

## DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street □ Garden City, Idaho 83714  
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## DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2024 - 0016

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

**Plan Review Number: 1**

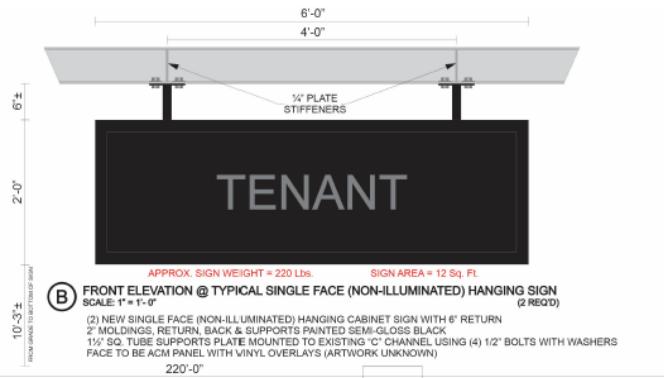
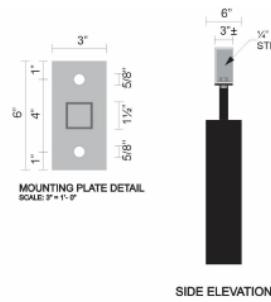
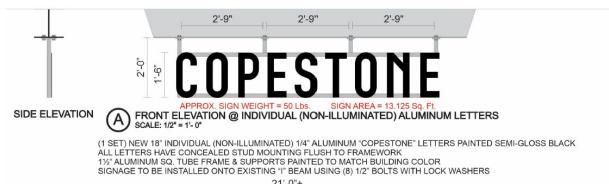
**Reviewer: Hanna Veal and Mariia Antonova**

**Design Consultant: Brett Labrie**

**Design Consultant: Derek Hurd**

**Date: September 26, 2024**

**Applicant: Andrew Sirokman**



## REPORT CONTENT

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## SITE INFORMATION

- 1) Owner: PARKWAY HOLDING LLC
- 2) Street Address: 408 E 43<sup>rd</sup> Street
- 3) Ada County Tax Parcel Number(s): R2734521585
- 4) Property Description: LOTS 2-3 BLK 18 FAIRVIEW ACRES SUB #3 & LOTS 1-4 TAMERIS SUB PARCEL A ROS #12926 #1583C R8315000015C R8315000025C R8315000035C R8315000045C
- 5) Legal Lot of Record: Yes
- 6) Property Size: 2.08 acres
- 7) Zoning District: R-3 Medium density residential
- 8) Zoning Overlay: Neighborhood Commercial Node
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Main Street Corridor
  - b) Mixed Use Residential
  - c) Activity Node: Neighborhood Destination
- 10) The project is in the:
  - a) 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
  - b) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11) Adjacent Uses:
  - a) Dwelling unit, single family detached
  - b) Manufactured/mobile home park
- 12) Existing Use: Mixed use development (*under construction*)
- 13) Easements on site:
  - a) EASEMENTS: TAMERIS SUB PLAT; 200900054; 5' UTILITY EASEMENT
  - b) EASEMENTS: FAIRVIEW ACRES SUB 03 PLAT; 200600047; UTILITY, DRAINAGE, IRRIGATION EASEMENT
  - c) EASEMENTS: FAIRVIEW ACRES SUB 03 PLAT; 200600047; UTILITY, DRAINAGE, IRRIGATION EASEMENT
  - d) EASEMENTS: UNPLATTED 7984; 200900062; ROW
- 14) Site Access:
  - a) Side: N Adams and E. 43<sup>rd</sup> Street
- 15) Sidewalks: Attached proposed
- 16) Wetlands on site: None identified

## PROJECT INFORMATION

- 1) Proposed development: Master sign plan associated with new construction of mixed-use development
- 2) Noticing was completed on: August 30, 2024
- 3) The neighborhood meeting was held on: September 18, 2024
- 4) Associated Design Review: DSRFY2020 - 14
- 5) Number of Structures: 2 (parking garage and residential units)
  - a) 2 commercial spaces
  - b) 70 residential units
- 6) Connections:
  - a) Closest VRT Stop: ~0.2 mi; N Veterans Memorial Pkwy & N Adams St NWC
  - b) Greenbelt: ~0.3 mi

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Garden City Engineer <a href="#">Link to Comment</a>	08/30/2024	No comments

## PUBLIC COMMENT

The following public comments were provided: None provided as of the drafting of this document.

# MEETING SUMMARY

## CODE AND POLICY REVIEW

### Discussion

The purpose of this master sign permit application was to complete a condition of approval for DSRFY2020-14.

The purpose of the master sign program is to encourage the integration of signs into the site and building design of new commercial development. Through this integration, the intent is to allow flexibility in the criteria as set forth in sections [8-4F-11](#) and [8-4F-12](#) of Garden City Code and promote improved quality of design. An approved master sign plan may grant relief to one or more provisions of Garden City base sign code standards however, certain standards shall be met by the master sign plan in order to be approved, please refer to the below staff analysis for further discussion of 8-4F-13.

### Sign District 1 restrictions

The applicant proposes to install four signs, one facing Adams Street, two facing 43rd Street, and one facing the internal driveway. The signs along Adams Street are in Sign District 2 (SD2). The remaining signs are in Sign District 1 (SD1).

Channel Letter signs and Cabinet Signs are not allowed in SD1. However, the applicant proposes a common design element including materials, color, letter style, and sign style that could be considered as Distinctive Materials/Design Signs, which are allowed in SD1.

The size of Distinctive Materials/Design Signs cannot exceed 8 SF. In this application, the "Parking" sign is 13.65 square feet, and the "Tenant" signs are 12 square feet.

According to the Garden City Code section [8-4F-13](#): Master Sign Program, the Master Plan allows some flexibility in the criteria as outlined in sections [8-4F-11](#) and [8-4F-12](#) of the Garden City Code. But, where the master sign plan may conflict with this code, this code will supersede the applicant's master sign plan unless specifically conditioned in approval by the reviewing board in conformity with subsection C5 of code.

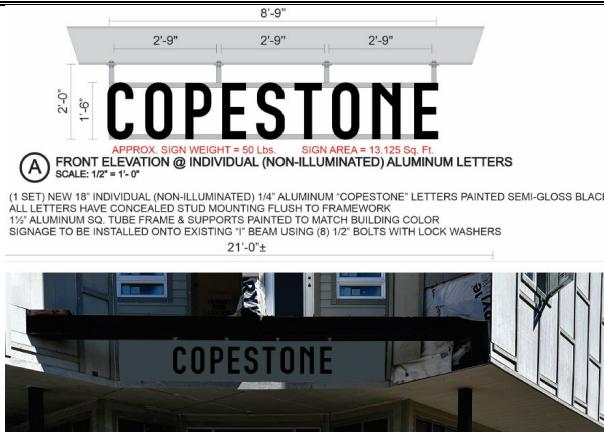
The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

<b>Garden City Title 8 Applicable Code Sections</b>		
Code Section	Compliance	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>		
<a href="#">8-1A-4 Applicability</a>		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
<a href="#">8-1B-1 Nonconforming Properties</a>	No compliance issues noted	Legal parcel of record as described
<a href="#">8-1B-2 Nonconforming Structures</a>	No compliance issues noted	The structure under construction is associated with DSRFY2020-14. DSRFY2020-14 was reviewed, and conditions were made to ensure that the application met code standards at the time of approval and development.

<a href="#"><u>8-1B-3 Nonconforming Uses</u></a>	No compliance issues noted	
<a href="#"><u>8-1C-3 Property Maintenance Standards</u></a>	No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>		
8-2B-1 Purpose		The purpose of the four (4) residential districts is to provide a full range of housing products within the city in areas that are exclusively for residential uses.
<a href="#"><u>8-2B-2 Allowed Uses</u></a>	No compliance issues noted	<p>This review does not entitle a use, but rather a master sign plan. However, the master sign plan is associated with a previous permit (DSRFY2020-14) which included the request for multifamily dwelling units, which was and continues to be a permitted use. It also included the request for commercial tenants spaces, not specific to a particular use at the time. The non-residential components have not been identified, and this application does not request anything pertaining to the use, only signs.</p> <p>Any commercial tenant to occupy a space shall receive the necessary permits prior to occupancy.</p>
<a href="#"><u>8-2B-3 Form Standards</u></a>	No compliance issues noted	<p>The required setbacks are:</p> <p>Front: 5'/20'</p> <p>Interior Side: 0'/5'</p> <p>Rear: 15'</p> <p>Street side: 5'</p> <p>The allowable maximum height is: n /a</p> <p>The minimum lot size is: n/a</p> <p>There are not encroachments</p> <p>All properties meet the minimum street frontage.</p>
<b>8-4F Sign Provisions</b>		
<a href="#"><u>8-4F-2 Definition</u></a>	No compliance issues noted	<p><b>Channel Letter Sign:</b> A wall sign consisting of individual letters, numbers or symbols mounted directly on the face of the building or on a raceway that is mounted to the face of the building</p> <p><b>Hanging Sign:</b> A sign that is suspended above a pedestrian walkway, attached to the building wall, or overhang typically oriented perpendicular to the building face to which the sign is attached.</p> <p><b>Wall Sign:</b> A sign which is attached to or painted on the exterior wall of a building with the display surface approximately parallel to the building wall.</p>
<a href="#"><u>8-4F-7 Sign District Base Provision</u></a>	No compliance issues noted	<p><b>Sign District 1 (SD1):</b></p> <p>The purpose of the SD1 is to maintain the areas that the comprehensive plan designates as areas that should be maintained residential in nature, while still allowing the properties whose base zoning or overlay zoning allows commercial uses to utilize signs to identify a business or service without disrupting the intended character of the area.</p> <p>SD1 is located south of the river east of 36th Street to the easterly city limits, north of Adams to the river from Remington Street to 36th Street, north of the</p>

		<p>river east of Glenwood Street to the city limits, west of Glenwood Street south of the river to Bransetter Road and north of the river to Horseshoe Bend Road.</p> <p><u>SD1 does not include frontage on</u> State Street, Glenwood Street, Marigold Street, Garrett Street, Bransetter Road, Chinden Boulevard, 36th Street, Adams Street or Remington Street.</p> <p><b>Sign District 2 (SD2):</b> The purpose of the SD2 is to allow for corridors to be treated as a commercial corridor where there may be conflicting adjacent districts. Specifically, frontage on the following streets is designated as SD2:</p> <ul style="list-style-type: none"> <li>• 36th Street/Adams/Allworth Street and</li> <li>• Marigold Street/Garrett Street.</li> </ul>
<a href="#"><u>8-4F-10</u></a> <a href="#"><u>General</u></a> <a href="#"><u>Regulations</u></a>	Compliant as Conditioned	<p>The following types of signs are necessary to ensure the public health and safety. The following provisions are required in all zoning districts and are uniform in all sign districts:</p> <p><u>Building Code:</u> Signs shall be built, constructed and erected in conformance with the requirements of the building code as adopted by title 7 of Garden City code.</p> <p><u>Electrical Code:</u> All wiring, fittings, and material used in the construction, connection, and the operation of electrically illuminated signs shall be in accordance with the provisions of title 7 of Garden City code.</p> <p><u>Fire Safety Access:</u> Signs shall not be erected in any manner which interferes with free passage from or obstructs a fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air in accordance with the provisions of title 7 of Garden City code.</p> <p><u>Maintenance:</u> All signs shall be continually maintained in a state of good appearance, safety and repair throughout their life. All signs shall be plainly marked with the name of the person responsible for maintenance of the sign. Should any sign become structurally unsafe, damaged, broken, rusted or a safety hazard, the person responsible for the sign maintenance, upon written notification by the city, shall be required to return the sign to a safe condition or remove the sign.</p> <p><u>Raceway:</u> Any visible raceway must be painted or otherwise designed to match or blend in with the color of the wall to which it is attached.</p> <p><u>Residential Frontage:</u> Unless the sign is the only sign on premises, no signs shall be placed so as to front on an existing residential use; such signs utilized for businesses open to the public during hours of darkness shall turn off lighting to the signage at the close of business each evening. The lights shall remain off except during the operations of business hours.</p> <p><u>Setbacks:</u> Signs must comply with the clear vision triangle set forth in section 8-4E-3 of this chapter; and comply with the setbacks required within the adopted street sections. For the purpose of this article the clear vision triangle shall also pertain to any driveway or drive aisle located within a development site.</p> <p><u>Trees:</u> Signs must be placed so as to not interfere with existing or future growth of trees.</p>
<a href="#"><u>8-4F-11</u></a> <a href="#"><u>Regulations for</u></a>	Not Compliant	<b>SD1:</b>

<u>Specific Sign Districts</u>		<ol style="list-style-type: none"> <li>1. Maximum number of signs shall be limited to one per building face. This number does not include exempt signs. <b>Sign "C" does not face a street frontage, but is the only sign along the western façade. This is compliant. Signs "B" front E. 43<sup>rd</sup> St., there are two along the E. 43<sup>rd</sup> Street. Not compliant.</b></li> <li>2. The sign must be a distinctive materials sign. <b>Sign "C" could be considered a distinctive sign due to it being a metal formed sign specifically stating "Parking". Signs "B" are not considered a distinctive sign. Not Compliant.</b></li> <li>3. Illumination on all signs erected after the passing of this article must be external illumination. <b>Signs "B" and "C" are not internally illuminated.</b></li> <li>4. Businesses must turn off lighting to signs that are internally illuminated or not fully shielded at ten o'clock (10:00) P.M. or close of business, whichever is later. <b>N/A</b></li> <li>5. Lighting may be further limited to ensure compatibility with adjacent residential uses.</li> </ol> <p><b>SD2:</b></p> <ol style="list-style-type: none"> <li>1. Maximum number of wall signs shall be limited to one per unit for each face not to exceed a sign area of greater than ten percent (10%) of the face. This number does not include exempt signs. <b>There are no wall signs proposed along the SD2 area of this building. Sign "C" is a wall sign, but is within SD1. Sign "A" stating "Copestone" is a hanging sign that is only 13.125sqft in size along a 756sqft partial east and south elevation face. Compliant.</b></li> <li>2. Illumination on all signs erected after the passing of this article must be external illumination. <b>Sign "A" is externally illuminated.</b></li> <li>3. Businesses must turn off lighting to signs that are internally illuminated or not fully shielded at ten o'clock (10:00) P.M. or close of business, whichever is later. <b>N/A</b></li> <li>4. Lighting may be further limited to ensure compatibility with surrounding adjacent residential uses.</li> </ol>
<u>8-4F-12: Regulations for Specific Sign Categories</u>	Not Compliant	<p><b>Hanging Signs</b></p> <p><b>Sign District: 2</b></p> <p>Location Standard: Allowed in all sign districts</p> <p>Projection: The sign shall not project more than 5' from the face of the building or 2' from the curb, whichever is greater.</p> <p>Size per GCC Table 8-4F-2: Distinctive materials/design sign</p> <p>    Allowed: 40 SF</p> <p>    Proposed: 13.125 SF</p> <p>Percentage of building face of all signage: 1.7 %</p> <p>Combined square footage of wall signs on building face: 13.125 SF</p> <p>Compliant with subsection H2a: Yes</p> <p>Projection less than 2': Yes</p> <p>Attached to or suspended from awnings, canopies or marquees: N</p> <p>Backlit translucent: No</p> <p>Eight foot (8') vertical clearance from the sidewalk or adjacent grade: Yes</p> <p>Illumination Type: None</p> <p>Materials: <math>\frac{1}{4}</math>" aluminum letters painted black</p>



### Sign District: 1

Eight foot (8') vertical clearance from the sidewalk or adjacent grade: Yes  
 Projection is no more than 30" from face of building: Yes

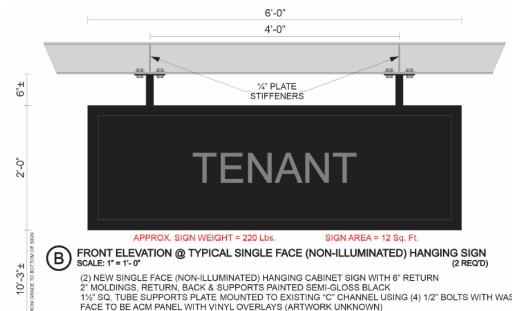
Size per GCC Table 8-4F-2:

**Allowed: Cabinet signs are not allowed in SD1**

Proposed: 12 SF per each

Illumination Type: None

Materials: Cabinet



### Wall Signs

#### Sign District: 1

Location Standard: placed on an external wall visible from the common driveway

Clear Public Entrance: Yes

Size per GCC Table 8-4F-3:

**Allowed: Distinctive Materials/Design Sign up to 8SF**

Proposed: Distinctive Material/Design sign **at 13.65 SF**

Percentage of building face of all signage: 0.6 %

Combined square footage of wall signs on building face: 13.65 SF

Compliant with subsection H2a: Yes

Projection less than 2': Yes

Attached to or suspended from awnings, canopies or marquees: N

Backlit translucent: No

Eight foot (8') vertical clearance from the sidewalk or adjacent grade: Yes

Illumination Type: None

Materials: Channel letter



<a href="#">8-4F-13 Master Sign Program</a>	Not Determined	<p><b>The Design Review Consultant's shall determine if the proposed master sign plan meets the standards of a master sign plan, thus allowing for sign district code standards.</b></p> <p>Purpose: The purpose of the master sign program is to encourage the integration of signs into the site and building design of new commercial and mixed use development. <b>Through this integration, the intent is to allow flexibility in the criteria as set forth in sections 8-4F-11 and 8-4F-12 of code and promote improved quality of design.</b></p> <p><u>Standards:</u></p> <ol style="list-style-type: none"> <li>1. Signs shall incorporate materials, colors and design that are compatible with and complement the scale and design of the building for which the sign identifies.</li> <li>2. Multiple signs on the same parcel shall reflect common design elements including materials, color, letter style, illumination, sign type and sign style.</li> <li>3. Sign height and placement of similar sign types shall be consistent throughout the development site.</li> <li>4. Sign size, height or placement shall not impede pedestrian patterns.</li> <li><b>5. Signs that exceed the standards set forth in sections 8-4F-11 and 8-4F-12 of this article shall demonstrate superior quality, creativity, or artistry and integration with the buildings and site.</b></li> <li>6. For wall signs on buildings with attached units, the building as a whole shall be used rather than the individual units in determining frontage. The total sign area of all wall signs on all units will be calculated from this frontage.</li> <li>7. After approval of a master sign program, no signs shall be constructed except in conformance with such plan. Upon approval, the sign program shall apply to all existing and future tenants.</li> <li>8. Where the master sign plan may conflict with this code, this code will supersede the applicant's master sign plan unless specifically conditioned in approval by the reviewing board in conformity with subsection C5 of this section.</li> </ol>
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#### **Title 8, Chapter 6, Article A: Administration**

<a href="#">8-6A-3 General Application Process</a>	Compliant	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.
<a href="#">8-6A-4 Required Application Information</a>	N/A	

<a href="#"><u>8-6A-5 Administrative Process with Notice</u></a>	Compliant	<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>
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Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Previous entitlement that might affect this project	DSRFY2020-14
<a href="#"><u>Garden City Comprehensive Plan</u></a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.</p> <ol style="list-style-type: none"> <li><b>MIXED USE RESIDENTIAL:</b> The mixed-use residential area is north of Adams/ Alworth Street. This designation allows for residential and commercial uses in a form and scale that is residential in character and design. A mix of residential; small scale office and retail; and public and semi-public uses are appropriate in this district. Regulations for this area should focus on form more than use, with a maximum height of two stories.</li> <li><b>MAIN STREET CORRIDOR:</b> Create a “Main Street” corridor as a principle street with a mix and concentration of uses along Adams/ Alworth Street with a possible alignment through a redeveloped Idaho Expo site connecting with the Activity Node at Glenwood and Marigold Streets. The corridor should have activity nodes along the street that connect the main street to the arterial roadways and/or the Boise River. The activity nodes should be limited so as to not dilute their function as a center. The focus of development should be on minimum front yard setbacks, parking on the street and behind buildings, and pedestrian amenities. The center of the activity nodes on the Main Street corridor should be integrated vertically with more height at the principle main street intersection of the node.</li> <li><b>ACTIVITY NODE:</b> 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</li> </ol>

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:

- c) Adams and 50th Streets intersection to the Boise River
- d) Adams and 42nd street intersection to the Boise River.
- e) East city boundary to 36th street between the Boise River and Chinden Boulevard
- f) Glenwood and Marigold Streets intersection
- g) Chinden Boulevard and Garrett Street intersection
- h) Chinden Boulevard and 50th Street intersection
- i) State Street and Pierce Park Transit Oriented Development Nodes
- j) Chinden Boulevard and Glenwood Street intersection
- k) Chinden Boulevard and Veterans Parkway intersection
- l) State Street and Horseshoe Bend Road
- m) State Street and Glenwood 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.
- 1.4 Objective: Create a premier destination place to live, work, and recreate.

***Goal 2. Improve the City Image***

- 2.1 Objective: Encourage new and distinctive neighborhoods.
- 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.
- 2.3 Objective: Promote quality design and architecturally interesting buildings.
- 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 6. Diversity in Housing***

- 6.1 Objective: Eliminate and upgrade substandard housing.
- 6.2 Objective: Continue to be a leader and set an example for the region in creating a diversity of housing.
- 6.3 Objective: Maintain the diversity of housing.

***Goal 7. Connect the City***

- 7.1 Objective: Create pedestrian and bicycle friendly connections.
- 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.

***Goal 9. Develop a Sustainable City***

- 9.1 Objective: Protect the aquifer.
- 9.2 Objective: Protect riparian and flood way areas.

***Goal 10. Plan for Future***

	<ul style="list-style-type: none"> <li>• 10.5 Objective: Create a “Main Street” corridor with commercial nodes as designated on the Land Use Map and described in the Land Use Designation.</li> </ul> <p><b><i>Goal 12. Evolve as a Destination</i></b></p> <ul style="list-style-type: none"> <li>• 12.1 Objective: Support a positive business environment</li> <li>• 12.2 Objective: Continue to support commercial and industrial land uses.</li> <li>• 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</li> </ul>
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## DECISION PROCESS

### **General Provisions**

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

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

### **Decision**

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

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

Once the decision is rendered it will be sent to the applicant and interested parties. If the determination is a recommendation for a public hearing or if a person with standing objects, a hearing with City Council 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
<p>1. The proposed design shall comply with all design standards in Garden City Code, Title 8.</p> <p>2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.</p> <p>3. The proposed design shall be compatible with or improve the public's use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise river and waterways, canals, and other surface irrigation.</p> <p>4. The proposed design shall be compatible with the neighborhood in scale and intensity.</p> <p>5. The proposed design shall not create an adverse impact on the surrounding neighborhood.</p> <p>6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood.</p> <p>7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions; and</p> <p>8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.</p>	<p>Not Determined: This will be completed in conjunction with the formal decision</p>	<p>TBD: This will be completed in conjunction with the formal decision</p>

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. This is an approval of a master sign plan for the property located at 408 E. 43rd Street.
2. Where the master sign plan may conflict with code, code will supersede the applicant's master sign plan unless specifically conditioned in approval. Signs approved as a part of the master sign plan include:
  - a. "A" "COPESTONE" sign as proposed;
  - b. "B" Tenant Signage as proposed and as described within the master sign plan;
  - c. "C" "Parking" sign as proposed.

### Site Specific Requirements for the Duration of the Use.

1. Illumination on all signs erected after the passing of this article must be external illumination.
2. Businesses must turn off lighting to signs that are internally illuminated or not fully shielded at ten o'clock (10:00) P.M. or close of business, whichever is later.
3. All lighting installed on site shall be compliant with "Dark Sky" regulations to control light pollution including glare, light trespass and skylight.
4. A sign permit is required for each of the "Tenant" signs identified as sign "B" on submitted plans.
  - a. A sign permit will be required each time a "Tenant" sign is changed throughout the duration of the sign's existence.
5. A sign inspection is required.
6. An electrical permit may be required. Contact Idaho Division of Building Safety for more information.
7. Sign height and placement of similar sign types shall be consistent throughout the development site.
8. Sign size, height or placement shall not impede pedestrian patterns.
9. Signs shall incorporate materials, colors and design that are compatible with and complement the scale and design of the building for which the sign identifies.
10. After approval of a master sign program, no signs shall be constructed except in conformance with such plan. Upon approval, the sign program shall apply to all existing and future tenants.
11. Any amendments to or deviations from the master sign plan will require review and approval through the city's permitting process at the time of amendment or deviation.

### **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.

TBD

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Development Service Staff

Date