



## DEVELOPMENT SERVICES DEPARTMENT

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# DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2024 - 0019

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

**Plan Review Number: 1**

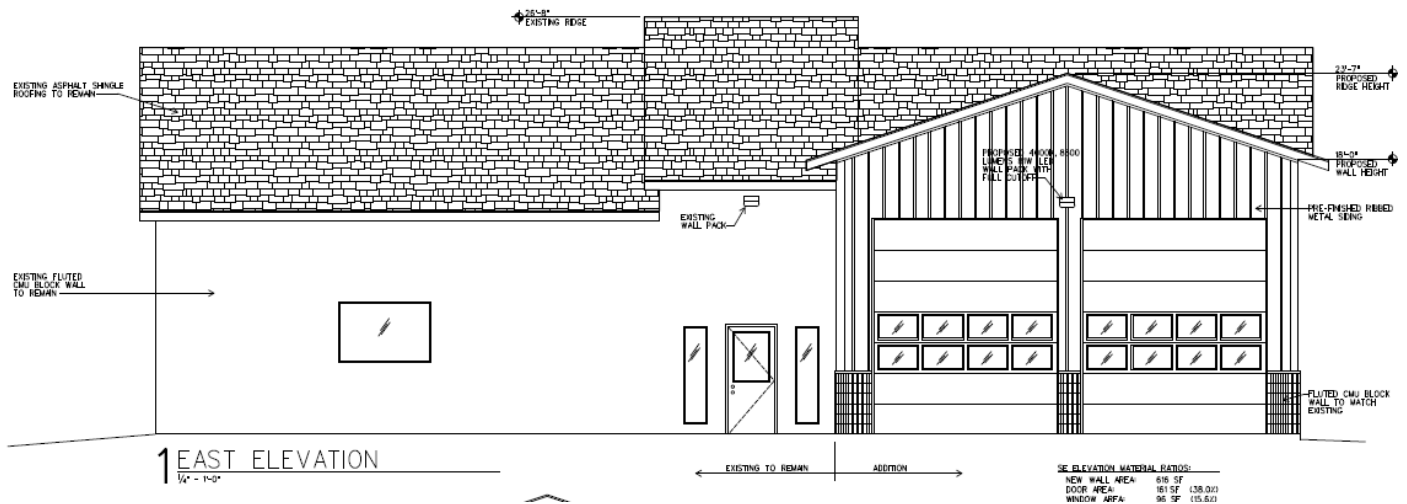
**Reviewer:** Hanna Veal and Mariia Antonova

**Design Consultant:** Brett Labrie

**Design Consultant:** Derek Hurd

**Date:** November 4, 2024

**Applicant:** Janson Tomlinson



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## SITE INFORMATION

- 1) Owner: WELTON STUART
- 2) Street Address: 112 W 35th Street
- 3) Ada County Tax Parcel Number(s): R2734530070
- 4) Property Description: LOTS 6 & 7 BLK L FAIRVIEW ACRES SUB NO 4
- 5) Legal Lot of Record: Yes
- 6) Property Size: 0.340 acres
- 7) Zoning District: C-2 General commercial
- 8) Zoning Overlay: Neighborhood Commercial Node
- 9) Comprehensive Plan Land Use Map Designation:
  - a) Live-Work-Create
  - b) Neighborhood Node: Transit Oriented Development
- 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) Professional Service
  - b) Food products, processing
  - c) Vehicle service
- 12) Existing Use: Vehicle Body Shop and Vehicle service
- 13) Easements on site :
  - a) FAIRVIEW ACRES SUB 04 PLAT; 200600048; UTILITY, DRAINAGE, IRRIGATION EASEMENT
  - b) FAIRVIEW ACRES SUB 04 PLAT; 200600048; UTILITY, DRAINAGE, IRRIGATION EASEMENT
- 14) Site Access:
  - a) Front: 35<sup>th</sup> Street
- 15) Sidewalks: Sidewalks are installed and are in good repair
- 16) Wetlands on site: None identified

## PROJECT INFORMATION

- 1) Proposed development: Addition
- 2) Noticing was completed on: **TBD**
- 3) The neighborhood meeting was held on: **TBD**
- 4) Site Coverage:
  - a) Building: 5,595 SF, 38% of the site
  - b) Landscaping: **Unknown**
  - c) Paved Areas: 7,802 SF, 53% of the site
- 5) Square footage dedicated to uses: Vehicle Service
- 6) Number of Structures: 1
- 7) Total number of vehicular parking spaces:
  - a) Surface: 9 (*The applicant indicated on the site plan the existing parking as 10 parking spaces. Based on Google Maps it is shown as 9.*)
- 8) Total number of bicycle parking: None
- 9) Trash Enclosure: The refuse will be individual services and picked up from the street;
- 10) Fencing: 5' high chain link, 5' high wood fence
- 11) Sidewalk: existing attached
- 12) Landscaping:
  - a) Street Trees: none
  - b) Parameter Landscaping: planter
- 13) Connections:
  - a) Closest VRT Stop: ~0.1 W Chinden Blvd & W 35th St SEC
  - b) Greenbelt: ~0.4

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Republic Services <a href="#">Link to Comment</a>	10/09/2024	Looks like they currently wheel trash carts out for service at this property. We are fine with this if there are no changes to trash service.
ACHD <a href="#">Link to Comment</a>	10/14/2024	The Ada County Highway District (ACHD) has reviewed the submitted application for the application referenced above and has determined that there are no improvements required to the adjacent street(s).
Boise Fire <a href="#">Link to Comment</a>	10/22/2024	The Boise Fire Department has reviewed and can approve the application subject to compliance with all the following code requirements and conditions of approval. Any deviation from this plan is subject to Fire Department approval. Please note that unless stated otherwise, this memo represents the requirements of the International Fire Code (IFC) as adopted and amended by the North Ada County Fire District.
DEQ <a href="#">Link to Comment</a>	10/23/2024	General Comments provided.
City Engineer <a href="#">Link to Comment</a>	10/28/2024	Any approval of the project should be conditioned upon successfully addressing items presented in this review.  General comments regarding Erosion and Sediment Control, Fire District Approval, Ada County Highway

		<p>District approval, water and sewer connections, site grading and drainage plans, site geotechnical report, stormwater operation and management agreement and maintenance manual, and FEMA flood maps.</p> <p>The site is comprised to two lots within Fairview Acres Subdivision No. 4. A parcel consolidation survey may be required.</p>
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**PUBLIC COMMENT**

There were no public comments submitted as of the drafting of this report.

## MEETING SUMMARY

There have been no previous consultations on this project.

## CODE AND POLICY REVIEW

### Discussion

This application is for a structural addition for an existing vehicle service business located at 112 W. 35th Street. The proposal intends to construct an additional 1,095 sqft building to an existing 4500 sf building. The existing use is a diesel truck repair shop, and the proposed expansion would be to expand the shop area with no change in use.

### **Landscaping and Comprehensive plan**

The applicant proposes constructing an additional attached building that constitutes less than 25% of the gross floor area of the existing structure. Therefore, additional landscaping is not required. However, the applicant indicated that the planter area occupies 1,603 square feet of the lot. According to rough calculations from the Assessor website, the planter area occupies less than 1,603 square feet. It is unknown whether the square footage of setback landscaping on the northwest side of the lot is included in these calculations.



Garden City's records do not show any previously approved conditional use permits or design review applications, however, there is a previously approved building permit from [1990](#) that which shows two trees within the landscape planter at the corner of 35th and Brown.

Although additional landscaping is not required as part of this application per code section 8-4I-2, the site must remain in compliance with previously approved permits. From the analysis of code section 8-1C-3, it can be noted that the existing landscape is in a poor state of maintenance, and that the two trees have since been removed from the site. Any site incompliance or deficiencies could become a code enforcement case.

As this application is for the expansion of an existing non-conforming use (vehicle repair), there will be a requirement to obtain a conditional use permit prior to the construction of the structural addition. As a conditional use permit, the existing landscaping will be reviewed for compliance with Garden City Code 8-4I.

## Parking

From the analysis of section 8-4D of the code, it can be noted that the calculation of changes to the site in percentages is different from the calculations in 8-4I and is based not on the gross site area but on the tax assessed value. Therefore, this application may potentially require changes to the parking lot to comply with section 8-4D of the city code. The applicant will need to know the cost of the proposed changes that will be made to the lot. This way, it can be determined whether the changes are significant or not.

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>		
<b>Code Section</b>	<b>Compliance</b>	<b>Analysis/ Discussion</b>
<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>	Compliant as Conditioned	<p>Legal parcels of record as described.</p> <p>The tax parcel is described as Lots 6 &amp; 7 of Fairview Acres Sub. No. 4. It appears that the existing structure was constructed over the lot line between Lots 6 &amp; 7, which makes the structure an existing nonconforming structure.</p> <p>Existing nonconforming structures may continue to be occupied, enlarged, repaired, or modified so long as the proposed addition conforms to the current requirements of Garden City Code. The submitted site plan does not show the lot line between Lots 6 &amp; 7 which bisects the parcel into two equally 150' x 50' sized lots with the lot line spanning from east to west. (See Image Section). Staff is unable to determine if the addition meets setback requirements of GCC 8-2B based on lack of this necessary information.</p> <p>A lot line consolidation application will be required for the construction of the addition. A condition of approval has been drafted.</p>
<a href="#">8-1B-2 Nonconforming Structures</a>	Compliant as Conditioned	See above comments of GCC 8-1B-1.
<a href="#">8-1B-3 Nonconforming Uses</a>	Compliant as Conditioned	A Conditional Use Permit will be required for the expansion of the legal nonconforming use (Vehicle Repair).
<a href="#">8-1C-3 Property Maintenance Standards</a>	Compliant as Conditioned	<p>Site photos were not included as part of the application. The following comments are based on Google Streetview images taken in August of 2023. The current site conditions might be different, however, as a general condition of approval the site shall be brought into compliance with the provisions set forth in this section of code. Failure to do so could result in a code enforcement case.</p> <p>Per 8-1C-2, this section applies to all existing residential and non-residential buildings, structures, and lands.</p>

		<p>All land visible from the public right-of-way, including exterior premises and vacant land, whether improved or unimproved, and exterior areas under any roof not enclosed by the walls, doors, or windows of any building, shall be maintained free from the following:</p> <p><b>1. Any accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, or waste material, including, but not limited to:</b></p> <p>According to Google Maps images, there is an accumulation of trash between 113 West 36th Street and 112 West 35th Street (see Figure 2). <b>Not Compliant</b></p> <p>Any landscaping on site or adjacent right-of-way to edge of pavement that is visible from public property which is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; uncultivated plants, weeds, tall grass, tumbleweeds, uncultivated shrubs or growth (whether growing or otherwise) higher than six inches (6"); or any dead trees and branches, bushes, shrubs, or portions thereof; or trees that harbor insect or rodent infestations, or may become a fire hazard, or result in a condition which threatens the health and safety of adjacent property owners or occupants.</p> <p>According to Google Maps images, weeds are growing between 113 West 36th Street and 112 West 35th Street, as well as on the corner and northeast portion of the 112 West 35th Street property (see Figures 2, 3 and 4). <b>Not Compliant</b></p>
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>		
<a href="#">8-2B-1 Purpose</a>		The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district. Activities which are more compatible with mixed use or residential uses and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.
<a href="#">8-2B-2 Allowed Uses</a>	Compliant as Conditioned	Vehicle Service is conditional use.
<a href="#">8-2B-3 Form Standards</a>	Compliant as Conditioned	<p>The required setbacks are:  Front: 5'  Interior Side: 5'  Rear: 5'  Street side: 5'</p> <p>The existing building appears to meet the minimum 5' front and side setback standards required in the C-2 zoning district. There is a pre-existing nonconforming structure as discussed in the GCC 8-1B section review. A lot line consolidation will rectify the issue.</p> <p>The allowable maximum height is: n/a  The minimum lot size is: n/a  There are no encroachments  All improvements are more than 70' from the Boise River.</p>
<a href="#">8-2C-41 Vehicle Service</a>	Compliant as Conditioned	<p>Minimum Site Area: The use shall have a minimum site area of fifteen thousand (15,000) square feet. <b>0.34 acres = 14,810 SF</b></p> <p><b>The site has been used for vehicle services/repair since it was legally constructed in 1990. As such, this is an existing legal nonconforming</b></p>



**use and structure which may be expanded in intensity or degree of use, enlarged, or extended, so long as a conditional use permit is approved by the Planning and Zoning Commission.**

Site Layout:

1. All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within a structure.
2. Any spray booth must be approved by the fire authority and building official.
3. All parts, inventory and vehicles waiting to be repaired shall be kept inside an entirely enclosed building or hidden behind a privacy fence or other visual barrier as set forth in section 8-2C-37, Storage Facility Or Yard, of this article.
4. All new structures constructed for vehicle/equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights-of-way.
5. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure.

Limitations:

1. No servicing of trucks in excess of one and one-half (1-1/2) ton capacity or industrial equipment of any type or character shall be allowed in the commercial district without a conditional use permit.
2. All vehicle/equipment repair uses and related activities shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.
3. Damaged or wrecked vehicles shall not be stored on site for purposes other than repair.
4. All vehicles that are repaired and are waiting to be picked up by the owner of the vehicle shall be parked on site and not in adjoining streets or alleys.
5. All discarded vehicle parts or equipment, permanently disabled, dismantled, or junked vehicles, or tires shall be removed from the premises within thirty (30) days of arrival.

Site Maintenance: All paved and unpaved areas shall be maintained grease and oil free.

**Title 8, Chapter 4: Design and Development Regulations**

**8-4A-3 Fences and Walls**

Compliant as Conditioned

The use of barbed wire, razor wire, boxes, sheet metal, old or decayed wood, broken masonry blocks, chain link, chain link with slats, or other like unsightly materials for fencing shall be prohibited.

There is an existing 5' high wooden fence adjacent to the western property boundary which is visible from the public right-of-way. It is unclear what condition the fence is in. If it is decayed or broken wood, it should be replaced and meet the standards set forth in GCC 8-1C. **A condition has been drafted to ensure the fence is maintained in conformance with 8-1C.**

		<p>There is also an existing 5' high chain-link fence on the property along the northwest property boundary. Chain link fencing is prohibited. Legal nonconforming fences may remain so as long as there are no significant improvements to the site or specifically conditioned in a conditional use permit. <b>Removal or replacement of the chain link fence will be required as part of the associated conditional use permit conditions of approval or if the addition qualifies as a significant improvement (see staff analysis in section 8-4D regarding significant improvements).</b></p>
<a href="#">8-4A-4 Outdoor Lighting</a>	Compliant as Conditioned	<p>This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development.</p>
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	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>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><b>The existing HVAC equipment is located between the properties at 113 West 36th Street and 112 West 35th Street and is not visible from the right-of-way.</b></p> <p><b>Any future outdoor service equipment area associated with the addition will be required to be in compliance with code at the time of development.</b></p>
<a href="#">8-4A-7 Stormwater Systems</a>	Compliant as Conditioned	<p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7 and all other stormwater policies.</p> <p>Standards:</p>
<a href="#">8-4A-8 Utilities</a>	Compliant as Conditioned	<p>All utilities for a new structure shall be installed underground. For the purposes of this section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services.</p> <p>It appears that the existing structure is connected to overhead utility poles (Image 4). The applicant has not provided construction drawings identifying the undergrounding of utilities. All utilities for the addition will be required to be underground.</p>
<a href="#">8-4A-9 Waterways</a>	No compliance issues noted	<p>There does not appear to be Boise River irrigation facilities at the site.</p> <p><b>According to GIS information, an open ditch runs along the northeastern and northwestern borders of the site. The submitted site plans do not show the existing ditch locations, as such it appears that the application does not propose to modify the existing conditions. Please note that any irrigation facilities on site shall be left open and any alterations will need to be approved by the irrigation company as well as the City. The city has not received an agency comment from the irrigation company as of the drafting of this report.</b></p>

<a href="#">8-4C-3 Design Provisions for Nonresidential Structures</a>	No compliance issues noted	<p>This article sets forth provisions that apply to development in the general commercial (C-2) zoning districts, and/or any nonresidential development in any zoning district. The provisions apply to the various forms of development including new construction, and major and minor alterations.</p> <p>New Construction: For any new construction, the requirements of this article shall apply to all parts of the building and lot.</p> <p>Structural Addition: For any structural addition that adds more than twenty five percent (25%) increase in gross floor area of the existing building, all of the building shall be brought into conformance with the requirements of this article.</p> <p><b>The structural addition increases the existing building's gross floor area by 24%. As such, the addition is subject to GCC 8-4C requirements, but not the entire structure.</b></p> <p><b>First Floor Facades:</b> First floor facades visible from a public street should consist of at least 15% windows, showcases, displays, or pedestrian access elements. The percentage calculations were provided for both the east and south facing facades of the new addition, window areas account for more than 15% on both facades. Compliant.</p> <p><b>There does not appear to be any pedestrian pathways within the site connecting the public sidewalk to the primary entrance of the building. Pedestrian pathways should be designed to provide a direct connection between the main building entrance and the public sidewalk. Direct, convenient, and attractive pedestrian pathways should be provided that are clearly marked and connect all portions of the site. This will also be required as part of GCC 8-4E-7.</b></p> <p><b>Discouraged Materials:</b> Metal siding and cinderblock. The addition proposes pre-finished metal siding and fluted CMU block wall to match the existing structure.</p>
<a href="#">8-4C-4 Special Provisions for Specific Non residential Development</a>	Not Applicable	
<a href="#">8-4C-5 Prohibitions</a>	No compliance issues noted	There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.
<b>8-4D Parking and Off Street Loading Provisions.</b>		
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	May not be compliant	<p>The design standards as set forth in section 8-4D-3 <u>shall apply to any new construction, significant improvement, and as required by a conditional use permit.</u></p> <p><b>Per GCC 8-7A Definitions,</b> A “<u>significant improvement</u>” is any repair, reconstruction or improvement to property the cost of which equals or exceeds twenty five percent (25%) of the tax assessed value either before the improvement or repair is started. For the purpose of this definition, significant improvement is the value of all combined improvements within a five (5) year time frame.</p> <p><b>According to the Ada County Assessor, the assessed value of this property is \$718,700. The value of all combined improvements within a five (5) year time frame is unknown. Information required.</b></p>

If the addition qualifies as a significant improvement, then this section shall be applicable to this application. Otherwise, the standards set forth in this section will otherwise be reviewed during the conditional use permit process.

**Vehicle parking:**

Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS				
Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements
Standard				
90°	9'0"	20'0"	9'0"	22'0"

**Compliant Parking Provided:**

9 regular parking spaces\*

Stall Width: 9'

Length per car: 20'

*\* The applicant indicated on the site plan the existing parking as 10 parking spaces. Based on Google Maps and submitted site plans, there are only 9.*

ADA parking is not provided. A pedestrian route that is compliant with current Americans with Disabilities Act (ADA) standards must be provided from the parking area to each primary entrance; **Not Provided. Can be reviewed during the building permit review. A condition has been drafted.**

The property has two driveways that are over 22 feet (based on approximate measurements from the Assessor website).

Surface parking lots shall not be located within forty feet (40') of an intersection; **The project site is a corner lot property and parking is located in close proximity to the intersection. Measurements not provided; however the parking lot does not appear to be compliant with this standard.**

[8-4D-4 Parking Use Standards](#)

No compliance issues noted

Number Of Spaces: No use shall provide less than the minimum spaces required.

Use Of Property; Phased Projects: The use of any property is conditional upon the unqualified continuance and availability of the parking as required by this code.

Equivalent Facilities: No required parking area or space provided, as required by this article, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities approved by the city are provided.

[8-4D-5 Required Number of Off-Street Parking Spaces](#)

May not be compliant

**If section 8-4D is determined to be applicable, then the calculations and requirements below shall apply.**

Vehicle Service is considered a medium use, which requires 1 motor vehicle parking space per 1000 sqft of building.

The minimum number of bicycle parking spaces is 1 per 1000 sqft.

**Vehicle parking space required:**  $5,595 \text{ SF} / 1000 = 6$

**Bicycle parking space required:**  $5,595 \text{ SF} / 1000 = 6$

**Total vehicle parking spaces provided: 9**

**Total bicycle parking spaces provided: 0**

<a href="#">8-4D-6 Standards for Equivalent Parking Adjustments</a>	No compliance issues noted	Equivalent parking was not requested.
<a href="#">8-4D-7 Off Street Loading Standards</a>	No compliance issues noted	Off Street Loading was not proposed.
<b>8-4E Transportation and Connectivity Provisions</b>		
<a href="#">8-4E-3 Public Street Connections</a>	Compliant as Conditioned	This article provides design standards that shall apply <u>to any new construction, addition, expansion, grading, alteration, or any new or more intense use of property.</u>  All streets and driveways shall adhere to the standards of a clear vision triangle. <b>It needs to be indicated on the site plan.</b>
<a href="#">8-4E-4 Internal Circulation Standards</a>	No compliance issues noted	The drive is 20' or greater in width
<a href="#">8-4E-6 Sidewalk Standards</a>	No compliance issues noted	There are existing attached sidewalks that are to remain.
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	Not Applicable	All new nonresidential development shall provide for pedestrian accessibility.
<b>8-4F Sign Provisions</b>		
<a href="#">8-4F-13 Master Sign Program</a>	No compliance issues noted	Signage is not approved with this application. A separate application and review would be required if new signage is intended.
<a href="#">8-4G Sustainable Development Provisions</a>	Not Applicable	Not required as the new addition is less than 5,001sqft.
<a href="#">8-4H Flood Hazard</a>	Compliant as Conditioned	The planning official is the decision maker on items regarding 8-4H.  The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.
<b>8-4I Landscaping and Tree Protection Provisions</b>		
<a href="#">8-4I-2 Applicability</a>	Not Applicable	No additional landscaping shall be required for additions less than twenty five percent (25%) of the gross floor area of the existing structure or developed area.
<a href="#">8-4I-3 General Landscaping Standards and</a>	No compliance issues noted	The applicant proposes to construct an additional attached building that is less than 25% of the gross floor area of the existing structure or developed area. Therefore, additional landscaping is not required.

<a href="#">Irrigation Provisions</a>		As mentioned in the discussion, any landscaping approved through previous permits should be in compliance with those approvals and maintained throughout the duration of the use.
<b>Title 8, Chapter 6, Article A: Administration</b>		
<a href="#">8-6A-3 General Application Process</a>	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.
<a href="#">8-6A-4 Required Application Information</a>		Application waivers requested pursuant to 8-6A-4A - Lighting Plan - Will Serve Letter - Grading Plan - Topographic Survey
<a href="#">8-6A-5 Administrative Process with Notice</a>	No compliance issues noted	A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.  If no objections are filed within 15 days, the Design Review Consultant's recommendation and the Planning Official's decision shall be considered final.  Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.  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.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Previous entitlement that might affect this project	BUSFY2023-0040
<a href="#">Garden City Comprehensive Plan</a>	<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>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> <li><b>LIVE-WORK-CREATE:</b> The live-work-create district is in the Old Town Site generally between 32nd to 37th Streets with a possible expansion, based on further study. This designation reflects an opportunity to create an Arts District within the city where artists, crafts persons, or others can live, work, exhibit and operate a business. A mix of uses, including residential, retail, office and small scale industrial are appropriate for this area. Regulation should be primarily through form not uses, including maintaining the existing subdivision pattern of small lots, and limiting the maximum building footprint or square footage of a building in relation to lot size. Large scale development that consolidates lots and allows for larger scale industrial or commercial uses should be restricted.</li> </ol>

2. **ACTIVITY NODE:** Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Activity Nodes by type shown on the Land Use Map are as follows: 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

The application may be supported by:

**Goal 2. Improve the City Image**

- 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.

**Goal 12. Evolve as a Destination**

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

The application may not be supported by:

**Goal 2. Improve the City Image**

- 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 7. Connect the City**

- 7.1 Objective: Create pedestrian and bicycle friendly connections.

	<b>Goal 9. Develop a Sustainable City</b> <ul style="list-style-type: none"> <li>9.3 Objective: Promote and recognize green building construction.</li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	The existing attached sidewalk is to remain.
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along W. 35 <sup>th</sup> Street in accordance with the policy.
<a href="#">Garden City Transportation Needs List</a>	<b>Brown: 36th-41st</b> Construct Brown as a local street with minimal right-of-way/asphalt from 36th Street to 41st.

## 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
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<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>
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The Planning Official reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application **TBD** the standards of approval under **GCC 8-6B-3 Design Review**.

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

#### CONDITIONS OF APPROVAL

##### Site Specific Requirements:

Scope of this permit:

1. The scope of this permit is to allow for the structural addition to an existing building.
2. The building permits must be in conformance with the approved plans. Staff may approve minor changes to the approvals so if they are compliant with Garden City Code including:
  - a. Substitutions of plant species, if there is no reduction in landscaping and the species are comparable in height and width. Substitutions of trees must be of the same or larger tree classification and be comparable or larger in tree canopy and height.
  - b. Less than 5% of rearrangement of elevations or building façade materials if there is no reduction in building modulation, fenestration, or glazing.
  - c. Less than 5% of rearrangement of site.

Prior to Building Permit:

1. A conditional use permit shall be obtained for the expansion of the vehicle services use.
2. A lot line consolidation shall be approved by the city and recorded with the County.
3. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
4. The ability to serve shall be provided.
5. Any future outdoor lighting will be required to be in compliance with code at the time of development.
6. All utilities for a new structure shall be installed underground.
7. 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.
8. HVAC equipment, trash dumpsters, recycling, trash compaction, and other service functions including power transformers and utility vaults, 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
9. All stormwater systems shall comply with Garden City Code 8-4A-7 and all other stormwater policies.
10. A direct, convenient, and attractive pedestrian pathway shall be provided that is clearly marked and connects the main building entrance and the public sidewalk.

Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. A building permit including fire and environmental review shall be applied for and approved by Garden City Development Services Department.

Site Specific Requirements for the Duration of the Use:

1. All fences shall be structurally sound, safe and uniform in color, structure and design and not constitute a hazard, blight, or be in a condition of disrepair per Garden City Code 8-1C Property Maintenance Provisions.
2. All hydraulic hoists and pits, and all equipment for greasing, lubrication, and allowed repairs shall be enclosed entirely within a structure.
3. Any spray booth must be approved by the fire authority and building official.

4. All parts, inventory and vehicles waiting to be repaired shall be kept inside an entirely enclosed building or hidden behind a privacy fence or other visual barrier as set forth in section 8-2C-37, Storage Facility Or Yard, of this article.
5. All new structures constructed for vehicle/equipment repair shall be constructed so that the entrances to individual workstation/service bays do not face abutting residential parcels or the public rights-of-way.
6. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure.
7. No servicing of trucks in excess of one and one-half (1-1/2) ton capacity or industrial equipment of any type or character shall be allowed in the commercial district without a conditional use permit.
8. All vehicle/equipment repair uses and related activities shall be limited to between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Saturday.
9. Damaged or wrecked vehicles shall not be stored on site for purposes other than repair.
10. All vehicles that are repaired and are waiting to be picked up by the owner of the vehicle shall be parked on site and not in adjoining streets or alleys.
11. All discarded vehicle parts or equipment, permanently disabled, dismantled, or junked vehicles, or tires shall be removed from the premises within thirty (30) days of arrival.
12. All paved and unpaved areas shall be maintained grease and oil free.

**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 service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
22. All stormwater systems must comply with Garden City Code 8-4A-7.
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

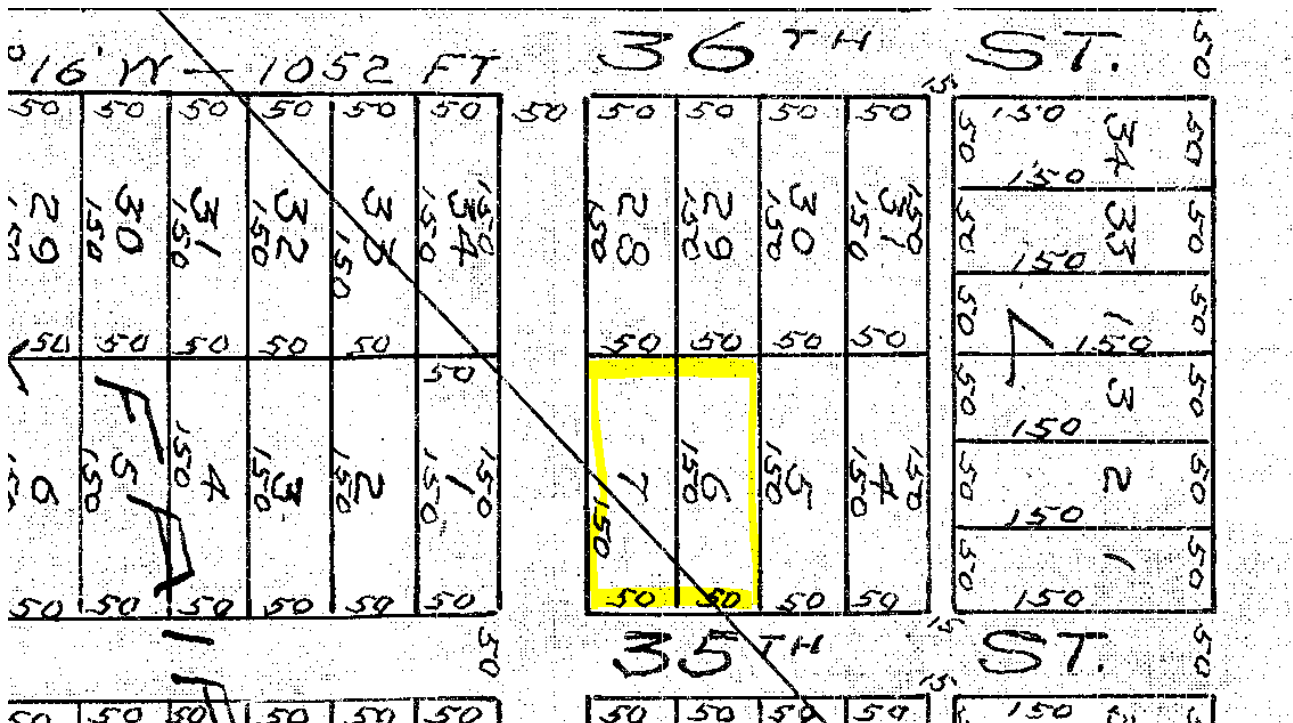


Figure 1: Lots 6 & 7 of Fairview Acres Sub. No. 4





Figure 2



Figure 3



Figure 4