

DEVELOPMENT SERVICES DEPARTMENT

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DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2024 - 0005

Review Status: INITIAL REVIEW- NOT APPROVED

Plan Review Number: 1

Reviewer:

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: December 2, 2024

Applicant: Nathan Talbott

REPORT CONTENT

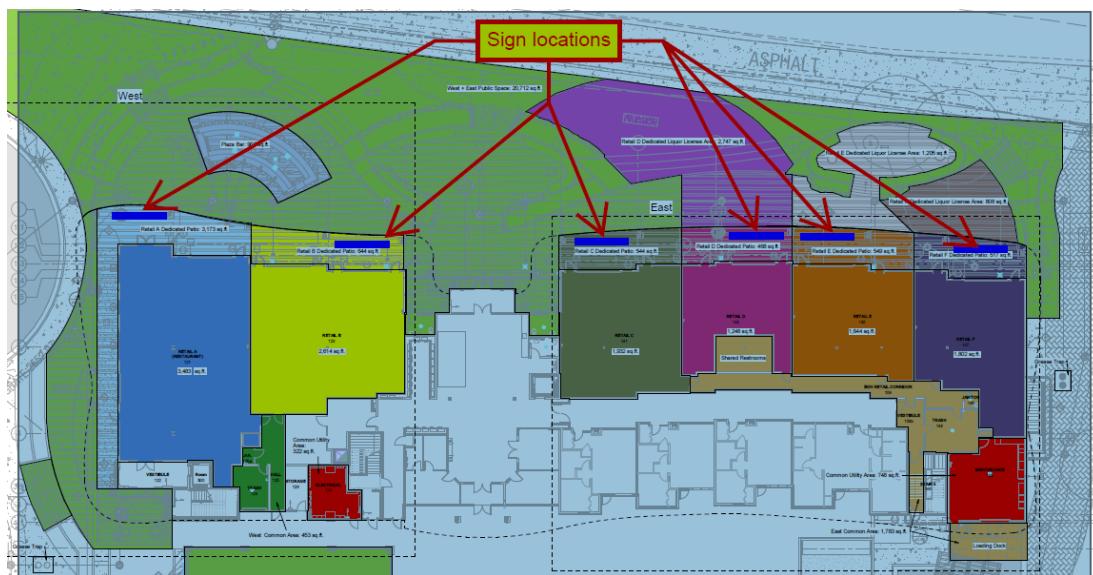
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SITE INFORMATION

- 1) Owner: Crispy Investments, LLC.
- 2) Street Address: 521 E. 41st Street
- 3) Ada County Tax Parcel Number(s): R2734520790
- 4) Property Description: LOTS 27,28,29,30 BLK 15 FAIRVIEW ACRES SUB NO 03 & POR SW4SE4 SEC 32 4N 2E PAR 2 ROS 13033 IN TCA 06 #0788C #0806C #0810C.
- 5) Legal Lot of Record: Yes
- 6) Property Size: 4.020 acres
- 7) Zoning District: C-2 General commercial / DA
- 8) Sign District classification: SD1 (adjacent to SD6)
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Mixed Use Residential
 - b) Activity Node: Neighborhood Destination
 - c) Green Boulevard Corridor (adjacent to)
- 10) The project is in the:
 - a) The proposed property is not in the regulatory floodplain.
 - b) The proposed property is in the anticipated floodplain as identified in the most recent FEMA FIS.

PROJECT INFORMATION

- 1) Proposed development: Master sign plan associated with new construction of mixed use development.
- 2) Noticing was completed on: TBD Click or tap to enter a date.
- 3) The neighborhood meeting was held on: TBD Click or tap to enter a date.
- 4) Associated Design Review: DSRFY2019-25 (and ZONFY2023-0002)
- 5) Number of Structures: 6
 - a) Each Sign will be a hanging sign
 - b) All signs will be hung 6" on a 2" black chain
 - c) All signs will be on a background of 1.5" Alderwood, stained.
 - d) Each sign will be 7' X 24"



AGENCY COMMENTS

The following agency comments were provided: None to date

MEETING SUMMARY

TBD

CODE AND POLICY REVIEW

Discussion

The purpose of this master sign permit application is to provide signage for the Boardwalk Apartments non-residential tenants DSRFY2019-25.

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 approved, please refer to the below staff analysis for further discussion of 8-4F-13.

The applicant has proposed 6 new hanging signs, one sign for each tenant. The signs are to be on a consistent, distinctive material design, alder wood. The signs are all proposed to hang 6" from the roof in front of the business fronting the greenbelt.

Staff has drafted a potential condition regarding the sign's illumination to where all lighting to signs that which are internally illuminated shall be turned off by 10:00p.m. or close of business, whichever is later.

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		
8-1A-4 Applicability		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.
8-1B-1 Nonconforming Properties	No compliance issues noted	Legal parcel of record as described
8-1B-2 Nonconforming Structures	Compliant	The site/ structure was approved through file DSRFY2019-25.
8-1B-3 Nonconforming Uses	Compliant	Permitted Use
Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-1 Purpose	Compliant	The mixed use (M) district allows for a mix of commercial and residential uses that are complementary of one another. The purpose is to accommodate and encourage further expansion and renewal in designated areas of the

		community. A variety of residential, office, and commercial uses are encouraged in an effort to provide a mix of activities necessary to establish a truly urban character. All densities of residential, professional offices, neighborhood services retail uses may be located within this designation.
<u>8-2B-2 Allowed Uses</u>	Compliant	<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 (DSRFY2019-25) which included multi-family, permitted use, and commercial tenants spaces, not specific to a particular use at the time.</p> <p>Any commercial tenant to occupy a space shall receive the necessary permits prior to occupancy.</p>
8-4F Sign Provisions		
<u>8-4F-2 Definition</u>		Hanging Sign: 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.
<u>8-4F-7 Sign District Base Provision</u>	Compliant	Sign District 1 (SD1): 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. 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 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. SD1 does not include frontage on State Street, Glenwood Street, Marigold Street, Garrett Street, Bransetter Road, Chinden Boulevard, 36th Street, Adams Street or Remington Street.
<u>8-4F-10 General Regulations</u>	Compliant	<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>Addressing Signs:</p> <ol style="list-style-type: none"> 1. All principal buildings and any structure utilized as a dwelling unit shall be addressed with numbers and/or letters at least four inches (4") or greater, or meet the minimum Ada County addressing standards, whichever is greater. The addresses or unit numbers shall be clearly visible from the street or access drive that the business or dwelling unit fronts on; and 2. All street numbered addresses shall be posted and clearly visible from the street that provides access to the corresponding structure. This requirement does not include suite or unit identification. <p>Building Code: Signs shall be built, constructed, and erected in conformance with the requirements of the building code as adopted by title 7 of this code.</p> <p>Directory Signs: In development sites where three (3) or more non accessory structures do not have street frontage there shall be a permanent and legible directory map drawn to scale that is clearly visible and accessible from the entrance to the site. The directory sign shall indicate the location of all ingress/egress to the site, driveway locations, drive aisle width and the location of each structure. The directory shall clearly identify the address or addresses of each structure, including applicable unit or suite identification. The address numbering and/or lettering shall be at least four inches (4") or greater. A copy of the directory shall be submitted to the city.</p>

		<p>Display: Signs that contain more than two (2) display sides shall require a design review.</p> <p>Electrical Code: 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 this code.</p> <p>Fire Safety Access: 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 this code.</p> <p>Illumination: Any illuminated sign or lighting device shall emit a light of constant intensity. Lighting shall be fully shielded. No illuminated sign or lighting device shall be placed or directed in a way that allows beams of light and illumination to be directed or beamed upon a public right of way or adjacent property which causes glare or reflection that may constitute a traffic hazard or nuisance.</p> <p>Maintenance: 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>Raceway: 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>Other Jurisdictions: Signs along the state highways and the Ada County highway district (ACHD) rights of way shall conform to the regulations of Idaho transportation department (ITD) and ACHD, respectively, in addition to this code.</p> <p>Overhead Electrical Conductors: Signs shall be located more than six feet (6') horizontally or twelve feet (12') vertically from overhead electrical conductors which are energized in excess of seven hundred fifty (750) volts.</p> <p>Residential Frontage: 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>Setbacks: 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>Trees: Signs must be placed so as to not interfere with existing or future growth of trees.</p>
<u>8-4F-11</u> <u>Regulations for</u> <u>Specific Sign</u> <u>Districts</u>	Not Determined	<p>A. SD1:</p> <ol style="list-style-type: none"> 1. Maximum number of signs shall be limited to one per building face. This number does not include exempt signs. There are multiple signs proposed, one for each tenant. 2. The sign must be a distinctive materials sign.

		<p>3. Illumination on all signs erected after the passing of this article must be external illumination.</p> <p>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.</p> <p>5. Lighting may be further limited to ensure compatibility with adjacent residential uses.</p>										
<u>8-4F-12: Regulations for Specific Sign Categories</u>	Not Determined	<p>Hanging (Or Projection) Signs:</p> <p>1. Location Standard:</p> <ol style="list-style-type: none"> Allowed in all sign districts. Below eave or parapet line of building when applicable. Signs shall maintain eight foot (8') vertical clearance from sidewalk or adjacent grade. Top of signs shall not be any higher than twenty feet (20') above adjacent grade. <p>2. Projection:</p> <ol style="list-style-type: none"> Hanging signs shall not project more than thirty inches (30") from face of building in the SD1 and not more than five feet (5') in all other districts, or two feet (2') from curb in any district, whichever is greater. <p>3. Dimension And Location Standards: See table 8-4F-2 of this section.</p>										
		<p style="text-align: center;">TABLE 8-4F-2 HANGING SIGN DIMENSION STANDARDS</p> <table border="1"> <tr> <td>Hanging Signs</td><td>SD1</td></tr> <tr> <td>Maximum sign area:</td><td></td></tr> <tr> <td>Cabinet</td><td></td></tr> <tr> <td>Channel letter sign</td><td></td></tr> <tr> <td>Distinctive materials/design sign</td><td>Up to 8 sq. ft.</td></tr> </table> <p>The proposed signs are 14'. It should be noted that the structure is setback from the greenbelt.</p> <p>Hanging or projecting sign area may be substituted for sign area allowed through the wall sign provisions provided that this does not conflict with the above location and dimensional standards.</p>	Hanging Signs	SD1	Maximum sign area:		Cabinet		Channel letter sign		Distinctive materials/design sign	Up to 8 sq. ft.
Hanging Signs	SD1											
Maximum sign area:												
Cabinet												
Channel letter sign												
Distinctive materials/design sign	Up to 8 sq. ft.											
<u>8-4F-13 Master Sign Program</u>	Compliant	<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. Through this integration, the intent is to allow flexibility in the criteria as set forth in sections <u>8-4F-11</u> and <u>8-4F-12</u> of this article and promote improved quality of design.</p> <p>Standards:</p> <ul style="list-style-type: none"> 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. Multiple signs on the same parcel shall reflect common design elements including materials, color, letter style, illumination, sign type and sign style. 										

- Sign height and placement of similar sign types shall be consistent throughout the development site.
- Sign size, height or placement shall not impede pedestrian patterns.
- 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.
- 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.
- 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.
- 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. (Ord. 927-10, 2-14-2011)

Title 8, Chapter 6, Article A: Administration

<u>8-6A-3 General Application Process</u>	Compliant	<p>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.</p> <p>There have been no denials of an application in substantially the same form for the same use, within one (1) year.</p>
<u>8-6A-4 Required Application Information</u>	N/A	No application waivers requested pursuant to 8-6A-4A.
<u>8-6A-5 Administrative Process with Notice</u>	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 Consultation recommendation and 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
Previous entitlement that might affect this project	DSRFY2019-25 and ZONFY2023-0002
<u>Garden City Comprehensive Plan</u>	This application is in future land use designations of the Comprehensive Plan:

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.

1. **MIXED USE RESIDENTIAL:** 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.
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 1. Nurture the City

- 1.4 Objective: Create a premier destination place to live, work, and recreate.

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 12. Evolve as a Destination

- 12.1 Objective: Support a positive business environment
- 12.2 Objective: Continue to support commercial and industrial land uses.

	<ul style="list-style-type: none"> 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture, and commerce.
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DECISION PROCESS

General Provisions

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

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

Decision

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

- Intent to approve as submitted;
- Intent to approve with changes;
- Request changes and resubmittal;
- Recommend denial; or
- Recommend public hearing.

Once the decision is rendered it will be sent to the applicant and interested parties. If the determination is a recommendation for a public hearing or if a person with standing objects, a hearing with City Council 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
1. The proposed design shall comply with all design standards in Garden City Code, Title 8.	Compliant	The application is compliant with all required findings. The application is in conformance with the

<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>reviewed sections of code noted in this 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 **meets** 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.

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. The location and types of hanging signs are allowed as proposed.
 - b. The material of the sign shall be wood.
 - c. Sign structure size of 14 square feet sign as proposed;
 - d. Each tenant is allowed a sign.

Site Specific Requirements for the Duration of the Use.

1. Provided that the signs adhere to this approval, no further sign permits are required.
2. Illumination on all signs erected after the passing of this article must be external illumination.
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.
4. All lighting installed on site shall be compliant with "Dark Sky" regulations to control light pollution including glare, light trespass and skyglow.
5. Sign size, height or placement shall not impede pedestrian patterns.
6. 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.
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.
8. 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. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.
11. 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.
12. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
13. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code .
14. 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.

Development Service Staff

Date