landscaped islands with at least one tree at the beginning and end of each parking row and to break up longer rows or highlight special features. <b>Provided.</b></p>
<a href="#"><u>8-4I-7 Tree Preservation Provisions</u></a>	Not Compliant	Arborist Report not provided for review. There appears to be existing trees on site, in which one is to remain. Calipers are not identified.
<b>Title 8, Chapter 6, Article A: Administration</b>		
<a href="#"><u>8-6A-3 General Application Process</u></a>	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal and staff started processing the application.
<a href="#"><u>8-6A-4 Required Application Information</u></a>	N/A	Application waivers requested pursuant to 8-6A-4A: <ul style="list-style-type: none"> <li>- Grading and Drainage Plan</li> <li>- Lighting Plan</li> </ul>
<a href="#"><u>8-6A-5 Administrative Process with Notice</u></a>	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 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>

		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.
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Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
<a href="#"><u>Garden City Comprehensive Plan</u></a>	<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> <ol style="list-style-type: none"> <li><b>1. LIGHT INDUSTRIAL BRADLEY TECHNOLOGY DISTRICT:</b> The light industrial designation reflects an intent to maintain the area of existing industrial uses, around Bradley Street and north of Chinden. Industrial development includes: materials processing and assembly, product manufacturing, storage of finished products, and truck terminals. Manufacturing support facilities such as offices and research-related activities should also be allowed in this area, but other non-industrial uses should be limited. Major consideration in regulating industrial uses should be setbacks, buffering and landscaping from adjacent residential uses. Standards should also be directed toward control of light, glare, noise, vibration, water and air pollution; use and storage of toxic, hazardous or explosive materials; and outdoor storage and waste disposal.</li> </ol> <p>The application may be supported by:</p> <p><b>Goal 2. Improve the City Image</b></p> <ul style="list-style-type: none"> <li>2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li>2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p><b>Goal 4. Emphasize the “Garden” in Garden City</b></p> <ul style="list-style-type: none"> <li>4.1 Objective: Beautify and landscape.</li> <li>4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</li> </ul> <p><b>Goal 7. Connect the City</b></p> <ul style="list-style-type: none"> <li>7.1 Objective: Create pedestrian and bicycle friendly connections.</li> <li>7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul> <p><b>Goal 12. Evolve as a Destination</b></p> <ul style="list-style-type: none"> <li>12.1 Objective: Support a positive business environment</li> <li>12.2 Objective: Continue to support commercial and industrial land uses.</li> <li>12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</li> </ul>
<a href="#"><u>Garden City Sidewalk Policy</u></a>	Condition drafted to ensure a detached sidewalk is installed.
<a href="#"><u>Garden City Street Light Policy</u></a>	A streetlight is installed along Fenton Street in accordance with the policy.

## 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 or Planning and Zoning Commission 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
<ol style="list-style-type: none"><li>1. The proposed design shall comply with all design standards in Garden City Code, Title 8.</li><li>2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.</li><li>3. The proposed design shall be compatible with or improve the public's use of existing and</li></ol>	Not Determined. This will be completed in conjunction with the formal decision	TBD: This will be completed in conjunction with the formal decision

<p>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>		
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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**

#### **Site Specific Requirements:**

##### **Scope of this permit:**

1. The scope of this permit is to allow for the new construction of a multi-tenant commercial building.
2. The building permits must be in conformance with the approved plans. Staff may approve minor changes to the approvals so if they are compliant with Garden City Code including:
  - a. Substitutions of plant species, if there is no reduction in landscaping and the species are comparable in height and width. Substitutions of trees must be of the same or larger tree classification and be comparable or larger in tree canopy and height.

- b. Less than 5% of rearrangement of elevations or building façade materials if there is no reduction in building modulation, fenestration, or glazing.
- c. Less than 5% of rearrangement of site.

Prior to Building Permit:

1. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
2. The ability to serve shall be provided.
3. Submit a sustainability checklist that demonstrates compliance with, or an exemption from Garden City Code 8-4G.
4. There shall be a minimum of 14 vehicular parking spaces provided.
5. There shall be a minimum of 14 bicycle parking spaces provided.
6. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
  - a. If any trees are to be removed from the site, a tree mitigation plan must be submitted in compliance with GCC 8-4I-7 Tree Preservation provisions.
    - i. A certified arborist report documenting the tree location, species, health status, and caliper inches shall be submitted.
    - ii. Any trees removed prior to the certified arborist's report being submitted will be considered to have been healthy, and thus, mitigation will be required.
  - b. A minimum of one class II or class III tree shall be planted in the frontage of Fenton Street. An additional tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
    - i. The frontage of Fenton Street shall have a total of 3 class II or III trees.
    - ii. Trees shall be planted adjacent to Fenton Street within the landscape buffer to meet street tree requirements of Garden City Code 8-4I.
  - c. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
7. Any future outdoor lighting will be required to be in compliance with code at the time of development.
8. All stormwater systems must comply with Garden City Code 8-4A-7.
  - a. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Gravel, rock, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature
  - b. If ACHD requires stormwater swales within the landscape buffer along Fenton Street, the swales shall be designed in such a way to accommodate the Garden City required Street trees.
9. All vehicle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3.

Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. A building permit including fire and environmental review shall be applied for and approved by Garden City Development Services Department.
3. Prior to each tenant space being occupied, a certificate of occupancy shall be issued by the city for that tenant space. Additional permitting process will be applicable at the time including but not limited to a building permit, business compliance, and conditional use permit.

4. Bicycle Parking
  - a. Bicycle parking spaces shall be placed in such a way that when mounting and dismounting the bicycles do not reverse into the sidewalk traffic area, the parking lot, nor Fenton Street.
  - b. All bicycle parking shall be located so as to not prevent the sidewalk traffic from maintaining a continuous momentum.
5. All HVAC systems and outdoor service and equipment areas shall be identified in building plans for permit review and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
  - a. Utility boxes and transformers will also require screening. Coordination with Idaho Power will be required.
6. Prior to occupancy, a public works and utility permit shall be submitted for review and approval of the site work that will be required to bring the site into compliance with:
  - a. A detached sidewalk shall be installed along Fenton Street in accordance with Garden City Code 8-4E-6 and the Garden City Sidewalk Policy.
    - i. The sidewalk shall be installed to the edge of property.
    - ii. The sidewalk shall be installed at a consistent elevation above any curb cut so as to not incline at the curb cut.
    - iii. The sidewalk shall be a minimum of 5' in width
    - iv. The sidewalk shall be detached by a minimum 6' landscape or furniture zone, or otherwise required by Ada County Highway District.
    - v. Improvements may be made within the right-of-way provided a landscape license agreement or other approval from Ada County Highway District.

**Site Specific Requirements for the Duration of the Use:**

1. All roof and wall mounted mechanical, electrical, communications, and service equipment should be screened from public view from the adjacent public streets and properties by the use of parapets, walls, fences, enclosures, or by other suitable means.
2. All streets and driveways shall adhere to the standards of a clear vision triangle at all times

**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 Code 8-3C General Provisions-Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Code 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**

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Development Service Staff

Date

#### **IMAGES**