

DEVELOPMENT SERVICES DEPARTMENT

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DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2025 - 0004

Review Status: INITIAL REVIEW- NOT APPROVED

Plan Review Number: 1

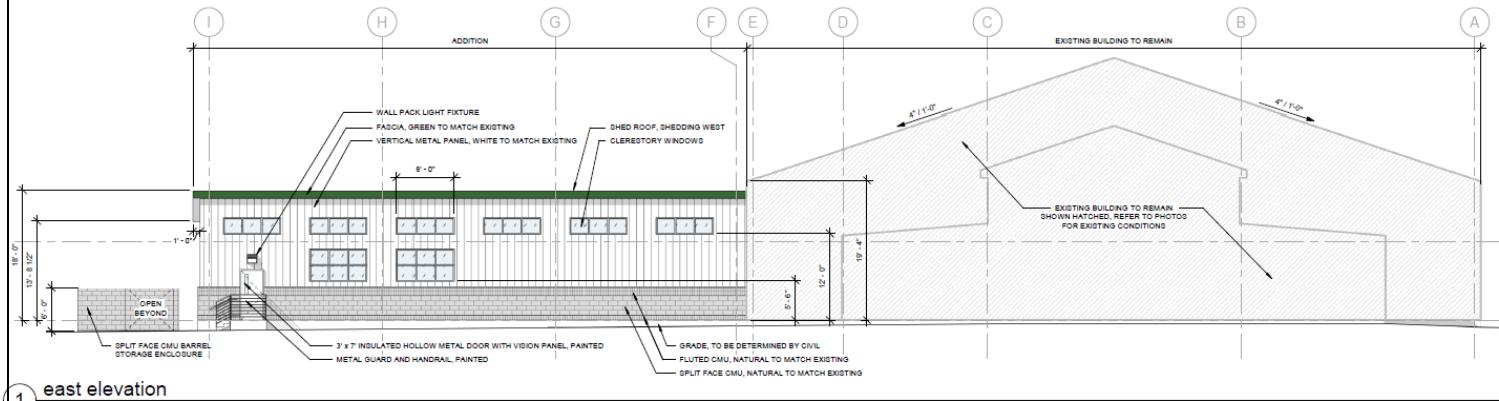
Reviewer: Mariia Antonova

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: March 3, 2025

Applicant: Jennifer Mohr



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SITE INFORMATION

- 1) Owner: HTM LLC
- 2) Street Address: 270 E. 50th Street
- 3) Ada County Tax Parcel Number(s): R1055420160
- 4) Property Description: LOT 10 BLK 02 BRADLEY PARK SUB NO 01
- 5) Legal Lot of Record: Yes
- 6) Property Size: 1.810 acres
- 7) Zoning District: C-2 General commercial
- 8) Zoning Overlay: Neighborhood Commercial Node
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Light Industrial Bradley Technology District
 - b) 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) **Partially** in the 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) Service provider
 - b) Warehouse and storage, wholesale
- 12) Existing Use: Office/Manufacturing/Warehouse
- 13) Easements on site :
 - a) EASEMENTS: RAYLEE SUB PLAT; 5' UTILITY, IRRIGATION, AND DRAINAGE EASMENT; 200900020
 - b) EASEMENTS: BRADLEY PARK 01 SUB PLAT; 15' PUBLIC UTILITY, IRR, AND DRAINAGE EASEMENT; 200600023
 - c) EASEMENTS: BOISE SLUDGE LNE AND PUMP PLANS 1988; SEWER LINE EASEMENT 15'; 201000001
 - d) EASEMENTS: BRADLEY PARK 01 SUB PLAT; 7' 6" PUBLIC UTILITY, IRR, AND DRAINAGE EASEMENT; 200600023;
- 14) Site Access:
 - a) Front: 50th 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: February 24, 2025
- 3) The neighborhood meeting was held on: February 4, 2025
- 4) Associated Conditional Use Permit: CUPFY2025-0005
- 5) Site Coverage: 1.810 acers or 78,844 SF
 - a) Building: 33,126 SF, 42 of the sites
 - b) Landscaping: **unknown**
 - c) Paved Areas: **unknown**
- 6) Square footage dedicated to uses: Warehouse expansion
- 7) Number of Structures: 1
- 8) Total number of vehicular parking spaces: 33
 - a) Surface: 33
- 9) Total number of bicycle parking: 0
- 10) Trash Enclosure Republic Services will pick up individual services internal to the development
- 11) Fencing: existing chain link fencing with and without barbed wire
- 12) Sidewalk:
 - a) None proposed;
- 13) Landscaping:
 - a) Street Trees: 7 trees, class unknown
 - b) Parameter Landscaping: trees, bushes, decorative stones, lawn
- 14) Connections:
 - a) Closest VRT Stop:
 - i) ~0.5 mi; W Chinden Blvd & W Murray St SWC
 - b) Greenbelt: ~0.2 mi.

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Republic Services Link to Comment	2/3/2025	<ul style="list-style-type: none">• Republic Services: Could we get confirmation that the enclosure is at least 12'x18' with gates that open at least 120 degrees and gates that can be staked.• Applicant: The trash enclosure is currently planned to be about 24'-7 5/8" x 25'-3 1/4" to hold (2) 30 cu yard dumpsters. Because the enclosure does not face the ROW, we are not planning gates because they would be very large (about 12' wide each) and potentially dangerous.
Garden City Engineer Link to Comment	2/1/2025	<ul style="list-style-type: none">• Any approval of the project should be conditioned upon successfully addressing items presented in this review.• Prior to performing any grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan• Approval of the project by the Ada County Highway District will be required.• The applicant must request a fire flow and "will serve" review letter from the city.• Approval from the North Ada County Fire and Rescue District will be required. Should any fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to

		<p>obtain approval of plans. The review by the District needs to include review of locations of fire hydrants.</p> <ul style="list-style-type: none"> • Any new water and sewer service must be reviewed and approved by the city's Public Works Department. The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs. The applicant is responsible to confirm/verify that adequate sewer capacity is available and that the existing system depth is adequate to serve the site. • The proposed addition is replacing existing hard surface on the site. However, existing drainage patterns may be impacted. Slab or roof drainage may alter site the drainage patterns. The applicant must provide more details on the proposed addition to assure the project is not a major redevelopment and then engage additional city storm water system requirements. Should the project engage additional city storm water system requirements, a site grading and drainage plan will be required that is sealed, dated and signed by the Idaho design professional when construction plans are submitted. Said plan must be reviewed and approved by the city. Drainage must be maintained on-site. Please note that site grading must match existing grading along the site's perimeter and assure roof and site drainage does not leave the site. • Should the project engage additional city storm water system requirements, a site geotechnical report may be required for the design of the on-site storm water system prepared and sealed, dated and signed by an Idaho qualified licensed professional. Said report must identify the depth to seasonal high groundwater, provide a profile of encountered soils and their infiltration rates. The report also must provide a design infiltration rate recommendation for the storm water system. The storm water design must normally provide for at least three feet of vertical separation between the bottom of the storm water facility and the seasonal high groundwater. • Should the project engage additional city storm water system requirements, the landowner must enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system. The agreement must be fully executed, have conditionally approved plans attached and be recorded by the city with final plan approval. • Should the project engage additional city storm water system requirements, a storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by an Idaho licensed design professional that is sealed, dated and signed will be required when construction plans are submitted. • The applicant must review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer. The work maps are available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020. 	
Idaho Transportation Department Link to Comment	2/3/2025	ITD has reviewed the application transmittal for DSRFY2025-0004 and does not have any comments.	5

DEQ Link to Comment	2/4/2025	General comments provided
North Ada County Fire & Rescue District Link to Comment	02/18/2025	<p>In buildings or areas of buildings where storage heights of combustible materials over 12 feet are possible, but exact commodity and height are unknown, signage shall be provided to indicate the maximum permissible storage height and commodity class. Signage design and location shall be approved by the fire code official</p> <p>Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.</p> <p>Specific building construction requirements of the International Building Code, International Fire Code and NACFR Rules will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.</p>
ACHD Link to Comment	02/10/2025	The Ada County Highway District (ACHD) has reviewed the submitted application and has determined that there are no improvements required to the adjacent street(s).

PUBLIC COMMENT

The following public comments were provided: **None provided.**

MEETING SUMMARY

There have been no previous consultations on this project.

CODE AND POLICY REVIEW

Discussion

Jennifer Mohr is proposing an expansion of the Office/Manufacturing/Warehouse facility located at 270 E 50th Street. The proposal includes a 2,990 SF addition to the warehouse. Staff believe that the most appropriate classifications for this facility under the current code are "Warehouse and Storage, Wholesale," and "Industry, Light."

Design Provision Applicability

Section [8-6B-3](#): Design Review of the Garden City Code establishes the criteria for when a project must undergo a design consultation and when it must proceed through the administrative process without notice.

New principal structures and additions that increase the gross floor area of an existing principal structure by more than twenty-five percent (25%) must receive design review approval. Structural additions that increase the gross floor area of an existing principal structure by up to twenty-five percent (25%) and are not visible from the right-of-way can be approved through the Administrative Process Without Notice.

The proposed addition is approximately 10% of the existing building and is visible from the right-of-way. This type of construction is not specifically addressed in Section 8-6B-3, which might suggest that a design review is not necessary. However, because the addition is visible from the right-of-way, consultation is necessary.

Since the addition is less than 25%, Staff believes it is inappropriate to consider the entire site, including the existing building. This complicates the analysis, as requirements such as driveway width and street setback cannot be assessed without considering the entire site. The analysis below in Section 8-4C discusses the code items that may be separately applicable to the proposed construction.

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

Garden City Title 8 Applicable Code Sections		
Code Section	Compliance	Analysis/ Discussion
Title 8, Chapter 1: General Regulations		
<u>8-1A-4 Applicability</u>		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
<u>8-1B-1 Nonconforming Properties</u>	No compliance issues noted	Legal parcel of record as described

	<u>8-1B-2 Nonconforming Structures</u>	No compliance issues noted	No comment
	<u>8-1B-3 Nonconforming Uses</u>	Compliant	<p>A nonconforming use may be extended to occupy additional land area only through the approval of a conditional use permit in accordance with the procedures set forth in chapter 6, article B, "Specific Provisions", of this title.</p> <p>The Planning & Zoning Commission approved CUPFY2025-0005 on February 19, 2025.</p>
	<u>8-1C-3 Property Maintenance Standards</u>	No compliance issues noted	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.
Title 8, Chapter 2: Base Zoning District Regulations			
	<u>8-2B-1 Purpose</u>		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.
	<u>8-2B-2 Allowed Uses</u>	No compliance issues noted	This is an expansion of an existing legal nonconforming use. a legal nonconforming use may expand provided that it receives a conditional use permit.
	<u>8-2B-3 Form Standards</u>	No compliance issues noted	<p>Setbacks requirement in the C-2 zoning district:</p> <p>Front: 5' Rear: 5' Interior Side: 5' Street Side: 5'</p> <p>The existing and proposed structure appears to meet form standards.</p>
	<u>8-2C</u>	Compliant as Conditioned	<p>8-2C-24: INDUSTRY, FLEX OR LIGHT:</p> <p>A. Setback:</p> <ol style="list-style-type: none"> 1. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of five hundred feet (500') from any abutting residential districts. 2. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of one thousand feet (1,000') from a hospital. <p>B. Limitations: The following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:</p> <ol style="list-style-type: none"> 1. Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments.

		<p>2. Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.</p> <p>3. Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.</p> <p>C. Other Regulations Apply: A use in this category may require approval from the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, the Ada County air quality board and Idaho Department of Water Resources.</p> <p>8-2C-45: WAREHOUSE, STORAGE AND WHOLESALE:*</p> <p>A. Limitations: Outside activity areas shall be located a minimum of three hundred feet (300') from any property line adjoining a residence or a residential district.</p> <p>B. Accessory Uses: The use may include accessory office uses not to exceed twenty five percent (25%) and retail sales not to exceed ten percent (10%) of the gross floor area of the use.</p>
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Title 8, Chapter 4: Design and Development Regulations

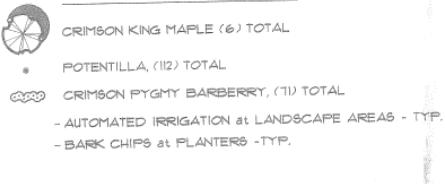
<u>8-4A-3 Fences and Walls</u>	Compliant as Conditioned	<p>The security gate and fence in the northern and northeastern parts of the site appear to be a chain-link fence with barbed wire.</p> <p>Chain link fencing with or without barbed wire is not permitted per Garden City Code.</p> <p>All chain link (with and without barbed wire) fencing visible from the right-of-way, including the gate, shall be removed from the property</p> <p>Any future fence or wall will be required to comply with the code at the time of occupancy.</p>
<u>8-4A-4 Outdoor Lighting</u>	Compliant as Conditioned	<p>Any future outdoor lighting will be required to be in compliance with code at the time of development.</p>
<u>8-4A-5 Outdoor Service and Equipment Areas</u>	Compliant as Conditioned	<p>All on-site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property or shall be screened from view from a public street and adjoining property with a privacy fence.</p> <p>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>The applicant proposes a new trash enclosure measuring 25 by 24 feet, with a 6-foot-high CMU (Concrete Masonry Unit) wall. Also, the applicant proposes a new empty barrel enclosure measuring 14 by 36 feet, with a 6-foot-high CMU wall.</p> <p>Any future outdoor service equipment area will be required to be in compliance with code at the time of development.</p>
<u>8-4A-7 Stormwater Systems</u>	Compliant as Conditioned	<p>Referring to the City Engineer's comment: The applicant must provide more details on the proposed addition to ensure the project is not a major</p>

		<p>redevelopment and then engage additional city storm water system requirements.</p> <p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p>
<u>8-4A-8 Utilities</u>	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>Another draft condition of approval is provided requiring that all utilities be underground.</p>
<u>8-4A-9 Waterways</u>	No compliance issues noted	<p>There does not appear to be Boise River irrigation facilities at the site.</p>
<u>8-4C-3 Design Provisions for Nonresidential Structures</u>	<p>May not be compliant</p> <p>Discussion required</p>	<p>This section of the code applies to any new construction. 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>The proposed addition, which is visible from the right-of-way, is less than 25%—approximately 10%. For this reason, we will review only the new addition and not the entire structure (see Discussion).</p> <p><i>Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian, and adjacent properties.</i></p> <p>First floor facades visible from a public street should include surfaces in windows, showcases, displays, or pedestrian access elements as follows: for retail uses at least fifty percent (50%), for all other uses at least fifteen percent (15%). The applicant indicated in the Compliance Statement that the proposed expansion will utilize materials complementary to the existing building including metal panel, split face and fluted CMU, green metal trim, and glazing fields to meet the minimum 15% fenestration requirement for elevations visible from the right of way.</p> <p><i>Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.</i></p> <p>Driveway Lanes: Driveway lanes crossing a public sidewalk should be no wider than twenty feet (20') and the minimum of feet between driveway intersections with the public street as set forth by the transportation authority. The existing driveway is approximately 40 feet wide. ACHD did not provide any comments regarding the need for improvement.</p> <p>Pedestrian Pathways: Partially provided. It is also necessary to connect the parking lot in the southern part of the site and the new building with pedestrian paths.</p> <p><i>Primary Entrance.</i> The main building has a primary entrance close to the street. However, since the additional building is considered separately, it is necessary to improve the entrance in accordance with this section.</p> <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <p>Primary materials: metal panel and split face CMU, natural. The materials were selected in such a way as to match the materials of the existing building.</p>

		<p>Discouraged Materials: Metal siding, corrugated fiberglass, aluminum siding, mirror or metalized reflective glass, plywood, chipboard siding, vinyl, cinderblock, plastic tilt-up concrete, highly tinted or mirrored glass, and all types of imitation building materials should not be used as the primary building material.</p> <p>Discussion required</p> <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</i></p> <p>Compliant</p> <p><i>Objective 5: The design of all buildings shall provide visual interest, support the vision for the area as articulated in the comprehensive plan and positively contribute to the overall urban fabric of the community.</i></p> <p>Rooflines: A distinctive roofline can reduce perceived building height and mass, increase compatibility with smaller scale and/or residential development, and add interest to the overall design of the building. Flat roofed designs should include architectural details such as cornices, and decorative facings to provide interest to the roofline. Not provided</p> <p>Building Details: The design of buildings should be enhanced with appropriate details. May not be compliant</p> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <p>No comments</p>															
<u>8-4C-4 Special Provisions for Specific Non residential Development</u>	May not be compliant	<p>Facades longer than fifty feet (50') (measured horizontally along the facade) should incorporate relief to perceived building mass through such features as wall projections or recesses, projecting windows, entrances, or other visual relief. May not be compliant</p> <p>Rooflines exceeding fifty feet (50'), should incorporate relief to the perceived building mass by providing roofline variation. The roofline is 75'. Not compliant</p> <p>Pedestrian Pathways: All portions of a site should be accessible by a direct, convenient, attractive, safe and comfortable system of pedestrian pathways. Partially provided</p> <p>Terminal Views: The proposed warehouse expansion is planned in the terminal view</p>															
<u>8-4C-5 Prohibitions</u>	No compliance issues noted	There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.															
8-4D Parking and Off Street Loading Provisions.																	
<u>8-4D-3 Parking Design and Improvement Standards</u>	Compliant as Conditioned	<p>Vehicle parking:</p> <table border="1"> <caption>Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</caption> <thead> <tr> <th>Parking Angle</th> <th>Stall Width</th> <th>Stall Depth</th> <th>Length Per Car</th> <th>Driveway Width* Must also meet fire requirements</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;">Standard</td> </tr> <tr> <td>90°</td> <td>9'0"</td> <td>20'0"</td> <td>9'0"</td> <td>22'0"</td> </tr> </tbody> </table> <p>Parking Provided: <u>30 regular parking spaces</u> Stall width: 9' Stall length: 20'</p>	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"
Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements													
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90°	9'0"	20'0"	9'0"	22'0"													

		<p>2 ADA parking spaces: Stall width: 9' Stall length: 20' Access aisle: unknown A condition has been drafted to confirm parking space sizes.</p> <p>Pedestrian routes shall facilitate passage from parking spaces to the principal entrance and meet standards set forth in sections 8-4E-6 and 8-4E-7 of code.</p> <p>The applicant has partially provided pedestrian pathway. A condition has been drafted to require a pathway from the public sidewalk, through the parking lot to the main entrance of the building.</p> <p>The applicant plans to provide bicycle parking, but the dimensions of the parking lot are unknown. Conditions have been drafted to ensure bicycle parking is provided at the minimum of 6' long by 2' wide, not further than 50' from the building entrance.</p>
<u>8-4D-4 Parking Use Standards</u>	No compliance issues noted	<p>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.</p>
<u>8-4D-5 Required Number of Off- Street Parking Spaces</u>	Compliant as Conditioned	<p>If more than one (1) use is located on a site, the number of required parking spaces shall be equal to the sum of each use.</p> <p><u>Vehicular Parking:</u></p> <p>A Warehouse and storage, wholesale (when utilized for the principal purpose of storage) is considered a low use, which requires 1 space per every 2,000 gross square feet. Required: 12,210 SF/2,000SF= 6 parking spaces</p> <p>An Industry, Light (manufacturing area) use is considered a medium use, which requires 1 space per every 1,000 gross square feet. Required: 16,878 SF/1,000SF= 17 parking spaces</p> <p>The office was identified as a Professional Service, which corresponds to high usage. A Professional Service requires 1 space per every 500 gross square feet. Required: 2,973 SF/500SF= 6 parking spaces</p> <p>Total parking spaces required: 29 Provided: 32 parking spaces</p> <p><u>Bicycle Parking:</u></p> <p>A Warehouse and storage, wholesale: 1 space per 4,000 square feet 12,210SF /4,000 SF= 3 bicycle spaces.</p> <p>An Industry, Light (manufacturing area): 1 space per 1,000 square feet 16,878 SF /1,000 SF= 17 bicycle spaces.</p> <p>A Professional Service (office): 1 space per 1,000 square feet 2,973 SF/1,000 SF= 3 bicycle spaces</p> <p>Total bicycle spaces required: 23 Provided: none</p> <p>A condition has been drafted to ensure at least 23 bicycle parking spaces are provided on-site.</p>

<u>8-4D-6 Standards for Equivalent Parking Adjustments</u>	No compliance issues noted	Equivalent parking was not requested.	
<u>8-4D-7 Off Street Loading Standards</u>	Compliant as Conditioned	<p>Off-Street Loading Zones Space And Access Requirements:</p> <ul style="list-style-type: none"> • All spaces shall have fourteen feet (14') of vertical clearance; • On-site drive aisles, on-site parking, or private roads may be designed to have a dual purpose to accommodate the required loading; • Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements and the vehicle and pedestrian circulation standards in chapter 4, article E of this title, Transportation And Connectivity Provisions; • Loading zones may not impede bicycle lanes, multiuse paths, sidewalks, or motor vehicular travel on public roads; • Convenient access to loading spaces shall be provided with not less than fifteen feet (15') in width. <p>Dimensions are not provided. A condition has been drafted to confirm loading zones space sizes.</p>	
8-4E Transportation and Connectivity Provisions			
<u>8-4E-3 Public Street Connections</u>	DC	Compliant as Conditioned	There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.
<u>8-4E-4 Internal Circulation Standards</u>	DC	Compliant as Conditioned	There is clear pedestrian access from the public sidewalk to the entrance. Provided
<u>8-4E-6 Sidewalk Standards</u>	DC	No compliance issues noted	There is an existing attached sidewalk on the subject property and on both adjacent properties.
<u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u>	DC	Compliant as Conditioned	A pathway system is partially provided. A convenient and attractive pathway system that complies with the 8-4E-7 standards is required.
<u>8-4E-8 Transit Facilities</u>	DC	No compliance issues noted	No comment
8-4F Sign Provisions			
<u>8-4F-13 Master Sign Program</u>	No compliance issues noted	No signage is proposed	
<u>8-4G Sustainable Development Provisions</u>	No compliance issues noted	The development is exempt per 8-4G-2 (D).	

<u>8-4H Flood Hazard</u>	Compliant as Conditioned	<p>The planning official is the decision maker on items regarding 8-4H.</p> <p>The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.</p> <p>The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer. The work maps are 19 SUBFY2024-0005 STAFF REPORT available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020.</p>
8-4I Landscaping and Tree Protection Provisions		
<u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u>	No compliance issues noted	<p>All development, redevelopment, additions, or site modifications to existing development shall be required to conform to this article based upon the following guidelines:</p> <p>A. Additions less than twenty five percent (25%) of the gross floor area of the existing structure or developed area, no additional landscaping shall be required.</p> <p>The proposed addition is approximately 10%</p> <p>Plans approved on September 18, 1996, under CUP 96-08-03 show that the landscape was 19,443 square feet and consisted of:</p> <p><u>LANDSCAPE SUMMARY</u></p> <p></p> <p>(For a complete landscape plan, see Figure 1.)</p> <p>However, a condition of approval requires that at least 5% of the lot size be landscaped, which amounts to 3,938 square feet.</p> <p>Based on images from Google Maps and submitted photographs, it appears that at least six trees were planted on the site; however, their species differ from those originally declared. The number of bushes and shrubs cannot be determined from the photographs.</p> <p>While this issue is not directly addressed in the current DSR application, the landscaping must comply with the approved plans under CUP 96-08-03.</p> <p>The applicant reviewed the landscaping and tree count and determined that the total landscaping area is 8,883.26 square feet, exceeding the minimum requirement of 3,938 square feet specified in the CUP 96-08-03 condition. The applicant also found that one tree is missing on the site and plans to plant it.</p> <p>An approval condition has been established, allowing the applicant to substitute plant species as long as there is no reduction in landscaping and the substituted species are comparable in height and width. Any tree substitutions must be of the same or a larger classification and must have a comparable or larger canopy and height.</p>

<u>8-4I-4 Landscaping Provisions for Specific Uses</u>	Not Applicable	
<u>8-4I-5 Perimeter Landscaping Provisions</u>	Not Applicable	
<u>8-4I-6 Parking Lot Landscaping Provisions</u>	No compliance issues noted	Applicability: The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more. Staff do not believe there have been any substantial alterations.
<u>8-4I-7 Tree Preservation Provisions</u>	No compliance issues noted	No comment
Title 8, Chapter 6, Article A: Administration		
<u>8-6A-3 General Application Process</u>	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<u>8-6A-4 Required Application Information</u>	N/A	
<u>8-6A-5 Administrative Process with Notice</u>	No compliance issues noted	<p>A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>If no objections are filed within 15 days, the Design Review Consultant's recommendation and the Planning Official's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Previous entitlement that might affect this project	CUP 96-08-03; CUPFY2025-0005
<u>Garden City Comprehensive Plan</u>	<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"> 1. ACTIVITY NODE: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity

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

Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential. Identified centers are:

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

2. **LIGHT INDUSTRIAL BRADLEY TECHNOLOGY DISTRICT:** The light industrial designation reflects an intent to maintain the area of existing industrial uses, around Bradley Street and north of Chinden. Industrial development includes: materials processing and assembly, product manufacturing, storage of finished products, and truck terminals. Manufacturing support facilities such as offices and research-related activities should also be allowed in this area, but other non-industrial uses should be limited. Major consideration in regulating industrial uses should be setbacks, buffering and landscaping from adjacent residential uses. Standards should also be directed toward control of light, glare, noise, vibration, water and air pollution; use and storage of toxic, hazardous or explosive materials; and outdoor storage and waste disposal.

The application may be supported by:

Goal 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

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

Goal 3. Create a Heart for the City

- 3.1 Objective: Create a downtown or town center with river access.
- 3.2 Objective: Create public gathering places at multiple locations throughout the city.

Goal 12. Evolve as a Destination

	<ul style="list-style-type: none"> • 12.1 Objective: Support a positive business environment • 12.2 Objective: Continue to support commercial and industrial land uses. <p><u>The application may not be supported by:</u></p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> • 2.3 Objective: Promote quality design and architecturally interesting buildings. <p>Goal 9. Develop a Sustainable City</p> <ul style="list-style-type: none"> • 9.3 Objective: Promote and recognize green building construction.
<u>Garden City Sidewalk Policy</u>	Existing attached sidewalk
<u>Garden City Street Light Policy</u>	The nearest streetlight is at the intersection of Alworth and 50th Streets, approximately 300 feet away.
<u>Garden City Transportation Needs List</u>	<p>50th Street: River to Chinden & Alworth: 51st to 49th</p> <p>Addition of landscaping, pedestrian scaled lighting, and on-street parking on 50th Street. Reconfigure Adams to remove center turning lane, add parking and landscape bulb outs on both sides of the street from 51st to 49th Streets. The node is identified in the Garden City Comprehensive Plan and there is zoning in place to support the nodes. The design portion of this project is in the concept phase along Adams Street within anticipated two-lane 40' face to face section with on street parking and landscaping corresponding to the design of 36th Street or the design of 42nd Street north of Adams. Adams street may allow for a potential bike path.</p> <p>50th Street Sidewalk</p> <p>Complete sidewalk on east side of 50th at Chinden to the 50th street to pedestrian crossing. This will require the removal of encroachments in the right of way. As part of the scope please explore a pedestrian crossing of 50th at Bradley so that users of 50th do not have to cross at Chinden.</p> <p>Field to 50th</p> <p>Connect Field Street through to 50th Street. 50th and Adams is an intersection that is identified as a neighborhood node.</p> <p>Safety Crossings on Allworth at 50th</p> <p>A crossing at 50th will link a safe bike and pedestrian route from the bench and Boise's bike/pedestrian path to the greenbelt on the south side of the river. The crossing on Alworth will serve the residents of Mallard Point Apartments and residents frequenting the Garden City Police Department and Omega business complex or Moxie Java. The crossings should be part of an overall effort to improve 50th Street to facilitate the generation of the land use neighborhood commercial node as identified in the Comprehensive Plan and codified in Garden City Ordinance. Improvements should also include landscaping, pedestrian amenities, street lighting and potential for a bus shelter.</p>

DECISION PROCESS

General Provisions

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

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

Decision

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

- 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
<ol style="list-style-type: none">1. The proposed design shall comply with all design standards in Garden City Code, Title 8.2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.3. The proposed design shall be compatible with or improve the public's use of existing and	Not Determined. This will be completed in conjunction with the formal decision	TBD: This will be completed in conjunction with the formal decision

planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise river and waterways, canals, and other surface irrigation.

4. The proposed design shall be compatible with the neighborhood in scale and intensity.
5. The proposed design shall not create an adverse impact on the surrounding neighborhood.
6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood.
7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions; and
8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures.

The Planning Official reviewed the application with regard to Garden City Code, Title 8, Chapter 4, and based on the conditions required herein, concludes the application Choose an item. 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 Choose an item. hereby Choose an item. the application, subject to the following conditions:

POTENTIAL CONDITIONS FOR APPROVAL DECISION

Site Specific Requirements:

Scope of Permit:

1. The scope of this permit is to allow new construction to expand the warehouse located at 270 E. 50th Street.
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 building permit shall be applied for and approved by the Garden City Development Services Department.
2. A conditional use permit shall be obtained.
3. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
4. Any outdoor lighting shall be in compliance with code at the time of development.
5. All stormwater systems must comply with Garden City Code 8-4A-7.
6. All utilities on the site, including telephone, cable television, and electrical shall be underground and in compliance with Garden City Code 8-4A-8.
7. 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.
8. All onsite 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.
9. First-floor façade visible from a public street should include at least fifteen percent (15%) of surfaces in windows, showcases, displays, or pedestrian access elements.
10. All City Engineer's comments must be addressed.

During Construction:

1. Construction noise that is disruptive to the neighborhood shall be limited to Monday through Saturday from 7:00 am to 8:00 pm unless residents within 300' and the city have been notified in advance of the specific days which it will be necessary to exceed this limitation.

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

- a. A minimum of four feet (4') in width;
- b. Uninterrupted by motorized vehicles.
- c. The pathway shall be designed to connect all portions of a development in a direct manner and not involve a significant amount of out of direction travel for likely users.
- d. The pathway is free from hazards, has appropriate lighting levels, and meets the standards for ADA accessibility.
- e. Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility.
- f. If there is no other feasible alternative, the vehicular crossing of the path or sidewalk shall be designed in a way to visibly demonstrate that it is secondary to the pedestrian. This may be achieved by changes in materials or colors, landscaping, or other such treatments.

3. Fencing on-site and gate, shall meet Garden City Code 8-4A-3 Fences and Walls standards:

- a. All chain link (with and without barbed wire) fencing visible from the right-of-way, including the gate, shall be removed from the property.
 - i. If replaced, all the new fence and gate shall be compliant with Garden City Code 8-4A-3 standards.

4. Vehicle Parking:

- a. There shall be a minimum of 29 vehicle parking spaces provided.
- b. Vehicle parking stall dimensions shall be compliant with Garden City Code 8-4D-3.

5. Bicycle Parking:

- a. There shall be a minimum of 23 bicycle parking spaces provided.
- b. Bicycle parking shall be a minimum of 6' long x 2' wide.
- c. On-site spaces shall be located within fifty feet (50') of the building entrance(s);
- d. Be separated by a physical barrier to protect the bicycles from damage by motor vehicles if located within a motor vehicle parking area. The physical barrier can be curbs, poles, wheel stops, or other similar features;
- e. Be easily accessible from the street;
- f. Not impede pedestrian or vehicular circulation or loading zones. The facilities shall be incorporated, whenever possible, into the structure's design or street furniture; and
- g. Be properly illuminated to increase security and avoid accidents and adhere to section 8-4A-4 of this chapter, Outdoor Lighting

6. Off-Street Loading Zones Space And Access:

- a. All spaces shall have fourteen feet (14') of vertical clearance;
- b. On-site drive aisles, on-site parking, or private roads may be designed to have a dual purpose to accommodate the required loading;
- c. Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements and the vehicle and pedestrian circulation

standards in chapter 4, article E of this title, Transportation And Connectivity Provisions;

- d. Loading zones may not impede bicycle lanes, multiuse paths, sidewalks, or motor vehicular travel on public roads;
- e. Convenient access to loading spaces shall be provided with not less than fifteen feet (15') in width.

7. Landscaping and street trees shall comply with the conditions outlined in the conditional use permit, file CUP 96-08-03 approval.

- a. The applicant may substitute plant species, if there is no reduction in landscaping and the species are comparable in height and width.
- b. Substitutions of trees must be of the same or larger tree classification and be comparable or larger in tree canopy and height.

Site Specific Requirements for the Duration of the Use:

1. Industry, Light:
 - a. Setback:
 - i. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of five hundred feet (500') from any abutting residential districts.
 - ii. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of one thousand feet (1,000') from a hospital.
 - b. Limitations: The following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:
 - i. Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments.
 - ii. Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.
 - iii. Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.
 - iv. Other Regulations Apply: A use in this category may require approval from the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, the Ada County air quality board and Idaho Department of Water Resources.
2. Warehouse, Storage and Wholesale:
 - a. Limitations: Outside activity areas shall be located a minimum of three hundred feet (300') from any property line adjoining a residence or a residential district.
 - b. Accessory Uses: The use may include accessory office uses not to exceed twenty five percent (25%) and retail sales not to exceed ten percent (10%) of the gross floor area of the use.

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 two (2) years 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.

STANDARD CONDITIONS FOR DENIAL DECISION

1. In order for approval by Garden City, the proposal must be in compliance with all standards of 8-6B-2. This project is not in compliance with the Garden City Comprehensive Plan Goal 4, 7 and Garden City code sections 8-4A, 8-4E, and 8-4D. Compliance can be met by providing adequate bicycle parking; deficient landscaping, pathway connections to the sidewalk, and the removal or replacement of the chain-link fence.
2. 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.
3. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
4. Final decisions are subject to judicial review pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code.

5. Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.
6. Pursuant to The Local Land Use Planning Act, Chapter 65 Title 67 Idaho Code, a takings analysis may be requested on final decisions.
7. 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