



DEVELOPMENT SERVICES DEPARTMENT

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

File Number: DSRFY2023 - 0005

Review Status: REVISIONS NEEDED

Plan Review Number: 1

Reviewer: Mariia Antonova and Hanna Veal

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: July 24, 2023

Applicant: Jeff Likes



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SITE INFORMATION

- 1)** Owner: FOOTHILLS CHRISTIAN CHURCH INC
- 2)** Street Address: 9655 W. State Street
- 3)** Ada County Tax Parcel Number(s): S0514346816
- 4)** Property Description: PAR #6816 @ SE COR OF SE4SW4 SEC 14 4N 1E PARCEL 3 R/S 5636
- 5)** Legal Lot of Record: Yes
- 6)** Property Size: 6.388 acres
- 7)** Zoning District: R-20
- 8)** Zoning Overlay: None
- 9)** Comprehensive Plan Land Use Map Designation:
 - a) Green Boulevard Corridor
 - b) Residential Low Density
- 10)** Floodplain Designation:
 - a) The project is 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) Nursing and Residential Care Facility
 - b) Retail Store
 - c) Single Family Dwellings
- 12)** Existing Use: Church or Place of Religious Worship: The use of a site that by design and construction is primarily intended for conducting organized religious services, meetings, and associated activities and that is recognized as a religious corporation or society of the state of Idaho with a state tax exempt status in accord with Idaho Code section 63-602B.
- 13)** Easements on site:
 - a) EASEMENTS: UNPLATTED 5093, 100,071,289, US WEST EASEMENT
 - b) EASEMENTS: EASFY2019-4, 2,019,023,883, SEWER MAIN REPAIR AND ACCESS
 - c) EASEMENTS: EASFY2019-4, 2,019,023,883, WATER MAIN REPAIR AND ACCESS
- 14)** Site Access:
 - a) Front: N. Ulmer Ln.
 - b) Side: W. Charlie Ln.
- 15)** Sidewalks: Sidewalks are installed and are in good repair.
- 16)** Wetlands on site: none identified

PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: May 19, 2023
- 3) The neighborhood meeting was held on: May 30, 2023
- 4) Associated Conditional Use Permit:
- 5) Site Coverage:
 - a) Building: 19% of the site
 - b) Landscaping: 42% of the site
 - c) Paved Areas: 39% of the site
- 6) Square footage dedicated to uses:
 - a) School: Unknown
 - b) Church: Unknown
- 7) Number of Structures:
 - a) 2 Existing
 - b) 3 Proposed – Portable
- 8) Total number of vehicular parking spaces: 191
 - a) Surface: 191
- 9) Total number of bicycle parking: None
- 10) Trash Enclosure: Unknown
- 11) Fencing: No fence
- 12) Sidewalk: Existing sidewalk to remain
- 13) Landscaping:
 - a) Street Trees: 14 Class II Tulip Trees
- 14) Connections: Potential ACHD local roadway might be required to connect N. Ulmer Lane to N. Gardner Ln. Via the parking lots between the Foothills Christian Church and Grace Assisted Living.
- 15) Closest VRT Stop: Approximately 1- mile east at Glenwood St.

AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District	None received to date	
Boise School District	None received to date	
Central District Health	None received to date	
COMPASS	None received to date	
Garden City Engineer	None received to date	
Idaho Transportation Department	None received to date	
Irrigation: Fairview Acres	None received to date	
North Ada County Fire and Rescue	None received to date	
Meridian School District	None received to date	

PUBLIC COMMENT

The following public comments were provided:

Name	Date	Summary
Eric Oden	07/07/2023	Traffic congestion concerns regarding the existing use and the

		potential expansion of that use. Traffic impact study requested.
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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 application is proposing to add three pre-fabricated structures to an existing site. Plans submitted in conjunction with this application did not fully describe the existing site conditions such as landscaping, hardscaping, and structural square footage. As such, portions of this review are highlighted yellow, indicating that there was not enough information to review.

Many conditions have been drafted in the approval to ensure that code compliance is met, and could be reviewed at the building permit level. However, changes to site, landscaping, and structural plans may be required to return to the design consultants for re-review and re-approval.

The existing use on the site is for a church or place of religious worship, which is currently a legal non-conforming use. Any expansion to that use would require a conditional use permit. As such, the expansion of three portable classrooms affiliated with the church use will require a conditional use permit prior to the construction of the structures.

Previous conditional use and design review permits noted that ACHD would require dedication of right-of-way if the church use were ever to expand. The dedicated right-of-way would be for a future east-west collector street between Horseshoe Bend Road and N. Ulmer Lane in accordance with ACHD's Master Street Map (see below) which has been in place since 2006.



Per comments made by ACHD in 2017, "the new collector roadway should align with Lakeland Drive on the west and continue through the south portion of the property stubbing to Ulmer

Lane on the east. The Commercial Collector typology as depicted in the Livable Street Design Guide recommends a 3-lane roadway with bike lanes, and on street parking, a 60-foot street section within 84 feet of right-of-way.

The applicant's proposal does not address the collector street listed in the Master Street Plan, and ACHD has not provided further comments for this specific application. It is unknown still if ACHD will require the connection.

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>	Complaint	Legal parcel of record as described
<u>8-1B-3 Nonconforming Uses</u>	Complaint as Conditioned	<p>There is an existing conditional use permit on file for this property (CUPFY2017-19) for the use of church and place of religious purpose. Any expansion of the existing use will require a conditional use permit. It has been conditioned to require a CUP prior to issuance of a C of O.</p> <p>The scope of the proposed expansion is to extend the existing church and its school.</p>
Title 8, Chapter 2: Base Zoning District Regulations		
8-2B-1 Purpose	Complaint	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. There is no maximum density, the minimum density is 14/du per acre.
<u>8-2B-2 Allowed Uses</u>	Complaint as Conditioned	<p>A church or place of religious worship is a conditional use.</p> <p>A school is a conditional use.</p> <p>A conditional use permit will be required for the expansion of the existing use.</p>
<u>8-2B-3 Form Standards</u>	Not Complaint	<p>The required setbacks are:</p> <p>Front: 5 Interior Side: 0 Rear: 5 Street side: 5</p> <p>The allowable maximum height is: n/a The minimum lot size is: n/a There are no encroachments</p> <p>It does not appear that the proposed portables meet the minimum street frontage. The property is zoned R-20, which has minimum setback standards of 5'. The frontage would be considered the area between 5'-15'. To be compliant with code, the structures need to be within the 5'-15' frontage setback.</p>

		The 5' rear setback could conflict with 8-2C provisions below in that church or place of religious worship are required to have a minimum 25' rear setback. See below discussion.
<u>8-2C</u>	Not Determined	<p>CHURCH OR PLACE OF RELIGIOUS WORSHIP</p> <p>A. Setbacks: In the residential zoning districts, the interior side setback shall be a minimum of fifteen feet (15') and the rear setback shall be a minimum of twenty five feet (25'). The front setback shall be the same as that required for an allowed use. Staff would consider the rear setback to be that of W. Charlie Lane, however, due to the lack of building frontage on either W. Charlie Lane and N. Ulmer, the rear of the property could also be considered the western property boundary line.</p> <p>Existing Public Utilities between N. Ulmer Ln. and the proposed location of the portables would conflict with the required building frontage. As such, it might be more appropriate to require that the frontage area be considered W. Charlie Ln.</p> <p>B. Accessory Uses:</p> <ol style="list-style-type: none"> 1. Schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the use is otherwise permitted in the district. 2. Accessory uses associated with a church or place of religious worship located in a residential district may only operate between the hours of six o'clock (6:00) A.M. and eight o'clock (8:00) P.M.
Title 8, Chapter 4: Design and Development Regulations		
<u>8-4A-3 Fences and Walls</u>	Complaint as Conditioned	This proposal does not identify any fence or wall. Any future fence or wall will be required to be in compliance with code at the time of development.
<u>8-4A-4 Outdoor Lighting</u>	Complaint as Conditioned	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.
<u>8-4A-5 Outdoor Service and Equipment Areas</u>	Complaint as Conditioned	<p>This proposal identifies existing trash enclosures within the parking lot towards the west. New outdoor service equipment has not been proposed to service the new portable structures. Any future outdoor service equipment area will be required to be in compliance with code at the time of development.</p> <p>All trash services shall be required on-site. Services will not be permitted along N. Ulmer Ln. or W. Charlie Ln.</p> <p>HVAC equipment, trash dumpsters, trash compaction, and other service functions should 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>
<u>8-4A-7 Stormwater Systems</u>	Complaint as Conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.

<u>8-4A-8 Utilities</u>	Complaint as Conditioned	Another draft condition of approval is provided requiring that all utilities be underground.
<u>8-4C-3 Design Provisions for Nonresidential Structures</u>	Not Complaint	<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> <ul style="list-style-type: none"> - The maximum front setback is 15' from curb edge. The proposed structures appear to be setback further than the required 15'. On parcels with more than one building, the maximum allowable street setback applies to the front elevation of the building closest to the public street. As proposed, the portable buildings are to be the closest buildings to the street. - It is unclear if the buildings provide the minimum 15% glazing along the facades facing the streets. <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> <ul style="list-style-type: none"> - Existing parking lot to remain. - Pedestrian pathways appear to be lacking throughout the site. The site does not provide a pathway from the public sidewalk(s) to the main entrances of the site. The proposed pathway appears to expire at the existing parking lot drive. - The building closest to the street should have its primary entrance to the street and be clearly defined by architectural design of the building. The proposal does not show code compliance with this section. - The primary entrances of the proposed buildings do not provide covered pedestrian open space such as awnings, building recess, canopies or marquees. <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <ul style="list-style-type: none"> - No compliance issues noted. <p><i>Objective 4: The site design shall respect existing notable site features including existing buildings, landscaping, trees and water.</i></p> <ul style="list-style-type: none"> - No compliance issues noted <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> <ul style="list-style-type: none"> - Buildings appear to turn their back on the street. They are oriented internally to create a 'courtyard' area within the parcel. They are not oriented towards a prominent feature such as the corner location of N. Ulmer and W. Charlie Ln. - As the proposed structures are pre-fab in nature, the articulation of the buildings is minimal. - Rooflines do not contain interest per code requirements.

		<p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <ul style="list-style-type: none"> - The site has existing streetscapes.
<u>8-4C-4 Special Provisions for Specific Non residential Development</u>	Not Determined	<p>It is unclear how long the building facades and rooflines are. But they appear to exceed 50' in length.</p> <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.</p> <p>Rooflines exceeding fifty feet (50'), should incorporate relief to the perceived building mass by providing roofline variation.</p> <p>The existing site and the proposed expansion does not provide code compliant pedestrian pathways. All portions of a site should be accessible by a direct, convenient, attractive, safe and comfortable system of pedestrian pathways as follows:</p> <ol style="list-style-type: none"> a pedestrian pathway provides a direct route between building and the public sidewalk. b. A pedestrian pathway is free from hazards and has appropriate lighting levels. c. Pathway layouts should promote the shortest distance between building entrances. Long circuitous routes should be avoided. d. Secondary pathways must be at least three feet (3') in width.
<u>8-4C-5 Prohibitions</u>	Not Complaint	The proposal is for three prefabricated structures. Prefabricated Structures are a prohibited structure unless they contain architectural features and a variety of materials so that they lose the appearance of being a pre-fab structure.
8-4D Parking and Off Street Loading Provisions (New Parking Code Ord. 1034-22)		
8-4D-3 Parking Design and Improvement Standards	Not Complaint	<p>Bike parking facilities are not shown on site plans. On-site spaces shall be located within 50' of the building(s) entrance. Conditions have been drafted to require compliance with code.</p> <p>Pedestrian routes shall facilitate passage from parking spaces to the principal entrance(s) of the structures. The proposal does not include this.</p>
8-4D-4 Parking Use Standards	Complaint	
8-4D-5 Required Number of Off-Street Parking Spaces	Complaint as Conditioned	<p>Church or place of religious place of worship, and a school are considered high uses per the parking standards. 1 space is required for every 500 gross square feet. Each new structure is 1,669sqft for a total of 5,007sqft.</p> <p>Total number of vehicular parking spaces required: 10 Total provided: 191</p> <p>The existing structures consist of 45,965sqft which would require 92 parking spaces. The site appears to provide enough parking.</p> <p>There is one bicycle space required for every 20 vehicle spaces and 1 space per commercial tenant necessitating 11 bicycle spaces (rounded up).</p>

8-4E Transportation and Connectivity Provisions		
<u>8-4E-3 Public Street Connections</u>	Complaint 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. Existing ingress/egress to remain.
<u>8-4E-4 Internal Circulation Standards</u>	Complaint	The drive is 20' or greater in width.
<u>8-4E-6 Sidewalk Standards</u>	Complaint	Existing sidewalk to remain.
<u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u>	Not Complaint	All new commercial development is required to have a direct, convenient pathway system from the building's primary entrances through the site to the public sidewalk. Site plans do not shown.
8-4F Sign Provisions		
<u>8-4G Sustainable Development Provisions</u>	Not Complaint	Each structure is 1,669sqft for a total of 5,007sqft. The development is required to provide 12 points. A sustainability checklist has not been provided. Not enough information to review.
<u>8-4H Flood Hazard</u>	Complaint as Conditioned	The planning official is the decision maker on items regarding 8-4H. The City highly encourages that the applicant build to the best available data identified in the FIS study due to the potential cost of flood insurance and safety concerns for the property. Should the applicant choose not to build above the base flood elevations identified in the FIS, the City will request that the applicant record a Flood Acknowledgement on the property.
8-4I Landscaping and Tree Protection Provisions		
<u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u>	Complaint	
<u>8-4I-4 Landscaping Provisions for Specific Uses</u>	Not Determined	Submitted landscape plans do not show existing site conditions, nor does it encompass the entire parcel. Not enough information to review thoroughly. There is conflicting landscape information based on emails between staff and applicant and submitted plans. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Plans submitted show just a portion of the site. The area or portion of the parcel that which is to be improved consists of 13,170sqft landscape materials (68%).

		<p>The existing landscaping area for the whole parcel is stated to be 123,705sqft. The parcel is 277,913sqft. The existing landscape is 44.5% of the site.</p> <p>There is not enough information to review to determine code compliance.</p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.</p> <p>Existing landscaping plans were not submitted. Only proposed improvements were provided, staff needs entire parcel landscape plans for a thorough review. The numbers provided below only reflect the area that which the portables are proposed, not the whole site.</p> <p>N. Ulmer Ln. (~100LF): 1 Street tree + 2 Frontage trees = 3 trees Provided: 1 Street tree + 5 Frontage trees = 6 trees</p> <p>W. Charlie Ln.: (~140LF): 1 Street tree + 3 Frontage Trees = 4 trees Provided: 1 Street tree + 7 Frontage trees = 8 trees</p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.</p> <p>Existing Landscape: 123,705sqft 124 trees are required on site.</p>
<u>8-4I-5 Perimeter Landscaping Provisions</u>	Complaint	Not required.
<u>8-4I-6 Parking Lot Landscaping Provisions</u>	Complaint	No parking lot is proposed. Use of the existing parking lot will remain. No alterations are proposed for the existing parking lot.
<u>8-4I-7 Tree Preservation Provisions</u>	Complaint	No existing trees on site are proposed to be removed.
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	No application waivers requested pursuant to 8-6A-4A.
<u>8-6A-5 Administrative Process with Notice</u>	Complaint	<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 Committee'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 hearth, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>
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Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Previous entitlement that might affect this project	<p>CUPFY2017-18: Expansion of an existing legal-nonconforming use – Church or Place of Religious Worship</p> <p>DSRFY2018-20: Approval for an additional building associated with Foothills Christian Church.</p>
Garden City Comprehensive Plan	<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) Residential Low Density <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.) 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties. b.) 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting. <p>Goal 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> a.) 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. <p>Goal 11. Serve the City</p> <ul style="list-style-type: none"> a.) 11.1 Objective: Support additional education facilities. <p>The application may not be supported by:</p> <p>Goal 9. Develop a Sustainable City</p> <ul style="list-style-type: none"> a.) Objective 9.3 Promote and recognize green building construction. <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.
Garden City Sidewalk Policy	Existing sidewalk to remain.
Garden City Street Light Policy	A streetlight is installed along W. Charlie Ln. 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:

- 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,	Not Determined: This will be completed in conjunction with the formal decision	TBD: This will be completed in conjunction with the formal decision

<p>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>		
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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 **does not meet** 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:

Prior to Construction:

1. Any future fence or wall will be required to be in compliance with code at the time of development.
2. Any future outdoor lighting will be required to be in compliance with code at the time of development.

3. First floor facades visible from a public street shall have at minimum 15% glazing including surfaces in windows, showcases, displays, or pedestrian access elements.
4. Pedestrian pathways shall be designed to provide a direct connection between the main building entrance and the public sidewalk.
5. Direct, convenient, and attractive pedestrian pathways shall be provided that are clearly marked and connect all portions of the site.
6. The building closest to the street shall have its primary entrance to the street and be clearly defined by the architectural design of the building.
7. The primary entrance of all buildings shall provide a covered pedestrian open space such as a building recess, an awning, canopy or marquee.
 - a. Awning, marquee, or arcades should be at least four feet (4') and six inches (6") deep, over the full length of sidewalk or walkway adjacent to the building, and minimum eight feet (8') above the walkway level.
8. The buildings shall be oriented to a prominent feature, such as the corner location or the streets. Buildings and site design shall provide inviting entry orientation. Buildings shall not turn their backs to the street.
9. Facades longer than fifty feet (50') (measured horizontally along the facade) shall incorporate relief through such features as wall projections or recesses, projecting windows, entrances, or other visual relief.
10. Rooflines exceeding fifty feet (50'), should incorporate relief to the perceived building mass by providing roofline variation. Roofline variation should be achieved using one or more of the following methods:
 - a. Vertical offset in ridgeline;
 - b. Horizontal offset in ridgeline;
 - c. Variations in roof pitch;
 - d. Gables; and
 - e. Dormers.
11. At least eleven (11) bicycle parking spaces shall be provided on-site.
12. A sustainability checklist shall be provided in accordance with Garden City Code 8-4G. At least 12 points are required.
13. Landscaping shall be compliant with Garden City Code 8-4I Landscaping and Tree Protection Provisions.
 - a. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
 - b. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.

- i. A minimum of 3 trees are required along the frontage of N. Ulmer Ln.
- ii. A minimum of 4 trees are required along the frontage of W. Charlie Ln.
- c. A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.

Prior to Occupancy:

- 1. Occupancy of the site shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
- 2. A Building permit shall be applied for and approved by Garden City Development Services Department.
- 3. 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.
- 4. 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.

Site Specific Requirements for the Duration of the Use:

- 1. In the residential zoning districts, the interior side setback shall be a minimum of fifteen feet (15') and the rear setback shall be a minimum of twenty-five feet (25'). The front setback shall be the same as that required for an allowed use.
- 2. Schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the use is otherwise permitted in the district.
- 3. Accessory uses associated with a church or place of religious worship located in a residential district may only operate between the hours of six o'clock (6:00) A.M. and eight o'clock (8:00) P.M.
- 4. All refuse collection shall be on-site, not on N. Ulmer Ln. nor W. Charlie Ln.
- 5. All streets and driveways shall adhere to the standards of a clear vision triangle at all times.

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. 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 one (1) year 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.

IN DENIAL

1. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
2. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
3. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

July 24, 2023

Date

Development Service Staff