



# DEVELOPMENT SERVICES DEPARTMENT

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# DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2023 - 0006

## **Review Status: INITIAL REVIEW- NOT APPROVED**

## Plan Review Number: 1

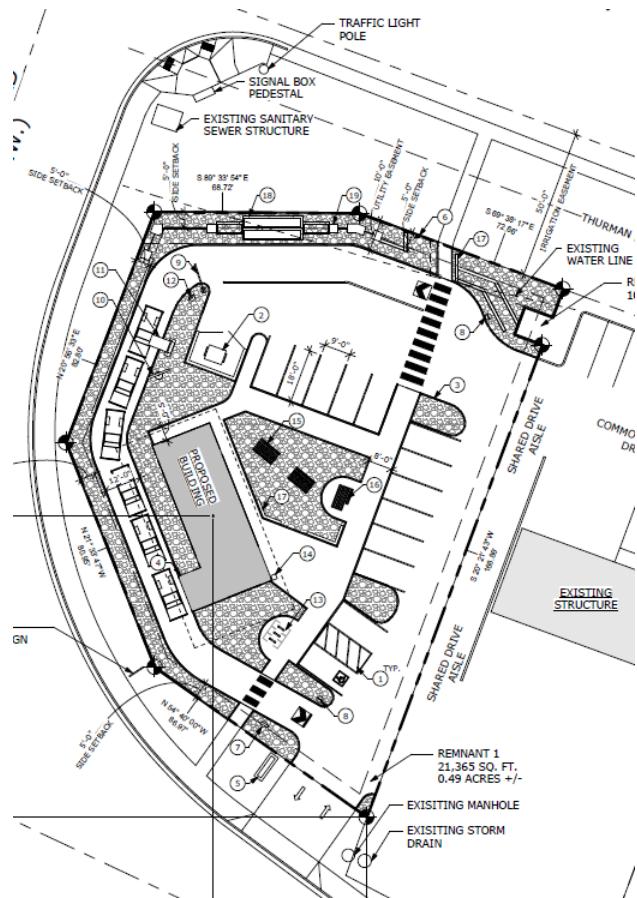
**Reviewer:** Hanna Veal and Mariia Antonova

**Design Consultant:** Brett Labrie

**Design Consultant:** Derek Hurd

Date: September 18, 2023

**Applicant:** Jeff Hatch



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## SITE INFORMATION

- 1)** Owner: CRC DESIGN BUILD SYSTEMS LLC
- 2)** Street Address: 5586 N Maple Grove Rd.
- 3)** Ada County Tax Parcel Number(s): S0526417340
- 4)** Property Description: PAR #7340 OF NE4NSE4 SEC 26 4N 1E RS 6806
- 5)** Legal Lot of Record: **Unable to determine**
- 6)** Property Size: 0.491 acres
- 7)** Zoning District: C-2
- 8)** Zoning Overlay: None
- 9)** Comprehensive Plan Land Use Map Designation:
  - a) Green Boulevard Corridor
  - b) Mixed Use Commercial
  - c) Neighborhood Commercial Node
- 10)** The project is in the:
  - a) outside 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) outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20
- 11)** Adjacent Uses:
  - a) Vehicle service
  - b) Food store
- 12)** Existing Use: Vacant
- 13)** Easements on site:
  - a) Existing:
    - i) WELL 8 POWER EASEMENT; 8,543,811; POWER LINE EASEMENT
  - b) Proposed for use:
    - i) Utility Easement on Chinden Blvd.
    - ii) Irrigation Easement on Chinden Blvd.
- 14)** Site Access:
  - a) Primary: N. Maple Grove
  - b) Secondary via Cross Access Easements: W. Chinden Blvd
- 15)** Sidewalks: Existing attached sidewalk along N. Maple Grove Rd. appears to be in good condition. No sidewalk or pathway along W. Chinden Blvd.
- 16)** Wetlands on site: None identified

## PROJECT INFORMATION

- 1) Proposed development: New construction
- 2) Noticing was completed on: August 19, 2023
- 3) The neighborhood meeting was held on: August 31, 2023
- 4) Associated Conditional Use Permit: CUPFY2023-0011
- 5) Site Coverage: 21,365sqft
  - a) Building: 6%, 1,275 SF of the site
  - b) Landscaping: 28%, 6,084 SF of the site
  - c) Impervious Areas: 66%, 14,006 SF of the site
- 6) Number of Structures: 1
- 7) Total number of vehicular parking spaces: 13
- 8) Total number of bicycle parking: 3
- 9) Trash Enclosure: Republic Services will pick up services internal to the development via a common dumpster location.
- 10) Fencing: No fence
- 11) Sidewalk:
  - a) Attached proposed along W. Chinden
  - b) Attached existing along N. Maple Grove
- 12) Landscaping:
  - a) Street Frontage Trees: 12 class II, 33 class III
  - b) Parameter Landscaping: deciduous shrubs, evergreen shrubs, trees
- 13) Closest VRT Stop:
  - a) ~0.1 mi W Chinden Blvd & N Maple Grove Rd (on both sides of the road)
  - b) ~0.8 mi N. Maple Grove Rd.,
  - c) ~1.4 mi N. Five Mile Rd.

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
<a href="#">Sawtooth Law, PLLC (District attorney)</a>	08/01/2023	<ul style="list-style-type: none"><li>• Drainage District #2 has a drainage ditch and easement that runs through or abuts this property.</li><li>• The developer must contact the District's attorney's, Sawtooth Law Office, PLLC, for approval before any encroachment, change of easement, or drainage discharge into District's facilities occurs.</li><li>• The District does not approve of trees within the District's easement.</li><li>• Any existing trees within the District's easement will need to be removed.</li></ul>
<a href="#">Idaho Department of Environmental Quality</a>	08/02/2023	General comments provided
<a href="#">Republic Services</a>	08/01/2023	Needs more detail on approach and enclosure. It appears that we do not have enough maneuvering room for the enclosure. We also do not have dimensions for the enclosure.

<a href="#">West Boise Sewer District</a>	08/04/2023	The referenced property is not within the West Boise Sewer District boundaries. The project is located in the City of Garden City.
<a href="#">Idaho Transportation Department</a>	08/02/2023	<ul style="list-style-type: none"> <li>• This project abuts U.S. Highway 20 (US-20/26)</li> <li>• Through access to the State Highway system has been requested with this application via the existing property to the east. The approach to the east will have to be re-permitted through a separate ITD permit process as the estimated additional volume of trips constitutes a change of use.</li> <li>• Traffic generation numbers were not provided with this application. ITD needs more information on the trip generations to determine what mitigations, if any, that the applicant may be required to construct on the State Highway system. If the new development generates 100 or more new trips in the peak hour or 1,000 new trips in a day, a Traffic Impact Study (TIS) is required. Mitigations identified by the Traffic Impact Study shall be the responsibility of the applicant to install.</li> <li>• Idaho Code 40-1910 does not allow advertising within the right-of-way of any State Highway.</li> </ul>

## PUBLIC COMMENT

The following public comment was provided:

Commenter	Comment Date	Summary
Jake Smith	08/01/2023	Concern about traffic and cut-through traffic.

## MEETING SUMMARY

This is a summary of the discussions that occurred at the Design Review consultation meetings. There have been no previous consultations on this project.

## CODE AND POLICY REVIEW

### Discussion

This application is not compliant with several of the code required improvements. There are, however, many conditions drafted within the decision document to require code compliance in the case of an approval recommendation. At this point in time however, additional material is needed to complete a thorough review of the application. More conditions of approval are possible if code compliance is not met.

Pursuant to GCC 8-6A-5, staff is requesting additional material prior to the scheduled discussion on September 18<sup>th</sup>.

The parcel abuts the Thurman Drainage Canal. This area on the Chinden Boulevard side is part of the Chinden Blvd South Sidewalk project. In accordance with this project, the parcel at 5586 N. Maple Grove Rd. is included in Segment #1 and requires:

A 10' wide multi-use pathway routed on top of the Thurman Drain and may require piping approximately 1850' of the existing drain.

This project offers only a Drive-through establishment. It is not clear if temporary or permanent shelter is offered and if there is enough seating area, either indoor or outdoor, for a minimum 10 people. Also, a restroom for patrons shall be provided. However, the proposed project is in the Neighborhood Destination District. This use is inconsistent with the goals of the Vision of Land Use and the Garden City Comprehensive Plan.

Insufficient details provided regarding the trash enclosure. Republic Services also expresses concerns that there is not enough maneuvering room for the enclosure on the site.

In addition, no traffic generation numbers were provided. According to the Idaho Transportation Department "If the new development generates 100 or more new trips in the peak hour or 1,000 new trips in a day, a Traffic Impact Study (TIS) is required."

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

<b>Garden City Title 8 Applicable Code Sections</b>		
Code Section	Compliance	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>		
<a href="#"><u>8-1A-4 Applicability</u></a>		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.
<a href="#"><u>8-1B-1 Nonconforming Properties</u></a>	Not Determined Condition Drafted	<p>It is unknown if the parcel is a legal parcel of record as described.</p> <p>Property chain of deeds and any records of survey associated with the property to establish the lots legal status. If not a legal lot of record, a subdivision process shall be pursued to rectify the illegal creation of the parcel. If parcel was created via ACHD or ITD right-of-way taking, the parcel would be considered legal.</p>
<a href="#"><u>8-1B-2 Nonconforming Structures</u></a>	Not Applicable	No comment
<a href="#"><u>8-1B-3 Nonconforming Uses</u></a>	Compliant upon approval of CUP	Approval of a conditional Use Permit will be required. A conditional use permit has been applied for.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>		
8-2B-1 Purpose	No compliance issues noted	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.
<a href="#"><u>8-2B-2 Allowed Uses</u></a>	Compliant upon approval of CUP	The use "Drive-through establishment" is a conditional use within the C-2 zoning district, requiring the approval of a conditional use permit.

<u>8-2B-3 Form Standards</u>	May not be compliant	<p>The required setbacks are:  Front: 5'  Interior Side: 5'  Rear: 5'  Street side: 5'</p> <p>The allowable maximum height is: n/a  The minimum lot size is: n/a  The maximum lot coverage: n/a  There are no encroachments.  All improvements are more than 70' from the Boise River.</p> <p><b>The property does not appear to meet the minimum street frontage. Refer to 8-4C discussion and analysis.</b></p> <p>Corner properties shall have one (1) interior side setback and one (1) rear setback. The property has frontage along three sides, with the front of the building facing N. Maple Grove.</p>
<u>8-2C-13</u>	Not Compliant	<p>A. Location Standards:</p> <ol style="list-style-type: none"> <li>1. A drive-through establishment may be appropriate on Chinden, Glenwood or State Street, which are arterial roadways that carry high volumes of pass-through traffic; however, the use is not appropriate on local or collector streets. <b>Compliant.</b></li> <li>2. A drive-through establishment use shall not be closer than five hundred feet (500') from a residence, residential zone, park, or a school unless separated by an arterial roadway; and:  <b>The site is approximately 107' from Boise Parks &amp; Recreation, but is separated by Maple Grove.</b> <ol style="list-style-type: none"> <li>a. The speaker system is located so that the sound from a speaker system is directed away from a residence, residential zone, park, or school and not audible off the site; <b>Compliant, not adjacent to residential zones or structures.</b></li> <li>b. Stacking does not create an impact off site; <b>Stacking study has not been provided.</b></li> <li>c. Vibration, noise, odors, etc., are not allowed off site; <b>Condition drafted.</b></li> <li>d. The use does not create a negative impact to an existing or planned pedestrian corridor; and</li> <li>e. The use does not hinder the implementation of Garden City adopted plans or policies. <b>Compliant so long as pedestrian pathway is installed along W. Chinden in accordance with the City's and ITD's plans.</b></li> </ol> </li> <li>3. A drive-through establishment shall not be closer than five hundred feet (500'), as measured by the shortest unobstructed driving route from another drive-through establishment, except where access to the drive-through is provided by internal circulation within a commercial site and would not create an additional curb cut to the arterial roadway. <b>Compliant.</b></li> </ol> <p>B. Building Design and Site Layout:</p> <ol style="list-style-type: none"> <li>1. All establishments providing drive-through service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the conditional use permit application. <b>Identified.</b></li> <li>2. New drive-through windows and drive aisles shall be oriented toward the side or rear yards and not placed between the street right-of-way and the</li> </ol>

	<p>primary customer entrance. <b>Not compliant. The stacking lane and drive-through window are oriented toward the front setback along Maple Grove.</b></p> <p>3. Vehicle lanes shall be sited to minimize vehicle congestion, blockage, or rerouting on site and within the surrounding uses. <b>Compliant.</b></p> <p>4. A drive-through establishment within a commercial center shall take access from a principal drive aisle within the commercial center. The drive-through shall be designed to minimize additional vehicle traffic congestion, blockage, rerouting, or pedestrian disruption within the commercial center and on properties adjacent to the commercial center. <b>Compliant.</b></p> <p>5. Service shall be provided to those who elect to walk or bike. <b>Compliant.</b></p> <p>a. Service shall be available in an area that is protected from the weather and separate from vehicle stacking lanes. <b>Compliant.</b></p> <p>6. Adequate trash receptacles shall be provided that comply with the requirements set forth in section 8-4A-5, Outdoor Service And Equipment Areas, of this title. <b>Compliant.</b></p> <p>7. All site and vehicular lane lighting shall be down-shielded, screened or oriented to prevent spillage of light on any residence, residential zone, or public roadway. <b>Photometric light plan submitted and shows compliance.</b></p> <p>8. Stacking lanes shall be screened from view of the public right-of-way, patios and pedestrian use areas with landscaping or a combination of plantings, structures, berthing, or art to a minimum height of four feet (4') where not in conflict with a necessary clear vision triangle. <b>Landscape buffer has been provided along N. Maple Grove setback which consists of Class II and III deciduous and conifer trees.</b></p> <p>9. Any changes to the site design of an existing drive-through that adjoins a residence or residential zone shall require that a minimum six-foot (6') high solid wall or fence, or plantings, structures, berthing, or art to a minimum height of four feet (4') where not in conflict with a necessary clear vision triangle, shall be provided along any property line that adjoins a residence or residential zone. <b>Not adjacent to residential zone.</b></p> <p>10. Any changes to the site design of an existing drive-through that adjoins a residence or residential zone shall require that any portion of the drive-through lane adjacent to a residence or residential zone be set back at least ten feet (10') from the residence or residential zone. The setback area shall be landscaped. <b>Not adjacent to residential zone.</b></p> <p>11. Design review consultant(s) recommendation to the planning official, and an approval by the planning official of the building design and site layout is required prior to a planning and zoning commission public hearing. <b>The building and site layout has not yet been approved. The Design Review Consultation is occurring prior to the Planning and Zoning hearing of the CUP.</b></p> <p>C. Access and Parking: Safe pedestrian and vehicle access and circulation on the site and between adjacent properties shall be demonstrated as follows:</p> <p>1. A bike rack shall be provided. <b>Provided.</b></p>
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	<p>2. Access for the pedestrian customer shall be provided facing the public right-of-way. <b>Pedestrian walk-up window faces internal to the development, adjacent to the parking lot and pedestrian plaza area. The building does not provide in structure sitting area, as it is a drive-through only.</b></p> <p>3. Direct, comfortable, and safe pedestrian connection from the public sidewalk system and the parking area to the structure shall be provided through sidewalks or pathways that are:</p> <ol style="list-style-type: none"> <li>a. A minimum of five feet (5') in width; <b>It is unclear how wide the internal pathways are.</b></li> <li>b. Americans with Disabilities Act compliant;</li> <li>c. Uninterrupted by motorized vehicles. If there is no other feasible alternative, the vehicular crossing of the pedestrian path or sidewalk shall be designed in a way to visibly delineate and protect the pedestrian network. This may be achieved by raising the pedestrian path or sidewalk, changes in materials, colors, landscaping, or other such treatments. Signage alerting drivers to the pedestrian crossing shall be installed. <b>Both pedestrian pathways from the existing and proposed sidewalks will intercept with the drive isles of the project. It appears that painted stripes indicating pedestrian crossings. Signage indicating crossing has not been shown on site plans.</b></li> </ol> <p>4. Based on the size of the drive-through and expected patronage, stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way. <b>Not enough information to review, capacity study has not been submitted.</b></p> <p>5. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking. <b>Compliant.</b></p> <p>6. Any stacking lane greater than one hundred feet (100') in length shall provide an escape lane. <b>Not provided, the stacking lane is longer than 100'.</b></p> <p>7. The design and construction of the drive-through facilities shall minimize the number of driveway cuts. <b>Compliant.</b></p> <p>8. A curb cut for access to the drive-through establishment shall not be closer than fifty feet (50') from a public street intersection. <b>Compliant.</b></p> <p>9. Impervious surfaces shall be the minimum required to provide vehicle access, drive-through lanes, parking, and pedestrian access and seating. <b>Compliant.</b></p> <p>10. Directional signs shall be provided that indicate the entrance, exit and one-way path of drive-through lanes. <b>Compliant.</b></p> <p>D. Additional Standards for Drive-Through Selling Food or Beverages:</p> <ol style="list-style-type: none"> <li>1. A seating area either indoor or outdoor with temporary or permanent shelter, sufficient for a minimum of ten (10) people shall be provided. <b>Compliant.</b></li> <li>2. A minimum of one (1) outdoor trash receptacle shall be provided. <b>Compliant.</b></li> <li>3. A restroom shall be provided for patrons. <b>Not compliant, restroom has not been provided for patrons.</b></li> </ol> <p>E. Operational Standards:</p>
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		<ol style="list-style-type: none"> <li>1. To reduce vehicle emissions, signage shall be provided advising drivers to reduce vehicle idling. <b>Not provided.</b></li> <li>2. Employees shall collect on-site and off-site litter generated by customers at least once per business day. <b>Condition of approval drafted.</b></li> <li>3. Service shall be provided to those who elect to walk or bike at all hours that the drive-through is in operation. <b>Walk-up window provided.</b></li> </ol>
<b>Title 8, Chapter 4: Design and Development Regulations</b>		
<a href="#"><u>8-4A-3 Fences and Walls</u></a>	No compliance issues noted	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.
<a href="#"><u>8-4A-4 Outdoor Lighting</u></a>	No compliance issues noted	Lighting plan submitted and appears compliant with code requirements. Further review will occur at building permit reviews.
<a href="#"><u>8-4A-5 Outdoor Service and Equipment Areas</u></a>	Not Determined	<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. <b>The trash enclosure details have not been provided. It is unclear what the trash enclosure is made of, and what the gate looks like. It is visible from both Maple Grove and Chinden.</b></p> <p>Unless fully enclosed and baffled so that no noise is detected on any adjoining property, the location of outdoor mechanical equipment shall be at least 50' from the property boundary line. <b>It is unclear how far the trash enclosure is from the property boundary lines.</b></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>There have been comments regarding the maneuvering room for the enclosure and dimensions for enclosure from Republic Services. <a href="#"><u>Link to comment</u></a></p>
<a href="#"><u>8-4A-7 Stormwater Systems</u></a>	Compliant 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.
<a href="#"><u>8-4A-8 Utilities</u></a>	Compliant as Conditioned	All utilities for the 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.
<a href="#"><u>8-4A-9 Waterways</u></a>	No compliance issues noted	<p>There does not appear to be Boise River irrigation facilities on the site.</p> <p>There is an adjacent Thurman Mill Drain between the site and W. Chinden Blvd. that may conflict with the required 10' wide pedestrian pathway. The irrigation district has not provided comments regarding the pedestrian pathway or site development. There has been a comment regarding the need for license agreements, and construction plan approval from Drainage District #2. <a href="#"><u>See agency comment</u></a>.</p>

<u>8-4C-3 Design Provisions for Nonresidential Structures</u>	Not Compliant	<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"> <li>• The structure does not appear to meet the street frontage requirement. 60% of the street frontage along the front setback should be occupied by a structure or plaza. The property has two streets to address, N. Maple Grove and W. Chinden Blvd. most of the site consists of landscaping and hardscaping, the structure makes up for a small percentage of the site.</li> <li>• To meet the street frontage requirement, the structure would need to be within 5- 20' of the property boundary line, which is considered the "frontage zone". Or a plaza can be placed in-between the right-of-way and the structure to count towards the 60% requirement and increase interaction with the public ROW.</li> <li>• A pedestrian plaza is provided, however, it is internal to the development and does not address either street.</li> <li>• It is unclear, but it does not appear the building provides the minimum 15% glazing along the facades facing the streets.</li> <li>• There might be blank walls.</li> </ul> <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"> <li>• Driveway lanes crossing a public sidewalk should be no wider than twenty feet (20') and the minimum of feet between driveway intersections with the public street as set forth by the transportation authority. Driveway lanes crossing a public sidewalk intersection should be clearly distinguished with special pavement or coloring. <b>Not enough information to review. It appears that the driveway width at Maple Grove is larger than 20'.</b></li> <li>• A part of the parking lot is proposed between the Chinden ROW and the structure. 10' of landscaping has been provided per code requirements to mitigate for the location and act as screening.</li> <li>• Pedestrian pathways have been provided from the sidewalk to the main walk-up window.</li> <li>• The structure does not have a primary entrance for patrons, as it is a drive-through only. The employee entrance appears to face Maple Grove, but appears as a side entrance.</li> </ul> <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <ul style="list-style-type: none"> <li>• Proposed materials: Composite metal panels, finished concrete, corian, metal (prefinished brake metal to match storefront), metal panel, roof parapet, vertical wood siding.</li> <li>• Metal siding is a discouraged building material.</li> <li>• Discouraged Materials: Metal siding, corrugated fiberglass, aluminum siding, mirror or metalized reflective glass, plywood, chipboard siding, vinyl, cinderblock, plastic tilt-up concrete, highly tinted or mirrored glass, and all types of imitation building materials should not be used as the primary building material.</li> </ul> <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"> <li>• There is no significant landscaping and notable site feature on the site.</li> </ul>
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		<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"> <li>Buildings should be oriented to a prominent feature, such as a corner location, a plaza, a street or the river. Buildings and site design should provide inviting entry orientation. Buildings should not turn their backs to the street.</li> </ul> <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <ul style="list-style-type: none"> <li>The existing streetscape along N. Maple Grove shall remain.</li> <li>The proposed streetscape along W. Chinden shall be compliant with the City's and ITD's adopted <a href="#">Chinden plan</a>.</li> </ul>															
<a href="#">8-4C-5 Prohibitions</a>	Complaint	There are no visible false fronts, prefabricated structures or prohibited materials proposed with this application.															
<b>8-4D Parking and Off Street Loading Provisions</b>																	
<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	Compliant as conditioned	<p>New parking code per Ord. 1034-22 Adopted June 12, 2023</p> <p><b>Vehicle parking:</b></p> <table border="1"> <caption>Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</caption> <thead> <tr> <th>Parking Angle</th> <th>Stall Width</th> <th>Stall Depth</th> <th>Length Per Car</th> <th>Driveway Width* Must also meet fire requirements</th> </tr> </thead> <tbody> <tr> <td>90°</td> <td>9'0"</td> <td>20'0"</td> <td>9'0"</td> <td>22'0"</td> </tr> <tr> <td colspan="5" style="text-align: center;">Standard</td></tr> </tbody> </table> <p>Stall width provided: 9'0".  Stall depth provided: 20'0"  Length per Car provided: 18'0"</p> <p>Accessible spaces shall be designed in accordance with current adopted building codes and current Americans with Disabilities Act (ADA) guidelines.</p> <p>A pedestrian route that is compliant with current Americans with Disabilities Act (ADA) standards must be provided from the parking to each primary entrance.</p> <p>The design of the parking area shall minimize the trespass of lights from motor vehicles on adjacent properties and rights-of-way.</p> <p>Bicycle parking spaces shall:</p> <ul style="list-style-type: none"> <li>Be a minimum space six feet (6') long by two feet (2') wide. <b>Not enough information. Condition drafted.</b></li> <li>On- site spaces shall be located within fifty feet (50') of the building entrance(s); <b>Provided.</b></li> <li>Not impede pedestrian or vehicular circulation, or loading zones; <b>Provided.</b></li> </ul>	Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements	90°	9'0"	20'0"	9'0"	22'0"	Standard				
Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements													
90°	9'0"	20'0"	9'0"	22'0"													
Standard																	
<a href="#">8-4D-4 Parking Use Standards</a>	No compliance issues noted	New parking code per Ord. 1034-22 Adopted June 12, 2023.															

<u>8-4D-5 Required Number of Off-Street Parking Spaces</u>	No compliance issues noted	<p>New parking code per Ord. 1034-22 Adopted June 12, 2023</p> <p>A drive-through establishment is considered a medium use per the new code, which requires 1 motor vehicle parking space per 1,000sqft of building. The building is 1,275sqft.</p> <p>Required: 1 Provided: 13 (<b>Surplus of 12 spaces</b>)</p> <p>The minimum number of bicycle parking spaces is 1 per 500 SF.</p> <p>Required: 3 Provided: 3 bike rack structures</p>
<u>8-4D-6 Standards for Equivalent Parking Adjustments</u>	No compliance issue notice	Was not requested
<u>8-4D-7 Off Street Loading Standards</u>	May not be complaint	<p>This type of usage is likely to have the Loading Zone. If so:</p> <ul style="list-style-type: none"> <li>• All spaces shall have fourteen feet (14') of vertical clearance;</li> <li>• On-site drive aisles, on-site parking, or private roads may be designed to have a dual purpose to accommodate the required loading;</li> <li>• Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements and the vehicle and pedestrian circulation standards in article E, "Transportation and Connectivity Provisions", of this chapter;</li> <li>• Except for an alley, loading areas shall be designed so vehicles shall not back out into the street; or project into the public right of way or setback area;</li> <li>• Loading zones may not impede bicycle lanes, multi-use paths, sidewalks, or motor vehicular travel on public roads.</li> <li>• Convenient access to loading spaces shall be provided with not less than fifteen feet (15') in width.</li> </ul> <p><b>Off street loading zone not defined in the submitted plans. Clarification is needed. If a loading zone is provided, the above standards shall be met.</b></p>
<b>8-4E Transportation and Connectivity Provisions</b>		
<u>8-4E-3 Public Street Connections</u>	No compliance issues noted	<p>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.</p> <p>Existing ingress/egress to remain.</p>
<u>8-4E-4 Internal Circulation Standards</u>	Compliant as conditioned	Not enough information to review. The driveways and turnaround areas are required to have a minimum width of 20'.

<a href="#"><u>8-4E-6 Sidewalk Standards</u></a>	Not Complaint	<p>The existing attached sidewalk on N. Maple Grove Rd. to remain. This is compliant with code.</p> <p>In cooperation with ITD, Garden City requires a minimum of a 10ft wide detached multi-use pathway to be installed along the W. Chinden frontage. This pathway is required on the subject property with a public access easement. The easement has been drafted as a condition for approval.</p> <p><b>Chinden Blvd South Sidewalk Project:</b></p> <p><b>Alternative #1</b>, Protect Existing Irrigation Drain – For Segment 1, from Maple Grove to Republic Storage, a 10' wide multi-use pathway would be routed to the south of the existing irrigation drain (Thurman Drain) and would utilize the existing right-of-way. Due to the proximity of the Thurman Drain, a fall protection handrail would be included on the north side of the pathway.</p> <p><b>Alternative #2</b>, Pipe Existing Irrigation Drain– For Segment 1, a 10' wide multi-use pathway will be routed on top of the Thurman Drain and will require piping approximately 1850' of the existing drain. A drainage swale is proposed in between the proposed pathway and the existing edge of pavement. The drainage swale will be sized to accommodate the required storm water.</p> <p><b>Alternative #3</b>, Follow Existing Irrigation Drain – For Segment 1, a 10' wide multi-use pathway would be routed on top of the Thurman Drain parallel to Chinden Boulevard and would require piping approximately 1850' of the existing drain. A drainage swale is proposed in between the proposed pathway and the existing edge of pavement. The drainage swale would be sized to accommodate the required roadway storm water.</p>
<a href="#"><u>8-4E-7 Pedestrian and Bicycle Accessibility Standards</u></a>	No compliance issues note	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 appear to have a pathways through the site to a public sidewalk.
<b>8-4F Sign Provisions</b>		
<a href="#"><u>8-4G Sustainable Development Provisions</u></a>	Not Compliant	<p>The development is required to provide 12 points.</p> <p>Documentation is not provided. A sustainability checklist is required for review.</p>
<a href="#"><u>8-4H Flood Hazard</u></a>	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>
<b>8-4I Landscaping and Tree Protection Provisions</b>		
<a href="#"><u>8-4I-3 General Landscaping Standards and Irrigation Provisions</u></a>	May not be compliant	<p>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. <b>Landscape plans do not appear to show 70% vegetation in any of the landscaped areas except for the perimeter landscaping areas.</b></p>

		<p>When five (5) or more trees are to be planted to meet the requirements of any portion of this article (including street trees, perimeter landscaping, parking lot landscaping and other landscape guidelines) a mix of species shall be provided.</p> <p>Required Trees: 18 Provided Trees: 45</p>
<a href="#"><u>8-4I-4 Landscaping Provisions for Specific Uses</u></a>	May not be Complaint	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.</p> <p><b>Site plans state that 28% of the site is dedicated for landscaping. There is not enough information to differentiate the overall calculations from that of which meets this requirement, assuming the setback and perimeter landscaping provided was included in the overall calculation. Additional information is required for review. 70% of landscaped areas are required to be of vegetative material at maturity.</b></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><b>N. Maple Grove Rd. (~251 LF):</b> 1 Street tree + 5 Frontage trees = 6 trees Provided: 1 Street tree + 17 Frontage trees = 18 trees *18 trees are provided, however it is a mix of deciduous and conifer trees. Staff utilizes the Treasure Valley Tree Selection Guide to determine class and species. Typically, only deciduous trees are considered street trees, in which case this application proposes only 1 along the frontage of Chinden which is not compliant with code. The rest are conifer trees. **Street trees are required closest to the ROW, between the parking lot and the Chinden ROW and required 10' pedestrian pathway. ***The Class II species proposed does not meet the intent of street trees, as they do not have high or wide branching canopies.</p> <p><b>W. Chinden BLVD.: (~141LF):</b> 1 Street tree + 3 Frontage Trees = 4 trees Provided: 1 Street tree + 14 Frontage trees = 15 trees *The frontage along Maple Grove consists of 8 Class II deciduous trees, the rest are considered conifers. *The Class II species proposed does not meet the intent of street trees, as they do not have high or wide branching canopies.</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. <b>Proposed Landscape:</b> 6,084sqft <b>Required trees:</b> 6,084/1,000 = 6 <b>Provided:</b> 33 <b>Required shrubs:</b> 6,084/150=41</p>
<a href="#"><u>8-4I-5 Perimeter Landscaping Provisions</u></a>	No compliance issues noted	Not required. Where it perimeter landscaping might be required due to adjacent vehicular use, it is not being required due to the shared drive aisle's function to both this site and the adjacent existing use.
<a href="#"><u>8-4I-6 Parking Lot Landscaping Provisions</u></a>	No compliance issues noted	The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.

		Internal shade trees are required at a minimum ratio of one tree per five parking spaces, resulting in at least 2 trees. Trees are provided; however they are Common Hackberry trees, reaching only 15' x 5' tall. <b>There might be an error in the landscape plans. A Common Hackberry tree is anticipated to reach 40-60ft high and wide. Which would be an adequate tree for shade.</b>
<a href="#"><u>8-4I-7 Tree Preservation Provisions</u></a>	No compliance issues noted	There are no existing trees on the site.
<b>Title 8, Chapter 6, Article A: Administration</b>		
<a href="#"><u>8-6A-3 General Application Process</u></a>	No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
<a href="#"><u>8-6A-4 Required Application Information</u></a>	N/A	Application waivers requested pursuant to 8-6A-4A
<a href="#"><u>8-6A-5 Administrative Process with Notice</u></a>	No compliance issues noted	<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 Design Review Consultant's and Planning Official's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public health, safety, and welfare, and prevent undue adverse impacts on surrounding properties may be required.</p>

<b>Other Items Reviewed</b>	
Plan/Policy	Discussion/ Analysis
<a href="#"><u>Garden City Comprehensive Plan</u></a>	<p>This application is in the following future land use designations of the Comprehensive Plan:</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><b>1. MIXED USE COMMERCIAL:</b> The mixed-use commercial designation is for the area south of Adams Street. The intent of this designation is to create an area for mixed uses, including residential, office, retail, and small scale industrial, that are more urban in character than in the mixed-use residential area. Three story buildings and 40%- 60% lot coverage, with aggregated open spaces for pocket parks should guide the development pattern in this area.</p>

	<p><b>2. ACTIVITY NODE:</b> Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Activity Nodes by type shown on the Land Use Map are as follows: Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential. Identified centers are:</p> <ul style="list-style-type: none"> <li>• Adams and 50th Streets intersection to the Boise River</li> <li>• Adams and 42nd street intersection to the Boise River.</li> <li>• East city boundary to 36th street between the Boise River and Chinden Boulevard</li> <li>• Glenwood and Marigold Streets intersection</li> <li>• Chinden Boulevard and Garrett Street intersection</li> <li>• Chinden Boulevard and 50th Street intersection</li> <li>• State Street and Pierce Park Transit Oriented Development Nodes</li> <li>• Chinden Boulevard and Glenwood Street intersection 34   Page RESOLUTION 1095 - 2 1</li> <li>• Chinden Boulevard and Veterans Parkway intersection</li> <li>• State Street and Horseshoe Bend Road</li> <li>• State Street and Glenwood Street</li> </ul> <p><b>3. GREEN BOULEVARD CORRIDOR:</b> The state highways and arterials are identified as green boulevard corridors. This is a bold statement that these corridors should be dramatically changed from the current single purpose function for moving vehicles. The intent of this designation is to create more multi-modal characteristics on these corridors, including sidewalks with parkways, bus stops, landscape medians with pedestrian refuges and channelized left-turn lanes. Mobility for vehicles should be maintained, but improvements to the safety and convenience for transit and pedestrians is needed that will influence changes in the adjacent land uses. Existing uses, including commercial uses, are allowed in the corridors. New uses, including commercial uses, should be designed to encourage multi-modal over single occupancy vehicles. Uses which generate high volumes of single occupancy vehicular traffic should be restricted. Development regulations in the corridor should include access management including number and spacing of driveways, location of parking behind the buildings and maximum setback requirements from the street.</p> <p>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <p>a.) 1.4 Objective: Create a premier destination place to live, work, and recreate.</p> <p>Goal 4. Emphasize the “Garden” in Garden City</p> <p>a.) 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p>
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	<p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> <li><b>a.)</b> 7.1. Objective: Create pedestrian and bicycle friendly connections.</li> <li><b>b.)</b> 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters.</li> </ul> <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> <li><b>a.)</b> 12.1 Objective: Support a positive business environment.</li> <li><b>b.)</b> 12.2 Objective: Continue to support commercial and industrial land uses.</li> <li><b>c.)</b> 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce.</li> </ul> <p>The application may not be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> <li><b>a.)</b> 1.4 Objective: Create a premier destination place to live, work, and recreate.</li> </ul> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> <li><b>a.)</b> 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.</li> <li><b>b.)</b> 2.3 Objective: Promote quality design and architecturally interesting buildings.</li> <li><b>c.)</b> 2.4 Objective: Create a vision for the design of all streets and highways consistent with city's urban setting.</li> </ul> <p>Goal 9. Develop a Sustainable City</p> <ul style="list-style-type: none"> <li><b>b.)</b> 9.3 Objective: Promote and recognize green building construction.</li> </ul> <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> <li><b>a.)</b> 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture, and commerce.</li> </ul>
<a href="#">Garden City Sidewalk Policy</a>	Existing sidewalk to remain along Maple Grove. Sidewalk required along W. Chinden, refer to discussion.
<a href="#">Garden City Street Light Policy</a>	A streetlight is installed along W. Chinden Blvd. in accordance with the policy.
<a href="#">Chinden- ITD Access Management</a> <a href="#">Chinden Corridor Access Map</a>	No access proposed onto Chinden.
<a href="#">Garden City Transportation Needs List</a>	Utilizing the existing ITD right-of-way, install a detached sidewalk back of canal on the south side of Chinden from Maple Grove to 8373 Chinden and at 8121 Chinden. This is per the number 2 potential project identified during the ITD, VRT, ACHD and Garden City Charrette held on January 24, 2020. Three alternatives have been identified. This project has gone through COMPASS' project Development process and is anticipated to be \$1-1.5 million.

## 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:

<b>GCC 8-6B-3_Required Findings</b>	<b>Determination</b>	<b>Reasoned Statements</b>
1. The proposed design shall comply with all design standards in Garden City Code, Title 8.	Not Determined: This will be completed in conjunction with the formal decision	TBD: This will be completed in conjunction with the formal decision
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.		

<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:

#### **POTENTIAL CONDITIONS IN APPROVAL**

**Site Specific Requirements:**

Scope:

1. The scope of the application is to allow for the new construction of a drive-through establishment.
2. Approval of this design review is contingent on the approval of the associated CUPFY2023-0011 application.
3. The building permits must be in conformance with the approved plans. Staff may approve minor changes to the approvals so if they are compliant with Garden City Code including:
  - a. Substitutions of plant species, if there is no reduction in landscaping and the species are comparable in height and width. Substitutions of trees must be of the same or larger tree classification and be comparable or larger in tree canopy and height.

- b. Less than 5% of rearrangement of elevations or building façade materials if there is no reduction in building modulation, fenestration, or glazing.
- c. Less than 5% of rearrangement of site.

Prior to Construction:

1. Documentation confirming that the property is a legal lot of record shall be submitted to the city.
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. 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.
5. Driveways and turnaround areas shall be a minimum of 20' wide.
6. A sustainability checklist shall be submitted for review. The site shall provide at least 12 points per the checklist or prove that it is otherwise exempt.
7. 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.
    - i. 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.
  - b. A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class II or III tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
    - i. A minimum of 6 trees are required along the frontage of N. Maple Grove Rd.
    - ii. A minimum of 4 trees are required along the frontage of W. Chinden Blvd.
  - 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. Prior to occupancy, a public works and utility permit shall be submitted for review and approval of the site work that will be required to bring the site into compliance with Garden City Code.
  - a. All stormwater systems shall be compliant with Garden City Code 8-4A-7.
  - b. All utilites shall be in compliance with Garden City Code 8-4A-8.
4. 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.
5. 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.
6. All internal pathway systems shall be a minimum of 5' in width and comply with the Americans with Disabilities Act.
  - a. Internal pathways shall have signage alerting drivers to the pedestrian crossings of the drive aisle.
7. To reduce vehicle emissions, signage shall be provided advising drivers to reduce vehicle idling.
8. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.
9. At least three (3) bicycle parking spaces shall be provided on-site.
  - a. Bicycle parking shall be a minimum of 6' long x 2' wide.
10. A 10' wide pedestrian pathway shall be installed along the frontage of W. Chinden in accordance with the adopted Chinden Blvd. South Sidewalk Project.
  - a. Coordination and approval from the Idaho Transportation Department shall be required.

Site Specific Requirements for the Duration of the Use:

1. Any future fence or wall shall be required to be in compliance with code at the time of development.
2. Service shall be provided to those who elect to walk or bike.
  - a. Service shall be available in an area that is protected from the weather and separate from vehicle stacking lanes.
  - b. A seating area either indoor or outdoor with temporary or permanent shelter, sufficient for a minimum of ten (10) people shall be provided.
  - c. A minimum of one (1) outdoor trash receptacle shall be provided.

- d. A restroom shall be provided for patrons.
- 3. All site and vehicular lane lighting shall be down-shielded, screened or oriented to prevent spillage of light on any residence, residential zone, or public roadway.
  - a. Stacking lanes shall be screened from view of the public right-of-way, patios and pedestrian use areas with landscaping or a combination of plantings, structures, berthing, or art to a minimum height of four feet (4') where not in conflict with a necessary clear vision triangle
- 4. Employees shall collect on-site and off-site litter generated by customers at least once per business day.

**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.

### **POTENTIAL DECISION 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.

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September 18, 2023

Development Service Planning Official

Date

### **IMAGES**

None