



## DEVELOPMENT SERVICES DEPARTMENT

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# PLANNING OFFICIAL REPORT

File Number: MLDFY2023-0002/DSRFY2023-0011

### Review Status of MLDFY2023-0002: REVISIONS NEEDED

Plan Review Number: 2

Reviewer: Hanna Veal and Mariia Antonova

Date: January 26, 2024

Applicant: Cathy Sewell

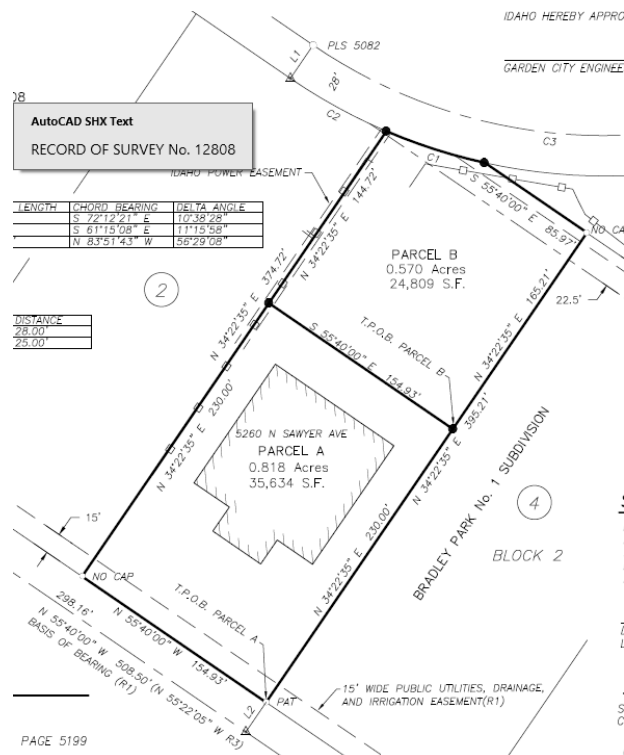
### Review Status of DSRFY2023-0011: REVISIONS NEEDED

Plan Review Number: 2

Reviewer: Hanna Veal and Mariia Antonova

Date: January 26, 2024

Applicant: Cathy Sewell



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## RECORD DOCUMENTS

Individual links:

1. Application Materials
  - a) MLDFY2023-0002 application and materials, [July 24, 2023.](#)
  - b) DSRFY2023-0011 application and materials, [September 5, 2023](#)
  - c) [Geotechnical Report](#)
  - d) MLDFY2023-0001 application and materials, [December 21, 2023](#)
2. Staff Reports
  - a) Staff Report Dated October 6, 2023
  - b) Staff report Dated January 26, 2024
3. Agency Comments:
  - a) [ITD, July 31, 2023](#)
  - b) [ACHD, August 18, 2023](#)
  - c) [Boise Fire, August 22, 2023](#)
  - d) [Boise Fire, October 7, 2023](#)
4. Public Comments: None
5. Noticing Documents
  - a) City Noticing, [July 31, 2023](#)
  - b) Neighborhood Meeting: [August 30, 2023](#)
6. Draft Potential Decision for Minor Land Division
7. Draft Potential Decision for Design Review

## 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: BRADLEY PARK SUB NO 01
- 5) Legal Lot of Record: Yes
- 6) Property Size: 1.387 acres
- 7) Zoning District: C-2
- 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) Laundry and dry cleaning, commercial plant
  - c) Food products, processing

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**12) Existing Use:** Industry, light

**13) Easements**

Existing on site:

- a) BRADLEY PARK 01 SUB PLAT; 200,600,023; 15' SEWER EASEMENT
- b) BOISE SLUDGE LNE AND PUMP PLANS 1988; 201,000,001; SEWER LINE EASEMENT 15'
- c) BRADLEY PARK 01 SUB PLAT; 200,600,023; 15' PUBLIC UTILITY, IRR, AND DRAINAGE EASEMENT
- d) BRADLEY PARK 01 SUB PLAT; 200,600,023; 7' 6" PUBLIC UTILITY, IRR, AND DRAINAGE EASEMENT

Proposed:

- a) Private easement for sanitary sewer, domestic water, and fire water service
- b) Cross access easement

**2) Site Access:**

- a) Front: Alworth St.
- b) Other Front: Sawyer

**3) Sidewalks:** Sidewalks are installed and are in good repair

**4) Wetlands on site:** None identified

## PROJECT INFORMATION<sup>1</sup>

- 1) Proposed development: New construction containing three live-work spaces. Minor land division splitting the existing property into two parcels.
- 2) Noticing was completed on: July 31, 2023
- 3) The neighborhood meeting was held on: August 30, 2023
- 4) Site Coverage: 1.37 acres
  - a) Parcel A: 35,634sqft
    - i) Building: 10,800sqft = 30%
    - ii) Landscaping: 2,834sqft = 8%
    - iii) Paved area: 21,975sqft = 61%
  - b) Parcel B (proposed): 24,809sqft
    - i) Building: 8,600sqft = 35%
    - ii) Landscaping: 3,724sqft = 15% (including Ada County Property)
    - iii) Paved area: 12,845sqft = 52%
  - c) Landscaping in Ada County frontage: 1,900sqft
- 5) Number of Structures: 2
  - a) Existing Structure to remain as is.
  - b) Proposed structure containing 3 live-work units.
- 6) Total number of vehicular parking spaces: 41
  - a) Proposed Enclosed: 3
  - b) Proposed Surface: 38
  - c) Existing: 29
  - d) Shared: 7
- 7) Total number of bicycle parking: 26 (13 bike racks: one rack= 2 stalls)
  - a) Proposed Surface: 22
  - b) Proposed Covered: 4
  - c) Existing: 0
- 8) Trash Enclosure: The refuse will be in a common location internal to the development on Parcel A. The refuse will be in a common location internal to the development on Parcel B.
- 9) Fencing: Proposed fence to match existing; proposed 6' tall fence.
- 10) Sidewalk:
  - a) Existing sidewalks on Alworth and Sawyer to remain.
- 11) Closest VRT Stop:
  - a) ~0.8 mi N Glenwood St & W Chinden Blvd.
  - b) ~1.5 mi W State St & N Plantation River Dr

## AGENCY COMMENTS

The following agency comments were provided:

Agency	Comment Date	Summary
Idaho Transportation Department <a href="#">Link to Comment</a>	07/31/2023	ITD does not object to the proposed application as presented at this time.
Ada County Highway District (ACHD)	08/18/2023	There are no improvements required to the adjacent street(s).

<sup>1</sup> This section pertains to the existing condition of the site and what is proposed. Design Review application DSRFY2023-0011 proposes changes which have been reviewed as part of this report. The minor land division application and the design review application have been reviewed concurrently.

<a href="#">Link to Comment</a>		General comments are provided.
North Ada County Fire and Rescue <a href="#">Link to Comment</a>	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.
North Ada County Fire and Rescue <a href="#">Link to Comment</a>	10/07/2023	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.  <b>Specific requirement:</b> Full NFPA 13 fire sprinkler system will be required throughout the structure.  General requirements are provided.

## PUBLIC COMMENT

None provided as of the drafting of this document.

## CODE AND POLICY REVIEW

### Discussion for December 21, 2023, Resubmittals

Previously scheduled design review consultation on October 16, 2023, was cancelled due to the applicant wanting to work on the minor land division application prior to addressing the design review application.

Improvements associated with the minor land division will be required prior to city signature of the MLD. The applicant should work with staff regarding scheduling a design review consultation.

There are a few items pending resubmittals in order for staff to approve the MLD. Please see the end of this report for those pending items. Most compliance issues revolve around landscaping.

Staff looked at the resubmittal materials from December 21, 2023, and has updated the report regarding outstanding compliance issues.

The associated design review application will need to be approved prior to recording of the MLD, to allow for the proposed improvements on Parcel B.

### Previous Discussion

This staff report encompasses two different reviews for two different applications associated with the same project. We have a Minor Land Division application, seeking to divide the one original parcel into two new parcels described as Parcel A and Parcel B. Then we have a design review application associated with the proposed new construction on Parcel B.

There are many unresolved issues regarding code compliance for both applications. Prior to the approval of either of these applications, these code issues need to be resolved. The Design review application also needs to be scheduled for a design review consultation. The applicant can resubmit updated plans based on this review.

Many conditions have been drafted in an attempt to identify exactly what needs to be done for an approval of these applications.

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 Code Sections</b>			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
<b>Title 8, Chapter 1: General Regulations</b>			
<a href="#">8-1A-4 Applicability</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="#">8-1B-1 Nonconforming Properties</a>		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.
<a href="#">8-1B-3 Nonconforming Uses</a>		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.
<a href="#">8-1C-3 Property Maintenance Standards</a>		Not Compliant	Existing code enforcement case active regarding a broken fence and weed maintenance issues.
<b>Title 8, Chapter 2: Base Zoning District Regulations</b>			
<a href="#">8-2B-1 Purpose</a>	PO	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="#">8-2B-2 Allowed Uses</a>	PO	Compliant as conditioned	<p><b>Parcel B:</b> Multi-Family residential is a permitted use.</p> <p>Specific commercial tenants have not been identified in the proposal. Applicant claims the ground floor/commercial uses will be what is allowed in the C-2 zone and appropriate for the area.</p> <p>It has been conditioned to require that all tenant spaces, whether it be commercial or residential, acquire an occupancy permit prior to occupancy of the space. This will be required</p>

			<p>throughout the duration of the use, with each tenant change to the commercial spaces.</p> <p><u>Parcel A:</u> 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>
<a href="#">8-2B-3 Form Standards</a>	PO/DR	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 The minimum lot size is: n/a There are no encroachments. 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 Parcle B will be required to meet setback standards at the time of review and development. Current proposed plans appear to meet code requirements.</p>
<b>Title 8, Chapter 2: Land Use Provisions</b>			
<a href="#">8-2C-15 Dwelling Unit, Multi Family</a>	PO/DR	Compliant as conditioned	<p><u>For Parcel B:</u> For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided.</p> <p>Quality of life amenities: Public Art (mural) Open space: Community Garden/ Pollinator Garden in boxes and movable planters Recreation amenities: Dog Run/walking area</p> <p>All multi-family developments shall record 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. <b>A condition will be required for DSRFY2023-0011 to require such documentation prior to occupancy of the new structure.</b></p>
<b>Title 8, Chapter 4: Design and Development Regulations</b>			
<a href="#">8-4A-3 Fences and Walls</a>	PO/DR	Compliant as conditioned	<p><u>For Parcel A and B:</u> There appears to be an existing chain link fence adjacent to Alworth St. which is in poor condition. A code enforcement case is open regarding this fence. The fence is proposed to be removed as part of this application.</p> <p>It appears that a metal chain link fence with and without slats separates the parcel(s) at 5260 N Sawyer Ave. and the adjacent property to the west. This fence is proposed to be removed.</p>

			<p>New fencing is proposed at 6' tall along the eastern property boundary line, however details have not been provided. Details need to be provided for DSRFY2023-0011 approval.</p> <p>Conditions have been drafted to require the removal or replacement of these chain-link fences to meet code requirements.</p>
<a href="#">8-4A-4 Outdoor Lighting</a>	PO/DR	Compliant as conditioned	<p><u>For both Parcels A and 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>
<a href="#">8-4A-5 Outdoor Service and Equipment Areas</a>	PO	May not be compliant	<p><u>For both Parcels A and B:</u></p> <p>The existing trash enclosure for Parcel B is planned to remain in the same location. The trash enclosure meets code standards.</p> <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 shared access shall ensure Republic Services can access the trash enclosure.</p> <p>A new trash enclosure has been proposed on the eastern side of Parcel A, for Parcel A. the original proposed plans were in conflict with the existing 1996 CUP landscape plan, in that it proposed to remove the required landscaped area. New plans submitted on December 21, 2023 show corrected site plans, not in conflict with the CUP landscape plans. Pre-existing parking stalls were removed to provide for the enclosure. Enclosure will be constructed of 6' tall concrete blocks with metal gate system for access. It is now code compliant.</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"> <li>- Landscaping is proposed to screen the Parcel B trash enclosure from the adjacent property to the east in addition to a 6' tall CMU wall.</li> <li>- Because Parcel A and Parcel B are sharing the parking lot and common drive area, there is no screening between the two properties.</li> <li>- Parcel B trash enclosure is screened from view via a 6' tall wall of (CMU) concrete blocks.</li> </ul> <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"> <li>- These features are not identified in the plans. Not enough information to review.</li> </ul>

			<ul style="list-style-type: none"> <li>- A condition has been drafted to ensure that all equipment is screened in accordance with code at the time of development and prior to signature of the MLD.</li> </ul>
<a href="#">8-4A-7 Stormwater Systems</a>	PO	Compliant as conditioned	<p><u>For both Parcel A and B:</u> 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 might have comments regarding this, agreements between the two parcels for the maintenance and repair of these facilities will be required.</p>
<a href="#">8-4A-8 Utilities</a>	PO	Compliant as conditioned	<p><u>For both Parcel A and 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.</p>
<a href="#">8-4A-9 Waterways</a>	PO	No compliance issues noted	<p><u>For both Parcel A and B:</u> There does not appear to be Boise River irrigation facilities at the site.</p>
<b><u>8-4B Design Provisions for Residential Structures</u></b>			
<a href="#">8-4B-4 Multi-Family Residential</a>	DR	DSRFY2023-0011 - Not Compliant	<p><u>For Parcel A:</u> Parcel A is exempt due to no proposed changes. There was no review of the existing structure as plans were not submitted. A review is not necessary due to the application's intent to keep the structure as is, thus not modifying any of the exterior.</p> <p><u>For Parcel B:</u> A new review was not performed for DSRFY2023-0011. Resubmittals from December 21, 2023, were only for the MLD application.</p> <p>Building Design review for proposed structure on Parcel B:</p> <p>All building elevations shall have a minimum portion of the elevation devoted to architectural features designed to provide articulation and variety. These features shall include, but are not limited to, windows, bays and offsetting walls that extend at least two feet (2'); recessed entrances; and changes in material types. Changes in material types shall have a minimum dimension of two feet (2') and minimum area of twenty-five (25) square feet.</p> <ul style="list-style-type: none"> <li>- The western façade does not appear to meet this standard as it is a blank wall with a public art mural proposed along half of the façade.</li> <li>- The eastern façade does not appear to meet this standard as it is a blank wall with some texture/material differentiation towards Alworth.</li> </ul>

			<ul style="list-style-type: none"> <li>- The South elevation does not appear to meet this standard as it is a wall plane without linear differentiation. It does contain windows.</li> </ul> <p>Main entrances, which are the primary point(s) of entry where the majority of building users will enter and leave, shall be designed as an obvious entrance and focal point of the building through architectural treatment, lighting, and address identification. Entrances shall be adequately covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.</p> <ul style="list-style-type: none"> <li>- The primary entrances to the dwelling units are covered via an enclosed porch and walkway. Beside each front door is a tenant signage location to identify the dwelling unit and the commercial tenant of each live-work unit.</li> <li>- The front entrances face Alworth Street.</li> <li>- The secondary entrances to the commercial spaces are along the south elevation. It is not clear if these entrances are covered. To be code compliant they must have an awning or other method of weather protection.</li> </ul> <p>Roof forms shall be distinctive and include variety and detail when viewed from the street. Sloped roofs shall have a significant pitch. Flat roofs should include distinctive cornice treatments.</p> <ul style="list-style-type: none"> <li>- The roof does not appear to have a variety of detail when viewed from the Alworth.</li> </ul> <p>The western and eastern façades are visible from public Alworth. These elevations do not contain windows or modulations.</p>
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**8-4C Design Provisions for Nonresidential Structures**

<a href="#">8-4C Design Provisions for Nonresidential Structures</a>	PO/DR	DSRFY2023-0011 - May not be compliant	<p><u>For Parcel A:</u> Parcel A is exempt due to no proposed changes.</p> <p><u>For Parcel B:</u> A new review was not performed for DSRFY2023-0011. Resubmittals from December 21, 2023, were only for the MLD application.</p> <p>The below analysis was performed based on the proposed structure due to the commercial nature of the application:</p> <p><b><i>Objective 1:</i></b> <i>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"> <li>- 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</li> </ul>
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			<p>to the Alworth frontage as allowed based on these factors.</p> <p>On parcels with more than one building, the maximum allowable street setback applies to the front elevation of the building closest to the public street.</p> <ul style="list-style-type: none"> <li>- In this instance, the proposed building is the closest building to a frontage. The existing building is about 70' from the property boundary line along Sawyer. The proposed building is about 28'+ from Alworth St.</li> </ul> <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 <a href="#">8-4C-4C</a>.</p> <ul style="list-style-type: none"> <li>- A plaza has not been proposed on either Parcel A nor Parcel B. If a plaza was installed within Parcel A, it would need to remain as approved and a maintenance agreement would be required, as it will be a plaza for a multi-family structure on a different parcel (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.</li> </ul> <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"> <li>- Not enough information to review.</li> </ul> <p>Blank Walls: No blank walls should front a public street.</p> <ul style="list-style-type: none"> <li>- The western and eastern facades are visible from Alworth. An art installation is proposed along the western façade. To be code compliant, the mural shall be at least 50% of the façade. The percentage that which is proposed to consist of the mural is unclear.</li> </ul> <p>Wall Plane: Facades should have no wall plane wider than two and one-half (2 1/2) times the height of the wall plane. If a new wall plane is required to achieve compliance with this requirement, it must be offset by at least six feet (6').</p> <ul style="list-style-type: none"> <li>- Not enough information to review. Could be non-compliant. The building measures to 20' tall at eave height. To meet code, the planes cannot be longer than 50' without being offset by 6'.</li> </ul> <p><b><i>Objective 2:</i></b> <i>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>
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			<p>There appears to be a pedestrian pathway throughout the proposed parcel connecting the public sidewalk to all entrances on-site.</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"> <li>- The primary entrances to each dwelling unit and work space faces Alworth though they are slightly concealed via the architectural walkway and porch feature which has attempted to enhance the design.</li> </ul> <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"> <li>- North Landscape buffer facing N. Sawyer St. is 3,433 sf</li> <li>- Bench proposed on the East side.</li> <li>- Public art proposed on the West side.</li> </ul> <p><b><u>Objective 3:</u></b> <i>Buildings shall be designed and constructed of quality materials.</i></p> <p>The application offers many metal materials such as metal wall panels, metal screen systems, different metal support structures etc.</p> <p><b><u>Objective 4:</u></b> <i>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>- The existing CMYK Grafix building, and landscape remain unchanged.</li> <li>- Partial changes proposed to the configuration of the existing parking lot.</li> </ul> <p><b><u>Objective 5:</u></b> <i>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 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.</li> <li>- A colored elevation plan was submitted on July 24, 2023. There does not appear to be a large variety of color proposed.</li> </ul> <p><b><u>Objective 6:</u></b> <i>The site development should support and be consistent with the adopted streetscape.</i> Existing sidewalks are to remain. No code compliance issues noted.</p>
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**8-4D Parking and Off Street Loading Provisions**

<a href="#">8-4D-3 Parking Design and Improvement Standards</a>	PO/DR	No compliance issues noted	<p>Updated based on December 21, 2023, resubmittals.</p> <p><u>For Parcels A and B:</u> New parking code per Ord. 1034-22 Adopted June 12, 2023</p> <p>Vehicle parking:</p> <table border="1" data-bbox="769 352 1479 583"> <thead> <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> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;">Standard</td> </tr> <tr> <td>90°</td> <td>9'0"</td> <td>20'0"</td> <td>9'0"</td> <td>22'0"</td> </tr> </tbody> </table> <p><u>For Parcel A: Compliant</u> Parking Provided: 24 surface spaces Stall Width: 9' Stall Length: 10'</p> <p><u>For Parcel B: Compliant</u> Parking Provided: 14 surface spaces Stall Width: 9' Stall Depth: ~22' Length per car: 20'</p> <p>3 covered parking spaces: Compliant Stall Width: 10' Stall Depth: ~22' Length per car: 20'</p> <p>1 ADA parking spaces: Compliant will be reviewed with building permits. Stall Width: 9' Access aisle: 8' Length per car: 20'</p> <p>Driveway width: 22'.</p> <p>Lighting: Any parking area for utilized for more than two 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 8-4A-4 Outdoor Lighting.</p> <ul style="list-style-type: none"> <li>- <b>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.</b></li> </ul> <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"
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"																			
<a href="#">8-4D-4 Parking Use Standards</a>	PO/DR	No compliance issues noted	<p>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 Garden City Code.</p>																				

<a href="#">8-4D-5 Required Number of Off-Street Parking Spaces</a>	PO/DR	No compliance issues noted	<p>Updated based on December 21, 2023, resubmittals.</p> <p><u>For both Parcel A and B:</u></p> <p><u>Sites with Multiple Uses:</u> If more than one (1) use is located on site, the number of required parking spaces shall be equal to the sum of each use.</p> <p style="text-align: center;"><b><u>Motor vehicle parking spaces.</u></b></p> <p><u>For Parcel B:</u> <u>Residential Use:</u></p> <table border="1" data-bbox="727 562 1485 781"> <thead> <tr> <th data-bbox="727 562 987 718">Dwelling Type</th> <th data-bbox="987 562 1247 718">Required Parking Spaces Per Each Dwelling Unit (including covered and uncovered)</th> <th data-bbox="1247 562 1485 718">Required Covered Parking Per Each Dwelling Unit</th> </tr> </thead> <tbody> <tr> <td data-bbox="727 718 987 781">Studio and bedroom</td> <td data-bbox="987 718 1247 781">1</td> <td data-bbox="1247 718 1485 781">1</td> </tr> </tbody> </table> <p>Vehicle parking space required: 3 enclosed <b>Provided</b></p> <p><b><u>Guest Parking:</u></b> For developments with more than 2 dwelling units there shall be 0.5 additional <u>parking spaces/unit</u> provided.</p> <p>Required: 3*0.5= 2 <b>Provided</b></p> <p><b><u>New Non-residential Use:</u></b> Specific tenants/residents have not yet been identified. The applicant assumes the following types of use of the premises: Retail Store, Retail Production, Food Products/Small Scale Processing, Art Studio, Professional Service. All of these categories fall under “Medium usage” and require the following number of parking spaces:</p> <p>The minimum number of parking spaces is 1 per every 1,000sqft. Vehicle parking space required: 8,600sqft /1,000= 9. <b>Provided</b></p> <p><i>* 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.</i></p> <p><u>For Parcel A:</u> <b><u>Existing Non-residential Use:</u></b> Industry, Light is considered a medium use per the new code, which requires 1 motor vehicle parking space per every 1,000sqft of building.</p> <p>Vehicle parking space required: 10,815sqft/1000= 11. <b>Provided</b></p> <p>Compact Parking: A maximum of thirty percent (30%) of the required parking spaces can be compact. 24*0.30 = 7 maximum compact spaces. 8 are provided, however, none of the compact spaces are required parking as there is a surplus of 5 regular parking spaces (16 total).</p>	Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (including covered and uncovered)	Required Covered Parking Per Each Dwelling Unit	Studio and bedroom	1	1
Dwelling Type	Required Parking Spaces Per Each Dwelling Unit (including covered and uncovered)	Required Covered Parking Per Each Dwelling Unit							
Studio and bedroom	1	1							

			<p>Multifamily, mixed use, and nonresidential compact spaces shall be clearly marked as such on the pavement or curb or otherwise signed. <b>Conditioned drafted.</b></p> <p><b>A shared parking agreement will be required if Parcel A and Parcel B are to share parking spaces across new properties.</b></p> <p style="text-align: center;"><b><u>Bicycle parking spaces.</u></b></p> <p>New Residential Required: 3 covered <b>New Residential Provided: 4 covered. Compliant</b></p> <p>New Non-residential Use Required: 8,550 sqft /1,000= 9 <b>New non-residential Use Provided: 10. Compliant</b> Existing Non-residential Use required: 10,815 sqft /1000= 11 <b>Existing Non-residential use provided: 12. Compliant</b></p>
<a href="#">8-4D-6 Standards for Equivalent Parking Adjustments</a>	PO/DR	No compliance issue notice	Equivalent parking was not requested.
<a href="#">8-4D-7 Off Street Loading Standards</a>	PO/DR	No compliance issues noted	Loading zones have not been proposed.
<b><u>8-4E Transportation and Connectivity Provisions</u></b>			
<a href="#">8-4E-3 Public Street Connections</a>	PO/DR	Compliant as condition	<p><u>For both Parcel A and B:</u></p> <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>
<a href="#">8-4E-4 Internal Circulation Standards</a>	PO/DR	No compliance issues noted	<p><u>For both Parcel A and B:</u></p> <p>The drive is 20' or greater in width. Proposed 22'.</p>
<a href="#">8-4E-6 Sidewalk Standards</a>	PO/DR	No compliance issues noted	<p><u>For both Parcel A and B:</u></p> <p>The existing sidewalk meets the provision. There is an existing attached sidewalk on N. Alworth St. and Sawyer Ave. adjacent to the property.</p>
<a href="#">8-4E-7 Pedestrian and Bicycle Accessibility Standards</a>	PO/DR	DSRFY2023-0011 - Not Compliant	<p>Updated based on December 21, 2023, resubmittals.</p> <p><u>For both Parcel A and B:</u></p> <p>A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances.</p> <ul style="list-style-type: none"> <li>- Parcel A: The site now contains a 4' wide painted pathway from the public sidewalk to the primary entrance of the building. <b>Compliant.</b></li> <li>- Parcel B: The project appears to have a pathway that travels along the building connecting the north, west and south parts of the building. <b>Compliant.</b></li> </ul> <p>The pathway is free from hazards, has appropriate lighting levels, and appears to meet the standards for ADA accessibility.</p>

			<p>A pathway shall be a minimum width of four feet (4'). There is a discrepancy in the submittal documents regarding width of the pathways.</p> <ul style="list-style-type: none"> <li>- <b>Parcel B: Not enough information to review. New plans do not show dimensions of pathway width. Original Landscape plan's note #7 indicates that a 5' pathway is proposed. In the site plan, the measurements indicate 3'.</b></li> </ul>
<a href="#">8-4E-8 Transit Facilities</a>	PO	NA	
8-4H Flood Hazard	PO	No compliance issues noted	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.
<b>8-4G Sustainable Development Provisions</b>			
<a href="#">8-4G Sustainable Development Provisions</a>	PO/DR	DSRFY2023-0011 - Not Compliant	<p><u>Parcel A:</u> Not applicable.</p> <p><u>Parcel B:</u> As a new development with 3 dwelling units, the Garden City Code does not require the applicant to have sustainability practices based on a point system.</p> <p>Since this is also a new non-residential structure, it is required to have 18 points. <b>A sustainability checklist was not provided.</b></p>
<b>8-4I Landscaping and Tree Protection Provisions</b>			
<a href="#">8-4I-3 General Landscaping Standards and Irrigation Provisions</a>	PO/DR	No compliance issues noted	No comment
<a href="#">8-4I-4 Landscaping Provisions for Specific Uses</a>	PO/DR	DSRFY2023-0011 and MLDFY2023-0002 - Not Compliant	<p><u>For both Parcel A and B:</u></p> <p>Between Parcel B and the Alworth sidewalk is an Ada County property. 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.</p> <p><b><u>Landscaping For Multi-Family and Nonresidential Uses:</u></b> <b>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping.</b></p> <p><u>Parcel A:</u> Consisting of the existing structure (35,634sqft) Landscape Required: 1,781sqft Landscape Provided: 2,946sqft as per the 96-06-06 CUP approvals.</p> <p><u>Parcel B:</u> (24,809sqft) Landscape Area required: 1,240sqft Landscape Area proposed: 3,724square feet = 15%</p>

			<p><i>*The majority of this landscape is provided off-site, on the adjacent Ada County property. It contains about 1,900sqft of the total landscaping. Without this landscape, the property would still be compliant with code as the on-site landscaping is 1,719sqft.</i></p> <p><b>A minimum of one class II or class III 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.</b></p> <p>Required N. Alworth St. (~157 LF): 1 Street tree + 3 Frontage trees = 4 trees  <b>Provided: 2 trees class II, and 2 class I trees (needs to be replaced with class II or III)</b></p> <p>Required N. Sawyer St. (~157 LF): 1 Street tree + 3 Frontage trees = 4 trees  <b>Provided: 2 trees (Deficient 2 trees)</b></p> <p><i>*A condition has been drafted as part of the Minor Land Division to require the additional 2 Class II or III trees. As part of a MLD, the site needs to meet current Garden City Code standards.</i></p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted.</p> <p><u>Parcel A:</u>  Required Trees: 2,946sqft /1,000 = 3  Provided Trees: 10  Required Shrubs: 2,946sqft/150= 20 <b>Not enough information to review, the landscape plan has combined both parcel's shrub counts into one.</b></p> <p><i>*It has been conditioned as part of the Minor Land Division to provide code compliant landscaping. As a MLD, the site is required to meet current Garden City code standards.</i></p> <p><u>Parcel B:</u>  <b>Required Trees: 3,724/1,000 = 4 Provided</b>  <b>Required Shrubs: 3,724/150 = 24 Provided</b></p>
<a href="#">8-41-5 Perimeter Landscaping Provisions</a>	PO/DR	DSRFY2023-0011 - Not Compliant	<p><u>Parcel B:</u>  Perimeter landscaping is required between an adjacent nonresidential use and a residential use. Parcel B is required to have perimeter landscaping along the eastern and western property boundary lines. <b>The landscape plan does not show required perimeter landscaping along the western or eastern property boundary lines. Not Compliant.</b></p> <p>Because the common drive between parcel A and B is intended to be shared by both parcels, perimeter landscaping is not required.</p> <p><u>Parcel A:</u>  Perimeter landscaping is required between paved vehicular use areas such as parking lots and driveways. There appears to be</p>

			existing perimeter landscaping between the parking lots and adjacent properties. <b>Compliant.</b>
<a href="#">8-4I-6 Parking Lot Landscaping Provisions</a>	PO/DR	No compliance issues noted	<p>Updated based on December 21, 2023, resubmittals.</p> <p>The provisions of this section shall apply to all new or substantially altered parking lots of five (5) spaces or more.</p> <p><u>Parcel B (New Parking Lots):</u> 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, and 3 are provided.</p> <p>Include landscaped islands with at least one tree at the beginning and end of each parking row and to break up longer rows or highlight special features. <b>Compliant.</b></p> <p><u>Parcel A:</u> New landscape plan shows parking lot trees at the end of each aisle. <b>Compliant.</b></p>
<a href="#">8-4I-7 Tree Preservation Provisions</a>	PO	No compliance issues noted	There does not appear to be any tree removal on either sites.
<b>8-4L Open Space Provisions</b>			
<a href="#">8-4L-3 General Open Space Standards</a>	PO/DR	No compliance issues noted	<p><u>Applicable to Parcel B:</u> Common open space shall be designed as an integral part of a residential development project by demonstrating adherence to the following standards:</p> <ul style="list-style-type: none"> <li>- Areas on the site of mature landscaping, trees, and natural features have been incorporated into the common open space area;</li> <li>- The common open space area provides connectivity with other open areas, public spaces, trails, or water features within and off the site; and</li> <li>- The common open space area is located and designed to serve a passive or recreational function.</li> </ul>
<a href="#">8-4L-5 Open Space Standards for Multi-Family Developments</a>	PO	DSRFY2023-0011 - May not be compliant	<p><u>Applicable to Parcel B.</u></p> <p>For any new multi-family development: A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit.</p> <ul style="list-style-type: none"> <li>- This requirement can be satisfied through porches, patios, rooftop gardens, decks, and/or enclosed yards.</li> <li>- The minimum dimension of any open space shall be six feet (6') in any direction.</li> <li>- Landscaping, entryway and other accessways shall not count toward this requirement.</li> </ul> <p><b>Measurements for each unit are not indicated on the plans. The notes indicate 240sqft private open space/deck with 80 square feet per unit. The deck width is 10'. This deck is a common deck utilized by all three residential units as access to their second story entrance.</b></p>

			<p>A minimum area of outdoor common open space shall be two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet.  <b>The notes indicate 750 SF common open space.</b></p> <p>Common open space shall be not less than four hundred (400) square feet in area and shall have a minimum length and width dimension of twenty feet (20').  <b>The width of the common open space is 15 feet. The length is not disclosed. Not enough information to review.</b></p>
<b><u>Title 8, Chapter 5 Article A: Land Division Regulations – General Provisions and Standards</u></b>			
8-5A-4 General Standards	PO	No compliance issues noted	<p><u>Regarding Minor Land Division:</u>  See discussions on Design Review 8-4 B&amp;C; Driveways 8-4-E; Floodplain 8-4H; Landscaping 8-4-I; Open Space 8-4-L; Parking 8-4-D; Planned Unit Development 8-6B; Private Streets 8-4-E; Sidewalks 8-4-E; Street design and development standards 8-4-G; Sustainable development provisions 8-4-G; Utilities 8-4-A; Zoning Provisions 8-2-B</p> <p>There are general conditions of approval that the application must be in conformance with the requirements of Garden City Code Erosion Control 4-15; Public water and sewer systems Title 6; Storm drainage and discharge control 4-14 prior to the approval of the subdivision.</p>
8-5A-6 Improvement Standards		No compliance issues noted	<p><u>Regarding Minor Land Division:</u></p> <p>A subsequent application will be required for staff approval to ensure that the proposed improvements meet code standards and policies for storm drainage, water, sewer, utilities, and monuments and are otherwise in conformance with this approval.</p> <p>Street improvements are not necessary.</p> <p>There is a streetlight located within 400ft of the proposed minor land division.</p>
<b><u>8-5C-4 Subdivisions located within a Floodplain</u></b>			
8-5C-4 Subdivisions located within a Floodplain	PO	No compliance issues noted, provided the draft conditions of approval, or similar are in place.	<p><u>Regarding Minor Land Division:</u></p> <p>There are proposed conditions coinciding with provisions found within code section.</p>
Title 8, Chapter 6, Article A: Administration			
<a href="#">8-6A-3 General Application Process</a>	PO	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="#">8-6A-4 Required Application Information</a>	PO	No compliance issues identified	Application waivers requested pursuant to 8-6A-4A: - Lighting Plan
<a href="#">8-6A-5 Administrative Process with Notice</a>	PO	No compliance issues noted	<p>DSRFY2023-0011 and MLDFY2023-0002 are both administrative processes with notice.</p> <p>A notice of intent was sent to adjoining property owners within 300' and agencies with jurisdiction.</p> <p>If no objections are filed within 15 days, the Design Review Committee's decision shall be considered final.</p> <p>Objections will be heard by City Council following the public hearing provision set forth in section GCC 8-6A-7.</p> <p>Conditions of approval that are deemed necessary to protect the public 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="#">Garden City Comprehensive Plan</a>	<p>This application is in future land use designations of the Comprehensive Plan:</p> <p><b>LIGHT INDUSTRIAL BRADLEY TECHNOLOGY DISTRICT:</b> 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 considerations 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>The application may be supported by:</p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> <li>a.) 1.3 Objective: Consider the needs of all citizens, businesses and the environment.</li> <li>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.) 2.1 Objective: Encourage new and distinctive neighborhoods</li> <li>c.) 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties.</li> </ul> <p>Goal 4. Emphasize the "Garden" in Garden City</p> <ul style="list-style-type: none"> <li>a.) 4.2 Objective: Promote community gardens.</li> </ul>

	<p><b>b.) 4.3 Objective:</b> Beautify streets, sidewalks and gateways with landscaping, trees, and public art.</p> <p>Goal 6. Diversity in Housing</p> <p><b>a.) 6.2 Objective:</b> Continue to be a leader and set an example for the region in creating a diversity of housing.</p> <p><b>b.) 6.3 Objective:</b> Maintain the diversity of housing.</p> <p>Goal 7. Connect the City</p> <p><b>a.) 7.4 Objective:</b> Maintain and improve standards for sidewalks, curbs and gutters.</p> <p>Goal 12. Evolve as a Destination</p> <p><b>a.) 12.1 Objective:</b> Support a positive business environment</p> <p><b>b.) 12.2 Objective:</b> Continue to support commercial and industrial land uses.</p> <p><b>c.) 12.3 Objective:</b> Create a premier destination for work, recreation, entertainment, culture and commerce.</p> <p>The application may not be supported by:</p> <p>Goal 2. Improve the City Image</p> <p><b>a.) 2.3 Objective:</b> Promote quality design and architecturally interesting buildings.</p> <p>Goal 7. Connect the City</p> <p><b>a.) 7.3 Objective:</b> Protect neighborhoods from through traffic.</p> <p>Goal 9. Develop a Sustainable City</p> <p><b>a.) 9.3 Objective:</b> Promote and recognize green building construction.</p>
<a href="#">Garden City Sidewalk Policy</a>	Existing attached sidewalk
<a href="#">Garden City Street Light Policy</a>	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.
<a href="#">Garden City Transportation Needs List</a>	<p><b>Adjacent Identified Transportation Needs:</b></p> <p><b>Kent Chinden to Alworth</b> Construct sidewalk connecting the bus stop on Chinden on Kent to Alworth.</p> <p><b>Connect Bus Stops to sidewalks</b> 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><b>Ladybird Park Pathway</b> 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><b>Traffic Considerations</b> Retime light at Kent/ Chinden to allow more time for pedestrians to cross</p> <p><b>Alworth to Marigold</b> When the Expo Idaho site is redeveloped the Alworth/Adams/36th Street should be aligned to Marigold.</p> <p><b>Safety Crossings on Allworth at 50<sup>th</sup></b></p>

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.

**50th Street: River to Chinden & Alworth: 51st to 49<sup>th</sup>**

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.

## 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(s) as governed by [GCC Table 8-6A-1](#). The Planning Official and City Council have decision authority of DSRFY2023-001 once a Design Review Consultation has occurred. The Planning Official and City Council have decision authority once the Planning Official has made their final review of MLDFY2023-0002.

### **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 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.

## REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION FOR DSRFY2023-0011

### Required Findings for DSRFY2023-0011

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
<p>1. The proposed design shall comply with all design standards in Garden City Code, Title 8.</p> <p>2. The proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.</p> <p>3. The proposed design shall be compatible with or improve the public's use of existing and planned public spaces, including but not limited to the greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise river and waterways, canals, and other surface irrigation.</p> <p>4. The proposed design shall be compatible with the neighborhood in scale and intensity.</p> <p>5. The proposed design shall not create an adverse impact on the surrounding neighborhood.</p> <p>6. The proposed architecture and site improvements shall have facades, features, materials and building form, and other physical improvements that are compatible with or enhance the neighborhood.</p> <p>7. The proposed design and landscape shall improve the design and function of the site and be consistent with the southwest Idaho climatic conditions; and</p> <p>8. The proposed design shall be compatible with applicable natural, scenic, and historic</p>	<p>Not Determined: This will be completed in conjunction with the formal decision</p>	<p>TBD: This will be completed in conjunction with the formal decision</p>

features, including but not limited to wetlands, the Boise River, waterways, and historic structures.		
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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 **meets/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**

**Project Specific Requirements:**

Scope of this permit:

1. Approval of DSRFY2023-0001 is limited to the new construction taking place on proposed Parcel B of MLDFY2023-0002.
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.
3. A minimum of eighty (80) square feet of outdoor open space shall be provided for each living space. This requirement can be satisfied through porches, patios, decks, and/or yards. Required property setback, landscaping, entryway and other accessways shall not count toward this requirement.
  - a. The shared balcony areas within the development are permitted to count toward this requirement.

Prior to Construction:

1. A building permit shall be applied for through Garden City Development Services.
2. Signature of the record of survey is contingent upon the completion of the improvements proposed in DSRFY2023-0011 that will render this application in compliance with Garden City Code.
3. The landscaping shall be installed as provided on December 21, 2023, with the following considerations:
  - a. Compliance with Garden City Code 8-4I shall be achieved.

- i. At least one tree shall be planted at the beginning and end of each parking row.
    - ii. The frontage adjacent to the Alworth right-of-way shall have at least four Class II or III street trees.
    - iii. Perimeter landscaping shall be installed along the eastern and western property boundary lines in accordance with Garden City Code 8-4I-5.
  - b. A landscape license agreement with Ada County shall be recorded.
4. The application shall be in compliance with Garden City Code 8-4L Open Space Provisions.
5. All light fixtures must be compliant with Garden City Code 8-4A-4 Outdoor Lighting.
6. All outdoor service and equipment areas shall comply with Garden City Code 8-4A-5 Outdoor Service and Equipment Areas.
7. A sustainability checklist shall be submitted for review. The application shall be compliant with Garden City Code 8-4G Sustainable Development Provisions.
8. All pedestrian pathways internal to the development shall be at least 4' wide.

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. All chain-link and chain-link fencing with slats shall be removed or replaced with code compliant fencing materials.
  - a. If the existing fence to remain is not code compliant and not owned by the property owner, the property owner must submit:
    - i. A certified letter to the owner of record of the adjacent property noting the intent to remove the fence unless the owner of the fence provides notarized documentation acknowledging full ownership of the fence.
    - ii. A notarized document to the city relinquishing all interest to the fence.
3. 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.
4. A binding contract that establishes the party or parties responsible for the repair and maintenance of the art wall shall be submitted for records.
5. 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.
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. Pet waste stations shall be provided on-site. Stations shall be placed throughout the development in high-trafficked locations.
  - a. Pet waste stations shall be visible and utilize signage to direct dog owners to the proper place to dispose of dog waste.
    - i. It shall be clear that stations are intended for communal use.
  - b. There shall be a properly installed bag dispenser box that is large enough for bags to last between maintenance visits.
  - c. There shall be a large receptacle fitted with a trash bag, where the bagged dog waste can be placed after collection.
8. Contrasting hardscape material shall be installed at the drive aisle to better identify the pedestrian crossing along N. Alworth Street.
9. Public art shall be installed along the facades as shown in the submitted plans. The art shall be impactful and to scale of the development. Surel's Place is permitted to determine the art.

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. The following amenities shall be provided or replaced with an amenity from the same category of amenity as identified in Garden City Code:
  - a. Quality of life amenities provided: a) clubhouse; b) fitness facilities; c) enclosed bike storage; d) public art visible or otherwise usable by the public;
  - b. Open space: a) open grassy area equal or to or greater than the qualifying (50' x 100') in size; b) community garden; c) plaza; or d.) ponds or water features;
  - c. Recreation amenities: a) pool; b) walking trails; c) children's play structures; or d) sports courts.
3. 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.
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. Driveways shall always adhere to the standards of the clear vision triangle.
6. 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.

### **General Requirements:**

1. This review and approval is specific to the design of the project. Final approval is subject to the approval of other reviewing agencies. Any more restrictive standards adopted and made applicable by any Transportation Authority, Fire Authority or other Federal, State or Local regulatory agencies shall prevail. This approval shall not annul any portion of Garden City Code or other applicable regulation unless specifically noted.
2. Any changes to the plans and specifications upon which this approval is based, other than those required by the above conditions, will require submittal of an application for modification and approval of that application prior to commencing any change.
3. All improvements and operations shall comply with applicable local, state and federal requirements and procedures whether specifically addressed in the analysis of this application or not. This shall include but not be limited to 8-4A General Provisions of Design and Development Regulations; 8-4I-3 and Landscape Maintenance Provisions 8-4I-9; and Standards for Transportation and Connectivity Provisions identified in 8-4E.
4. All utilities on the site, including telephone, cable television, and electrical systems shall be underground and in compliance with Garden City Code 8-4A-8.
5. Driveway openings in curbs shall comply with the requirements of the Transportation Authority. The driveway shall be straight or provide a 28-foot inside and 48-foot outside turning radius.
6. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
7. Where landscaping might impact motorist or pedestrian sight distance, shrubs shall be maintained below three feet (3') in height and trees shall be pruned so that the lowest branches will be at least seven feet (7') above the ground level.
8. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
9. Retain and protect existing trees, vegetation, and native soils and integrate these features into the overall landscape plan as required by or exempted from Garden City Code 8-4I and as shown in the approved landscape plans.
10. Required landscape areas shall be at least seventy percent (70%) covered with vegetation at maturity, with mulch used under and around the plants. Use of mulch, organic or rock as the only ground cover in required planting areas is prohibited.
11. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
12. All planting areas that border driveways, parking lots, and other vehicle use areas shall be protected by curbing, wheel stops, or other approved protective devices.
13. Trees shall be planted at least three feet (3') from curbs, sidewalks, driveways and other hard surfaces to buffer from stress caused by vehicle overhang and compacted soils or planted with sufficient space to provide for the full maturity of the particular tree species.
14. All other plant material, except sod or ground cover, shall be set back a minimum of one foot (1') from any curb edge to protect from vehicle overhang and mechanical damage.
15. The landscape installation shall stabilize all soil and slopes.
16. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
17. Demonstrate compliance with or an exemption from Garden City Code 8-4G prior to certificate of occupancies.

18. This approval is for this application only. Additional permits, licenses and approvals may be necessary. All other applicable permits must be obtained prior to a Certificate of Occupancy.
19. Property Maintenance Standards shall be maintained as required by Garden City Code.
20. The property owner is responsible for the maintenance of all landscaping and screening devices required.
21. All outdoor living spaces must comply with Garden City Cod 8-3C General Provisions-Living Space Requirements.
22. All outdoor service and equipment areas shall comply with Garden City Cod 8-4A-5 Outdoor Service and Equipment Areas.
23. All stormwater systems must comply with Garden City Code 8-4A-7.
24. System Installation Required: Each and every lot within the subdivision shall have underground pressurized irrigation water. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines but shall not necessarily be in the same trenches.
25. Materials submitted after the decision shall not be considered part of the record for this decision. If additional materials or information is submitted after the decision the application may be remanded to the decision-making body during which time the decision shall be stayed provided that there is no immediate threat to life or safety.
26. Any changes in the design, construction, operation or use shall be brought to the immediate attention of the Planning Official for determination if the changes are in substantial conformance with the City's action. Any modification to approved plans shall require submittal and approval of these modifications prior to construction. Final approval is based on substantial conformance with the plans reviewed and approved.
27. Any substantial changes to the design shall be reviewed by the Design Review Committee for compliance with Garden City Code 8-4. Any other changes that are not in substantial conformance with the approval shall be remanded to the decision-making body.
28. Occupying the site prior to Certificate of Occupancy is a criminal offense.
29. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.
30. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
31. This approval shall expire one (1) year from its approval, unless otherwise extended as allowed by Garden City Code .
32. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

### **IN DENIAL**

1. The date of action is the date the decision body formalizes their decision. The decision body may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. The date of action may be a different date than the applicant is provided with a signed copy of the decision.

2. Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of action.
3. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

Development Service Staff

Date

## REQUIRED FINDINGS, CONCLUSIONS OF LAW AND DECISION FOR MLDFY2023-0002

### **Required Findings for MLDFY2023-0002**

For the approval of a MINOR LAND DIVISION, the Planning Official must find the application meets the following findings, found in 8-5C-6:

GCC 8-5C-6(C) Required Findings	Determination	Reasoned Statements
1. No minor land division shall create more than four (4) new parcels.	Compliant	A total of two parcels are being created.
2. Single-family detached homes may not be built on parcels created through the minor land division process.	Compliant	No single-family detached homes are proposed.
3. No property involved in a minor land division shall be involved in a subsequent minor land division for a period of one year from the recording date of the previous record of survey for a minor land division.	Compliant	This property has not been involved in a previous minor land division for a period of one year.
4. No new public street may be created.	Compliant	No new public street is created as a result of this application.
5. Existing buildings to remain shall meet all applicable requirements established in this title. <ol style="list-style-type: none"> <li>a. A setback that was legally nonconforming prior to the minor land division may remain as a legal nonconforming setback provided the</li> </ol>	Not Determined: This will be completed in conjunction with the	TBD: This will be completed in conjunction with the formal decision

<p>legal nonconforming setback is not altered by the minor land division.</p> <p>b. Any building not meeting the required setback shall be either remodeled to meet the setback, demolished or moved prior to the approval of the minor land division.</p> <p>c. If parking is provided by means of a permanent shared parking agreement, a note on the face of the survey must list the total required and provided parking for all parcels to which the shared parking agreement applies.</p> <p>d. When utilities cross land being divided a utility easement shall be provided and indicated on the record of survey. If an easement is located in a proposed permanent structure construction area, the easement shall be vacated prior to the planning official approval of the minor land division.</p> <p>e. If the street(s) adjacent to the parcel(s) have not been improved with a sidewalk, or all adopted street improvements, they must be installed.</p>	<p>formal decision</p>	
<p>6. Properties created through an approved minor land division shall be considered conforming property under provisions of Title 8.</p>	<p>Compliant as Conditioned</p>	<p>The application is compliant with all required findings. The application is in conformance with the reviewed sections of code noted in this decision.</p>

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 **meets/does not meet** the standards of approval under GCC 8-5C-6 Minor Land Division.

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**

Scope of this permit:

1. The scope of the permit is to divide one existing parcel into two parcels via a minor land division.

For Final City Approval:

1. Signature of the record of survey is contingent upon the completion of the improvements proposed in DSRFY2023-0011 that will render this application in compliance with Garden City Code.
2. Address the City Engineer comments once received. **Please address.**
3. Provide cross access and cross parking agreements and easements.
  - a. A cross access easement is not shown in the submitted ROS. Please note on the ROS that a cross access easement exists for parcels A and B with an associated instrument number. Noting and illustrating the easement on the ROS would be preferable. **Please provide easement, and place instrument number on ROS.**
  - b. A shared parking agreement between parcels A and B needs to be noted on the ROS per an instrument number. **Are the previously proposed shared parking spaces no longer shared? Please address.**
4. Address whether a pressurized irrigation system will be installed or a waiver request to this requirement will be submitted.
5. Please add the MLDFY2023-0002 file number to the Development Services signature paragraph on the ROS. **Addressed.**
6. Prior to signature of the ROS, all chain link and chain link fencing with slats shall either be removed or replaced with code compliant fencing. **Please submit photos or schedule and on-site inspection with Garden City Development Staff once new fencing has been installed.**
  - a. If the chain link or chain link with slats fencing is not the property of the owner, a notarized affidavit of non-ownership shall be submitted to the city.
7. The proposed trash enclosure on Parcel A shall be relocated to not conflict with the existing 1996 Conditional Use Permit required landscaping plans. **Provided.**
  - a. Details of the trash enclosure materials shall be submitted for review and found in compliance with Garden City Code.
8. Provide all parking space dimensions on Parcel A. They shall be in compliance with Garden City Code. **Provided.**
9. At least 3 bicycle parking spaces shall be shown on Parcel A. **Provided.**
10. A pedestrian pathway that which is at least 4' wide shall connect the public sidewalk to the primary entrance of the building on Parcel A. **Provided.**
11. New landscape plans shall be submitted showing compliance with Garden City Code 8-41-4. **Please address.**
  - a. A minimum of two additional Class II or III trees shall be planted in the frontage of N. Sawyer Ave.
  - b. A minimum of one tree per 1,000sqft of landscaped area and one shrub per 150sqft of landscaped area shall be planted.
12. Prior to signature of the ROS, all code enforcement cases shall be resolved with Garden City Staff. **Please submit photos or schedule and on-site inspection with Garden City Development Staff.**

Once the Record of Survey is recorded by the County:

1. Please provide a copy of the recorded survey to city staff.
2. The owner must execute deeds that define the parcels per the survey and return a recorded copy of the deeds to the city staff.
3. Obtain tax parcel numbers for the new parcels and submit evidence of such to city staff.

**General Requirements:**

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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. Utility easements that are unobstructed by permanent structures shall be provided along the front lot lines, rear lot lines, and side lot lines when deemed necessary by the City Engineer. Total easement width shall not be less than ten feet (10'), with twelve feet (12') recommended, front and rear, with at least twenty feet (20') required for water and sewer easements for main lines.
6. Unobstructed easements, including but not limited to drainage, water, sewer, and connections to public right-of-way or pathways shall be provided as required by the City.
7. Cross Connections: All cross-connections between the domestic water lines and the irrigation water lines shall be in accord with the City's adopted standards, specifications, and ordinances.
8. 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.
9. 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.
10. 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.
11. A three-foot (3') clearance zone shall be maintained around the circumference of fire hydrants.
12. 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.
13. 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.

14. If trees are staked, the stakes shall be removed within twelve (12) months to prevent damage to the tree.
15. 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.
16. 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.
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19. All required landscaping shall be provided with an automatically controlled irrigation system in conformance with the best management practices for automatic irrigation systems.
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31. Occupying the site prior to Certificate of Occupancy is a criminal offense.
32. There is a 15 day right to appeal to City Council. The applicant or any interested parties may appeal the decision or a part of the decision. An appeal shall be made on the form provided by the City and filed with the City Clerk within 15 days after the action of the decision.
33. This approval shall expire one (1) year days from its approval, unless otherwise extended as allowed by Garden City Code .

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34. 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. There is a 15 day right to appeal to City Council. The applicant or any interested parties may appeal the decision or a part of the decision. An appeal shall be made on the form provided by the City and filed with the City Clerk within 15 days after the action of the decision.
2. If any term or provision of this decision, to any extent, is held invalid or unenforceable, the remaining terms and provisions hereof shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

**IMAGES**

None