

REPORT CONTENT

SITE INFORMATION3

PROJECT INFORMATION4

AGENCY COMMENTS4

PUBLIC COMMENT6

MEETING SUMMARY7

CODE AND POLICY REVIEW7

DECISION PROCESS13

REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION13

SITE INFORMATION

- 1)** Owner: WE RIDE NORTH LLC
- 2)** Street Address: 411 E 46th Street
- 3)** Ada County Tax Parcel Number(s): R2734522621
- 4)** Property Description: LOT 32 BLK 20 FAIRVIEW ACRES SUB NO 03
- 5)** Legal Lot of Record: Yes
- 6)** Property Size: 0.680 acres or 29,621 SF
- 7)** Zoning District: R-3 Medium density residential
- 8)** Zoning Overlay: None
- 9)** Comprehensive Plan Land Use Map Designation:
 - a) Mixed Use Residential
- 10)** The project is in the:
 - a) 100 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) 100 Year of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11)** Adjacent Uses:
 - a) Dwelling unit, single family detached
 - b) Commercial
- 12)** Existing Use: Dwelling unit, single family detached
- 13)** Easements on site : UTILITY, DRAINAGE, IRRIGATION EASEMENT; 200600047; FAIRVIEW ACRES SUB 03 PLAT
- 14)** Site Access:
 - a) Front: 46th Street
- 15)** Sidewalks: Sidewalks are installed and are in good repair
- 16)** Wetlands on site: None identified

PROJECT INFORMATION

- 1) Proposed development: the construction and use of an additional private garage, which, along with all accessory structures and portions of the principal structure used for residential accessory purposes (such as an attached garage), would exceed 1,000 square feet and surpass the square footage of the principal dwelling unit.
- 2) Noticing was completed on: [Click or tap to enter a date.](#)
- 3) The neighborhood meeting was held on: [Click or tap to enter a date.](#)
- 4) Associated Conditional Use Permit: CUPFY2025-0011
- 5) Site Coverage:
 - a) Building: 8,136 SF, 27% of the site
 - b) Landscaping: **Unknown**
 - c) Paved Areas: **Unknown**
- 6) Square footage dedicated to uses:
 - a) Single-family detached
 - b) Accessory structures
- 7) Number of Structures: 3
- 8) Total number of vehicular parking spaces: 11
- 9) Total number of bicycle parking: 0
- 10) Trash Enclosure: The refuse will be individual services and picked up from the street;
- 11) Fencing: vinyl fence, chain link fence
- 12) Sidewalk:
 - a) existing attached sidewalk.
- 13) Landscaping:
 - a) Street Trees: Columnar Maple tree, Evergreen tree
 - b) Parameter Landscaping: trees, shrubs, grass, perma-bark, landscape boulders, bushes
- 14) Connections:
 - a) Closest VRT Stop:
 - i) ~0.5 mi; W Chinden Blvd & E 45th St NEC
 - b) Greenbelt: ~0.16 mi.

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Garden City Engineer Link to Comment	7/5/2025	<ul style="list-style-type: none">Approval of the project by the North Ada County Fire and Rescue District will be required. Should fire flow requirements exceed those available, the land use, improvement of offsite city water lines or other efforts may be necessary to obtain approval of plans. The review by the District will need to include review of access and locations of fire hydrants.The application notes that an Ability to Serve letter waiver has been requested as the shed is not needing water or electrical. The North Ada County Fire and Rescue District provided comments dated 6 June 2025 on this variance request with a “can approve” recommendation. But the recommendation also includes a number of specific requirements - the applicant must meet the specific requirements. The applicant is responsible to assure fire code requirements are met. The city will

		<p><u>not be responsible should the project encounter issues with fire review of building plans.</u></p> <ul style="list-style-type: none"> • If any modifications to gravity irrigation facilities occur the change requires an approval of the project from the irrigation entity. The applicant must review the project and determine if an Army Corps of Engineers 404 permit will be necessary to obtain. • We presume that no water or sewer service is needed (based upon the application form). If needed, the design 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. If needed (we presume not), 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. • As the improvement appears to increase hard surfaces (the building roof) by 1,000 square feet, a site geotechnical report, 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 is required. Compliance with the storm water ordinance and policies of the city will be required. Drainage must be maintained on-site. The grading plan must assure that proposed elevations match the perimeter ground and storm water capture remains on the site. The storm water report needs to address how roof drainage will be managed. The storm water report needs to include a section on depth to seasonal high groundwater and what its expected elevation is. • 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 approved plans attached and be recorded by the city with final plan approval. • The project appears to be located within the current FEMA AE zone. Compliance with the city's floodplain ordinance is required. The lowest building floor must meet the ordinance requirements for the current BFE. Additionally, 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.
Idaho Transportation Department Link to Comment	6/25/2025	ITD has reviewed the application transmittal for DSRFY2025-0009 and does not have any comments
North Ada County Fire and Rescue Link to Comment	6/6/2025	<ol style="list-style-type: none"> 1. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1) 2. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)

		<p>3. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)</p> <p>North Ada County Fire & Rescue District has reviewed and can approve the application subject to compliance with all the applicable code requirements and conditions of approval per the International Building Code, International Fire Code, and NACFR rules. These provisions are best addressed by a licensed Architect at time of building permit application when making tenant improvements.</p>
DEQ Link to Comment	6/30/2025	<p>While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/.</p>

PUBLIC COMMENT

The following public comments were provided: None provided

MEETING SUMMARY

This is a summary of the discussions that occur at the Design Review consultation meetings.

There have been no previous consultations on this project.

CODE AND POLICY REVIEW

Discussion

Jeff Likes is proposing the construction and use of additional accessory structures (a private garage), which, along with all accessory structures and portions of the principal structure used for residential accessory purposes (such as an attached garage), would exceed 1,000 square feet and surpass the square footage of the principal dwelling unit.

Residential accessory structures are typically used for residential activities such as storage or personal recreation. These structures are usually permitted administratively through a building permit. When a residential accessory structure exceeds the square footage of the principal structure (over 1,000 sq. ft.), Garden City Code 8-4B-3 requires both a conditional use permit and a design review approval in addition to administrative permits.

The proposed structure is 1,296 square feet and features a five-bay layout. It is planned to be located behind the primary residential building and will not be visible from the right-of-way. An existing accessory structure on the property is 3,360 square feet, with a three-bay design that includes an RV bay, storage area, storage mezzanine, and restroom. The principal residence also includes an attached two-car garage and RV bay.

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		
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	No compliance issues noted	No comment
8-1B-3 Nonconforming Uses	Compliant as Conditioned	A conditional use permit will be required for accessory structures and all portions of the principal structure, such as an attached garage, that are utilized for residential accessory uses over a combined one thousand (1,000) square feet and exceed the combined square footage of the principal dwelling unit. See section 8-4B-3.
8-1C-3 Property	Compliant as Conditioned	Per 8-1C-2, this article applies to all existing residential and non-residential buildings, structures, and lands.

Maintenance Standards		<p>In all districts, no garage, tent, trailer, fifth wheel, motor coach, recreational vehicle, travel trailer or other accessory structure shall be erected or used for living quarters or sleeping quarters outside of an approved recreational vehicle park for more than fourteen (14) consecutive days.</p> <p>1. The quarters may not be utilized more than two (2) times per calendar year from January 1 through December 31 for living or sleeping quarters outside of an approved recreational vehicle park.</p> <p>2. No recreational vehicle shall be allowed to connect to Garden City utilities outside of an approved recreational vehicle park.</p> <p>A condition has been made for the duration of the use.</p>								
Title 8, Chapter 2: Base Zoning District Regulations										
8-2B-1 Purpose		<p>The purpose of the four (4) residential districts is to provide a full range of housing products within the city in areas that are exclusively for residential uses. The four (4) districts are contrasted by the density and housing products that are allowed within each district:</p> <table><tr><th>District</th><th>Maximum Density</th><th>Minimum Density</th><th>Typical Housing Types</th></tr><tr><td>Medium density residential (R-3)</td><td>35 du/acre</td><td>14 du/acre in TOD locations of the comprehensive plan or neighborhood commercial nodes unless successful obtainment of a conditional use permit</td><td>Single-family, two-family and multiple-family dwelling units</td></tr></table>	District	Maximum Density	Minimum Density	Typical Housing Types	Medium density residential (R-3)	35 du/acre	14 du/acre in TOD locations of the comprehensive plan or neighborhood commercial nodes unless successful obtainment of a conditional use permit	Single-family, two-family and multiple-family dwelling units
District	Maximum Density	Minimum Density	Typical Housing Types							
Medium density residential (R-3)	35 du/acre	14 du/acre in TOD locations of the comprehensive plan or neighborhood commercial nodes unless successful obtainment of a conditional use permit	Single-family, two-family and multiple-family dwelling units							
8-2B-2 Allowed Uses	Compliant as Conditioned	A conditional use permit for an Accessory Structure exceeding one thousand square feet, required per Garden City Development Code 8-4B-3								
8-2B-3 Form Standards	Compliant	<p>The required setbacks are:</p> <p>Front: 5'/20' Interior side :0/5' Rear: 15' Street side: 5</p> <p>Maximum lot coverage: 70%</p> <p>Accessory structures shall not be located in any front yard setback and shall be set back a minimum of five feet (5') from any side or rear property line.</p> <p>Compliant</p>								
Title 8, Chapter 4: Design and Development Regulations										
8-4A-3 Fences and Walls	Compliant as Conditioned	<p>There appears to be various fences along the property boundaries. The fence at the rear of the property does not comply with code requirements.</p> <p>Removal and/or replacement of the fences shall occur prior to occupancy permits being granted. If, in the instance that a fence does not belong to the subject property owner, then an affidavit of non-ownership shall be notarized and submitted to the city.</p> <p>Any future fence or wall will be required to be in compliance with code at the time of development.</p>								

DSRFY2025 - 0009

8

8-4A-4 Outdoor Lighting	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> <p>A condition has been drafted to ensure code compliance.</p>
8-4A-5 Outdoor Service and Equipment Areas	Compliant as Conditioned	<p>This proposal does not identify any outdoor service equipment.</p> <p>Any future outdoor service equipment area will be required to be in compliance with code at the time of development.</p> <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>A condition has been drafted to ensure code compliance is met at the time of building permit review, and prior to occupancy permits being granted.</p>
8-4A-7 Stormwater Systems	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.</p>
8-4A-8 Utilities	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>
8-4A-9 Waterways	Compliant as Conditioned	<p>There does not appear to be Boise River irrigation facilities to the site.</p>
8-4B-3 Single Family and Two-Family Attached and Detached Dwelling	Compliant as Conditioned	<p>The existing residential building and garage/shed were approved under the CUPFY2020-11 and DSRFY2020-10 applications.</p> <p>This proposal includes an additional garage/ shed. The combined area of all accessory structures on the site exceeds 1,000 square feet.</p> <p>Accessory structures and all portions of the principal structure, such as an attached garage, that are utilized for residential accessory uses over a combined one thousand (1,000) square feet may not exceed the combined square footage of the principal dwelling unit without a design review consultant(s) recommendation and planning official approval as set forth in section 8-6B-3 of this title and subsequent approval of a conditional use permit.</p> <p>Existing home SF: 3,480 SF (2,230 SF for living space and 1,250 SF garage) Existing accessory structure (garage/ shed): 3,360 SF Proposed new garage/ shed SF: 1,296 SF The accessory uses total SF: 5,906 SF</p>

		The related Conditional Use Permit application, CUPFY2025-0011, has been submitted to Development Services. In addition to the current design review and approved conditional permit, the applicant must obtain a building permit.										
8-4C-5 Prohibitions	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.												
8-4D-3 Parking Design and Improvement Standards	Compliant as Conditioned	Single-family residential uses may provide a substitute surface material where it can be demonstrated that the materials do not generate dust. The location of garages and carports shall comply with the provisions set forth in chapter 4, article B of this title, Design Provisions For Residential Structures.										
8-4D-4 Parking Use Standards	No compliance issues noted	Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements for the new use										
8-4D-5 Required Number of Off-Street Parking Spaces	Compliant	<table border="1"><thead><tr><th colspan="3">Dwelling Parking</th></tr><tr><th>Dwelling Type</th><th>Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)</th><th>Required Covered Parking Per Each Dwelling Unit</th></tr></thead><tbody><tr><td>More than 1 bedroom</td><td>2</td><td>1</td></tr></tbody></table> The residential building includes an attached 3-car garage. Additionally, there is a garage/ shed located at the rear of the property, which can accommodate three cars or RVs. The applicant proposed adding a new shed(garage) which can accommodate 5 cars or RVs		Dwelling Parking			Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)	Required Covered Parking Per Each Dwelling Unit	More than 1 bedroom	2	1
Dwelling Parking												
Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (Including Covered And Uncovered)	Required Covered Parking Per Each Dwelling Unit										
More than 1 bedroom	2	1										
8-4D-6 Standards for Equivalent Parking Adjustments	No compliance issues noted	Equivalent parking was not requested.										
8-4D-7 Off Street Loading Standards	Not Determined											
8-4E Transportation and Connectivity Provisions												
8-4E-3 Public Street Connections	No compliance issues noted	No comment										

8-4E-4 Internal Circulation Standards	Compliant as Conditioned	<p>A. Driveways, aisles and turnaround areas, when required for fire and refuse access, shall meet the following standards:</p> <ol style="list-style-type: none"> 1. Have a minimum vertical clearance of thirteen feet six inches (13'6") for their entire length and width. 2. Have a minimum width of twenty feet (20'). 3. The design of internal circulation should be integrated with the overall site design and adjacent properties, including the location of structures, pedestrian walkways and landscaping.
8-4E-6 Sidewalk Standards	Compliant	There is an existing attached sidewalk on the subject property.
8-4E-8 Transit Facilities	No compliance issues noted	No comment
8-4G Sustainable Development Provisions		
8-4G Sustainable Development Provisions	No compliance issues noted	The development is exempt per 8-4G-2 (D).
8-4H Flood Hazard	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		
8-4I-2 Applicability	Not Applicable	<p>For all new residential and nonresidential uses, all landscaping standards of this article shall be met.</p> <p>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>Existing home + accessory structure SF: 3,480 SF+3,360 SF=6,840 SF Proposed new garage/shed SF: 1,296 SF or 19% of the existing gross floor area</p> <p>No additional landscaping shall be required.</p>
8-4L Open Space Provisions		
8-4L-3 General Open Space Standards	Not Applicable	The standards for open space and site amenities shall apply to all new single-family, townhouse, two-family duplex of more than two (2) units, and all multi-family developments.

		The proposal is solely for the construction of an additional garage/shed.
Title 8, Chapter 6, Article A: Administration		
8-6A-3 General Application Process	Compliant	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information		Application waivers requested pursuant to 8-6A-4A: Fire flow and ability to serve
8-6A-5 Administrative Process with Notice	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 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 Garden City Comprehensive Plan	<p>CUPFY2020-11, DSRFY2020-10</p> <p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.</p> <p>This application is in future land use designations of the Comprehensive Plan:</p> <ol style="list-style-type: none"> 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. <p><u>The application may be supported by:</u> list goals or objectives e.g.</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 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.

	Goal 7. Connect the City <ul style="list-style-type: none"> 7.1 Objective: Create pedestrian and bicycle friendly connections. 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.
Garden City Sidewalk Policy	Existing attached sidewalk
Garden City Street Light Policy	A streetlight is installed along E. 46th Street in accordance with the policy.

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> <p>This proposal is for the addition of an accessory structure (garage/shed) on a site that has already been developed in accordance with the approved applications CUPFY2020-11 and DSRFY2020-10. The original development included the construction of a single-family home and an accessory structure at the rear of the property. Sidewalks and street landscaping have been installed in compliance with Garden City Code, Title 8.</p> <p>Compliance with Garden City Code 8-6B-3 Required Findings :</p> <ol style="list-style-type: none"> 1. The proposed accessory structure adheres to the design standards and requirements outlined in Title 8. 2. The site includes an existing sidewalk and a pedestrian pathway leading to the main building entrance. The proposed accessory structure will be located behind the main building and will not interfere with these pathways. 3. The design maintains compatibility with nearby public amenities, including sidewalks and open spaces. The structure does not obstruct or negatively impact the use of public areas such as the greenbelt, parks, or waterways. 4. The site contains a single-family home, which is a permitted use in accordance with Garden City Code §8-2B. 5. The proposed structure is located on the side of the property, and the setbacks comply with the requirements of Garden City Code §8-2B.
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		6. The materials, form, and design of the proposed accessory structure are consistent with the existing accessory structure. 7. No changes to the landscape are expected. 8. The site is not located near any designated wetlands, historic structures, or scenic features. The proposed structure does not interfere with any natural or historic elements.
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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 **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 Planning Official hereby **TBD** the application, subject to the following conditions:

POTENTIAL CONDITIONS FOR APPROVAL DECISION

Application Specific Requirements:

Scope of Permit:

1. The scope of this permit is to allow the construction and use of an additional accessory structure (a private garage), which, along with all accessory structures and portions of the principal structure used for residential accessory purposes (such as an attached garage), would exceed 1,000 square feet and surpass the square footage of the principal dwelling unit.
2. The additional accessory structure is permitted exclusively for residential use. No commercial or non-residential activities are authorized under this permit.
3. All uses on the site shall remain consistent with the conditions of approval outlined in CUPFY2025-0011. This permit is subject to and incorporates by reference all applicable conditions of approval from CUPFY2025-0011.

Prior to Building Permit Issuance:

1. The applicant shall obtain approval for Conditional Use Permit application CUPFY2025-0011 associated with this Design Review proposal.
2. A building permit shall be applied for and approved by Garden City Development Services Department.
3. Accessory structures shall not be located in any front yard setback and shall be set back a minimum of five feet (5') from any side or rear property line.

4. Single-family residential uses may provide a substitute surface material where it can be demonstrated that the materials do not generate dust.
5. Driveways, aisles and turnaround areas, when required for fire and refuse access, shall meet the following standards:
 - a. Have a minimum vertical clearance of thirteen feet six inches (13'6") for their entire length and width.
 - b. Have a minimum width of twenty feet (20').
 - c. The design of internal circulation should be integrated with the overall site design and adjacent properties, including the location of structures, pedestrian walkways and landscaping.
6. All City Engineer's comments must be addressed.

Prior to Occupancy:

1. Occupancy of the site shall not commence until after a Certificate of Occupancy or Compliance has been obtained from Garden City Development Services Department.
2. The building design shall be in accordance with the plans approved under this Design Review.
3. A public works and utility permit shall be submitted for review and approval for the required site work.
4. All chain-link fencing, including fencing with salts and barbed wire, shall be removed or replaced with code compliant fencing materials.
 - a. If the fencing is not owned by the subject property owner, then a notarized affidavit of non-ownership shall be submitted to the Development Services Department to waive the requirement for removal.
5. Any outdoor lighting shall be in compliance with code at the time of development.
6. All stormwater systems must comply with Garden City Code 8-4A-7.
7. All utilities on the site, including telephone, cable television, and electrical shall be underground and in compliance with Garden City Code 8-4A-8.
8. 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.
9. 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.

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.

Site Specific Requirements for the Duration of the Use:

1. In all districts, no garage, tent, trailer, fifth wheel, motor coach, recreational vehicle, travel trailer or other accessory structure shall be erected or used for living quarters or sleeping quarters outside of an approved recreational vehicle park for more than fourteen (14) consecutive days.
 - a. The quarters may not be utilized more than two (2) times per calendar year from January 1 through December 31 for living or sleeping quarters outside of an approved recreational vehicle park.
 - b. No recreational vehicle shall be allowed to connect to Garden City utilities outside of an approved recreational vehicle park.

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.

TBD

Development Service Staff

Date