

DEVELOPMENT SERVICES DEPARTMENT

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

File Number: DSRFY2023 - 0002

Review Status: INITIAL REVIEW- NOT APPROVED

Plan Review Number: 1

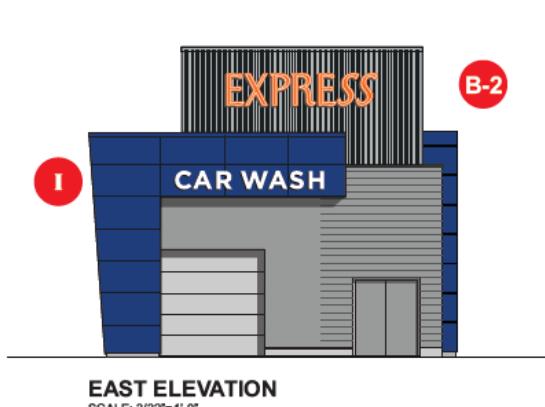
Reviewer: Hanna Veal

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: April 17, 2023

Applicant: Damon Beard



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SITE INFORMATION

- 1)** Owner: 8200WCH5 LLC
- 2)** Street Address: 8200 W. Chinden Blvd.
- 3)** Ada County Tax Parcel Number(s):
 - a) R8191500943
- 4)** Property Description: PAR #0943 LOT 2 & S2 VAC ST EXC R/W R/S #522 STRAWBERRY GLENN SUB #0942-B
- 5)** Legal Lot of Record: Yes
- 6)** Property Size: 0.755 acres
- 7)** Zoning District: C-2
- 8)** Zoning Overlay: None
- 9)** Comprehensive Plan Land Use Map Designation:
 - a) Green Boulevard Corridor
 - b) Future Planning Area
- 10)** Floodplain Designation:
 - a) The project is not in the floodplain according to the 2003 FIRM.
 - b) The project is not in the floodplain according to FEMAs most recent modeling of the Lower Boise River, adopted by resolution 1083-20
- 11)** Adjacent Uses:
 - a) ITD District 3 Headquarters
 - b) Vacant Land
 - c) Vehicle rental and storage - U-Haul
- 12)** Existing Use: Vehicle Washing Facility
- 13)** Easements on site:
 - a) 15' IPCO Easement
 - b) 10' Public multi-use pathway easement along W. Chinden (yet to be recorded, required as part of previous CUPFY2022-0004 and DSRFY2022-0002).
- 14)** Site Access:
 - a) Front: Coffey St.
 - b) Side: W. Chinden Blvd. (for emergency exit route only).
- 15)** Sidewalks:
 - a) 10' wide public multi-use pathway along W. Chinden
 - b) 5' detached sidewalk along Coffey St.
- 16)** Wetlands on site: none identified

PROJECT INFORMATION

- 1) Proposed development: Master sign plan associated with new construction of a vehicle washing facility (DSRFY2022-0002 and CUPFY2022-004).
- 2) Noticing was completed on: March 17, 2023
- 3) The neighborhood meeting was held on: March 1, 2023
- 4) Number of Structures: 1

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Department of Environmental Quality	03/27/2023	<ul style="list-style-type: none">• General Comments
Idaho Transportation Department	04/06/2023	<ul style="list-style-type: none">• Any addition, modification, change of use, relocation, maintaining, or removal of an encroachment of the state highway or use of highway right-of-way for any purpose other than normal travel, shall obtain an Encroachment Permit to use state right-of-way. Please contact Shona Tonkin at Shona.Tonkin@ITD.Idaho.gov for the permit.• Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.• The Idaho Administrative Procedures Act (IDAPA) 39.03.60 governs advertising along the State highway system.

PUBLIC COMMENT

The following public comments were provided:

Commenter	Comment Date	Summary
Melissa Bahr Link to Comment	March 18, 2023	Remove the electric marquee sign along W. Chinden Blvd due to light pollution.

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

The applicant is requesting approval of this master sign plan associated with the previously approved DSRFY2022-0002 and CUPFY2022-0004 applications.

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

The applicant has proposed 14 new signs on site ranging in sizes, most of which are to be attached to the building. There will be 5 signs along the Chinden frontage, two along the Coffey Street frontage, 2 facing west (no street frontage) and 3 facing north (no street frontage).

The property is located within the Sign District 3 (SD3), which has specific location and size standards. All signs as proposed do not meet the minimum SD3 standards, however, as a master sign program application, those standards do not have to be applicable so long as the standards set forth by the master sign program are met (8-4F-13).

Staff has drafted a potential condition regarding the sign's illumination to where all lighting to signs that are internally illuminated shall be turned off by 10:00p.m. or close of business, whichever is later. Lighting may be further limited to ensure compatibility with adjacent residential uses. This has been drafted in an attempt to decrease light pollution and disruption to the surrounding neighborhoods.

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	Complaint	The site consists of a portion of lot or lots within Strawberry Glenn Subdivision and is shown on Record of Survey No, 522.

<u>8-1B-2 Nonconforming Structures</u>	Complaint	New structure under construction is associated with DSRFY2022-0002. The application was reviewed and conditioned to meet code standards at the time of approval.
<u>8-1B-3 Nonconforming Uses</u>	Complaint	Conditional Use Permit (CUPFY2022-0004) on file for vehicle washing facility.
Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-1 Purpose	Complaint	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. 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>	Complaint	CUPFY2022-0004 on file.
<u>8-2B-3 Form Standards</u>	Complaint	<p>The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5'</p> <p>The allowable maximum height is n/a</p> <p>The minimum lot size is n/a</p> <p>There are no encroachments.</p>
Title 8, Chapter 4: Design and Development Regulations		
<u>8-4A-4 Outdoor Lighting</u>	Complaint as Conditioned	<p>Electrical feeds to outdoor light fixtures shall be underground, not overhead.</p> <p>Prohibitions:</p> <ol style="list-style-type: none"> 1) Mercury vapor lamp fixture and/or lamp. 2) Laser source light or any similar high intensity light when projected above the horizontal. 3) Strobe lights, except for emergency uses. 4) Searchlights, except where approved for temporary uses. 5) Lighting, including holiday lighting, on commercial or private tower structures that exceed the district height limit except as required by regulations of the federal aviation administration (FAA).
8-4F Sign Provisions		
<u>8-4F-7 Sign District Base Provision</u>	Compliant	Sign District 3 (SD3): SD3 caters to the areas that the comprehensive plan has designated as lower intensity commercial areas that are likely to have a mix of commercial and residential uses. SD3 includes frontage on either side of Chinden Boulevard from Coffey Street to the westerly border of the Garden City corporate limits. SD3 is also located from Bradley Street to 36th Street but does not include properties that front on Fenton, 36th Street, Adams Street, Veteran's Memorial Parkway, or Chinden Boulevard with the exception of the frontage on Chinden Boulevard west of Coffey Street.
<u>8-4F-11 Regulations for</u>	Not Compliant	SD3:

<u>Specific Sign Districts</u>		<ol style="list-style-type: none"> 1) Maximum number of wall signs shall be limited to one per unit for each face not to exceed a sign area of greater than ten percent (10%) of the face. This number does not include exempt signs. 2) Illumination may be either external or internal illumination. 3) Businesses must turn off lighting to signs that are internally illuminated or not fully shielded at ten o'clock (10:00) P.M. or close of business, whichever is later. 4) Lighting may be further limited to ensure compatibility with adjacent residential uses.
<u>8-4F-12 Regulations for Specific Sign Categories</u>	Not Compliant	<p><u>Freestanding and Automated Sign:</u> The pylon sign labeled "A" is considered a freestanding automated sign. Freestanding signs shall not interfere with pedestrian access, bike, or transit facilities, nor shall they be located in a manner that blocks the visibility of adjacent signs. Compliant.</p> <p>One freestanding sign is permitted for every 100LF of public street frontage for a maximum of 3 signs per parcel, however, it is limited to one per business. The application proposes 1 freestanding sign and is compliant with these standards.</p> <p>Automated signs shall not be allowed in freestanding signs within sign district 3. This sign is not permitted per Garden City Code. As a master sign program, Garden City Code may allow for exemptions to this section of code.</p> <p>The maximum automated sign height is 7'. This sign is not compliant as it is proposed to be 25' tall.</p> <p>The minimum side yard setback for an automated sign in SD3 is 25'. This sign appears to encroach this setback, as it is located at the corner of Coffey and Chinden. The sign appears to be setback about 15' from the Chinden frontage, and 10'-15' from the Coffey St. frontage. The site plan does not show exact details.</p> <p><u>Hanging Sign:</u> The Metro Express Car Wash sign labeled "F" is considered a hanging sign per Garden City Code. Hanging signs shall maintain an 8' vertical clearance from adjacent grade and the top of the signs shall not be any higher than 20' above adjacent grade.</p> <p>Hanging signs shall not project more than 5' from face of the building. The hanging sign protrudes about 4' from the side of the building. The sign meets this provision.</p> <p>The hanging sign is about 43.13sqft in size, exceeding the size limit of 20sqft. As part of a master sign plan, the dimensional standards set forth in code can be ignored.</p> <p><u>Wall Sign:</u> Proposed signs labeled "D, G, H, E, J, K, C, B-1, B-2, and I" are considered wall signs per Garden City Code.</p> <p>Wall signs shall be placed on an exterior wall visible from or fronting on a street, thoroughfare or common parking area associated with a clear public entrance for the subject business.</p>

		<p>Proposed signs "C, D, and E" face W. Chinden, however the signs are not compliant with code in that this wall plane does not contain an entrance. Signs are non-compliant.</p> <p>Proposed signs "G, and H" face west, which the façade does contain an entrance, but it does not appear public in nature, nor does it face a public right of way. Instead, it faces the adjacent residential neighborhood to the west. The signs do appear to be visible from W. Chinden to traffic heading east. Signs are non-compliant.</p> <p>Proposed signs "B-2 and I" face east, which the façade does contain an entrance, but it does not appear to be public in nature. These signs do face a public-right-of-way of Coffey Street. Signs are non-compliant.</p> <p>Proposed signs "J and K" face north toward the parking lot. This façade does contain an entrance, but it does not appear public in nature. Signs are non-compliant.</p> <p><u>Proposed design features labeled "L-1" and" L-2":</u> Staff does not consider the design features as identified in the plans as "L-1" and "L-1" as signs. The definition of a sign is "Any device visible to the public right-of-way or other properties used to communicate commercial or noncommercial information. Because these signs do not include lettering or information, staff does not consider these to be signs.</p> <p>As part of a master sign plan, the signs proposed may exceed the standards set forth in GCC 8-4F-11 so long as the below standards are met. Please refer to 8-4F-13 below.</p>
8-4F-13 Master Sign Program	Not Determined	<p>The purpose of the master sign program is to encourage the integration of signs into the site and building design of new commercial and mixed use development. Through this integration, the intent is to allow flexibility in the criteria as set forth in sections 8-4F-11 and 8-4F-12.</p> <p>Standards:</p> <ol style="list-style-type: none"> 1) Signs shall incorporate materials, colors and design that are compatible with and complement the scale and design of the building for which the sign identifies. Compliant. 2) Multiple signs on the same parcel shall reflect common design elements including materials, color, letter style, illumination, sign type and sign style. Compliant. 3) Sign height and placement of similar sign types shall be consistent throughout the development site. Compliant. 4) Sign size, height or placement shall not impede pedestrian patterns. Compliant. 5) Signs that exceed the standards set forth in sections 8-4F-11 and 8-4F-12 of this article shall demonstrate superior quality, creativity, or artistry and integration with the buildings and site. Discussion Required. 6) For wall signs on buildings with attached units, the building as a whole shall be used rather than the individual units in determining frontage. The total sign area of all wall signs on all units will be calculated from

		<p>this frontage. Not applicable.</p> <p>7) After approval of a master sign program, no signs shall be constructed except in conformance with such plan. Upon approval, the sign program shall apply to all existing and future tenants. Drafted Condition.</p> <p>8) Where the master sign plan may conflict with this code, this code will supersede the applicant's master sign plan unless specifically conditioned in approval by the reviewing board in conformity with subsection C5 of Garden City Code.</p>
Title 8, Chapter 6, Article A: Administration		
<u>8-6A-3 General Application Process</u>	Complaint	<p>The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.</p> <p>There have been denials of an application in substantially the same form for the same use, within one (1) year.</p>
<u>8-6A-4 Required Application Information</u>	N/A	None
<u>8-6A-5 Administrative Process with Notice</u>	Complaint	<p>A notice of intent will be sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>If no objections are filed within 15 days, the 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	DSRFY2022-0002 AND CUPFY2022-0004
<u>Garden City Comprehensive Plan</u>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <ul style="list-style-type: none"> a.) Green Boulevard Corridor b.) Future Planning Area <p>The application may be supported by:</p> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> a.) 1.4 Objective: Create a premier destination place to live, work, and recreate. <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> a.) 2.3 Objective: Promote quality design and architecturally interesting buildings.

	<p>b.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</p> <p>Goal 12. Evolve as a Destination</p> <p>a.) 12.1 Objective: Support a positive business environment</p> <p>b.) 12.2 Objective: Continue to support commercial and industrial land uses.</p> <p>c.) 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</p> <p>The application may not be supported by:</p> <p>Goal 10. Plan for the Future</p> <p>a.) 10.3.1 Objective: Develop master plans for the areas shown on the Land Use Map as "Future Planning Areas." These designated areas are west of the city within the Area of City Impact; the area around the Idaho Expo Center, including the Idaho Department of Transportation (ITD) District 3 Headquarters; and the Ada County Highway District operations and maintenance property.</p>
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DECISION PROCESS

General Provisions

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

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

Decision

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

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

Once the decision is rendered it will be sent to the applicant and interested parties. If the determination is a recommendation for a public hearing or if a person with standing objects, a hearing with City Council or Planning and Zoning Commission will be scheduled.

Appeals of Decision:

Per Garden City Code [8-6A-5 Administrative Process with Notice](#), there is a 15-day period to file a written objection to the application. The objection shall be made on the appeal submittal form and must be accompanied by the appeal fee. This period starts from the signed decision date. If a written objection is received within the 15-day period, a City Council hearing will be scheduled to decide the application. Verbal objections will not be accepted. Written objections received after the 15-day objection period will not be accepted.

When a design review consultation is required as part of an application that requires a public hearing, public testimony regarding design will be heard by the planning and zoning commission at the planning and zoning commission's scheduled hearing.

REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION

Required Findings

In order to approve a design review application after a recommendation by the design review consultant(s), the decision maker shall make a determination with written reasoned statements on the following findings:

GCC 8-6B-3 Required Findings	Determination	Reasoned Statements
<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 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; and8. 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.	Not Determined: This will be completed in conjunction with the formal decision	TBD: This will be completed in conjunction with the formal decision

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:

IN APPROVAL

Site Specific Requirements:

Scope of this permit:

1. This is an approval of a master sign plan for the property located at 8200 W. Chinden Blvd.
2. Where the master sign plan may conflict with code, code will supersede the applicant's master sign plan unless specifically conditioned in approval. Signs approved as a part of the master sign plan include:
 - a. "A" automated freestanding pylon sign as proposed;
 - b. "B-1" wall mounted sign as proposed;
 - c. "B-2" wall mounted sign as proposed;
 - d. "C" wall mounted sign as proposed;
 - e. "D" wall mounted sign as proposed;
 - f. "E" wall mounted sign as proposed;
 - g. "G" wall mounted sign as proposed;
 - h. "H" wall mounted sign as proposed;
 - i. "J" wall mounted sign as proposed;
 - j. "K" wall mounted sign as proposed;
 - k. "F" hanging sign as proposed.
3. Signs identified as "L-1" and "L-2" per the submitted plans do not meet the definition of signs per Garden City Code and shall not be included as part of the master sign program.

Site Specific Requirements for the Duration of the Use:

1. The business shall turn off lighting to signs that are internally illuminated or not fully shielded at 10 o'clock (10:00) p.m. or close of business, whichever is later.
2. All lighting installed on site shall be compliant with "Dark Sky" regulations to control light pollution including glare, light trespass and skylight.
3. After approval of a master sign program, no signs shall be constructed except in conformance with such plan. Upon approval, the sign program shall apply to all existing and future tenants.
4. Any amendments to or deviations from the master sign plan will require review and approval through the city's permitting process at the time of amendment or deviation.
5. Signs shall incorporate materials, colors and design that are compatible with and complement the scale and design of the building for which the sign identifies.
6. Multiple signs on the same parcel shall reflect common design elements including materials, color, letter style, illumination, sign type and sign style.

7. Sign height and placement of similar sign types shall be consistent throughout the development site.
8. Sign size, height or placement shall not impede pedestrian patterns.

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 Cod 8-3C General Provisions-Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Cod 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. There is a 15 day right to appeal to City Council. The applicant or any interested parties may appeal the decision or a part of the decision. An appeal shall be made on the form provided by the City and filed with the City Clerk within 15 days after the action of the decision.
30. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code .
31. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

POTENTIAL IN DENIAL

1. There is a 15 day right to appeal to City Council. The applicant or any interested parties may appeal the decision or a part of the decision. An appeal shall be made on the form

provided by the City and filed with the City Clerk within 15 days after the action of the decision.

2. 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.

April 17, 2023

Development Service Staff

Date

IMAGES

None