

DEVELOPMENT SERVICES DEPARTMENT

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Phone (208)472-2921 □ Fax (208)472-2926

DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2024 - 0010

Review Status: INITIAL REVIEW- NOT APPROVED

Plan Review Number: 2

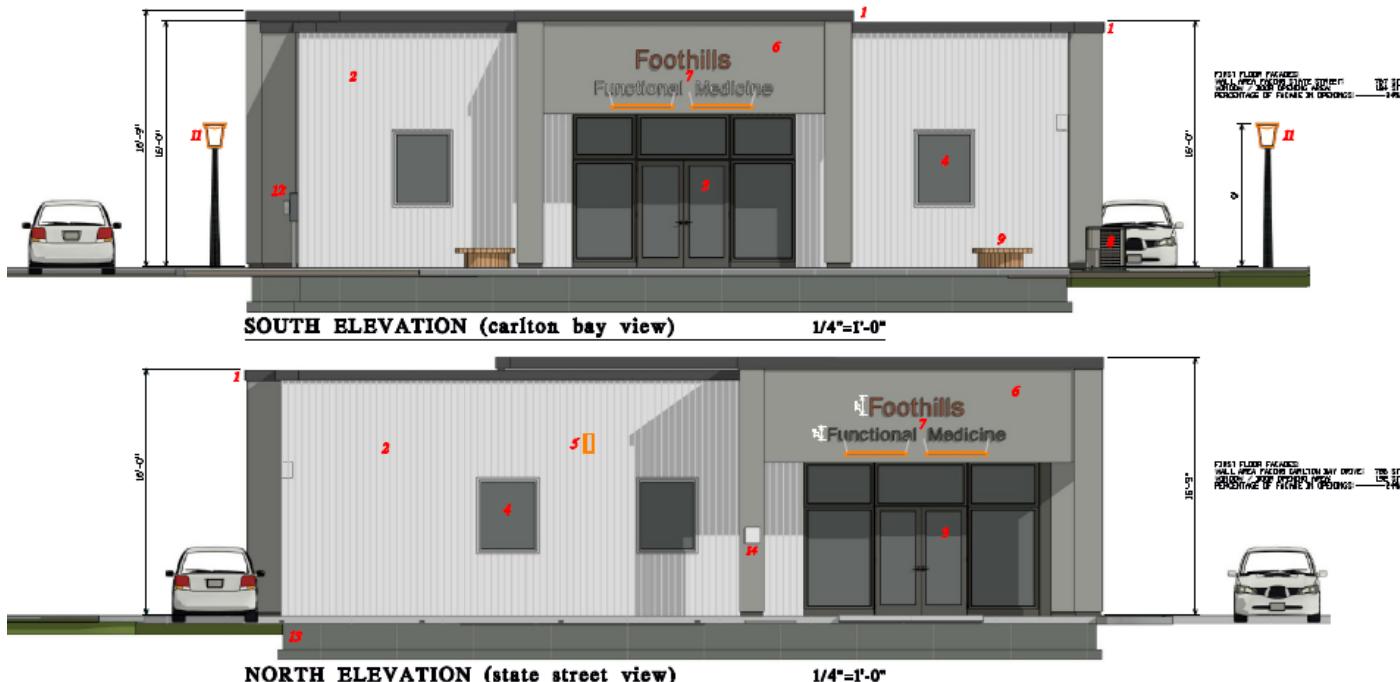
Reviewer: Hanna Veal and Mariia Antonova

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: September 16, 2024

Applicant: Dale Binning



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SITE INFORMATION

- 1) Owner: BC HOLDINGS LLC
- 2) Street Address: 10178 W Carlton Bay Drive
- 3) Ada County Tax Parcel Number(s): R1292650130 & R1292650120
- 4) Property Description: CARLTON BAY SUB, POR LOT 07 BLK 01 TCA 06-3 CARLTON BAY SUB & POR LOT 07 BLK 01 TCA 06-17 CARLTON BAY SUB
- 5) Legal Lot of Record: Yes
- 6) Property Size: 1.107 acres
- 7) Zoning District: M Mixed use
- 8) Zoning Overlay: None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Neighborhood Node: Transit Oriented Development
 - b) Green Boulevard Corridor
 - c) Residential Low Density
- 10) The project is in the:
 - a) 100 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) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20. (*Small spots on this parcel are outside of the Special Flood Hazard Area*)
- 11) Adjacent Uses:
 - a) Drive-through establishment
 - b) Vehicular Service
 - c) Funeral Home
 - d) Dwelling unit, single family attached
- 12) Existing Use: Vacant
- 13) Easements on site:
 - a) CARLTON BAY PLAT; 200600027; UTILITY, DRAINAGE, IRRIGATION EASEMENT, 10'
 - b) CARLTON BAY PLAT; 200600027; BLANKET PUBLIC UTILITY AND PRESS IRRIGATION EAS;
 - c) CARLTON BAY PLAT; 200600027; 35' CANAL AND IRRIGATION EASEMENT.
- 14) Site Access:
Vehicle access:
Front: W Carlton Bay Drive
Pedestrian Access:
Front: W Carlton Bay Drive
Back: W State Street
- 15) Sidewalks: Sidewalks are installed and are in good repair
- 16) Wetlands on site: None identified

PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: July 5, 2024
- 3) The neighborhood meeting was held on¹: July 23, 2024
- 4) Site Coverage: *New construction is planned on half of the parcel. The area for construction is 0.54 acres or ~23,490 SF*
 - a) Building: 3,600 SF or 15.32 % of the site
 - b) Landscaping: 4,170 SF or 17.75 % of the site
 - c) Paved Areas: 15,720 SF or 66.93% of the site
- 5) Number of Structures: 1
- 6) Total number of vehicular parking spaces:
 - a) Surface: 23
- 7) Total number of bicycle parking: **Unknown**
- 8) Trash Enclosure: Republic Services will pick up individual services internal to the development
- 9) Fencing: No fence
- 10) Sidewalk: None proposed
- 11) Landscaping:
 - a) Street Trees: 2 trees, class II
 - b) Parameter Landscaping: trees, bushes, lawn
- 12) Connections:
 - a) Closest VRT Stop:
~1.6 mi, Eagle Riverside P&R SEM
~1.8 mi, N Gary Ln & W Bunch Ct NWC
 - b) Greenbelt: ~0.8 mi

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District Link to Comment	05/28/2024	The Ada County Highway District (ACHD) has reviewed the submitted application for the application referenced above and has determined that there are no improvements required to the adjacent street(s).
Republic Services Link to Comment	05/09/2024	This enclosure will work okay if the applicant plans to utilize 90 gallon cart services. If a dumpster goes into this location the current enclosure design will not work. The enclosure needs to be turned 90 degrees and be at least 12'x18' with gates that open at least 120 degrees and are able to be staked. With that change to the enclosure we would be able to drive directly onto the containers.
Garden City Engineer Link to Comment	05/18/2024	<ul style="list-style-type: none">• Prior to performing any grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan.

¹ Original neighborhood meeting was noticed on May 30, 2024, with the meeting occurring on Saturday, June 15, 2024. Garden City Code does not allow for neighborhood meetings to occur on a Saturday, thus the applicant was required to re-notice and host another neighborhood meeting that aligned with code requirements.

			<ul style="list-style-type: none"> • Approval of the project by the North Ada County Fire and Rescue District will be required. Should fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans. • Verify the source of landscape irrigation water will be the Carlton Bay Subdivision pressure irrigation system. • The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer. • The work maps are available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020. • Other General Comments were made, refer to the "Link to Comment".
North Ada County Fire and Rescue Link to Comment	05/17/2024		<ul style="list-style-type: none"> • The applicant must submit to the Fire Marshal's office a list of medical/compressed gases including the amounts being stored and/or in use on site. An operational permit may be required by the Boise Fire Department. • Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures. • Specific building construction requirements of the International Building Code, International Fire Code and NACFR Rules will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.
Idaho Department of Environmental Quality Link to Comment	05/28/2024		General comments provided

PUBLIC COMMENT

No public comments were provided.

MEETING SUMMARY

There have been no previous consultations on this project.

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.

Garden City Title 8 Applicable Code Sections		
Code Section	Compliance	Analysis/ Discussion
Title 8, Chapter 1: General Regulations		
<u>8-1A-4 Applicability</u>		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.
<u>8-1B-1 Nonconforming Properties</u>	No compliance issues noted	Legal parcel of record as described.
Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-1 Purpose		The mixed use (M) district allows for a mix of commercial and residential uses that are complementary of one another. The purpose is to accommodate and encourage further expansion and renewal in designated areas of the community. A variety of residential, office, and commercial uses are encouraged in an effort to provide a mix of activities necessary to establish a truly urban character. All densities of residential, professional offices, neighborhood services retail uses may be located within this designation.
<u>8-2B-2 Allowed Uses</u>	No compliance issues noted	The use "Healthcare and Social Service" is permitted to use.
<u>8-2B-3 Form Standards</u>	No compliance issues noted	<p>The required setbacks are: Front: 10' max Interior Side: 0/3' Rear: 5' Street side: 20'</p> <p>The allowable maximum height is: 72' There are not encroachments All improvements are more than 70' from the Boise River.</p> <p>All properties meet the minimum street frontage.</p>
Title 8, Chapter 4: Design and Development Regulations		
<u>8-4A-3 Fences and Walls</u>	Compliant as Conditioned	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.
<u>8-4A-4 Outdoor Lighting</u>	Compliant as Conditioned	<p>It is proposed to install 10' light poles.</p> <p>The height of a freestanding light fixture in a residential district shall not exceed nine feet (9'). The development is in a mixed-use zone and the nearest residential buildings will be approximately 190 feet from the light poles.</p>

		Any future outdoor lighting will be required to be in compliance with code at the time of development. A lighting plan will be required when submitting for a building permit.
<u>8-4A-5 Outdoor Service and Equipment Areas</u>	Compliant as Conditioned	<p>Based on resubmittals 08/26/2024</p> <p>All on-site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property, or shall be screened from view from a public street and adjoining property with a privacy fence.</p> <p>HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions shall be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.</p> <p>In the updated plans, the applicant added more bushes to screen the A/C units.</p> <p>The trash encloser gate has been increased from 36 inches to 42 inches. Plans identify the trash enclosure as being able to hold 3 carts.</p>
<u>8-4A-7 Stormwater Systems</u>	Compliant as Conditioned	<p>The application proposes a stormwater surface swale within a required landscaped area. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Such swales shall also be designed to accommodate the required number of trees. The swale appears to consist of sod lawn area and trees. Refer to GCC 8-4I Landscaping Provisions for further discussion regarding the required landscaped areas.</p> <p>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.</p> <p>In addition, a permeable paver stormwater system is planned to be installed on the site.</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. The surface stormwater swale will need to be designed in such a way that it can accommodate the required landscaping.</p>
<u>8-4A-8 Utilities</u>	Compliant as Conditioned	Another draft condition of approval is provided requiring that all utilities be underground.
<u>8-4A-9 Waterways</u>	No compliance issues noted	There does not appear to be Boise River irrigation facilities on the site.
<u>8-4C-3 Design Provisions for Nonresidential Structures</u>	May not be compliant	<p>Based on resubmittals 08/26/2024</p> <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><u>Floor Area Ratio (FAR):</u> All new construction should have a minimum floor area ratio of 1.0 or a minimum of two (2) stories.</p>

One story building: 3,600 SF/23,490 SF = 0.2 FAR

***The 23,490sqft calculation comes from only taking the area of the site proposed for improvements, not the entire area.**

Street Frontage: Sixty percent (60%) of the street frontage along the front setback should be occupied by a structure or a plaza.

The building occupies 44% of the street frontage along Carlton Bay Drive.

***The calculation of 44% is a result of taking the improved area. If the calculation were to be the entire frontage (~235LF) then the building would only account for 21% of the street frontage on Carlton Bay.**

The plaza is featured in new plans and faces Carlton Bay Dr. It would need to meet the plaza requirements of GCC 8-4C-4.

First Floor Facades: First floor facades visible from a public street should include surfaces in windows, showcases, displays, or pedestrian access elements as follows: for retail uses at least fifty percent (50%), for all other uses at least fifteen percent (15%). **Compliant.**

Wall Plane: Facades should have no wall plane wider than two and one-half (2 1/2) times the height of the wall plane. If a new wall plane is required to achieve compliance with this requirement, it must be offset by at least six feet (6').

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.

Parking Lot Locations: The parking lot is located behind the building, making it hidden from the view from Carlton Bay Drive which is considered the property's frontage due to the access. However, the parking lot is also located between State Street and the building.

There is a 20' common area lot between the subject parcel and State Street which consists of lawn, gravity irrigation lines, canal easement, and existing concrete sidewalk. **The view of parking lot from State Street is screened, 4 street trees proposed. Compliant.**

The adjacent property to the west (Bowman Funeral Parlor) has a similar parking lot and driveway design. A connection between parking lots is not proposed, however should be considered to allow for better vehicular circulation. The parking lots would need to have similar parking space and landscaping designs.

Driveway Lanes: Driveway lanes crossing a public sidewalk should be no wider than twenty feet (20') and the minimum of feet between driveway intersections with the public street as set forth by the transportation authority. Driveway lanes crossing a public sidewalk intersection should be clearly distinguished with special pavement or coloring.

The driveway is 24' wide where the sidewalk crosses, this should be reduced to 20' so long as ACHD, Republic Services, and Fire grant approval. According to the Garden City Code 8-4D-3, driveways must be 22' wide to meet fire requirements and allow for backing up. It is unclear how wide the drive isles are within the parking lot.

Primary Entrance:

a. The building closest to the street should have its primary entrance to the street and be clearly defined by the architectural design of the building. **The building has two identical entrances, making it difficult**

to determine the primary entrance. The main entrance with reception area is accessed off the parking lot. May not be compliant.

b. The primary entrance of all buildings should provide a covered pedestrian open space such as a building recess, an awning, canopy or marquee. **Provided**

c. Pedestrian amenities should be provided at the entrance including a minimum of one hundred (100) square feet of landscaping, outdoor seating, plazas, courtyards, public art, fountains, special paving, bicycle racks, transit stop. **Landscaping, a seating area and a plaza were provided.**

Objective 3: Buildings shall be designed and constructed of quality materials.

Discouraged Materials: **Metal siding**, corrugated fiberglass, aluminum siding, mirror or metalized reflective glass, plywood, chipboard siding, vinyl, cinderblock, plastic tilt-up concrete, highly tinted or mirrored glass, and all types of imitation building materials should not be used as the primary building material.

In the proposed project, one of the main materials of the building is prefinished metal wall panels (same as metal siding), which is a discouraged material.

Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.

There are no existing plants or buildings on the site.

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.

Building Orientation: Buildings should be oriented to a prominent feature, such as a corner location, a plaza, a street or the river. Buildings and site design should provide inviting entry orientation. Buildings should not turn their backs to the street. **The building is oriented towards W. Carlton Bay Drive.**

Articulation: Buildings should be articulated to reduce the apparent scale. Architectural details that are used to articulate the structure may include reveals, battens, and other three-dimensional details that create shadow lines and break up the flat surfaces of the facade. The following are ways to achieve building articulation:

a. Window Treatments: Provide ample articulated window treatments in facades visible from streets and public spaces for architectural interest and human scale.

b. Architectural Elements: **Vertical elements were added to the building.**

c. Rooflines: **The roofline of the building appears to be predominantly flat.**

Objective 6: The site development should support and be consistent with the adopted streetscape.

No comments

<u>8-4C-4 Special Provisions for Specific Nonresidential Development</u>	Compliant as Conditioned	<p><u>Large Scale Nonresidential Structures:</u></p> <p>The W. Carlton Bay and State Street facades and rooflines are 50' in length. The East and West facades and rooflines are 72'.</p> <p>Facades longer than fifty feet (50') (measured horizontally along the facade) should incorporate relief to perceived building mass through such features as wall projections or recesses, projecting windows, entrances, or other visual relief.</p> <p>Rooflines exceeding fifty feet (50'), should incorporate relief to the perceived building mass by providing roofline variation.</p> <p>Roofline variation is provided with horizontal offset in ridgelines.</p> <p><u>Plaza Requirements:</u></p> <ol style="list-style-type: none"> a. Pedestrian access (including handicapped access) into the plaza from the public right of way. b. Paved walking surfaces such as concrete, brick pavers, or other type of pavers on level, stepped, or gently sloping (less than 3 percent grade). c. One linear foot of seating per perimeter linear foot of the plaza. d. Security lighting on site or building mounted. e. A minimum size of five hundred (500) square feet with the shorter dimension of a plaza less than three (3) times the height of surrounding buildings. Not enough information f. Buildings on plazas should promote and accommodate outdoor activity with balconies, arcades, terraces, decks, and courtyards for residents' and workers' use and interaction. g. Distributed trash containers around the plaza. Not enough information h. Direct access to occupied indoor space. i. Located so that the build provides buffering from street noise when the location is on a major arterial. <p>2. A pedestrian plaza is encouraged to have:</p> <ol style="list-style-type: none"> a. Site furniture: <ol style="list-style-type: none"> (1) Seating may be on planters, rails, benches, retaining walls and other raised surfaces. Provided. (2) Cluster and movable seating for informal gathering and outside eating areas. (3) Locate seating for sun exposure, where views can be taken advantage of, and near to activity centers of a site such as at building entrances and at the intersection of walkways. Provided b. Artwork, or amenities such as fountains, kiosks: <ol style="list-style-type: none"> (1) Interactive art, sculpture, and fountains which people can touch and move. (2) Fountains for visual attraction, to screen traffic noise, and for cooling effects.
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		3. A pedestrian plaza should not be located adjacent to unscreened parking lots or blank walls without wall treatment as set forth in subsection 8-4C-3A7 of this article. Compliant															
<u>8-4C-5 Prohibitions</u>	Compliant	There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.															
8-4D Parking and Off Street Loading Provisions.																	
<u>8-4D-3 Parking Design and Improvement Standards</u>	Compliant	<p>Based on resubmittals 08/26/2024</p> <p>Vehicle parking:</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 Must also meet fire requirements</u></th> </tr> </thead> <tbody> <tr> <td align="center"><u>90°</u></td> <td align="center"><u>9'0"</u></td> <td align="center"><u>20'0"</u></td> <td align="center"><u>9'0"</u></td> <td align="center"><u>22'0"</u></td> </tr> <tr> <td align="center" colspan="5" style="text-align: center;"><u>Standard</u></td> </tr> </tbody> </table> <p>Compliant Parking Provided:</p> <p><u>16 regular parking spaces</u> Stall Width: 9' Stall Length: 20'</p> <p><u>7 regular parking spaces</u> Stall Width: 9' Stall Length: 18'</p> <p><u>1 ADA parking space</u> Stall Width: 9' Stall Length: 18'</p> <p>Bicycle parking is located on the east side of the building near the sidewalk.</p> <p>Bicycle parking spaces shall:</p> <ol style="list-style-type: none"> Be a minimum space six feet (6') long by two feet (2') wide; On-site spaces shall be located within fifty feet (50') of the building entrance(s); Public bicycle spaces may be provided within three hundred feet (300') of the property in lieu of on-site spaces. If public bicycle spaces are provided, legally binding documentation including property owner approval, maintenance responsibility, and public use allowance shall be provided to the city; Be separated by a physical barrier to protect the bicycles from damage by motor vehicles if located within a motor vehicle parking area. The physical barrier can be curbs, poles, wheel stops, or other similar features; Be visible, unless specified for the use of tenants, in which case the bicycle parking spaces must be covered; Be easily accessible from the street; Not impede pedestrian movement or loading zones; 	<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Length Per Car</u>	<u>Driveway Width Must also meet fire requirements</u>	<u>90°</u>	<u>9'0"</u>	<u>20'0"</u>	<u>9'0"</u>	<u>22'0"</u>	<u>Standard</u>				
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<u>Standard</u>																	

		<p>h. Not impede pedestrian or vehicular circulation or loading zones. The facilities shall be incorporated, whenever possible, into the structure's design or street furniture; and</p> <p>i. Be properly illuminated to increase security and avoid accidents and adhere to section 8-4A-4 of this chapter, Outdoor Lighting.</p>
<u>8-4D-4 Parking Use Standards</u>	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 title.
<u>8-4D-5 Required Number of Off-Street Parking Spaces</u>	Compliant	<p>Based on resubmittals 08/26/2024</p> <p><u>Vehicle parking:</u> Healthcare and social service is considered medium use per the code, which requires 1 motor vehicle parking space per 1000sqft of building.</p> <p>Vehicle parking space required: $3,600\text{SF}/1,000 = 4$</p> <p><u>Bicycle parking:</u> Healthcare and social service is considered a high use per the code, which requires 1 bicycle parking space per 1,000sqft of building.</p> <p>Bicycle parking space required: $3,600\text{SF}/1,000 = 4$</p> <p>Total vehicle parking spaces provided: 23 Total bicycle parking spaces provided: 4</p>
<u>8-4D-6 Standards for Equivalent Parking Adjustments</u>	No compliance issues noted	Equivalent parking was not requested.
<u>8-4D-7 Off Street Loading Standards</u>	No compliance issues noted	There is no off-street loading area.
8-4E Transportation and Connectivity Provisions		
<u>8-4E-3 Public Street Connections</u>	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.
<u>8-4E-4 Internal Circulation Standards</u>	No compliance issues noted	The driveway is 24' in width.
<u>8-4E-6 Sidewalk Standards</u>	No compliance issues noted	The existing sidewalk meets the provision.
<u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u>	No compliance issues noted	Pedestrian pathways are planned to connect State Street and Carlton Bay Drive to all primary entrances to the building.
8-4F Sign Provisions		

<u>8-4G Sustainable Development Provisions</u>	No compliance issues noted	The development is exempt per 8-4G-2 (D).				
<u>8-4H Flood Hazard</u>	Compliant as Conditioned	<p>The planning official is the decision maker on items regarding 8-4H.</p> <p>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.</p>				
8-4I Landscaping and Tree Protection Provisions						
<u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u>	Compliant	<p>Based on resubmittals 08/26/2024</p> <p>When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, perimeter landscaping, parking lot landscaping and other landscape guidelines) a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required as set forth in table 8-4I-1 of this subsection.</p> <table border="1"> <thead> <tr> <th>Required Number Of Class II Or Class III Trees</th><th>Minimum Number Of Species</th></tr> </thead> <tbody> <tr> <td>11 to 30</td><td>3</td></tr> </tbody> </table> <p>Provided: 4 species</p>	Required Number Of Class II Or Class III Trees	Minimum Number Of Species	11 to 30	3
Required Number Of Class II Or Class III Trees	Minimum Number Of Species					
11 to 30	3					
<u>8-4I-4 Landscaping Provisions for Specific Uses</u>	Compliant	<p>Based on resubmittals 08/26/2024</p> <p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.</p> <p>Landscape Required: $23,490 \text{ SF} * 0.05 = 1,175 \text{ SF}$</p> <p>Landscape Provided: 2,330 SF; 10%</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.</p> <p>Carlton Bay Drive. (~115.48 LF): 1 Street Tree + 2 Frontage = 3 Trees</p> <p>Provided: 3 Class II Trees</p> <p>State Street: (114 LF): 1 Street Tree + 2 Frontage = 3 Trees</p> <p>Provided: 4 Class II Trees</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.</p> <p>Required trees: $4,170 \text{ SF} / 1000 \text{ SF} = 4 \text{ trees}$</p> <p>Provided: 10 trees (excluding street trees)</p> <p>Required shrub: $4,170 \text{ SF} / 150 \text{ SF} = 28$</p> <p>Provided: 148 (including shrubs, perennials, and ornamental grasses)</p> <p>All calculations were based on the proposed site improvement area, not the entire site.</p>				
<u>8-4I-5 Perimeter Landscaping Provisions</u>	Compliant	Based on resubmittals 08/26/2024				

		<p>5' wide perimeter landscaping is provided along the western property boundary line which consists of a mix of shrubs, perennials, ornamental grasses and 4 pacific maple trees.</p> <p>Perimeter landscaping is not required <u>EXCEPT</u> for along the portion of the property where the two parking lots are adjacent to each other. If the parking lot is modified so that they make a connection, perimeter landscaping would not be required. If not, then a 5' wide landscape buffer would be required in accordance with this section of code.</p>
<u>8-4I-6 Parking Lot Landscaping Provisions</u>	Compliant	<p>Based on resubmittals 08/26/2024</p> <p>Landscape areas shall be distributed throughout a parking lot to soften and screen parking lot edges, reinforce circulation routes, create pleasant pedestrian conditions and maximize shade and stormwater benefits.</p> <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. Compliant.</p> <p>Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied. Provided.</p> <p>Internal shade trees shall be planted such that no parking space is more than one hundred feet (100') from a tree. Provided.</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. Provided.</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	N/A
<u>8-6A-5 Administrative Process with 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 Committee'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>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
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. RESIDENTIAL LOW DENSITY: The areas designated for low density residential is north of the river, and south of the river west of Glenwood. These areas are predominately single-family detached housing, although some areas of attached housing may be appropriate near major arterials and public facilities.</p> <p>2. ACTIVITY NODE: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Activity Nodes by type shown on the Land Use Map are as follows:</p> <p>Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential. Identified centers are:</p> <ul style="list-style-type: none"> b) Adams and 50th Streets intersection to the Boise River c) Adams and 42nd street intersection to the Boise River. d) East city boundary to 36th street between the Boise River and Chinden Boulevard e) Glenwood and Marigold Streets intersection f) Chinden Boulevard and Garrett Street intersection g) Chinden Boulevard and 50th Street intersection h) State Street and Pierce Park Transit Oriented Development Nodes i) Chinden Boulevard and Glenwood Street intersection j) Chinden Boulevard and Veterans Parkway intersection k) State Street and Horseshoe Bend Road l) State Street and Glenwood Street <p>3. GREEN BOULEVARD CORRIDOR: The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent</p>

land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.

The application may be supported by:

Goal 1. Nurture the City

- 1.3 Objective: Consider the needs of all citizens, businesses and the environment.

Goal 2. Improve the City Image

- 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.
- 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.

Goal 4. Emphasize the “Garden” in Garden City

- 4.1 Objective: Beautify and landscape.
- 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.

Goal 7. Connect the City

- 7.1 Objective: Create pedestrian and bicycle friendly connections.

Goal 12. Evolve as a Destination

- 12.1 Objective: Support a positive business environment
- 12.2 Objective: Continue to support commercial and industrial land uses.
- 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.

The application may not be supported by:

Goal 1. Nurture the City

- 2.3 Objective: Promote quality design and architecturally interesting buildings.

[Garden City Sidewalk Policy](#)

The attached sidewalk is installed on both sides of the property.

[Garden City Street Light Policy](#)

There is not a street lighting installed within 400 feet.

[State Street](#)

Primary TOD Station: Horseshoe Bend

Horseshoe Bend Station is located at the western extent of the corridor, the only Tier 1 station in the city of Eagle. North Horseshoe Bend Road is just east of the State Highway 55/State Street intersection that serves as a major linkage to outdoor recreation destinations north of the Treasure Valley, including the Payette River and McCall, Idaho. The cities of Eagle, Boise, and Garden City each have land use jurisdiction in the station area.

Context:

- To the south of State Street, North Horseshoe Bend Road provides access to St Luke's Eagle Medical Plaza and connects to existing and future commercial development and residential neighborhoods to the south. The roadway transitions to a much smaller neighborhood street where homes have direct driveway

access to the street. While there are sidewalks in the immediate vicinity of the intersection with State Street, there are opportunities to better connect adjacent neighborhoods to the south by adding sidewalks and wayfinding signage to connect to the Boise River Greenbelt trail system.

- In addition to the medical facilities, there are major retailers such as WinCo Foods and Home Depot on the north side of State Street that create a regional draw as well as smaller commercial uses adjacent to State Street.
- East/west connectivity in the area is limited, due to very large lots, cul-de-sacs, dead-end streets, and former aggregate mining pits that are now ponds. Future development will need to consider smaller block lengths and pedestrian and/or bicycle mid-block crossings to improve non-automobile access and circulation.

Zoning and Design:

Three jurisdictions regulate land use within the Horseshoe Bend Road station area, making it challenging to create a cohesive station area from urban form and zoning perspectives. Ideally the municipal standards would be complimentary with one another with the goal of encouraging mixed-use development. Implementing the Transit Station Overlay by all jurisdictions would provide some consistency in permitted uses and design. The following are recommendations for each jurisdiction:

- Within Garden City, implementing the Transit Station Overlay supports many of the zoning and development requirements that are already part of the City's development code. Garden City allows a mixture of uses, including multifamily, with taller maximum height allowances (up to 72 feet).

Land Uses and Urban Form:

Multistory buildings in proximity to but not immediately on State Street, create a more defined station area and sense of enclosure from the street. New landscaping softens State Street and provides shade to support a more walkable, green, and inviting setting at this gateway to Eagle. Buildings are set back slightly from State Street to allow for additional vegetation to buffer noise from the vehicular traffic on the corridor. Off-street parking is located behind buildings and away from State Street to reinforce the presence of businesses and increase visibility. In the northeast quadrant, auto dependent uses transition into mixed-use development. Existing single-family residential development along State Street incorporates cluster housing or town homes to provide more housing options. Housing and additional retail create a station area that is designed for living and working, with nearby medical services and close access to transit.

Multimodal Connections:

The future station area concept improves connectivity for all modes of travel, especially for pedestrians and transit users. Interconnected walkways will allow for a safe and direct connection between uses and destinations. While the existing land uses are maintained, the station concept creates a stronger block pattern in the northwest quadrant. The smaller grid consolidates routes for motorists and adds sidewalks, street trees and other amenities to make the area pedestrian friendly.

Station Concept:

The Horseshoe Bend Road station area will evolve as a compact and mixed-use transit neighborhood and gateway to Eagle, with walkable tree-lined streets and convenient connections to transit, the foothills, the Boise River Greenbelt, and adjacent shopping and residential neighborhoods.

<u>Garden City Transportation Needs List</u>	<ul style="list-style-type: none"> Chinden, State Street, and Glenwood create a barrier between the properties on either side of the roads that segments the City. Installing safety crossings that are comfortable and safe will perforate the barrier effect of these large busy roads. Safe and comfortable access can assist in unifying the City and assist in increasing bike and pedestrian modes of transportation for school children and the rest of public. The more that people chose to ride or walk, the more vehicle trips are decreased. Additionally, the more that residents and patrons are able and comfortable to move about the City outside of their vehicles, the more they will feel a sense of place. As part of the State Street corridor project there should be a coordinated plan that aligns the infrastructure, connections, and classifications of the local network and State Street. The intent is to have a coordinated approach to redevelopment, roadway classification and infrastructure, access management, and safety concerns. Garden City is a participant of the State Street Corridor Project. Other participants include Valley Regional Transit, Ada County Highway District, Idaho Transportation Department, COMPASS, Ada County, Capital City Development Corporation, City of Boise, and City of Eagle. This project was initiated, formally, in 2006. The agencies have agreed to be supportive of high-capacity transit along State Street. Garden City's major obligation to this is to create and implement plans and ordinances that will facilitate Transit Oriented Development Nodes at identified locations along the State Street Corridor. Garden City's Comprehensive Plan aligns with these efforts. The Specific Area Plan ordinance is a zoning classification that can be utilized for the implementation of the nodes, however, it is owner driven rather than requisite zoning.
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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:

- Intent to approve as submitted;
- Intent to approve with changes;
- Request changes and resubmittal;
- Recommend denial; or
- 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">1. The proposed design shall comply with all design standards in Garden City Code, Title 8.2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.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.4. The proposed design shall be compatible with the neighborhood in scale and intensity.5. The proposed design shall not create an adverse impact on the surrounding neighborhood.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.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	Not Determined: This will be completed in conjunction with the formal decision	TBD: This will be completed in conjunction with the formal decision

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.		
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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 construction of a new Healthcare and Social Service structure.
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. First floor facades visible from a public street shall have at minimum 15% glazing including surfaces in windows, showcases, displays, or pedestrian access elements.
3. **Rooflines exceeding fifty feet (50'), should incorporate relief to the perceived building mass by providing roofline variation. Roofline variation should be achieved using one or more of the following methods:**
 - a. Vertical offset in ridgeline;
 - b. Horizontal offset in ridgeline;
 - c. Variations in roof pitch;
 - d. Gables; and
 - e. Dormers.
4. There shall be a minimum of 4 vehicular parking spaces provided.
5. There shall be a minimum of 4 bicycle parking spaces provided.
6. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - a. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.

- i. At least 1,175 SF of landscaping shall be provided.
- b. A minimum of one class II or class III tree shall be planted in the frontage of every adjacent streetside. An additional class II or III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
 - i. The frontage of W. State St. shall have a total of 3 class II or III trees.
 - ii. The frontage of W. Carlton Bay Dr. shall have a total of 3 class II or III trees.
 - iii. Trees shall be high-and-wide branching trees, the applicant may work with Development Service's staff to determine appropriate tree species.
- c. 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.
 - i. At least 4 trees (excluding street trees) and 28 shrubs shall be provided.
- d. Plant high branching deciduous trees throughout the parking lot interior to provide shade for pedestrians, vehicles, and surfaces.
 - i. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied.
 - ii. Solid masonry or wood fencing a minimum of six feet (6') in height with landscape screening shall be provided between parking lots and residential uses.
 - iii. 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.

7. A minimum of ten feet (10') of landscaping shall be provided between State Street and the parking lot to ensure that the view from the street is minimized

8. Any future outdoor lighting will be required to be in compliance with code at the time of development.

9. 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 w. Carlton Dr., the swales shall be designed in such a way to accommodate the Garden City required Street trees.

10. 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. 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, W. Carlton Bay Dr., nor State St.
 - b. All bicycle parking shall be located so as to not prevent the sidewalk traffic from maintaining a continuous momentum.

4. 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.
5. Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility.

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
3. Provide security lightning on site or building mounted on the plaza area

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

Development Service Staff

Date