

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 - 0014

Review Status: INITIAL REVIEW- NOT APPROVED

Plan Review Number: 1

Reviewer: Hanna Veal and Wyatt King

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: September 16, 2024

Applicant: Jeff Hatch



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SITE INFORMATION

- 1. Owner:** CHINDEN BUSINESS CENTER LLC
- 2. Street Address:** 5200 W. Chinden Blvd.
- 3. Ada County Tax Parcel Number(s):** S0631233601 & S0631233600
- 4. Property Description:** PAR #3600 OF SW4NW4 OUT OF FLOOD DIST SEC 31 4N 2E #212451-S; and PAR #3601 OF NW4NW4 IN FLOOD DIST SEC 31 4N 2E #212455-S.
- 5. Legal Lot of Record:** Yes
- 6. Property Size:** 0.7 acres
- 7. Zoning District:** C-2 General commercial
- 8. Zoning Overlay:** None
- 9. Comprehensive Plan Land Use Map Designation:**
 - a) Activity Node: Neighborhood Destination
 - b) Light Industrial Bradley Technology District
 - c) Green Boulevard Corridor
- 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) Drinking establishment, limited service
 - b) Retail store
- 12. Existing Use:** Vacant
- 13. Easements on site:** there are no easements on the site
- 14. Site Access:**
 - a) Side: E. 52nd St
- 15. Sidewalks:** No sidewalk
- 16. Wetlands on site:** None identified

PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: July 11, 2024
- 3) The neighborhood meeting was held on: July 23, 2024
- 4) Site Coverage:
 - a) Building: 2,300 SF 8% of the site
 - b) Landscaping: 8,912 SF 29% of the site
 - c) Paved Areas: 19,424 63% of the site
- 5) Number of Structures: 1
- 6) Total number of vehicular parking spaces:
 - a) Surface: 18
- 7) Total number of bicycle parking:
 - a) Surface: 8
- 8) Trash Enclosure: Republic Services will pick up individual services internal to the development
- 9) Fencing: No fence
- 10) Sidewalk:
 - a) Detached proposed
- 11) Landscaping:
 - a) Street Trees: 3 trees, class I
 - b) Parameter Landscaping: trees, shrubs, planters, and gabion walls
- 12) Connections:
 - a) Closest VRT Stop:
 - ~0.3 mi W Chinden Blvd & N Kent Ln NWC
 - ~0.3 mi W Chinden Blvd & N Kent Ln SWC
 - ~0.6 mi N Glenwood St & W Chinden Blvd NEC
 - b) Greenbelt: ~0.8 mi

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District Link to Comment	08/08/2024	You will need to provide a queuing analysis for the Starbucks proposed at 5200 W Chinden Boulevard in Garden City. This type of study is typically required for all new drive-thru coffee shops and is needed to ensure that you have enough on-site storage and that vehicles are not queuing on public streets waiting to access the site.
DEQ Link to Comment	08/21/2024	General comments provided
Boise Fire Link to Comment	08/21/2024	No comments
Republic Services Link to Comment	08/14/2024	The waste truck will be unable to service at the proposed enclosure location. Republic Services recommends putting the enclosure at the entrance for service on 52nd St or swapping the enclosure for parking spaces.
Garden City Engineer Link to Comment	08/09/2024	<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.

		<ul style="list-style-type: none"> • Approval of the project by the Idaho Transportation Department and/or the Ada County Highway District will be required. • An easement for the sidewalk parallel with Chinden must be created. • Approval from the North Ada County Fire and Rescue District will be required. Should any 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. The review by the District needs to include review of locations of fire hydrants • Water and sewer service must be reviewed and approved by the city's Public Works Department. The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs. The applicant is responsible to confirm/verify that adequate sewer capacity is available and that the existing system depth is adequate to serve the site. • Compliance with the storm water ordinance and policies of the city will be required. A site grading and drainage plan will be required that is sealed, dated and signed by the design professional when construction plans are submitted. Said plan must be reviewed and approved by the city. Drainage must be maintained on-site. Please note that site grading must match existing grading along the site's perimeter. • A site geotechnical report will be required for the design of the on-site storm water system prepared and sealed, dated and signed by a qualified license professional. Said report must identify the depth to seasonal high groundwater, provide a profile of encountered soils and their infiltration rates. The report also must provide a design infiltration rate recommendation for the storm water system. The storm water design must normally provide for at least three feet of vertical separation between the bottom of the storm water facility and the seasonal high groundwater. • The landowner must enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system. The agreement must be fully executed, have conditionally approved plans attached and be recorded by the city with final plan approval. • A storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by an Idaho licensed design professional that is sealed, dated and signed will be required when construction plans are submitted. • The applicant must 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
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		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.	
Idaho Transportation Department Link to Comment	08/22/2024	<p>The Idaho Transportation Department (ITD) reviewed the referenced application(s) and has the following comments:</p> <ol style="list-style-type: none"> 1. This project abuts the State Highway System. 2. ITD respectfully requests trip generation numbers for this development to determine what mitigations, if any, the applicant may be required to construct on the State Highway System. A TIS will be required if the proposed development generates 100 or more new trips in the peak hour or 1,000 new trips in one day. Any mitigations shall be the responsibility of the applicant to install. 3. The applicant is requesting access onto US 20/26. <ul style="list-style-type: none"> a. Site plans indicate cross-access with the adjacent parcel. If so, this shared approach may serve as an exit only. Due to the change in approach use, modifications may need to take place. b. If cross-access does not exist between the two parcels, ITD requests a site plan showing all site traffic utilizing 52nd St with no access onto US 20/26. 4. ITD reserves the right to make further comments upon review of the submitted documents. 	

PUBLIC COMMENT

None provided as of the drafting of this document.

MEETING SUMMARY

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

CODE AND POLICY REVIEW

Discussion

Distance between Drive-Through Establishment

Per GCC 8-2C-13.3, "A drive-through establishment shall not be closer than five hundred feet (500'), as measured by the shortest unobstructed driving route from another drive-through establishment, except where access to the drive-through is provided by internal circulation within a commercial site and would not create an additional curb cut to the arterial roadway".

Although the code describes measurement by shortest unobstructed driving route, further discussion should be had regarding the method of measurement. Furthermore, code does not specify if the restriction applies to establishments on the same side of the road or on an opposite side of the road. Staff has measured the route between the existing Dutch Bros at 5239 W. Chinden and the proposed Starbucks location and have interpreted this measurement as being compliant with code, but only if measurements are taken as a vehicle would drive [\(Image 1\)](#). This measurement is from property edge to property edge, measurements were not taken from existing Dutch Bros access and proposed Starbucks access.

An alternative measurement route that would make the application not compliant with code would be to draw a direct line from the nearest property corners, however, staff does not believe that way of measurement meets the intent of code.

(See included map and measurements)

Excess Parking and Impervious Surfaces

GCC 8-2C-13.9 states "Impervious surfaces shall be the minimum required to provide vehicle access, drive-through lanes, parking, and pedestrian access and seating." This interpretation is in question as the application shows a surplus of parking spaces which exceeds the minimum impervious surface allowance.

As a drive-through establishment, the use only requires 2 vehicular parking spaces. However, the building is not only a drive through establishment, but also a limited service eating establishment based on its interior café/dining area (although we have not received interior floor plans from the applicant). As a 2,300sqft limited service eating establishment, the use requires 5 vehicular parking spaces.

The site proposes 18 vehicular parking spaces. Is the interpretation of the code that the impervious surface shall be the minimum *only*, or *at least*?

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

<u>Garden City Title 8 Applicable Code Sections</u>		
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 parcels of record as described
<u>8-1B-2 Nonconforming Structures</u>	No compliance issues noted	
<u>8-1B-3 Nonconforming Uses</u>	Compliant as Conditioned	Conditional Use Permit will be required
<u>8-1C-3 Property Maintenance Standards</u>	No compliance issues noted	
Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-1 Purpose		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.
<u>8-2B-2 Allowed Uses</u>	Compliant as Conditioned	Drive-Through Establishment is a conditional use. A conditional use permit will be required.
<u>8-2B-3 Form Standards</u>	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</p> <p>The minimum lot size is: N/A There are not encroachments. All improvements are more than 70' from the Boise River.</p> <p>All properties meet the minimum street frontage of 60%.</p>
8-2C	Compliant as Conditioned	<p>A drive-through establishment may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways that carry high volumes of pass-through traffic; Compliant</p> <p>A drive-through establishment use shall not be closer than five hundred feet (500') from a residence, residential zone, park, or a school unless separated by an arterial roadway; and:</p> <ul style="list-style-type: none"> a. The speaker system is located so that the sound from a speaker system is directed away from a residence, residential zone, park, or school and not audible off the site; and b. Stacking does not create an impact off site; and c. Vibration, noise, odors, etc., are not allowed off site; and d. The use does not create a negative impact to an existing or planned pedestrian corridor; and e. The use does not hinder the implementation of Garden City adopted plans or policies. <p>Compliant</p> <p>A drive-through establishment shall not be closer than five hundred feet (500'), as measured by the shortest unobstructed driving route from another</p>

drive-through establishment, except where access to the drive-through is provided by internal circulation within a commercial site and would not create an additional curb cut to the arterial roadway. **May be Compliant, See Discussion**

As a conditional of approval, the establishment shall identify the stacking lane, menu, and speaker location (if applicable), and window location for the conditional use permit application.

New drive-through windows and drive aisles shall be oriented toward the side or rear yards and not placed between the street right-of-way and the primary customer entrance. **Compliant**

Vehicle lanes shall be sited to minimize vehicle congestion, blockage, or rerouting on site and within the surrounding uses. **Compliant**

Service shall be provided to those who elect to walk or bike.

a. Service shall be available in an area that is protected from the weather and separate from vehicle stacking lanes. **Compliant**.

Adequate trash receptacles shall be provided that comply with the requirements set forth in section [8-4A-5](#), Outdoor Service And Equipment Areas, of this title. **Compliant, but Republic Services cannot service at the proposed location. See agency comment.**

All site and vehicular lane lighting shall be downshielded, screened or oriented to prevent spillage of light on any residence, residential zone, or public roadway. **Compliant**

Stacking lanes shall be screened from view of the public right-of-way, patios and pedestrian use areas with landscaping or a combination of plantings, structures, berthing, or art to a minimum height of four feet (4') where not in conflict with a necessary clear vision triangle. **Compliant**

Design review consultant(s) recommendation to the planning official, and an approval by the planning official of the building design and site layout is required prior to a planning and zoning commission public hearing.

Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:

a. A bike rack shall be provided. **Compliant**

b. Access for the pedestrian customer shall be provided facing the public right-of-way. **Compliant, pedestrian access faces E. 52nd St.**

Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:

a. A minimum of five feet (5') in width; and **Compliant**

b. Americans with Disabilities Act compliant; and **Compliant**

c. Uninterrupted by motorized vehicles. **Compliant**

If there is no other feasible alternative, the vehicular crossing of the pedestrian path or sidewalk shall be designed in a way to visibly delineate and protect the pedestrian network. This may be achieved by raising the pedestrian path or sidewalk, changes in materials, colors, landscaping, or other such treatments. Signage alerting drivers to the pedestrian crossing shall be installed. **Pedestrian crossing on Chinden and E. 52nd St. are visibly delineated through striping. Compliant**

Based on the size of the drive-through and expected patronage, stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way. **Stacking study not yet provided, TBD.**

		<p>The stacking lane shall be a separate lane from the circulation lanes needed for access and parking. Compliant</p> <p>Any stacking lane greater than one hundred feet (100') in length shall provide an escape lane. Compliant</p> <p>The design and construction of the drive-through facilities shall minimize the number of driveway cuts. Refer to the Idaho Transportation Department's comment regarding the shared access on Chinden.</p> <p>A curb cut for access to the drive-through establishment shall not be closer than fifty feet (50') from a public street intersection. Compliant</p> <p>Impervious surfaces shall be the minimum required to provide vehicle access, drive-through lanes, parking, and pedestrian access and seating. The site provides more parking spaces than what is required of the use. However, the proposed building contains more than just a drive through establishment, it also provides a sit-down café area which is the reason for providing additional parking spaces. See discussion.</p> <p>Directional signs shall be provided that indicate the entrance, exit and one-way path of drive-through lanes. Compliant</p> <p>A seating area either indoor or outdoor with temporary or permanent shelter, sufficient for a minimum of ten (10) people shall be provided. Floor plans were not submitted, staff is unable to determine interior seating provided. Sufficient seating provided outdoors. Compliant</p> <p>A minimum of one (1) outdoor trash receptacle shall be provided. Not listed on provided site/landscape plans, TBD.</p> <p>A restroom shall be provided for patrons. Floor plans not provided, TBD.</p> <p>To reduce vehicle emissions, signage shall be provided advising drivers to reduce vehicle idling. Compliant</p> <p>Employees shall collect on-site and off-site litter generated by customers at least once per business day. Conditioned.</p> <p>Service shall be provided to those who elect to walk or bike at all hours that the drive-through is in operation. Conditioned.</p>
Title 8, Chapter 4: Design and Development Regulations		
<u>8-4A-3 Fences and Walls</u>	Not Compliant	<p>Fences within the front yard setback shall be a maximum of 3.5' or fences greater than three and one-half feet (3.5') shall be set back to be flush or behind the building frontage.</p> <p>The site plan shows a 4'-6" high Gabion wall within the front setback along W. Chinden Blvd. This is not code compliant. The fence is too tall.</p> <p>Gabion wall detailed in submittals is to be constructed with concrete, crushed stone, wire cage, rock, pressure treated wood posts, and vinyl covering/caps over the posts.</p> <p>Raised planter beds are proposed along the Chinden frontage. The planters are 2'6" tall with proposed shrubs like lavender English laurel and white flower carpet rose.</p>

		The intent of both these features is to help screen headlight pollution from the drive-through stacking lane, and to create a more comfortable patio space.
<u>8-4A-4 Outdoor Lighting</u>	No compliance issues noted	No compliance issues
<u>8-4A-5 Outdoor Service and Equipment Areas</u>	Compliant as Conditioned	<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>The proposed trash enclosure materials are not disclosed. Renderings show it as a CMU brick enclosure to screen the dumpster. The trash enclosure is visible from E. 52nd St. However, Republic Services cannot service the dumpster at its current location.</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>Idaho power transformers and other utility boxes will require screening either via fencing or a mix of evergreen and deciduous landscaping per the Idaho Power regulations.</p>
<u>8-4A-7 Stormwater Systems</u>	Compliant as Conditioned	<p>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 as per subsection 8-4I-4A. If stormwater swales are required by ACHD along E. 52nd St. they shall be designed to accommodate the required street trees per code.</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>
<u>8-4A-8 Utilities</u>	Compliant as Conditioned	Conditions have been drafted 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 at the site.
<u>8-4C-3 Design Provisions for Nonresidential Structures</u>	May not be 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> <p>The maximum front setback is fifteen feet (15') from curb edge for a minimum of sixty percent (60%) of the length of the street frontage. The street setback may be increased when a plaza is provided with a minimum area of five hundred (500) square feet and meets the criteria for public space as set forth in 8-4C-4C.</p> <ul style="list-style-type: none"> - A plaza has been provided; however, the square footage is not shown on plans. - Sixty percent (60%) of the street frontage along the front setback should be occupied by a structure or a plaza. 108' of the 180' frontage area is occupied by the structure and plaza which is equal to 60%.

		<p>First floor facades visible from a public street should include surfaces in windows, showcases, displays, or pedestrian access elements at 15% or greater of the façade.</p> <ul style="list-style-type: none"> - The south elevation faces W. Chinden Blvd and appears to provide at least 15% glazing and pedestrian elements. However, percentages are not given on the schematics. - The east elevation facing E. 52nd St. appears to provide glazing and pedestrian elements at 15% or more. Calculations were not provided. <p><i>Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.</i></p> <p>All parking lots should be located to the side and rear of the building fronting the street. A parking lot may be located between a building and a street when the visual effect of the parking lot has been mitigated.</p> <ul style="list-style-type: none"> - The site design demonstrates that the parking lot is well integrated with the overall site design and pedestrian connections and amenities have been provided that compensate for the parking lot location. - Once site plans are corrected to reflect the required parking lot and site landscaping, the surface lot will have a softer appearance. <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <p>Discouraged Materials: Metal siding</p> <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees, and water.</i></p> <p><i>Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community.</i></p> <p>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.</p> <ul style="list-style-type: none"> - The building is oriented towards W. Chinden and the plaza provided along the Chinden frontage. <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <ul style="list-style-type: none"> - The streetscape along E. 52nd St. does not appear to be compliant with ACHD landscape buffer width requirements. - The City and ITD have a streetscape agreement in place requiring 7' wide detached sidewalks and 7' wide furniture/planting zoning. - Coordination with ACHD and ITD will be required.
8-4C-4 Special Provisions for Specific Non residential Development	Not Determined	<p>The building's eastern and western façade and roofline are longer than 50'.</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>Terminal views within the site should be provided for landscaping, landmarks, or significant site features. The current site design shows the trash enclosure as a portion of the terminal view; however, this location is not viable for pick up services by Republic Services which will result in a change of site plans and terminal views.</p> <p>Conditions have been drafted to ensure the plaza amenities are provided throughout the duration of the use.</p> <p>Conditions have been drafted to ensure the proposed mural meets code standards such as:</p> <ul style="list-style-type: none"> - The content of the mural is consistent with the architectural, geographical, sociocultural, and historical context of the city. - The surface material is resistant to vandalism and weather. 										
<u>8-4C-5 Prohibitions</u>	No compliance issues noted	There does not appear to be any prohibited materials or designs as proposed.										
8-4D Parking and Off-Street Loading Provisions.												
<u>8-4D-3 Parking Design and Improvement Standards</u>	Not Compliant	<p>Vehicle parking:</p> <table border="1" data-bbox="628 792 1460 1003"> <caption>Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</caption> <thead> <tr> <th>Parking Angle</th> <th>Stall Width</th> <th>Stall Depth</th> <th>Length Per Car</th> <th>Driveway Width* Must also meet fire requirements</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> </tbody> </table> <p>Parking Provided: <u>16 regular parking spaces</u> Stall Width: 9' Stall Length: 20'</p> <p><u>1 Handicap parking space</u> Stall width and depth unknown Accessible spaces shall be designed in accordance with current adopted building codes and current Americans With Disabilities Act (ADA) guidelines.</p> <p><u>1 Compact parking space</u> Stall width and depth unknown Required Width: 7'6" Required Length: 7'6"</p> <p>The parking lot driveway width meets the minimum 22' width.</p> <p>Surface parking lots shall not be located within forty feet (40') of an intersection. Compliant.</p> <p>Bike parking facilities do not meet the code requirements. 1' wide by 3' tall shadow sun rack surface mounts are proposed. Code requires that bike parking spaces shall be a minimum of 6' long by 2' wide. And within 50' of the building's entrances.</p>	Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements	90°	9'0"	20'0"	9'0"	22'0"
Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements								
90°	9'0"	20'0"	9'0"	22'0"								
<u>8-4D-4 Parking Use Standards</u>	No compliance issues noted											

		<p>8-4D-5 Required Number of Off-Street Parking Spaces</p> <p>No compliance issues noted</p> <p>A Drive-through establishment use requires 1 vehicular space per every 1,000 gross square feet. Gross square feet of building = 2,300 sqft Required spaces = 2 Spaces provided = 18</p> <p>Drive-through establishments require 1 bicycle parking space per 500 square feet. Required spaces = 5 Spaces provided = 8</p> <p>The site does contain an internal sit-down dining area that would be better classified as an eating establishment limited services use. This would be considered a high parking use which requires 1 vehicular parking space per 500 gross square footage of building. Required spaces: 5 Provided: 18</p> <p>A maximum of thirty percent (30%) of the required parking spaces can be compact. With the minimum spaces required for the drive-through use only 1 or the required 2 parking spaces may be compact. Of the 5 required parking spaces for an eating establishment limited services use, 2 are allowed to be compact.</p> <p>7 vehicular parking spaces are required, 3 of which can be compact. Any of the 11 surplus parking spaces can be compact or regular spaces.</p> <p>The site provides adequate parking and might even be considered overparked.</p>
<p>8-4D-6 Standards for Equivalent Parking Adjustments</p>	<p>No compliance issues noted</p>	<p>Equivalent parking was not requested.</p>
<p>8-4D-7 Off Street Loading Standards</p>	<p>Not Determined</p>	<p>Loading zone not identified on plans.</p> <p>All spaces shall have fourteen feet (14') of vertical clearance.</p> <p>Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.</p> <p>Access shall conform to the clear vision requirements and the vehicle and pedestrian circulation standards.</p> <p>Except for an alley, loading areas shall be designed so vehicles shall not back out into the street or project into the public right-of-way or setback area.</p> <p>Loading zones may not impede bicycle lanes, multiuse paths, sidewalks, or motor vehicular travel on public roads.</p> <p>Convenient access to loading spaces shall be provided with not less than fifteen feet (15') in width.</p>
<p>8-4E Transportation and Connectivity Provisions</p>		
<p>8-4E-3 Public Street Connections</p>	<p>May not be compliant</p>	<p>All developments shall have approved access to a public street, in conformance with the provisions of the transportation authority.</p>

		<p>Access management controls, such as shared access, and/or access in variance with that specified by the transportation authority may be recommended by the city for the purpose of protecting the function, safety, and functionality of the street.</p> <p>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. The clear vision triangle was not depicted on the submitted plans. It is possible that the Gabion wall and raised planter beds at the southwest corner could be within the clear vision triangle of the proposed exit lane.</p> <p>No fences higher than three feet (3') from the lowest adjacent street grade are permitted in the clear vision triangle. This requirement is more strict than the 3.5' height maximum of GCC 8-4A as discussed previously in this report.</p> <p>The clear vision triangle conflict may be altered due to ITD's comments regarding the shared access onto Chinden. ITD requires that the shared access be limited to an exit only.</p>
<u>8-4E-4 Internal Circulation Standards</u>	No compliance issues noted	The driveway in the site plan has a minimum width of 20'.
<u>8-4E-6 Sidewalk Standards</u>	Not Compliant	<p>A 5' wide detached sidewalk and at least 8' wide landscape buffer between the ROW and sidewalk is required. The landscape buffer is where the required Class II or III street trees shall be planted. Site plans do not show the width of the proposed landscape buffer, nor do they show the required street trees per GCC 8-4I.</p> <p>The City and ITD have an agreement in place regarding the streetscape improvements on the northern side of W. Chinden Blvd. between 46th St. and Glenwood. This agreement states that:</p> <ul style="list-style-type: none"> - Furniture/ Planting Zone to be 5-7' minimum including 18" curbing. It is unclear how wide the planting zone proposed is. - Minor encroachments are acceptable provided that 5' remains clear for pedestrian travel. - Trees to be planted at an average of 50' or less to meet GCC 8-4I requirements. - Class II/ III trees are required. Two trees along the frontage are not identified. - Trees are to be in tree grates, or they may be in a landscape strip if irrigation and maintenance do not encroach into the vehicular travel lane.
<u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u>	No compliance issues noted	
<u>8-4E-8 Transit Facilities</u>	No compliance issues noted	Parcel not adjacent to an existing or planned bus stop or transit station.
<u>8-4G Sustainable Development Provisions</u>	No compliance issues noted	The development is required to provide 12 points. The documentation provided indicates that 14 points have been provided.
<u>8-4H Flood Hazard</u>	No compliance issues noted	This project is 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).

		This project is outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
8-4I Landscaping and Tree Protection Provisions <u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u>	Not Compliant	<p>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. Compliant</p> <p>Required landscaped areas do not appear to show compliance. There is a note on the landscape plan stating this requirement, and a condition has been drafted for code compliance. Some of the landscaped areas are identified as "Landscape" ground cover, but it is unclear what that consists of. More information is required.</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.</p> <p>Trees Required: 3</p> <p>Landscape plan references (6) class I Amur Maple trees, (5) class I Staghorn Sumac trees, and (4) class II Turkish Filbert trees to be planted.</p>
<u>8-4I-4 Landscaping Provisions for Specific Uses</u>	Not Compliant	<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>Site Area: 30,636sqft</p> <p>Required Landscaping: 1,531sqft</p> <p>Provided Landscaping: 8,912sqft</p> <p>The landscape calculations include setback and perimeter landscaped areas. These areas cannot be included in the calculation. Clarification needed.</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 II or III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>Required E. 52nd St. (170LF): 1 Frontage + 3 Street Trees</p> <p>Provided: 0 (Deficient 4 trees)</p> <p>Required W. Chinden (180LF): 1 Frontage + 4 Street Trees</p> <p>Provided: 3 (Deficient 2 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>Landscape Provided: 8,912sqft</p> <p>Trees required: 9 Provided</p> <p>Shrubs required: 60 Provided</p>
<u>8-4I-5 Perimeter Landscaping Provisions</u>	No compliance issues noted	Not required.
<u>8-4I-6 Parking Lot Landscaping Provisions</u>	Not Compliant	Edge treatments along streets and other public spaces shall visually screen parked vehicles, but not completely obstruct views into and out of the parking lot for the purpose of supporting pedestrian safety and security. Compliant

		<p>Plant high branching deciduous trees throughout the parking lot interior to provide shade for pedestrians, vehicles, and surfaces.</p> <p>a. Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied. Compliant</p> <p>b. Internal shade trees shall be planted such that no parking space is more than one hundred feet (100') from a tree. Compliant</p> <p>Include landscaped islands with at least one tree at the beginning and end of each parking row and break up longer rows or highlight special features. Not compliant. The parking row to the south lacks trees on both ends of the row.</p>
<u>8-4I-7 Tree Preservation Provisions</u>	Compliant as Conditioned	<p>Mitigation shall be required for all existing trees four-inch (4") caliper or greater that are removed or damaged from the site.</p> <p>Tree species for proposed removed trees are not listed in submittal documents. Applicant claims tree health will be determined by licensed arborist and "those that are healthy will be mitigated for."</p>
Title 8, Chapter 6, Article A: Administration		
<u>8-6A-3 General Application Process</u>	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<u>8-6A-4 Required Application Information</u>	N/A	<p>Application waivers requested pursuant to 8-6A-4A:</p> <ul style="list-style-type: none"> - Grading Plan - Topo Survey - ADA County Approved Addresses
<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 Planning Official's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
<u>Garden City Comprehensive Plan</u>	<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. 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</p>

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:

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:

- Adams and 50th Streets intersection to the Boise River
- Adams and 42nd street intersection to the Boise River.
- East city boundary to 36th street between the Boise River and Chinden Boulevard
- Glenwood and Marigold Streets intersection
- Chinden Boulevard and Garrett Street intersection
- Chinden Boulevard and 50th Street intersection
- State Street and Pierce Park Transit Oriented Development Nodes
- Chinden Boulevard and Glenwood Street intersection
- Chinden Boulevard and Veterans Parkway intersection
- State Street and Horseshoe Bend Road
- State Street and Glenwood Street

2. 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 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.

3. LIGHT INDUSTRIAL BRADLEY TECHNOLOGY DISTRICT: 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.

The application may be supported by:

Goal 2. Improve the City Image

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

	<ul style="list-style-type: none"> 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> 4.1 Objective: Beautify and landscape. 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.. <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> 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. <p><u>The application may not be supported by:</u></p> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> 7.3 Objective: Protect neighborhoods from through traffic.
Garden City Sidewalk Policy	Waiver is not requested. Sidewalks are proposed.
Garden City Street Light Policy	A streetlight is not located within 400' of the property. A condition has been drafted to require the installation of a streetlight in accordance with the policy.
Chinden- ITD Access Management Chinden Corridor Access Map	<p>ITD has recommended removal of the existing W. Chinden access upon redevelopment. The plan also recommends removal of the shared access on the adjacent property, this is highlighted due to the application's proposal to utilize this shared access.</p> <p>ITD has provided comments noting that they will require a limitation of access to W. Chinden in the form of an exit only.</p>

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	Not Determined: This will be completed in conjunction with the formal decision	TBD: This will be completed in conjunction with the formal decision

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

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.

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 structure associated with a drive-through establishment.
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. 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. 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 every adjacent streetside. 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 W. Chinden Blvd. shall have a total of 5 class II or III trees.
 - ii. The Frontage of E. 52nd Street shall have a total of 4 class II or III trees.
 - iii. Trees shall be planted adjacent to E. 52nd Street within the landscape buffer to meet street tree requirements of Garden City Code 8-4I.
- 4. Any future outdoor lighting will be required to be in compliance with code at the time of development.
- 5. 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 E. 52nd 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 the 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 8' landscape or furniture zone.
 - v. Improvements may be made within the right-of-way provided a landscape license agreement or other approval from Ada County Highway District.
- 6. 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 52nd Street, the swales shall be designed in such a way to accommodate the Garden City required Street trees.
- 7. All vehicle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3.
- 8. A cross-access agreement shall be recorded between the application property (5200 W. Chinden, Parcel(s) S0631233600 & S0631233601), and the adjacent parcel being used for shared access (5226 W. Chinden, Parcel S0631223241).
- 9. The shared approach located at 5226 W. Chinden shall be modified to only serve as an exit only approach per the Idaho Transportation Department's comments.
- 10. If shared access is not granted, or if site modifications are not made to accommodate the exit only curb cut, then site access shall be limited to E. 52nd Street.

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 the Garden City Development Services Department.
3. A conditional use permit shall be obtained.
 - a. The application shall identify the stacking lane, menu and speaker location and window location on the conditional use permit application.
4. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along E. 52nd Street.

5. **Bicycle Parking:**
 - b. There shall be a minimum of 5 bicycle parking spaces provided.
 - c. Bicycle parking shall be provided consistent with GCC 8-4D-3 design standards:
 - i. Be a minimum space six feet (6') long by two feet (2') wide.
 - ii. On-site spaces shall be located within fifty feet (50') of the building entrance(s).
 - d. 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, E. 52nd Street or W. Chinden Blvd.
 - e. All bicycle parking shall be located so as to not prevent the sidewalk traffic from maintaining a continuous momentum.
6. 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.
 - f. Utility boxes and transformers will also require screening. Coordination with Idaho Power will be required.

Site Specific Requirements for the Duration of the Use:

1. The proposed mural shall meet and follow all standards of GCC 8-4C:
 - a. The content of the mural is consistent with the architectural, geographical, sociocultural, and historical context of the city.
 - b. The location is on the rear, side, or alley side of the building.
 - c. The size of a mural may be limited based on the location, building and context.
 - d. The surface material is resistant to vandalism and weather.
2. The plaza shall have weatherproof site furniture, and at least one (1) distributed trash container(s) around the plaza.
3. Service shall be provided to those who elect to walk or bike throughout the entire year. Service shall be available in an area that is protected from the weather and separate from vehicle stacking lanes.
4. All site and vehicular lane lighting shall be downshielded, screened or oriented to prevent spillage of light on any residence, residential zone, or public roadway.
5. Directional signs shall be provided that indicate the entrance, exit and one-way path of drive-through lanes.
6. A seating area, either indoor or outdoor with temporary or permanent shelter, sufficient for a minimum of ten (10) people shall be provided throughout the duration of the use.
7. A restroom shall be provided for patrons.
8. To reduce vehicle emissions, signage shall be provided advising drivers to reduce vehicle idling.
9. Employees shall collect on-site and off-site litter generated by customers at least once per business day.
10. Service shall be provided to those who elect to walk or bike at all hours that the drive-through is in operation.

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. 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.
24. 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.
25. 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.
26. 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.
27. Occupying the site prior to Certificate of Occupancy is a criminal offense.
28. 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.
29. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
30. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code .
31. 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

IMAGES

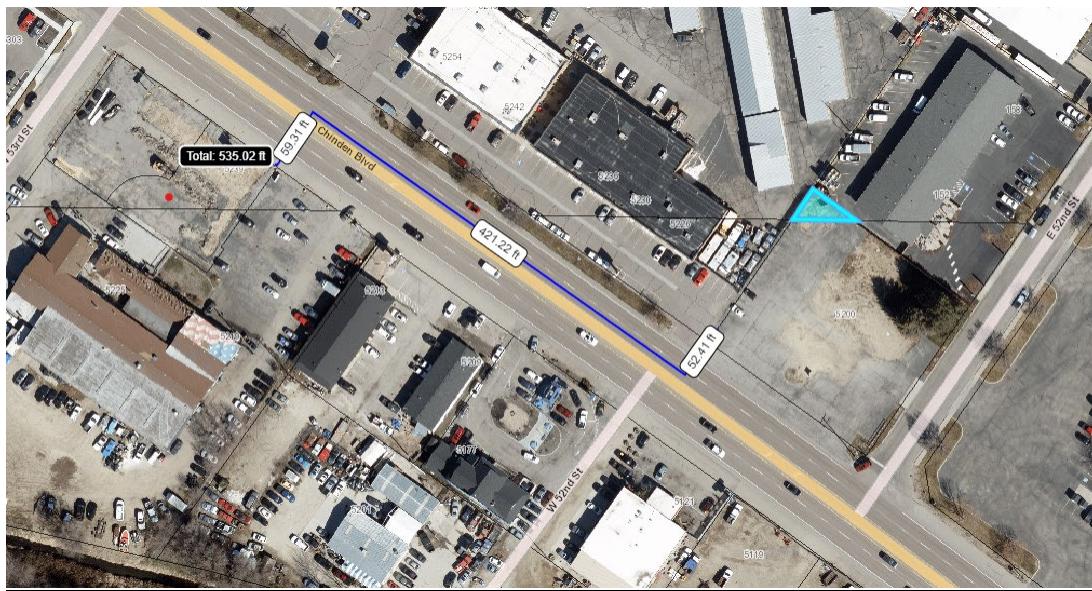


Figure 1: Measurement between Dutch Bros property and proposed Starbucks location.