



DEVELOPMENT SERVICES DEPARTMENT

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DESIGN REVIEW REPORT AND DECISION

File Number: DSRFY2023 - 0011

Review Status: Not Approved - In Review

Plan Review Number: 4

Reviewer: Mariia Antonova

Design Consultant: Brett Labrie

Design Consultant: Derek Hurd

Date: December 16, 2024

Applicant: Diana Witt



REPORT CONTENT

SITE INFORMATION 3

PROJECT INFORMATION 4

AGENCY COMMENTS 4

PUBLIC COMMENT 9

CODE AND POLICY REVIEW 10

DECISION PROCESS..... 21

REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION 21

SITE INFORMATION

- 1) Owner: NO PARK UNITS LLC
- 2) Street Address: 5260 N Sawyer Ave.
- 3) Ada County Tax Parcel Number(s): R1055420091
- 4) Property Description: LOT 03 BLK 02 EXC R/W BRADLEY PARK SUB NO 01 #0090-B
- 5) Legal Lot of Record: Yes
- 6) Property Size: 1.387 acres
- 7) Zoning District: C-2 General commercial
- 8) Zoning Overlay: None
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Light Industrial Bradley Technology District
- 10) The project is in the:
 - a) Small part is in the 500 Year of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) Outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11) Adjacent Uses:
 - a) Warehouse and storage, wholesale
 - b) Food products, processing
 - c) Laundry and dry cleaning, commercial plant
- 12) Existing Use: Industry, light
- 13) Easements on site :
 - a) **Existing:**
 - i) BRADLEY PARK 01 SUB PLAT; 200,600,023; 15' SEWER EASEMENT
 - ii) BOISE SLUDGE LNE AND PUMP PLANS 1988; 201,000,001; SEWER LINE EASEMENT 15'
 - iii) BRADLEY PARK 01 SUB PLAT; 200,600,023; 15' PUBLIC UTILITY, IRR, AND RAINAGE EASEMENT
 - iv) BRADLEY PARK 01 SUB PLAT; 200,600,023; 7' 6" PUBLIC UTILITY, IRR, AND DRAINAGE EASEMENT
 - b) **Proposed:**
 - i) 22' wide cross-access easement
 - ii) Private easement for sanitary sewer, domestic water and fire water service
- 14) Site Access:
 - a) Front: Alworth St.
 - b) Side: Sawyer Ave.
- 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: City Noticing, July 31, 2023, and November 19, 2024
- 3) The neighborhood meeting was held on: August 30, 2023
- 4) Associated Minor Land Division: [MLDFY2023-0002](#)
- 5) Site Coverage: 1.37 acers or 59,677 SF
 - a) **Parcel A** (existing):
 - i) Building: 10,800 SF, 30% of the site
 - ii) Landscaping: 2,834 SF, 8% of the site
 - iii) Paved area: 12,975 SF, 61% of the site
 - b) **Parcel B** (proposed) : *Property size: 24,809 SF*
 - i) Building: 8,605 SF, 35% of the site
 - ii) Landscaping: 5,345 SF, 22% of the site
 - iii) Paved Areas: 10,835 SF, 44% of the site
- 6) Square footage dedicated to use: Industry, flex
- 7) Number of Structures: 2
 - a) Existing Structure to remain as is.
 - b) Proposed structure:
 - i) 3 ground floor commercial spaces with warehouse in the back
 - ii) 3 separate commercial spaces on the second floor.
- 8) Total number of vehicular parking spaces:
 - a) Surface: 12
- 9) Total number of bicycle parking:
 - a) Surface: 6 racks for 12 bikes
- 10) Trash Enclosure: Republic Services will pick up individual services internal to the development
- 11) Fencing: **The existing chain-link fencing is proposed to remain**
- 12) Sidewalk:
 - a) None proposed;
- 13) Landscaping:
 - a) Street Trees: **2 trees, class III¹**; and 2 trees class I
 - b) Parameter Landscaping: trees, shrubs, rock mulch
- 14) Connections:
 - a) Closest VRT Stop:
 - i) ~0.8 mi N Glenwood St & W Chinden Blvd.
 - ii) ~1.5 mi W State St & N Plantation River Dr
 - b) Greenbelt: ~0.4 mi.

AGENCY COMMENTS

The following agency comments were provided:

¹ Crimson Spire Oak is classified as a Class III according to the Treasure Valley Tree Selection Guide

Agency	Comment Date	Summary
Comments associated with MLDFY2023-0002		
Idaho Transportation Department Link to Comment	07/31/2023	ITD does not object to the proposed application as presented at this time.
Ada County Highway District (ACHD) Link to Comment	08/18/2023	There are no improvements required to the adjacent street(s). General comments are provided.
North Ada County Fire and Rescue Link to Comment	08/22/2023	North Ada County Fire & Rescue District has reviewed and can approve the application subject to compliance with all currently adopted codes with no further comment. General requirements are provided.
City Engineer Link to Comment	10/10/2023	<ul style="list-style-type: none"> The only submitted plan sheet that contains a seal, signature and date is the topo survey. Our office will not review submittals that area not signed by the professional of record. Please submit fully signed sheets. In the interim, we will make some general comments. Please be advised that new/additional comments may occur after properly signed documents are provided. Alworth Street is a collector. Please provide an approval from the ACHD for a new approach to the street for Parcel B Please modify the Certificate of Owner block to read Please revise the wording of the city engineer's signature block to match the city requirements. See the city Lot Line Adjustment application. Please dimension the location of the existing building to the existing and proposed new property line. There is an Idaho Power easement shown along the west property line. Please fully define its location on the survey. Are all easements shown with their metes and bounds tags? We note the following easements in the title report: #886339 – shown along north boundary – identify with Instrument Number #9364503 – shown along west boundary - identify with Instrument Number #103022040 – not shown? Garden City doubts that Boise City will allow the connection of the parcel adjoining Alworth to be connected to the Boise sanitary sewer line. Said line is an interceptor. Any direct connection would be a connection intrusion to the interceptor and would be unmonitored. Garden City would prefer/require to have all new connections to the Garden City collection system. This may require an upgrade to the existing sewer connection that runs across Sawyer. The sewer connection will need to be discussed with Garden City Public Works staff. The property is not located in the current 100-year floodplain. The city has been held in seclusion. The current adopted flood maps do not depict the possible flood risk. FEMA has issued work sheets depicting results of a revised flood study for the Boise River. Significant changes are shown for much of Garden City. We suggest the applicant review the proposed changes and consider the impacts on the project. These are available on the Garden City website – floodplain link. No action on this item is required for

		the Minor Land Division process; however it will come up when development is proposed.
City Engineer Link to Comment	02/02/2024	<ul style="list-style-type: none"> • The response references city application forms, however the Board of Professional Engineers and Professional Land Surveyors requires any reports, drawings, specifications be sealed, signed and dated when presented for review. This was recently confirmed by the licensing board. The ROS has been now signed. • The response letter indicates an application for a driveway must be applied for. Please advise when the driveway is approved. As this approval is critical for the MLD, please provide the approval. • The width is identified, but the terminus end has not been. How far does it extend into Parcel A? • As noted, we will not perform a full review of construction plans with a MLD application; however, we do have a comment on the proposed sewer connection. As the service line is almost 400 feet long, the fall needed is approximately 8 feet. Is adequate grade available? We do not see any elevations on sheet C4.0. Another project in the area had to install main lines to be sure marginal but adequate grade was available. We want to be sure what method of sewer service is necessary. The city would probably not be open to accepting a mainline for service to a single new building. A private pump system may be the best option if grade does not work. This does not notably impact the MLD review, but please be advised that appropriate corridors/easements to benefit Parcel B via the servient Parcel A must be created. Please advise. • New Comment: Please advise how the cross-access easement referred to in Note 6 on the ROS will be created. The Idaho Supreme Court has ruled that an easement may not be created from a landowner to the same landowner. The case involved a driveway on an owner's land. It would seem the easement would need to be recorded upon the sale of a parcel. This would also apply to the sanitary sewer and water service?
City Engineer Link to Comment	03/04/2024	<ul style="list-style-type: none"> • The response references city application forms, however the Board of Professional Engineers and Professional Land Surveyors requires any reports, drawings, specifications be sealed, signed and dated when presented for review. This was recently confirmed by the licensing board. The ROS has been now signed. • The response letter indicates that the driveway approach permit will be applied for when construction on Parcel B is proposed. However, the driveway is critical for approval with the MLD. Since the driveway is existing, please provide the ACHD approval for the existing driveway. Our goal is to be sure the ACHD is aware of the proposed land division and will approve a separate access for Parcel B. The land division will alter the use of the existing approach. Please advise.
City Engineer Link to Comment	03/05/2024	<ul style="list-style-type: none"> • The response references city application forms, however the Board of Professional Engineers and

		<p>Professional Land Surveyors requires any reports, drawings, specifications be sealed, signed and dated when presented for review. This was recently confirmed by the licensing board. The ROS has been now signed.</p> <ul style="list-style-type: none"> the ACHD notes that a driveway application is needed to be applied for, but the review does not deny the access from Alworth Are all easements shown with their metes and bounds tags? We note the following easements in the title report: #886339 – shown along north boundary – identify with Instrument Number #9364503 – shown along west boundary - identify with Instrument Number #103022040 – not shown? The survey must be recorded. Please provide a copy of the recorded survey to city staff. The owner must execute deeds that define the parcels per the survey and return a recorded copy of the deeds to city staff. Obtain tax parcel numbers for the new parcels and submit evidence of such to city staff. We recommend initial approval of the application. Final approval of the survey will not occur until all the above comments have been addressed and the noted steps completed.
Comments associated with DSRFY2023-0011		
<p>North Ada County Fire and Rescue</p> <p>Link to Comment</p>	10/07/2023	<p>The Boise Fire Department has reviewed and can approve the application subject to compliance with all the following code requirements and conditions of approval. Any deviation from this plan is subject to NACFR District approval.</p> <p>Specific requirement: Full NFPA 13 fire sprinkler system will be required throughout the structure. General requirements are provided.</p>
<p>Republic Services</p> <p>Link to Comment</p>	11/20/2024	<p>Republic Services is satisfied with the dimensions of the trash enclosure.</p>
<p>Garden City Engineer</p> <p>Link to Comment</p>	11/23/2024	<ul style="list-style-type: none"> Engineering construction plans were provided with the application. Construction plans will be reviewed under a public works permit application. We realize that information to cover some of the following comments is included in the engineering plan submittal information, but Public Works staff must fully review the project and that review will not occur until a building permit application occurs. Prior to performing any grading on the site, the applicant must prepare and have approved by the city an erosion and sediment control plan Approval from the North Ada County Fire and Rescue District will be required. Should any fire flow requirements exceed those available, the land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans. The review by the District needs to include review of locations of fire hydrants. Water and sewer service must be reviewed and approved by the city's Public Works Department. The applicant is responsible to verify that adequate water

		<p>system supply is available to provide any fire suppression water needs. The applicant is responsible to confirm/verify that adequate sewer capacity is available and that the existing system depth is adequate to serve the site.</p> <ul style="list-style-type: none"> • Compliance with the storm water ordinance and policies of the city will be required. A site grading and drainage plan will be required that is sealed, dated and signed by the design professional when construction plans are submitted. Said plan must be reviewed and approved by the city. Drainage must be maintained on-site. Please note that site grading must match existing grading along the site's perimeter. • A site geotechnical report will be required for the design of the on-site storm water system prepared and sealed, dated and signed by a qualified license professional. Said report must identify the depth to seasonal high groundwater, provide a profile of encountered soils and their infiltration rates. The report also must provide a design infiltration rate recommendation for the storm water system. The storm water design must normally provide for at least three feet of vertical separation between the bottom of the storm water facility and the seasonal high groundwater. • The landowner must enter into an agreement with the city that will be recorded addressing mandatory maintenance of the site's storm water system. The agreement must be fully executed, have conditionally approved plans attached and be recorded by the city with final plan approval. • A storm water design report and a drainage system operation and maintenance manual for handling of storm water prepared by an Idaho licensed design professional that is sealed, dated and signed will be required when construction plans are submitted. • The applicant must review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form will be required from the landowner/developer. The work maps are available on the city's website. They are attached to a city council resolution 1083-20 dated 22 June 2020.
Idaho Transportation Department Link to Comment	11/19/2024	ITD does not have any comments or concerns regarding DSRFY2023-0011 application.
ACHD Link to Comment	11/26/2024	The Ada County Highway District (ACHD) has reviewed the submitted application for the application referenced above and has determined that there are no improvements required to the adjacent street(s).
Boise Fire Link to Comment	11/27/2024	<ul style="list-style-type: none"> • Fire hydrants, capable of producing the required fire flow, shall be located so that no part of the structure is more than 400-feet from the hydrant. (IFC 507.3, IFC B104, IFC B105, IFC C105). A hydrant must be installed near the entrance to the site along Alworth St. • Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire

			<p>hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105, IFC C105).</p> <ul style="list-style-type: none"> • Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5) • Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1) • Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1) • The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4) • Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1) • Access gates shall comply with requirements of the IFC. If gates are electronically operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock (IFC 503.6, D103.5). • The installation of security gates across a fire apparatus access road must meet the following criteria: Removal or opening of said barricade must result in a clear unobstructed road width of 20'. Chains and locks shall not be of such quality so as not to damage fire department cutting tools nor shall cutting operations result in any unnecessary time delay. Bollards must be of an easily removable type, shall leave nothing protruding up from the roadway surface when removed, and shall be approved by the Code official. If gates are electronically operated, they shall: (1) be of a fail-open version in the event of loss of power, and (2) be equipped with an automatic opening mechanism activated by the Opticom system currently in use by the fire department. Contact the Boise Fire Marshal (208-570-6500) for additional details. (IFC 503.6, D103.5).
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PUBLIC COMMENT

None provided as of the drafting of this document.

CODE AND POLICY REVIEW

Previous Decision

This application is associated with the MLDFY2023-0002 and was reviewed concurrently with the DSRFY2023-0011. MLDFY2023-0002 was approved on April 12, 2024, However, the MLD has not yet been recorded.

Discussion

A proposal for DSRFY2023-0011 was previously made for a mixed-use development incorporating a Live/Work concept. However, in the submittals from October 28, 2024, we see that the project concept has been revised, and it now includes six commercial spaces: three ground-floor commercial spaces with a warehouse at the back and three separate commercial spaces on the second floor.

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

Garden City Title 8 Applicable Code Sections		
Code Section	Compliance	Analysis/ Discussion
Title 8, Chapter 1: General Regulations		
8-1A-4 Applicability		The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-1B-1 Nonconforming Properties	No compliance issues noted	The property is described as LOT 03 BLK 02 EXC R/W BRADLEY PARK SUB NO 01 #0090-B.
8-1B-2 Nonconforming Structures	No compliance issues noted	Existing structure to remain without alteration.
8-1B-3 Nonconforming Uses	No compliance issues noted	There is a Certificate of Occupancy issued in 2012 for a shop or building contractor for CMYK Grafix. It appears that the business still occupies the existing building. No compliance issues noted.
8-1C-3 Property Maintenance Standards	No compliance issues noted	There are several records of code enforcement cases in the city files. However, correspondence from November 6, 2023, indicates that the owner has corrected issues with the property, including a fence and weeds.
Title 8, Chapter 2: Base Zoning District Regulations		
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.
8-2B-2 Allowed Uses	Compliant as Conditioned	Parcel A: The use of a warehouse is a conditional use within the C-2 zoning district. There is an existing CUP from 1996 granting the approval for the use of a warehouse/office space. (96-06-06). The existing use is utilizing the 1996 CUP.

		<p><u>Parcel B:</u></p> <p>Specific commercial tenants have not been identified in the proposal, and the applicant has stated that the intended uses will be Industry, flex.</p> <p>A condition has been established requiring all tenant spaces to obtain an occupancy permit prior to occupancy of the space. This will be required throughout the duration of the use, with each tenant change to the commercial spaces.</p>
8-2B-3 Form Standards	No compliance issues noted	<p>The required setbacks are: Front: 5' Interior Side: 5' Rear: 5' Street side: 5'</p> <p>The allowable maximum height is: n/a</p> <p>The minimum lot size is: n/a</p> <p>There are not encroachments</p> <p>All improvements are more than 70' from the Boise River.</p> <p>The existing structure on Parcel A appears to meet code setback standards per the submitted ROS. Any future building on Parcel B will be required to meet setback standards at the time of review and development. The current proposed plans appear to meet code requirements.</p>
8-2C-24 Industry, Flex or Light	Compliant as Conditioned	<p>A. Setback:</p> <ol style="list-style-type: none"> 1. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of five hundred feet (500') from any abutting residential districts. 2. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of one thousand feet (1,000') from a hospital. <p>B. Limitations: The following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:</p> <ol style="list-style-type: none"> 1. Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments. 2. Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties. 3. Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceeds health and safety standards. <p>C. Other Regulations Apply: A use in this category may require approval from the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, the Ada County air quality board and Idaho Department of Water Resources.</p>
Title 8, Chapter 4: Design and Development Regulations		
8-4A-3 Fences and Walls	Not Compliant	<u>Parcels B:</u>

		<p>There appears to be an existing chain link fence with barbed wire adjacent to Alworth St. The fence is proposed to be remain as part of this application.</p> <p>Legal nonconforming fences may remain so as long as there are no significant improvements to the site.</p> <p>Since this is a new development, the fence must be removed, as chain link and barbed wire are prohibited materials for fencing.</p> <p>It appears that a metal chain link fence with and without slats separates the parcel(s) at 5260 N Sawyer and the adjacent property to the west at 5280 N. Sawyer. This fence is proposed to be remain.</p> <p>However, an affidavit of legal ownership was provided showing the ownership of the fence belongs to the adjacent property. The fence may remain due to the affidavit; however, a condition has been drafted to ensure that if this fence is to be removed, then a code compliant fence be installed.</p> <p>Conditions have been drafted to require the removal or replacement of these chain-link fences to meet code requirements. Another condition has been drafted to ensure any new fence meets code standards at the time of installation.</p>
8-4A-4 Outdoor Lighting	Compliant as Conditioned	<p><u>Parcels B:</u></p> <p>This proposal does not identify any outdoor lighting. Any future outdoor lighting will be required to be in compliance with code at the time of development.</p>
8-4A-5 Outdoor Service and Equipment Areas	Compliant as Conditioned	<p>The trash enclosure on Parcel B will be accessed via the shared common drive between the two parcels. A cross-access easement will be required between the two parcels to ensure that the trash enclosure is accessible indefinitely. The cross access shall ensure Republic Services can access the trash enclosure on Parcel B.</p> <p>The easement will need to be granted at the time either parcel is sold to a different owner. See Note 6 of the MLDFY2023-0002.</p> <p>All on-site service areas for waste, recycling, or trash; and equipment areas for transformer and utility vaults shall be located in an area not visible from a public street or adjoining property, or shall be screened from view from a public street and adjoining property with a privacy fence.</p> <ul style="list-style-type: none"> - Landscaping is proposed to screen the Parcel B trash enclosure from the adjacent property to the southeast in addition to a 6' high concrete block walls and metal gate for service access. - Because Parcel A and Parcel B are sharing the parking lot and common drive area, there is no screening between the two properties. <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> <ul style="list-style-type: none"> - These features are not identified in the plans. - A condition has been drafted to ensure that all equipment is screened in accordance with the code at the time of development and Certificate of Occupancy being issued. - Any ground mounted, wall mounted, or roof mounted equipment will require screening per this section of code prior to certificate of occupancy.
8-4A-7 Stormwater Systems	Compliant as Conditioned	<p><u>Parcel B:</u></p> <p>A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.</p>

		<p>A drainage plan has been provided with drainage facilities showing within the drive isles. One of the facilities is located across the property boundary lines between the two new parcels. The City Engineer did not have comments regarding this, agreements between the two parcels for the maintenance and repair of these facilities will be required.</p>
8-4A-8 Utilities	Compliant as Conditioned	<p><u>Parcel B:</u> Another draft condition of approval is provided requiring that all utilities be underground.</p> <p>Additionally, an agreement between Parcel A and B will be required for all utilities utilizing Parcel A to get to Parcel B. See note 6 of ROS for MLDFY2023-0002.</p>
8-4A-9 Waterways	No compliance issues noted	<p>There does not appear to be Boise River irrigation facilities at the site.</p>
8-4C-3 Design Provisions for Nonresidential Structures	Discussion required	<p><u>Parcel B:</u></p> <p>The scope of this review is limited to Parcel B only.</p> <p><i>Objective 1: The design of all structures shall have a scale, massing and urban form that has a relationship to the street, the pedestrian, and adjacent properties.</i></p> <p>The maximum front setback is fifteen feet (15') from curb edge for a minimum of sixty percent (60%) of the length of the street frontage.</p> <ul style="list-style-type: none"> - The front of the building is setback further than 15' from the curb edge along Alworth. There are multiple conflicting items which prohibit the building from meeting this standard including a City of Boise sewer easement and an Ada County land parcel between the property line and the Alworth ROW. The proposed building is as close to the Alworth frontage as allowed based on these factors. <p>The street setback may be increased when a plaza is provided with a minimum area of five hundred (500) square feet and meeting the criteria for public space as set forth in subsection 84C-4C.</p> <ul style="list-style-type: none"> - A plaza has not been proposed on Parcel B. There does not appear to be enough room in the current site plans to have a plaza on parcel B as proposed without conflicting with other standards of code such as landscaping, parking lot landscaping, and vehicular and bicycle parking. <p>First floor facades visible from a public street should include surfaces in windows, showcases, displays, or pedestrian access elements as follows: for retail uses at least fifty percent (50%), for all other uses at least fifteen percent (15%).</p> <ul style="list-style-type: none"> - The first floor/ground floor façade is 840 SF with 447 SF of glazing (53%). These calculations are provided on the revised Sheet A3.0. <p>Blank Walls: No blank walls should front a public street.</p> <ul style="list-style-type: none"> - The western and eastern facades are visible from Alworth. In the documents from October 25th, three windows were added to each side. - An art installation is proposed along the western façade. Proposed public art is 184 SF. According to calculations, the mural occupies 7% of the wall area. Therefore, the western wall will feature three windows, a mural, and tenant signage. - The east wall will have only three windows. <p>Discussion required</p>

		<p><i>Objective 2: The design layout of all sites shall maximize opportunities for safe and comfortable pedestrian accessibility and minimize the obtrusive effects of parking and vehicular circulation.</i></p> <p>A minimum of ten feet (10') of landscaping has been provided between the parking lot and Alworth Street to minimize the view of the surface lot from the street. This is code compliant.</p> <p>The building closest to the street should have its primary entrance to the street and be clearly defined by the architectural design of the building.</p> <ul style="list-style-type: none"> - The primary entrances to each commercial space faces Alworth though they are slightly concealed via the architectural walkway and porch feature which has attempted to enhance the design. <p>Pedestrian amenities should be provided at the entrance including a minimum of one hundred (100) square feet of landscaping, outdoor seating, plazas, courtyards, public art, fountains, special paving, bicycle racks, transit stop.</p> <ul style="list-style-type: none"> - North Landscape buffer facing N. Sawyer St. is 2,584 sf - Table proposed on the East side. - Public art proposed on the West side. <p>Pedestrian pathways should be designed to provide a direct connection between the main building entrance and the public sidewalk. Provided</p> <p><i>Objective 3: Buildings shall be designed and constructed of quality materials.</i></p> <ul style="list-style-type: none"> - The application offers many metal materials such as metal wall panels, metal screen systems, different metal support structures etc. - The building is clad with three different metal panel profiles – each panel type is composed of 1-1/2” deep ribs, the variation in rib spacing is what creates the shadow lines and visual interest across the wall planes. - The vertical screen elements are comprised of a frame and perforated metal panels. <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"> - The existing CMYK Grafix building, and landscape remain unchanged. - As part of meeting the requirements for the MLD, a partial reconfiguration of the existing parking lot is proposed. <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 should be articulated to reduce the apparent scale. Architectural details that are used to articulate the structure may include reveals, battens, and other three-dimensional details that create shadow lines and break up the flat surfaces of the facade. - The building's cladding color palette consists of shades of gray, white, and black. However, the latest submissions propose adding colored doors to the north and south facades. <p><i>Objective 6: The site development should support and be consistent with the adopted streetscape.</i></p> <p>Existing sidewalks are to remain. No code compliance issues noted.</p>	
8-4C-4 Special Provisions for Specific Non	May not be compliant	<p>Facades longer than fifty feet (50'): Compliant</p> <p>Rooflines exceeding fifty feet (50'): Compliant</p>	

residential Development		<p>Plaza: The applicant did not provide the plaza itself but did provide some elements such as street furniture and landscaping.</p> <p>Awning, Marquee And Arcade Requirements: Provided</p> <p>Murals: The applicant proposes to install art on the western facade of the building.</p> <p>Mural requirement:</p> <ol style="list-style-type: none">1. The content of the mural is consistent with the architectural, geographical, sociocultural and historical context of the city.2. The location is on the rear, side or alley side of the building.3. The size of a mural may be limited based on the location, building and context.4. The surface material is resistant to vandalism and weather. <p>Outdoor Service And Equipment Areas:</p> <ul style="list-style-type: none">- Landscaping is proposed to screen the Parcel B trash enclosure from the adjacent property to the southeast in addition to a 6' high concrete block walls and metal gate for service access. Because Parcel A and Parcel B are sharing the parking lot and common drive area, there is no screening between the two properties.- HVAC equipment and other service functions are not identified in the plans. A condition has been drafted to ensure that all equipment is screened in accordance with the code at the time of development and Certificate of Occupancy being issued.																				
8-4D Parking and Off Street Loading Provisions.																						
8-4D-3 Parking Design and Improvement Standards	No compliance issues noted	<p>Vehicle parking:</p> <p><u>For Parcel B:</u></p> <table border="1"><tr><th colspan="5">Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS</th></tr><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><tr><td colspan="5">Standard</td></tr><tr><td>90°</td><td>9'0"</td><td>20'0"</td><td>9'0"</td><td>22'0"</td></tr></table> <p>Compliant Parking Provided: 12 surface spaces, including 1 ADA</p> <p>Stall Width: 9' Stall</p> <p>Length per car: 20'</p> <p>Driveway width: 22'</p> <p>Bicycle parking:</p> <p><u>6 stalls for 12 bikes</u></p> <p>Any parking area utilized for more than two (2) dwelling units and/or for nonresidential uses which is intended to be used during non-daylight hours shall be properly illuminated to increase security and avoid accidents. Any lights used to illuminate parking lots shall be arranged so as to direct the light from trespassing on adjoining property and adhere to section 8-4A-4 of this chapter, Outdoor Lighting.</p> <ul style="list-style-type: none">- A waiver was requested to not submit the site's lighting plan. A condition has been drafted to require lighting be in compliance with code. <p>Bicycle parking is located within the parking lot area close to Alworth. No compliance issues noted.</p>	Table 8-4D-1: MINIMAL DIMENSIONAL STANDARDS FOR MOTOR VEHICLE STALLS					Parking Angle	Stall Width	Stall Depth	Length Per Car	Driveway Width* Must also meet fire requirements	Standard					90°	9'0"	20'0"	9'0"	22'0"
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Standard																						
90°	9'0"	20'0"	9'0"	22'0"																		
8-4D-4 Parking Use Standards	No compliance issues noted	Required motor vehicle parking spaces shall be used for motor vehicle parking only, except as may be allowed for a temporary use in compliance with the requirements as set forth in section 8-2C-38, "Temporary Uses", of this title.																				

DSRFY2023 - 0011

15

8-4D-5 Required Number of Off- Street Parking Spaces	Compliant as Conditioned	<p>Parcel B:</p> <p><u>Industry, flex</u> is considered a high use, which requires 1 motor vehicle parking space per 1000 SF of building. The minimum number of bicycle parking spaces is 1 per 1000 SF Vehicle parking space required: 10,333 SF/1000=10 Bicycle parking space required: 10,333 SF/1000=10</p> <p>Total vehicle parking spaces provided: 12 Total bicycle parking spaces provided: 12</p> <p>Specific tenants/residents have not yet been identified. If the future tenant corresponds to another category of intensity of use, then the requirements for parking spaces will be changed in accordance with code.</p> <p>A shared parking agreement will be required if Parcel A and Parcel B are to share parking spaces across new properties.</p>	
8-4D-6 Standards for Equivalent Parking Adjustments	No compliance issues noted	Equivalent parking was not requested.	
8-4D-7 Off Street Loading Standards	No compliance issues noted	Loading zones have not been proposed.	
8-4E Transportation and Connectivity Provisions			
8-4E-3 Public Street Connections	DC	Compliant as Conditioned	There is a general condition of approval requiring that all streets and driveways shall adhere to the standards of a clear vision triangle at all times.
8-4E-4 Internal Circulation Standards	DC	No compliance issues noted	The drive is 20' or greater in width. Proposed 22'.
8-4E-6 Sidewalk Standards	DC	No compliance issues noted	The existing sidewalk meets the provision. There is an existing attached sidewalk on N. Alworth St. and Sawyer Ave. adjacent to the property.
8-4E-7 Pedestrian and Bicycle Accessibility Standards	DC	Not Compliant	<p>The project appears to have a pathway that travels along the building connecting the north, west and south parts of the building.</p> <p>The pathway is free from hazards, has appropriate lighting levels, and appears to meet the standards for ADA accessibility.</p> <p>Plans submitted October 25, 2024, do not show the width of the pathway's interior to the development. Not compliant. Condition has been drafted to ensure pathways are at least 4' wide.</p>
8-4E-8 Transit Facilities	DC	Not Applicable	No comment
8-4F Sign Provisions			

8-4F-13 Master Sign Program	Compliant as Conditioned	A master sign program is required for any new commercial building Signage is not approved with this application. A separate application and review would be required if new signage is intended.				
8-4G Sustainable Development Provisions	No compliance issues noted	As a new non-residential structure, the project is required to achieve 18 points. However, based on the Project is exempt from the sustainability checklist as it is associated with an existing/previously developed site, located within ¼ mile of an R-3 zone having a density of 35 units per acre; and is within ¼ mile walking distance to basic services such as restaurant, personal services and professional services.				
8-4H Flood Hazard						
8-4H Flood Hazard	No compliance issues noted	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						
8-4I-3 General Landscaping Standards and Irrigation Provisions	Not Compliant	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. The number of species to be planted shall vary according to the overall number of trees required as set forth in table 8-4I-1 of this subsection. <table border="1"><tr><td>Required Number Of Class II Or Class III Trees</td><td>Minimum Number Of Species</td></tr><tr><td>5 to 10</td><td>2</td></tr></table> Two species were provided, but one is classified as Class I .	Required Number Of Class II Or Class III Trees	Minimum Number Of Species	5 to 10	2
Required Number Of Class II Or Class III Trees	Minimum Number Of Species					
5 to 10	2					
8-4I-4 Landscaping Provisions for Specific Uses	Not Compliant	Parcel B: Between Parcel B and the Alworth sidewalk is an Ada County property. Previously a License agreement is being proposed between the owner of Parcel B and Ada County to create a landscaped area between the sidewalk and the property. The new plans no longer include this idea. Discussion needed. Additionally, there is a Boise Sewer Easement on the north side of the property, facing Alworth Street, where landscaping is proposed. A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Landscape required: 1,240 SF Landscape proposed: 3,272 SF 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. N. Alworth St. (~157 LF): 1 Street tree + 3 Frontage trees = 4 trees Provided: 2 trees class III, and 2 class I trees (needs to be replaced with class II or III)				

DSRFY2023 - 0011

17

		<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>Required trees: 3,272 SF/1000SF= 3 trees Not provided Required shrubs: 3,272 SF /150 SF= 22 Provided</p>
8-4I-5 Perimeter Landscaping Provisions	Not Compliant	<p>Perimeter landscaping is required between other paved vehicular use areas, including driveways, vehicle storage areas, and all property lines. Parcel B is required to have perimeter landscaping along the eastern and western property boundary lines.</p> <p>Standards:</p> <ol style="list-style-type: none"> 1. A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot; 2. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity; 3. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage. <p>The landscape plan shows 5' perimeter landscaping along the eastern property boundary lines. The perimeter landscape does not contain any vegetation or trees. Not Compliant.</p> <p>There is perimeter landscaping between the two parcels along the western property line, with the plans indicating a 5-foot perimeter landscape. However, it is unclear whether the property at 5220 N. Sawyer Street also includes a 5-foot perimeter landscape. In total, the perimeter landscaping between the two parcels should be 10 feet. Clarification is needed.</p>
8-4I-6 Parking Lot Landscaping Provisions	Not Compliant	<p>The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.</p> <p>Internal shade trees shall be provided at a minimum ratio of one tree planted for every five (5) parking spaces supplied. 3 parking lot trees are required. 2 trees provided. Not compliant</p>
8-4I-7 Tree Preservation Provisions	No compliance issues noted	There does not appear to be any tree removal on site.
Title 8, Chapter 6, Article A: Administration		
8-6A-3 General Application Process	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.
8-6A-4 Required Application Information	N/A	Application waivers requested pursuant to 8-6A-4A - Lighting Plan
8-6A-5 Administrative Process with Notice	No compliance issues noted	<p>DSRFY2023-0011 is an administrative process with notice.</p> <p>A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p>

If no objections are filed within 15 days, the Design Review Committee's decision shall be considered final.

Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.

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.

Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Previous entitlement that might affect this project Garden City Comprehensive Plan	<p>MLDFY2023-0002</p> <p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.</p> <p>This application is in future land use designations of the Comprehensive Plan:</p> <p>1. LIGHT INDUSTRIAL BRADLEY TECHNOLOGY DISTRICT: The light industrial designation reflects an intent to maintain the area of existing industrial uses, around Bradley Street and north of Chinden. Industrial development includes: materials processing and assembly, product manufacturing, storage of finished products, and truck terminals. Manufacturing support facilities such as offices and research-related activities should also be allowed in this area, but other non-industrial uses should be limited. Major consideration in regulating industrial uses should be setbacks, buffering and landscaping from adjacent residential uses. Standards should also be directed toward control of light, glare, noise, vibration, water and air pollution; use and storage of toxic, hazardous or explosive materials; and outdoor storage and waste disposal.</p> <p><u>The application may be supported by:</u></p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> 1.3 Objective: Consider the needs of all citizens, businesses and the environment. <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> 4.3 Objective: Beautify streets, sidewalks and gateways with landscaping, trees, and public art. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. <p>Goal 12. Evolve as a Destination</p>

	<ul style="list-style-type: none"> 12.2 Objective: Continue to support commercial and industrial land uses. 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce. <p><u>The application may not be supported by:</u></p> <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> 2.3 Objective: Promote quality design and architecturally interesting buildings.
Garden City Sidewalk Policy	Existing attached sidewalk
Garden City Street Light Policy	A streetlight is installed along N. Alworth Street. On the left side of the street, the closest two streetlights are approximately 521 and 439 feet apart. On the right side on the opposite side of the street, the closest street light is approximately 322 feet away. In accordance with the policy street lights in local residential areas to be located at a maximum distance of 400 feet.
Garden City Transportation Needs List	<p>Adjacent Identified Transportation Needs:</p> <p>Kent Chinden to Alworth Construct sidewalk connecting the bus stop on Chinden on Kent to Alworth.</p> <p>Connect Bus Stops to sidewalks There are a number of bus stops that do not connect to safe travel ways. The bus stop at Kent and Chinden has been noted as particularly dangerous.</p> <p>Ladybird Park Pathway Construct a detached asphalt pathway along Chinden Boulevard from Glenwood to Kent Street on the north side of Chinden. The pathway shall connect to the existing VRT bus stop as well as to the Greenbelt connecting path along Glenwood. This project has been identified in a number of plans/studies: FHWA Chinden Bike and Pedestrian Assessment 2015; COMPASS project Development Plan 2016; Looking Glass Recommendations 2019; and as the number one project to assist mobility for all along Chinden during the Garden City Charrette with ITD, Garden City, ACHD, and VRT held on January 24, 2020.</p> <p>Traffic Considerations Retime light at Kent/ Chinden to allow more time for pedestrians to cross.</p> <p>Alworth to Marigold When the Expo Idaho site is redeveloped the Alworth/Adams/36th Street should be aligned to Marigold.</p> <p>Safety Crossings on Allworth at 50th A crossing at 50th will link a safe bike and pedestrian route from the bench and Boise's bike/pedestrian path to the greenbelt on the south side of the river. The crossing on Alworth will serve the residents of Mallard Point Apartments and residents frequenting the Garden City Police Department and Omega business complex or Moxie Java. The crossings should be part of an overall effort to improve 50th Street to facilitate the generation of the land use neighborhood commercial node as identified in the Comprehensive Plan and codified in Garden City Ordinance. Improvements should also include landscaping, pedestrian amenities, street lighting and potential for a bus shelter.</p> <p>50th Street: River to Chinden & Alworth: 51st to 49th</p>

	<p>Addition of landscaping, pedestrian scaled lighting, and on-street parking on 50th Street. Reconfigure Adams to remove center turning lane, add parking and landscape bulb outs on both sides of the street from 51st to 49th Streets. The node is identified in the Garden City Comprehensive Plan and there is zoning in place to support the nodes. The design portion of this project is in the concept phase along Adams Street within anticipated two-lane 40' face to face section with on street parking and landscaping corresponding to the design of 36th Street or the design of 42nd Street north of Adams. Adams street may allow for a potential bike path.</p>
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DECISION PROCESS

General Provisions

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

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

Decision

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

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

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

Appeals of Decision:

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

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

REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION

Required Findings

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

GCC 8-6B-3 Required Findings	Determination	Reasoned Statements
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<ol style="list-style-type: none"> 1. The proposed design shall comply with all design standards in Garden City Code, Title 8. 2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site. 3. The proposed design shall be compatible with or improve the public's use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise river and waterways, canals, and other surface irrigation. 4. The proposed design shall be compatible with the neighborhood in scale and intensity. 5. The proposed design shall not create an adverse impact on the surrounding neighborhood. 6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood. 7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions; and 8. The proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures. 	<p>Not Determined: This will be completed in conjunction with the formal decision</p>	<p>TBD: This will be completed in conjunction with the formal decision</p>
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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 **TBD** 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 **TBD** hereby **TBD** the application, subject to the following conditions:

POTENTIAL CONDITIONS OF APPROVAL

Site Specific Requirements:

Scope of this permit:

1. Approval of DSRFY2023-0001 is limited to the new construction taking place on proposed Parcel B.
2. The building permits must be in conformance with the approved plans. Staff may approve minor changes to the approvals so if they are compliant with Garden City Code including:
 - a. Substitutions of plant species, if there is no reduction in landscaping and the species are comparable in height and width. Substitutions of trees must be of the same or larger tree classification and be comparable or larger in tree canopy and height.
 - b. Less than 5% of rearrangement of elevations or building façade materials if there is no reduction in building modulation, fenestration, or glazing.
 - c. Less than 5% of rearrangement of site.

Prior to Building Permit:

1. A building permit shall be applied for through Garden City Development Services.
2. A conditional use permit shall be obtained.
3. The structural elevations shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
4. Provide a record of survey for MLDFY2023-0002 or submit a design review application to the city for a compliance review of the entire site.
5. There shall be a minimum of 12 bicycle parking spaces provided.
6. The landscaping shall be in conformance with this approval as reviewed and approved or otherwise conditioned.
 - a. A minimum of one class II or class III tree shall be planted in the frontage of every adjacent streetside. An additional tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage.
 - i. The frontage of Alworth Street shall have a total of 4 **class II or III trees**.
 - b. 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.
 - i. Minimum of 3 trees shall be planted within the site
 - c. Perimeter landscaping along the eastern property boundary line shall be provided.
 - i. A perimeter landscaping area shall be at least ten feet (10') wide measured from the property line to the interior of the lot;
 - ii. A screen consisting of vegetation shall be at least six feet (6') wide and six feet (6') in height at maturity;
 - iii. At least one tree shall be planted for every fifteen (15) linear feet of perimeter length (or as appropriate to the selected species) to quickly establish continuous canopy coverage.
7. Any future outdoor lighting will be required to be in compliance with code at the time of development.

8. All stormwater systems must comply with Garden City Code 8-4A-7.
 - a. Stormwater swales incorporated into required landscape areas shall be vegetated with grass or other appropriate plant materials. Gravel, rock, or cobble stormwater facilities are not permitted on the surface of required landscape areas, unless designed as a dry creek bed or other design feature
 - b. If ACHD requires stormwater swales within the landscape buffer along 38th Street, the swales shall be designed in such a way to accommodate the Garden City required Street trees.
9. All vehicle parking spaces shall meet the minimum dimensional standards set forth in Garden City Code 8-4D-3.
10. All pedestrian pathways internal to the development shall be at least 4' wide.

During Construction:

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

Prior to Occupancy:

1. Occupancy of the site and all of its tenants shall not commence until after a Certificate of Occupancy has been obtained from Garden City Development Services Department.
2. A building permit including fire and environmental review shall be applied for and approved by Garden City Development Services Department.
3. All chain-link fencing, including fencing with slats and barbed wire, shall be removed or replaced with code compliant fencing materials.
 - a. A notarized affidavit of non-ownership relinquishing all interest to the fence along the western property boundary line has been submitted. If this fence is to be removed and replaced, then a code compliant fence shall be installed.
 - b. All new fences shall be required to be in conformance with Garden City Code 8-4A-3 Fences and Walls.
4. A copy of recorded legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features shall be provided to the City.
5. A binding contract that establishes the party or parties responsible for the repair and maintenance of the art wall shall be submitted for records.
6. All commercial workspaces shall obtain a certificate of occupancy prior to occupancy of the spaces.

- a. A conditional use permit shall be obtained for any commercial use that is a conditional use within the C-2 zoning district.
- 7. Contrasting hardscape material shall be installed at the drive aisles to better identify the pedestrian crossings along N. Alworth Street
- 8. Public art that is approved by the city shall be installed along the facades as shown in the submitted plans. The art shall be impactful and to scale of the development.
- 9. All HVAC systems and outdoor service and equipment areas shall be identified in building plans for permit review and screened to be compliant with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.

Site Specific Requirements for the Duration of the Use:

- 1. An occupancy permit shall be obtained from the Development Services Department for every change of commercial tenant
- 2. All roof and wall mounted mechanical, electrical, communications, and service equipment should be screened from public view from the adjacent public streets and properties by the use of parapets, walls, fences, enclosures, or by other suitable means.
- 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. Driveways shall always adhere to the standards of the clear vision triangle.
- 5. Art shall be maintained in its original state.
 - a. If vandalism or weathering is to occur, restoration shall commence immediately to return the art to its original state.
- 6. When and if Parcel B is sold to a different owner:
 - a. A cross access easement for all properties utilizing the shared driveway shall be recorded. The easement shall cover the entirety of the common driveway and parking lot area of both parcels. (Per MLDFY2024-0002 record of survey Note 6).
 - b. A shared parking agreement between parcels A and B shall be recorded.
- 7. Setback requirements:
 - a. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of five hundred feet (500') from any abutting residential districts.
 - b. Any use involving explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant shall be located a minimum of one thousand feet (1,000') from a hospital.

8. Limitations: The following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:
 - a. Noise, odor, or vibrations; or direct or reflected glare; detectable by the human senses without the aid of instruments.
 - b. Radioactivity and electric or electromagnetic disturbances which unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.
 - c. Any other emission or radiation which endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.
9. Other Regulations Apply: A use in this category may require approval from the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, the Ada County air quality board and Idaho Department of Water Resources.

General Requirements:

1. This review and approval is specific to the design of the project. Final approval is subject to the approval of other reviewing agencies. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail. This approval shall not annul any portion of Garden City Code or other applicable regulation unless specifically noted.
2. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
3. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape Maintenance Provisions 8-4I-9; and Standards for Transportation and Connectivity Provisions identified in 8-4E.
4. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
5. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.
6. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
7. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
8. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
10. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.

12. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
13. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
14. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.
18. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to a Certificate of Occupancy.
19. Property Maintenance Standards shall be maintained as required by Garden City Code.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. All outdoor living spaces must comply with Garden City Code 8-3C General Provisions-Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.
24. System Installation Required: Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
25. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
26. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction. Final approval is based on substantial conformance with the plans reviewed and approved.
27. Any substantial changes to the design shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
28. Occupying the site prior to Certificate of Occupancy is a criminal offense.
29. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
30. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
31. This approval shall expire 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.

TBD

Development Service Staff

Date